

**CITY OF COMMERCE**

**DEVELOPMENT REGULATIONS**

**COMMERCE, GEORGIA**

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Prepared By:



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**ARTICLE 1 GENERAL PROVISIONS**

**1.1 Title**

An ordinance of the City of Commerce, Georgia, establishing procedures and requirements for land use, site development set forth for adherence by professional contractors, engineers, architects, developers, planners, builders, and others.

**1.2 Preamble and Enactment Clause**

Pursuant to the authority conferred by the Georgia General Planning Enabling Act of 1957 (Act No. 358, as amended) and for the purposes, among others, of encouraging the development of economically sound and stable communities; of assuring the provision of required streets, utilities and other facilities and services to new land developments; of assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments; of assuring the provision of needed public open spaces and building sites in new land developments through dedication and reservation of land for recreational, educational and other public purposes; and of assuring, in general, the wise development of areas in harmony with the comprehensive plan for the development of the City, the Mayor and City Council of Commerce, Georgia, do hereby ordain and enact into Law the following Articles and Sections.

**1.3 Short Title**

This ordinance shall be known and may be cited as the “Development Regulations of the City of Commerce, Georgia” and may be generally referred to and known as Development Regulations.

**1.4 Definitions**

**A. General**

Words and phrases defined herein shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by Webster’s New International Dictionary, Latest Edition and the New Illustrated Book of Definitions by Moskovitz and Lindbloom. Figures associated with defined terms in this Article are provided for illustration only and do not limit or change the meaning of the term as defined in writing.

**B. Special Definitions**

Access A way or means of approach to provide physical entrance to a property.

Acre A measure of land area containing 43,560 square feet.

Alley A non-exclusive private easement or publicly dedicated service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Applicant Any person making a request to the City for any approval, permit or authorization under the procedures contained in this Ordinance.

Block A tract of land bounded by streets pr a combination of streets and public land, right-of-way or any other barrier to the community or development.

Building Any structure, either permanent or temporary; above or below ground, having a roof or other covering, and designed; built or used a shelter or enclosure for persons animal, or property of any kind including tents used for the purposes of a building.

**Building Height** The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof; and to the mean height level, between eaves and ridge of a gable, hip or gambrel roof, as measured from the level of the approved street measured at the point closest to the building.

**Building Official** That person responsible for enforcing the City of Commerce's adopted building codes, Zoning Ordinance and Development Regulations.

**Building Site** A parcel or lot or land occupied or intended to be occupied by a building or structure having not less than the minimum area permitted by the code.

**Building Setback Line** That line which represents the distance a building or structure must be set back from a boundary or a street right-of-way line, or a street centerline according to the right of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance in which the lot is located from street right-of-way lines, street centerlines, or other boundary lines.

**City Manager** The Chief Operating Officer of the City of Commerce or his designee.

**City Clerk** The City Clerk of the City of Commerce, Georgia, or the City's designated representative.

**City Councilor Mayor and Council** The legally constituted and elected governing body of the City of Commerce, Georgia.

**Comprehensive Plan** The long-range plan for guiding development in the City of Commerce, with the overall goal being to accommodate development in a timely, orderly, and efficient arrangement of land use and public facilities and services that meet the needs of present and future residents and businesses.

**Conceptual Plan** A generalized map presenting an image or representation of a proposed development and showing those plan elements as further required by this ordinance.

**Cul-de-sac** A local street with only one outlet and being permanently terminated within the plat by a vehicular turn around.

**Developer** Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group acting as a unit who directs the undertaking or purposes to undertake development activities as herein defined.

**Development Activity** The construction of public improvements, site improvements, or buildings including any alteration of a property in preparation for such construction. Development Activity shall also include the thinning or removal of trees from undeveloped land in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

**Easement** A grant by a property owner of any designated part of a property for the use by another for a specified purpose without transfer of title or right of ownership.

**Final Plat** A finished drawing of a development showing completely and accurately all legal and engineering information and certifications necessary for recording.

**Frontage** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot.

**Frontage Lot or Road Frontage** The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

**Greenspace** A privately-owned area on the grounds of a premises outside of any principal building or parking area, which is open to the sky and set aside and intended for the outdoor enjoyment of the owners, occupants or visitors to the property, and which may but is not required to include such improvements as swim/tennis facilities, landscaping; sidewalks, walkway paths, gazebos, bikeways, exercise or play equipment, and benches, and which may further include up to 20% of its area in water bodies.

**Health Department** The Jackson County Health Department, or its authorized representative.

Improvement Refers to such street work and utilities and other facilities to be installed, or agreed to be installed, by the developer, to be used for public or private streets, highways, ways and easements, as are necessary.

Land Disturbance Permit A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to clearing and grubbing, grading, site improvements. This does not authorize building construction.

Lot A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included.

Lot Building Area The portion of a lot located interior to the front, side and rear yard building setback lines; that is the portion of a lot wherein a building may be located.

Lot, Corner A lot abutting upon two or more streets at their intersection.

Lot, Double frontage A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double lot unless said corner lot has frontage on three or more streets.

Lot Width The distance between side lot lines measured at the front building line.

Lot of Record A lot which exists as shown or described on a plat or deed recorded in the Office of the Clerk of the Jackson County Superior Court.

Lot Width, Corner The distance measured between the side lot lines at the front minimum setback line and intersecting setback lines.

Lot Width - Cul-de-sac. The distance measured between side lot lines at the point of the property that is twice the front setback requirement from the front property line.

Overstory Tree Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than 40 feet.

Planning Commission The appointed Planning Commission of the City of Commerce, Georgia.

Preliminary Plat A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Commission for consideration and preliminary approval.

Right-of-Way A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use in fee simple.

Sidewalk A paved surfaced or leveled area, paralleling and usually separated from the street as a pedestrian walkway.

Specimen Tree A tree with a diameter of six (6) inches or over measured five (5) feet from the ground level.

Street A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, an easement or private right-of-way approved by the City Council to serve such purpose.

Principal Arterial Those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land. Principal arterials include all limited access freeways, expressways or parkways, and carry high proportion of total area travel on a minimum of mileage.

Major Arterial Those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.

Minor Arterial Intra-community continuity but should not penetrate identifiable neighborhoods.

Collector Streets Distribute trips from arterial streets to their ultimate origin or destination. Collector streets provide a greater level of land access than access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.

Local Streets Comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

Structure Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to, the following: site built buildings, industrialized buildings, manufactured homes, billboards, swimming pools, advertising signs, satellite dishes, and fall-out shelters.

Sub-divider Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group acting as a unit dividing or proposing to divide land so as to constitute a subdivision, as herein defined, including an agent of the sub-divider.

Subdivision The division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development, finance or lease.

Major Subdivision The division of all land into two or more lots involving a new street, or a change in existing streets, or divisions of land involving the extension of water, sewer, or gas lines and including re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

Minor Subdivision A subdivision of land fronting a public street where no new street is involved.

Understory Tree Those trees that grow beneath the overstory, and will generally reach a mature height of under 40 feet.

Variance Permission granted under circumstances prescribed herein to depart from the specific requirements of this Ordinance.

## **ARTICLE 2 APPLICATION**

### **2.1 Application of Ordinance**

Site construction documents shall be required for all land disturbance activity other than individual building lots.

### **2.2 Permitting Requirements**

No construction work on required improvements shall be undertaken until:

- A. A Preliminary Plat has been approved by the Planning Commissions of the City of Commerce.
- B. A Surety Bond has been filed with the City Clerk.
- C. Complete Final Engineering Plans have been submitted to and approved by the City Engineer.
- D. Appropriate permits have been obtained and fees paid.

### **2.3 Platting Authority**

From and after the passage of this ordinance, the Planning Commission shall be the official platting authority, and no plat of land development in the City of Commerce shall be entitled to

be recorded in the office of the Clerk of the Superior Court of Jackson County unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a development by landowner or developer without approval of the Planning Commission as required by the ordinance is declared a misdemeanor.

**2.4 Use of a Plat**

The transfer of sale of agreement to sell or negotiation to sell land by reference to or exhibition or other use of a plat of a development that has not been given final approval by the Planning Commission and recorded in the office of the Clerk of Superior Court of Jackson County is prohibited and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

**2.5 Plat Approval**

After these regulations shall, have been put into effect, any development that fails to meet the requirements of this ordinance shall be disapproved by the Planning Commission.

**2.6 Public Road Frontage Requirements**

No building permit shall be issued and no building shall be erected on any lot in the City unless the street giving access thereto has been accepted as a public street in accordance with this ordinance, public street prior to the effective date of this ordinance, or has been accepted as a public street by the Planning Commission.

**2.7 Permits Required**

Developers are responsible for obtaining the following permits and/or approvals prior to construction of any development within the City of Commerce.

- A. Soil Erosion and Sedimentation Control Permit from the Soil Conservation Service.
- B. NPDES Permit from the State Department of Natural Resources.
- C. Water and Sewer Plan approval from the State Department of Natural Resources.
- D. Street, Water, and Sewer Plan approval from the City of Commerce.
- E. State Licenses for all water and/or sewer installation contractors.
- F. Jackson County Health Department approval for any private sewers.
- G. Land Disturbance Permit from NRCS.
- H. Stormwater Management Plan from the City of Commerce.

**ARTICLE 3 DEVELOPMENT REVIEW AND APPROVAL**

**3.1 General Procedures**

The procedure for the development of land shall include the following:

- A. Any person seeking development activity approval is required to schedule a Pre-Application Review with the Planning Commission
- B. Pay required review fees (see Section 3.8)
- C. Application for Preliminary Plat approval

- D. Planning Commission work session review of Preliminary Plat
- E. Review and approval of the Preliminary Plat
- F. Submit plans to EPD for review
- G. Submission and approval of Final Engineering Plans
- H. Application for Improvements Permits
- I. Submit Utility/Driveway Permit application
- J. Submit application for Land Disturbance Permit
- K. Filing of Surety Bond
- L. Application for Final Plat approval
- M. Review and approval of the Final Plat

### **3.2 Pre-Application Review**

It is strongly suggested that any person seeking development activity approval schedule a Pre-Application Review with the Planning Commission.

The review shall include preliminary documents and graphic exhibit of the proposed development activity application.

The purpose of the review is to expedite applications and reduce application design and development cost.

### **3.3 Preliminary Development Approval**

The Preliminary Plat provides for approval of the layout as a guide to the preparation of the final plat. Whenever land development is proposed, the developer shall first submit to the City the following:

- A. The application form furnished by the City Clerks office, requesting review for preliminary approval.
- B. Seven (7) copies of the Preliminary Plat showing the entire ownership to drawn to the preliminary plat specifications of this ordinance.
- C. Payment of all preliminary plat application and review fees.

### **3.4 Review and Approval of Preliminary Plat**

- A. The City Clerk shall review all applications for completeness and submit complete applications to the Chief Building Official for review within 10 days of receipt.

- B. The Chief Building Official shall review all the application for conformance to the regulations of this Ordinance and the Zoning Ordinance, and shall submit conforming applications to the Planning Commission within fifteen (15) days of receipt of the application from the City Clerks Office.
- C. The Planning Commission shall consider the application at its next regularly scheduled meeting or a special meeting called for such purpose. The City Clerk shall notify the applicant of the time and place of the meeting by mail five (5) days before the meeting.
- D. Thereafter, the Planning Commission shall:
  - 1. Approve or disapprove the Preliminary Plat, noting the action on three (3) copies of the Plat. If disapproved the reasons for disapproval shall be so noted. One copy shall be returned to the applicant and one filed with the Planning Commission and the third being filed with the Chief Building Official.
  - 2. Approve the Preliminary Plat subject to minor modifications so noted on the Plat, and return one copy to the applicant. Any minor modifications shall be handled through the Chief Building Official prior to resubmittal.
  - 3. The Planning Commission may exercise its privilege to table any application presented to them. A tabled item will be re-heard by the Planning Commission at their next regularly scheduled meeting or a specially called meeting for such purpose.

### **3.5 Final Plat Procedures and Specifications**

#### **A. Applications for Final Plat Approval**

After the Preliminary Plat of a proposed land development has been given tentative approval by the Planning Commission, the developer may, within one year from tentative approval, submit to the Planning Commission the following:

- 1. A letter requesting review and approval of a Final Plat and giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the Final Plat shall be sent.
- 2. Nine (9) blue or black line copies of the Final Plat and other related documents as specified in this Ordinance.

#### **B. Review of Final Plat**

The Planning Commission shall check the Final Plat for conformance with the tentatively approved Preliminary Plat, and with the rules and requirements of these regulations and shall afford a hearing on the Final Plat, notice of the time and place of which shall be sent by the Planning Commission by registered or certified mail, not less than five (5) days prior to the date of hearing.

Thereafter, the Planning Commission shall approve, disapprove or table the Final Plat. A notation of the action shall be made on the original tracing and all prints of the Final Plat, including statement of the reasons therefore, if the Final Plat is disapproved. If action is not taken by the Planning Commission within forty-five (45) days of the date of the hearing, the Final Plat shall be considered approved and a Certificate of Approval shall be issued on demand. Action on the Final Plat may be taken in the form of an approval, a denial, or a tabling of the item. However, the applicant for approval may waive this requirement and consent to an extension of time.

**C. Recording of Final Plat**

Upon approval of the Final Plat, it shall be recorded in the office of the Clerk of Superior Court of Jackson County. The applicant shall be responsible for the recording of such Final Plat in the office of the Clerk of Superior Court.

**D. Final Plat Specifications**

The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

1. The Final Plat shall be clearly and legibly drawn in permanent ink on quality paper consistent with current engineering practices or other approved material. Sheet sizes shall be a standard 24 X 36. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map.
2. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than three) shall be accurately described on the plat.
3. City and County lines accurately tied to the lines of the development by distances and angles when such lines traverse or are reasonably close to the development.
4. Exact boundary lines of the tract, determined by a field survey.
5. Name of development, exact locations, widths, and name of all streets and alleys within and immediately adjoining the plat.
6. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
7. Lot lines with dimensions to the nearest one-tenth foot and bearing to the, nearest minute.
8. Lots numbered in numerical order and blocks lettered alphabetically.
9. Locations, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use.
10. Accurate location, material, and description of monuments and markers.
11. A statement either directly on the Plat or in an identified attached document, of any private covenants.

**E. Certifications and Statements.**

The following certifications must appear on the Final Plat

1. A Registered Surveyors Certification Stamp and signature be written in black ink.
2. Owners Certificate and Dedication; Owners acknowledgement; State of Georgia, County of Jackson.

The Owner of the land shown on this plat and whose, name is subscribed thereto; and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and dedicates to the use of the public forever, all streets parks, drains, easements; and public grounds thereon, shown, which, comprises a total of \_\_\_\_\_ acres, for the purposes therein expressed.

Developer \_\_\_\_\_ Owner \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

3. Certification of Approval of Water System and Sewer System

I hereby certify that the sewer systems and water systems of this development meet the requirements of the Development Standards of the City of Commerce. Those lots approved for public sewage are:

Lots: \_\_\_\_\_

Date: \_\_\_\_\_, 2 \_\_\_\_\_

City of Commerce  
Head of Jackson County Health Department

4. Certification of Approval of Streets and Utilities

I hereby certify that the streets, utilities, and other required improvements in this development meet all the Design Standards of the City of Commerce, Georgia.

Date: \_\_\_\_\_, 2 \_\_\_\_\_

\_\_\_\_\_  
Signature, Building Official, City of Commerce

5. Certification of Approval for Recording

I hereby certify that the development plat shown hereon has been found to comply with the Development Regulations of the City of Commerce, Georgia and that it has been approved by the City of Commerce Planning Commission for recording in the Office of the Clerk of Superior Court of Jackson County.

Date: \_\_\_\_\_, 2 \_\_\_\_\_

\_\_\_\_\_  
Chairman, City of Commerce Planning Commission

**3.6 Design Requirements**

**A. Suitability of Land**

Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety or property destruction, unless the hazards can be and are corrected prior to final plat approval. No land shall be platted for use which would be in conflict with the zoning provisions in the City of Commerce Zoning Ordinance.

**B. Name of Development**

The name of the development must have the approval of the Planning Commission. The name shall not duplicate nor closely approximate the name of an existing development within Jackson County or the City of Commerce, Jackson County, Georgia 30529.

**C. Large-Scale Developments**

The requirements of these Regulations may be modified in the Case of a large-scale community or neighborhood unit such as a housing project or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the Planning Commission and if it is in conformity with the purpose and intent of this Ordinance.

3.7 Project Checklist

PROJECT CHECKLIST

Date Rec'd \_\_\_\_\_ Review Date \_\_\_\_\_

Engineer \_\_\_\_\_

Development \_\_\_\_\_

Review Comments:

The following comments are based on the policy of The City of Commerce, outlined in the Commerce Development Standards as approved by the Board of Commissioners. If there are any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.

Developer:

- \_\_\_\_\_ Pre-application submittal, review, and approval by Planning Commission (if applicable).
- \_\_\_\_\_ Submit application for preliminary plat approval.
- \_\_\_\_\_ Submit seven (7) sets of design plans stamped and signed by P.E. registered in Georgia for the development and pay required review fees to City of Commerce.
- \_\_\_\_\_ Submit three (3) sets of plans to GA EPD for review.
- \_\_\_\_\_ Submits three (3) sets of utility/driveway permit applications to GA Dept. of Transportation.
- \_\_\_\_\_ Submit application for Land Disturbance Permit.
- \_\_\_\_\_ Submit NPDES NOI to EPD.
- \_\_\_\_\_ Submit Sanitary Sewer Extension Form (if necessary).
- \_\_\_\_\_ If modifications are required, resubmit additional five (5) sets of plans to City, EPD/DOT as required. If more than one (1) resubmittal is required to adequately address original required modifications, additional plan review fees will be required based on fee schedule.

City:

- \_\_\_\_\_ Submits two (2) plans and applications for Land Disturbance Permit to NRCS.
- \_\_\_\_\_ Distributes design plans to dept. heads and engineer.
- \_\_\_\_\_ Dept. heads and appropriate engineers review plans and sign if approved. Dept. heads/engineers meet with developers, return design plans as approved or needing modifications.
- \_\_\_\_\_ Receive Land Disturbance Permit from NRCS.
- \_\_\_\_\_ Receive EPD/DOT approval as applicable.
- \_\_\_\_\_ Dept. head meets again to approve design and sign final approval form and plans.
- \_\_\_\_\_ Collects fees for inspection, enforcement, and testing, for the construction phase of the development.

### 3.8 Planning and Development Fees

<b>PLANNING &amp; DEVELOPMENT FEES</b>		
Rezoning	Residents and Agriculture	\$250.00
	Commercial	\$350.00
	Multi-Family	\$350.00
	P.U.D.	\$350.00
	Industrial	\$450.00
Variance		\$100.00
Conditional Use		\$250.00
Soil Erosion	First Ten Acres	\$75.00
	Per Acre	\$2.50
	Residential Grading Permit	\$10.00 per lot
	Non-Residential Grading Permit	\$10.00 per acre
Subdivisions	Preliminary Review	\$250.00 plus \$10.00 /lot over 10 lots
	Final Plat Approval	\$10.00 per lot
	P.U.D. Development Plan (Final)	\$3.00 per lot
	Construction	\$250.00 plus \$50.00 /lot over 10 lots
Non-Residential	Preliminary Review	\$100 /acre
	Final Plat Approval	\$50 /lot
	Construction	\$250.00 plus \$50 /lot
Stormwater, Water and Sewer	Residential (0 – 100 Units)	\$100.00
	Residential (100 – 200 Units)	\$200.00
	Residential (200 – 300 Units)	\$300.00
	Commercial and Industrial	\$200.00 Minimum
	Review if correction not made on resubmittals	\$25.00
	Final Inspection – Initial Visit	No Charge
	Reinspection Visit	No Charge

**ARTICLE 4 SURETY, VARIANCES, AND ADOPTION**

**4.1 Surety for Completion of Improvements**

In lieu of the completion of the required improvements in a development, the developer shall deposit surety for the completion of such improvements and present a Final Plat for approval

**A. Requirements**

To assure the construction and installation of required improvements; the developer shall deliver to the City of Commerce a certified check, surety bond or other acceptable security in such aggregate amount as is estimated by the governing authority to be the total cost of the construction and installation of all public improvements which are the responsibility of the developer.

**B. Conditions**

Bonds or other surety posted shall run to the City of Commerce, Georgia and provide that the subdivide, his heirs or, successors and assigns, and their agents and servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations and any other applicable requirements; will faithfully perform and complete the work of construction and installing said facilities or improvements in accordance with these regulations and any other applicable requirements; and that the developer shall be responsible to the City of Commerce for any unnecessary expense incurred through the failure of the developer, his heir, successors and assigns, or their agents or servants, to complete the work of said construction in an acceptable manner and from any damages growing out of negligence in performing or failing to perform said construction and installation. Before acceptance, any surety shall be approved by the City of Commerce. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Georgia.

**C. Duration and Release**

Bonds and/or other surety posted pursuant to this Ordinance shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted. Acceptances shall be in writing accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable city specifications and requirements.

**D. Default**

If the construction or installation of any improvements or facilities for which a bond or other surety is posted is not completed within said improvements or facilities are designed to serve, or within two (2) years after or installation is not in accordance with the applicable specifications and requirements, the City of Commerce shall, using the proceeds from such surety deposits pay for such work. Such work may be done under contract or by city personnel. To the extent that any portion of cash deposit is not required or used, said excess cash shall be repaid to the person making the deposit.

**E. Certification of Receipt of Surety for Required Improvements**

The following form shall be printed directly on the Final Plat as follows, where a Preliminary Plat is not used:

I hereby certify that a security bond or certified check in the amount of \$\_\_\_\_\_ has been received to assure completion of all required improvements in the development plat attached hereto in the event of default by the developer.

Date: \_\_\_\_\_, 2\_\_\_\_\_

Signature  
Mayor, City of Commerce

**4.2 Variance and Waivers**

**A. Initiation**

All requests for relief from the imposition of the regulations and requirements of this Ordinance on a property or development activity shall be taken to title Board of Zoning Appeals, except as otherwise provided in this section.

Filing of an appeal will constitute a stop work order being placed on the involved property until there is a resolution by the Board of Appeals.

Appeals to the Board of Appeals may be initiated by any person aggrieved or by an officer, department, board or bureau of the City. Such appeals shall be initiated with 15 days of the action or decision appealed from by filing with the City Clerk notice of said appeal specifying the grounds thereof. The City Clerk shall transmit to the Board of Appeals any papers constituting the record of the action or decision from which the appeal was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is made certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by court of competent jurisdiction.

**B. Hardship Variances**

Relief from application of the provisions of this Ordinance may be granted by the Board of Appeals upon a finding that compliance with such provisions will result in a hardship to the property or owner that is substantially unwarranted by the protection of public health, safety or general welfare.

Such relief may be granted only to the extent necessary to alleviate such hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly developed properties.

**C. Special Circumstance Variances**

Where the Board of Zoning Appeal finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development, it may waive such requirements subject to appropriate conditions.

**D. Standards for Approval**

A hardship may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or
2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or
3. There are conditions that are peculiar to the property, which adversely affect its reasonable use or usability.

**E. Public Hearing**

The City of Commerce shall submit the appeal to the Board of Appeals, together with any staff comments. The Board of Appeals shall review and take action upon each appeal after holding a public hearing. In making a decision on the appeal, the Board of Appeals shall follow the standards set forth under this Section. No member of the Board of Appeals shall rule on a matter in which he or she has a pecuniary interest, directly or indirectly.

**F. Amendments**

This Ordinance may be amended from time to time by the Mayor and Council of the City of Commerce but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the City of Commerce Planning Commission for review and recommendations. The City of Commerce Planning Commission shall have thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposal.

Before enacting an amendment to this Ordinance, the Planning Commission, acting for the City, shall hold a public hearing thereon, at least fifteen (15) days prior to the meeting. The notice of the time and place of the meeting shall be published in a newspaper-of general circulation in the City of Commerce.

**G. Severability**

It is intended that the provisions of this Ordinance shall be severable and should any portion be held invalid, such invalidity shall not affect any other portion of this Ordinance.

**H. Conflicting Regulations**

Whenever the provision of this Ordinance and those of some other statute, ordinance or resolution apply to the same subject matter, that statute, regulation or resolution requiring the highest or strictest standard shall govern.

**I. Repeal of Conflicting Regulations**

All resolutions or ordinances or parts thereof in conflict herewith are repealed.

**J. Adoption and Effective Date**

These regulations shall take effect and be in force from and after their adoption by the Mayor and Council of the City of Commerce.

Adopted by the Mayor and Council of the City of Commerce

\_\_\_\_\_  
Date of Adoption  
City of Commerce

\_\_\_\_\_  
Charles L. Hardy, Jr., Mayor

\_\_\_\_\_  
Effective Date  
City of Commerce

\_\_\_\_\_  
Shirley Willis, City Clerk

This document should be approved as to legal form and sufficiency by legal counsel of the City of Commerce prior to its adoption.

\_\_\_\_\_  
Attest: John Stell, City Attorney

\_\_\_\_\_  
Attest: Shirley Willis, City Clerk

**ARTICLE 5 TECHNICAL CRITERIA/DESIGN STANDARDS**

**5.1 Streets**

**A. Continuation of Existing Streets**

Existing streets adjacent to the development shall be continued at the same or greater width, but in no case shall be less than the required width.

**B. Street Names**

Street names shall require the prior approval of the Jackson County 911 before being presented to Planning Commission. Streets that are obviously in alignment with streets already existing and named shall give the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets in Commerce or Jackson County.

**C. Street Jogs**

Street jogs with centerline offsets of less than 125 feet shall not be permitted.

**D. Cul-De-Sacs**

Except where topographic or other conditions make a greater length unavailable, cul-de-sacs shall not be greater in length than 600 feet. It is recommended that they be not greater than 400 feet in multi-family areas. They shall be provided at the closed end with a turnaround having property line radius of at least 50 feet with an outside pavement radius of at least 40 feet. The developer is encouraged to utilize planting islands in cul-de-sac not greater than 12 feet in diameter.

**E. Development Along Major Street, Limited Access Highway or Railroad Right-of-Way**

Where a development abuts or contains a major street, a limited access highway, or a railroad right-of-way, the Planning Commission may required a street approximately parallel to and on each side of such right-of-way either as a marginal access street, or at a distance suitable for an appropriate use of the intervening land, with a non-access reservation. Due regard should be given requirements for approach grades, and future grade separations in determining dissonances.

**F. Street Intersections**

Intersections shall be as nearly at right angle as possible, and no intersection shall be at an angle of less than 80 degrees.

**G. Street Right-of-Way Widths**

The right-of-way widths shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

1. Principal Arterial: 200 feet
2. Major Arterial: 100 feet
3. Minor Arterial: 80 feet
4. Collector: 60 feet
5. Local: 50 feet

**H. Street Pavement Widths**

Street pavement widths shall be as follows:

1. Collector: 22 feet

2. Local: 20 feet

**I. Street Grades and Visibility**

Maximum grades of all streets shall not be in excess of 15 percent and this should not be for a greater length than 400 feet.

At the intersection of streets the maximum grade permitted is 5 percent for a distance of 100 feet from the nearest line of the intersecting street.

Minimum horizontal visibility measured between two points four feet above the pavement center line shall be on:

1. Collector streets: 300 feet
2. Local streets: 200 feet

**J. Horizontal Curvature**

The minimum radii of centerline curvature shall be as follows:

- 1 Collector streets: 500 feet
- 2 Local streets: 200 feet

**K. Base and Paving**

Base and Paving shall consist of the following

1. Fill Compaction:  
After grading of the roadway has been completed, the developer shall provide two (2) copies of a compaction certificate certified by a registered engineer or certified testing laboratory stating that the road has been compacted to a ninety-eight (98%) percent density.
2. Base and Paving Requirements:
  - a. One and one-half (1-1/2 ) inch plant mix asphalt Type E or F shall be applied on a base of eight (8) inch crusher run stone or four (4) inch compacted asphalt concrete base compacted to ninety-eight (98%) compaction and primed with bituminous prime in accordance with D.O.T. specifications for construction of road and bridges.
  - b. A two (2) inch plant mix asphalt type E or P shall be applied on a base of eight (8) inch crusher run stone compacted to a ninety-eight (98%) compaction and primed with a bituminous prime in accordance with D.O.T. specifications for construction of road and bridges.

**L. Certification**

The developer shall provide the City Building Official with two (2) copies of a Certificate from an engineer certified private testing laboratory of the compaction test on the base before paving is commenced.

**M. Curbs and Gutters**

Concrete curbs and gutters shall be constructed with three-thousand (3,000) pound concrete at twenty-eight (28) day breaking strength. Concrete curb and gutter shall be six (6) inches by six (6) inches by twenty-four (24) inches, with contraction joints every ten (10) feet and expansion joints every fifty (50) feet.

**Note: Bituminous prime tack coat surface treatment and hot mix asphaltic concrete paving courses shall be in accordance with DOT specifications.**

## 5.2 Parking

### A. Purpose

The purpose of this chapter is to establish standards for the development of parking facilities, access to private and public property, and ensure public health and safety with facilities which safely accommodate vehicles, bicycles, and pedestrians.

### B. General Applicability

1. New Development: The off-street parking standards apply to any new development and to any new use established.
2. Expansions and Alterations: The off-street parking standards apply when an existing structure or use is expanded or enlarged. Additional off-street parking space shall be required only to serve the enlarged or expanded areas, not the entire building or use. The Zoning Administrator may require increases in parking or non-conforming parking areas when found necessary to ensure adequate off-street parking.
3. Change or Use: Off-street parking shall be required for any change of use or change of operation that would result in a requirement for more parking than the existing use. Additional parking shall be required only in proportion to the extent of the change, not for the entire building or use.

### C. Off Street Parking

Within Commerce, Georgia, off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this ordinance.

1. General Requirements:  
For the purpose of this Ordinance the following general requirements are specified:
  - a. The term "Off-Street Parking Space" means a space at least 9 feet wide and 20 feet in length with a minimum net area of 180 square feet, excluding area for egress and ingress and maneuverability of vehicles.
  - b. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within 600 feet of the property line of the principal use. The parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
  - c. The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.
  - d. Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, and unless equivalent parking space is provided to the satisfaction of the Zoning Administrator.
  - e. Off-Street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

f. All parking within the commercial districts shall be to the side or rear of the principal structure.

2. Parking Space Requirements for All Zoning Districts:  
 Off-street automobile storage of parking space shall be provided with vehicular access to a street or alley, and shall be equal in or to at least the minimum requirements for the specific land use set forth.

Use Category	Specific Use	Number of Spaces Required
<b>Residential</b>		
Household Living	Single-family dwelling	2 per dwelling unit
	Multi-dwelling structures	2 per dwelling unit plus 0.25 guest parking spaces per dwelling unit with a minimum of one guest parking space per structure
	Accessory dwelling	1 per accessory dwelling
Group Living	Organized group living	1 per 2 residents/staff members
	Assisted Living Center, Nursing Home	1 per 2 beds as established in permit
<b>Institutional</b>		
Colleges		See §5.2.C.3
Community Center		1 space for each five active members at time of application
Community Services (Civic Center, Library, Museum)		1 space for each 500 sq. ft. of gross floor area
Daycare Center		1 per 500 sq. ft.
Hospital		1 space per 2 beds
Parks and Open Areas		See §5.2.C.3
Religious Institutions		1 space for each 4 seats in the main auditorium or sanctuary
Schools		1 space for each 4 seats in assembly hall, or 1 space for each employee, including teachers and administrators, whichever is greater, plus 5 spaces per classroom for high school and colleges
<b>Health Facilities</b>		
Kennels and Animal Hospitals		A parking area equal to 25 percent of the total enclosed or cover area
Medical Clinic		See Commercial, Office, Medical
<b>Commercial</b>		
Indoor sales, service or display area		1 per 500 sq. ft.
Outdoor sales, service or display area		1 per 750 sq. ft.
Office	Medical	1 per 200 sq. ft.
	All Other Office	1 per 350 sq. ft.
Parking, Commercial	Must meet design/landscaping stds.	N/A
Recreation and Entertainment, Outdoor		See §5.2.C.3
Retail Sails	Bank or Financial Service	1 per 250 sq. ft., plus stacking spaces per §5.2.F.2
	Car Wash	Stacking Spaces per §5.2.F.2
	Health Club	1 per 200 sq. ft.
	Hotel, motel or other transient	1 per guest room, plus required

	lodging	space for associated uses
	Restaurant	1 per 150 sq. ft. of dining area
	Restaurant, Fast Food	1 per 150 sq. ft. of customer service and dining area, plus stacking space per §5.2-F-2
	Retail Sales and Service not specifically listed	1 per 350 sq. ft.
	Theater	1 per 4 seats
<b>Use Category</b>	<b>Specific Use</b>	<b>Number of Spaces Required</b>
<b>Commercial</b>		
Self-Service Storage	Design of the parking facility and landscaping is required	If office areas are provided, parking must be established for the office use
Vehicle and Equipment Sales		Parking based on the sum of parking requirements for components
Vehicle Service		6 per bay
Video Sales/Rental		1 per 200 sq. ft.

3. Off-Street Parking for Land Uses with Unique Parking Requirements: Land uses which have widely varying parking demand characteristics, make it impossible to specify a single off-street parking standard. Uses found by the Zoning Administrator to have unique parking, requirements shall comply with the provisions of this subsection.
  - a. A developer proposing to develop or expand a land use with unique parking requirements shall submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study shall include:
    - i. Estimates of parking demand based on recommendations of the Institute of Traffic Engineers, or other acceptable estimates as approved by the Zoning Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, location, or parameters of the use that may be estimated to parking requirements.
    - ii. The study shall document the source of data used, and methods used to develop the recommendations. After reviewing the parking study, the Zoning Administrator shall establish a minimum off-street parking standard for the proposed use.
  - b. Appeals of the administrative decision may be made to the Board of Zoning Appeals in accordance with Section 6.7 of the Zoning Ordinance.

**D. Rules for Computing Requirements**

The following rules apply when computing off-street parking and loading requirements:

1. Multiple Uses: Lots containing more than one use shall provide shared parking as specified in Section 5.2.E.
2. Fractions: When measurements of the number of required spaces result in fractions, any fraction of one-half or less will be disregarded and any fraction of more than one-half will be rounded upward to the next highest whole number.
3. Area Measurements: Unless otherwise specifically noted, all square footage-based parking and loading standards are to be computed on the basis of gross floor area.

4. Unlisted Uses: Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Zoning Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with this Chapter.

**E. Shared Parking**

Two or more uses shall share parking facilities without providing the minimum number of on-site required spaces for each use, provided the following conditions are met:

1. The minimum required number of parking spaces for the combined uses shall be reduced by 20 percent where hours of operation overlap and the uses within the businesses share general customer traffic.
2. Off-site spaces shall be within 600 feet walking distance of a building entrance or use. If the pedestrian access is to cross an arterial street, appropriate safety measures must be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the parking lot.
3. The parking facility to be shared must contain at least the minimum required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being paved and striped according to the standards of this ordinance.
4. The parking facility to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served.
5. No changes shall be made to the shared parking facility which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without approval of the Zoning Administrator.
6. Parking spaces to be shared must not be reserved for a specific person, individual, or use on a twenty-four hour basis.
7. Handicap parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.
8. Loading space shall not be shared.
9. Any proposed change in the use of a structure that shares a parking facility will require proof that adequate parking is available.
10. Off-site and shared parking may be used in combination to develop parking facilities, provided all the requirements of this section are met.

**F. Stacking Space for Drive-through Facilities**

1. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:
  - a. Stacking spaces and lanes or drive-through stations shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
  - b. Drive-through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

- c. Approach lanes for drive-through facilities shall have the following minimum widths:  
 One lane: 12 feet per lane  
 Two or more Lanes: 10 feet per lane
- d. All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.
- e. Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
- f. Each stacking space shall be a minimum of 10 feet by 20 feet.

2. The number of stacking spaces shall be provided as follows:

Activity Type	Minimum Stack	Measured From
Automated teller machine	3 per machine	Teller Machine
Bank teller lane	3 per lane	Teller or Window
Carwash stall, automatic	6	Entrance
Car wash stall, self-service	1	Entrance
Convenience store drive-through	Prohibited	
Gasoline Pump Island	20 feet from each end of the pump island	
Restaurant, drive-through	6	Order Box. Stacking for at least 4 of the 6 vehicles shall be provided between the order box and pick-up window.
Other	Determined by the Zoning Administrator	

**G. Parking Area Site Requirements**

All off-street parking shall be laid out, constructed, and maintained according to the following requirements (except for residential lots in the residential zoning districts). Off-street parking includes parking spaces or lots for customers and employees.

- 1. All parking areas shall be hard surfaces with concrete or plant bituminous material and maintained in dustproof condition.
- 2. Lighting facilities shall be arranged so that light is reflected away from adjacent properties and streets. If individual light posts are integrated into or mounted on an exposed concrete base, the exposed concrete base cannot exceed 6 inches in height.
- 3. The parking area shall be adequately drained.
- 4. No sign shall be placed within the public right-of-way. Signs and planting strips shall not obstruct the visibility of drivers or pedestrians.

**H. Use of Required Parking Spaces**

- 1. Use of parking areas  
 Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the storage of vehicles, boats, recreational vehicles, mobile homes, or building materials.
- 2. Use of parking areas for temporary events and sales

- a. A portion of a parking lot that allows at least seventy-five percent of the remaining legal parking spaces to be used for parking in conformance with the standards of this chapter may be set aside for purposes of a temporary event, such as a “tent sale “ “sidewalk/parking lot sale,” or other permitted activity. These events may not exceed seven consecutive days in length and may not occur more than once each calendar quarter.
  - b. The property owner and operator of the licensed business at the location are jointly responsible for ensuring that events blocking parking lots do not result in unsafe traffic or circulation conditions and ensuring that there is adequate fire and emergency vehicle access. The Police Chief, Fire Chief or their designee may order the event canceled and removed without hearing or notice if found that the arrangement of the temporary event or sale interferes with safe flow or traffic or emergency vehicle access to a site.
  - c. The property owner, business licensed at the site, and entity responsible for the event are jointly responsible for ensuring there is adequate parking at the event site. The use of public right-of-way for event parking is prohibited. Parking arrangements may be made for use of adjoining or nearby parking areas with a 300 foot radius, but a copy of the agreements shall be in writing and filed with the Zoning Administrator at least 2 working days prior to the event.
3. Long-term vendors located in parking lots
    - a. Temporary long-term use of a parking lot for a vendor (for example but not limited to: Christmas trees, seasonal food sales) that will be located in the parking lot for more than seven consecutive days may be permitted by the Zoning Administrator provided that a copy of a written agreement for use of the parking area is submitted to the Zoning Administrator prior to the establishment of the use.
    - b. A site plan showing the location of the facility and an indication of the total number of existing spaces in the parking lot and parking to be removed by the vendor shall be submitted to the Zoning Administrator.
    - c. In no case shall a long-term vendor be permitted to remove more than five percent of the subject property’s parking spaces from general usage.

### 5.3 Buffers

#### A. Buffer Areas

All required buffer areas and landscape strips are in addition to area, yard, and height requirements for the zoning district as specified in Section 2.3.B of the Zoning Ordinance.

1. In the commercial districts, any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The bottom of the fence must be no higher than four (4) inches from the ground. The top of the fence must not evidence significant elevation changes (i.e. the top of the fence at the highest topographic elevation will determine the height of all portions of the fence, regardless of elevation changes). If constructed from wood, the fence height must be achieved by the installation of one continuous eight (8) foot, or greater, board. The Zoning Administrator shall, based on the character of the area,

determine whether the applicant must install the solid wall, solid fence, or tight evergreen hedge.

2. In any Zoning District not subject to the requirements of Section 5.3 but requiring screening of a specified operation, said screening shall be a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The tight evergreen hedge shall grow to at least eight (8) feet in height within five (5) years. There shall be a perimeter landscape strip at least twenty (20) feet wide, unless otherwise, specified, that conforms to the planting requirements of Section 5.4. All buffer area requirements are in addition to the area, yard, and height requirements for that Zoning District (Section 2.3.B of the Zoning Ordinance). Prior to any site construction or grading, the Zoning Administrator must approve a landscaping plan prepared pursuant to Section 6.4.
3. Any grading, improvement or construction adjacent to the buffer must not disturb or encroach on the buffer area.

#### **5.4 Landscaping**

These standards for the landscaping of development within the City are intended to ensure the continued attractiveness and character of the City. The standards in this section shall apply to all public and private development, new construction, exterior remodeling, or enlargement of buildings and structures, unless otherwise specifically stated.

##### **A. Exemptions**

The following are exempt from the standards of this section:

1. Agriculture structures and agricultural uses in the agricultural districts;
2. Minor improvements or repairs to existing development that do not result in an increase in floor area; major facade renovations may generate a landscaping requirement;
3. Detached single-family dwellings on individual lots, unless required to install landscaping as a condition of project approval;
4. Accessory dwelling units.

##### **B. Required Landscaping**

Required landscaping shall be installed in all yard areas, along the perimeter of the lot, around buildings, and all other portions of the property not specifically utilized for driveways, parking, loading, or other functions for which landscaping may not be practical as determined by the Zoning Administrator.

Landscaping shall be utilized for such purposes including, but not limited to:

1. Establishing a visual separation or screen of parking areas from the public right-of-way;
2. Providing a separation of pedestrian and service areas;
3. Providing a separation where the lot or parcel opposite of the boundary or the proposed development is a residentially zoned;
4. Providing a vertical transition from the grounds to the building;
5. Maintaining and enhancing natural drainage patterns; and
6. Maintaining the small town character of Commerce through the aesthetics of landscaping as Commerce continues to grow.

**C. Landscaping rights-of-way**

All public rights-of-way and private road rights-of-way or access easements shall provide a planted landscaped strip to City specifications. The species and size of street trees shall be approved by the Zoning Administrator. Plantings within the right-of-way may count towards meeting the landscape requirements of this Chapter.

**D. Landscaping for Lots Which are Partially Developed**

At the discretion of the Zoning Administrator, projects with substantial portions of the parcel area left for future development may be exempt from landscaping the undeveloped portion of the property. If any portion of the undeveloped area of the lot fronts a public right-of-way, standard improvements such as curb, gutter, sidewalk, and installation of street trees and other appropriate landscaping shall be required at the time of development.

**E. Landscaping when Expansion or Additional Development Occurs**

If a parcel with existing development is proposed for additional development, the Zoning Administrator has the discretion to review the landscaping installed on the entire property and may require improvements to be installed or conformance with other provisions of this Section.

**F. Waiver of Landscaping Standards for Small Industrial and Commercial Lots**

Waiver for a site being developed with commercial uses that is less than 20,000 square feet: In cases where required landscaping plant units, parking lot landscaping, and parking lot borders consume more than 20 percent of the proposed development site, the Zoning Administrator may exercise discretion regarding the width or, location of landscape borders. In such cases, the developer may be required to add additional plant material to remaining landscape borders or elsewhere on the site in order to meet the purpose of this section.

**G. Landscaping Required for Interior Remodeling that Results in a Change of Use**

When a structure's use is changed to a use other than single-family and there is no change in exterior appearance, the applicant shall conform to the landscaping requirements of this Chapter.

**H. Landscaping Objectives**

Landscaping regulations are intended to provide for two options. If a property owner desires to create a landscaping plan that meets the needs of the individual project, the plan may be prepared pursuant to this section and is classified as a "performance" landscaping plan. If a property owner wishes to have the standards specified and identified in order to prepare a plan to City specifications, see Section 5.4.I, Prescriptive Landscaping Standards.

1. Landscaping is a community enhancement. Landscaping is intended to enhance the aesthetics of development within the City. Each development has unique characteristics based on location, land use, or physical site features. Project proponents may utilize the performance standards in this section in preparing professional quality landscape plans for review and approval by the Zoning Administrator in association with overall site development. Proponents not desiring to utilize the flexibility and creative opportunities in this section shall utilize the prescribed standards of this section.

2. Landscaping Performance Objectives. In addition to the purposes of this Chapter, performance landscape plans shall, as determined by the Zoning Administrator, meet the following objectives:
  - a. Provide a transitional landscape area between the public right-of-way and the parking areas: Landscaping shall be used to provide a screening of vehicles in a parking lot from the ground to approximately 36 to 42 inches.
  - b. Establish a separation and transition from parking to the building through a gradual increase in elevation of landscaping from the parking area to the building height: plant materials may be a mixture of heights and shapes but designed to bring an appearance of reducing the height of a structure when viewed from the road or neighboring properties, as determined by the Zoning Administrator.
3. Enhance or develop pedestrian-oriented spaces and creation of usable outdoor spaces.
  - a. Ensure that service areas are enclosed and landscaping utilized to transition from the parking area: Landscaping or decorative materials used to screen service areas in a combination of concepts, including and not limited to shrubs of similar height to the walls, the design of walls as planters, climbing vines, or other treatment that will break up the appearance of walls.
  - b. Provide a balance between the overall appearance of the landscaping as a part of a planned site and the buildings on the site. The City's objective is to ensure that the site has dense landscaping in terms of the land area dedicated to landscaping and in vertical elevation of landscaping.
  - c. Any flexibility to be applied by the Zoning Administrator shall be based on achieving an attractive site with installations of landscaping that are designed to complement and enhance the site development.
4. Submission of Performance Landscape Plans.
  - a. Performance Landscaping Plans shall be of adequate size and detail so that the Zoning Administrator can see the land area to be planted and the appearance of plantings at the time of installation, at five years healthy growth, and at ten years healthy growth.
  - b. Performance landscaping site plans and elevations shall be drawn in a professional manner with credible representations of drip lines, plant growth diameters, and plant sizes. The Zoning Administrator shall not require that plans and elevations be prepared by a licensed professional, but the Planning Commission may reject plans which do not accurately depict the site landscaping proposal in suitable detail for it to make a decision.
  - c. Performance landscaping plans shall be accompanied by a planting schedule that identifies both, the common and scientific name of each species. The schedule shall include the size at planting, the size a five years of growth, and ten years of growth if the proposed plants are different than the adopted plant schedule.
5. Review of Performance Landscape Plans
  - a. In reviewing proposed Performance Landscape Plans, favorable consideration shall be given to exceptional landscape designs that preserve and incorporate existing vegetation and demonstrate innovative design and use of plant materials. Performance Landscape Plans may be

approved upon a finding that the Plan meets or exceeds the purposes and objective of this section thorough either:

- i. Natural land characteristics or existing vegetation on the proposed development site; or
- ii. Innovative landscaping or architectural design.

**I. Prescriptive Landscaping Standards.**

- 1. Calculating Plant Units. Development must have the following minimum plant units:
  - a. For development within the residential zones: a minimum of 60 plant units is required for each dwelling unit.
  - b. For development within the commercial and industrial zones: a minimum of 10 plant units for each one thousand square feet, or fraction thereof, of gross land area.
  - c. For development within the office-institutional zone: a minimum of 30 plant units for each one thousand square feet, or fraction thereof, of gross land area.
- 2. Plant Unit Values

Plant Material		Plant Units
Trees (must comprise 67% of plant units)	Large Deciduous (5-year height of > 15'; 10-year height of > 25')	8-10
	Small Deciduous or Ornamental (5-year height < 10'; 10-year height > 15')	6-8
	Trees planted in clumps of three or more trees, with a combined dripline > 10-feet at five years	15 – 18 /clump
Shrubs	Over 5-feet tall at three years after planting	5
	Less than 5 feet tall at three years after planting	3
Groundcover (per 1,000 square feet)	Grass	2
	Other planted groundcover	2
	Decorative rock, mulch, or similar material as an accent	0.5
	Plant bed (flowers, herbs, and similar plant materials), > 75% density of plant area in the bed	6
Amenities	Unique individual landscape features, such as public art, watercourses, or benches incorporated into an overall plan	Subject to review and discretion of Zoning Administrator

- 3. Bonus Points: Bonus points may be earned towards the total landscaping requirement by using plants which fall into the following categories. Each plant unit is only subject to one bonus multiplier.

Planting Characteristics	Multiplier
Xeriscaping: The use of native plant species and other species which are uniquely attuned to the local climate and require little to no artificial maintenance (irrigation, fertilizer). Requires plans to be prepared by a licensed landscape professional.	2.0 – 4.0
Mature Landscaping: The use of landscaping which is considered substantially more mature than the required minimums.	1.0 – 3.0
Existing Plant Material: Incorporation of existing landscape features into the final landscape plan. Designated existing landscaping features to be preserved shall also be protected at the drip line during construction as is shown on Figure 4.1 of the Zoning Ordinance.	1.0 – 3.0
Natural Drainage Features: Utilization of landscaping plantings and design to encourage	See Performance

and maintain natural drainage systems.	Landscape Plan
Plans prepared by a licensed landscape architect or licensed landscape contractor: Professionally prepared plans for the total landscape area and professional installation.	1.2
Functional planned site amenities: Landscaping themes or areas that are designed for site use, such as a combination of benches, fountains, public art, outdoor dining, outdoor living areas.	1.0 – 3.0

**J. Landscape Material Standards**

1. Plants shall be nursery-grown and adapted to the local climate.
2. When more than ten trees are required to meet the standards of this chapter, a mix of species shall be planted. In order to promote diversity in the urban landscape, the minimum number of species to be planted shall vary according to the overall number of trees required. Street trees within the right-of-way are intended to be of a uniform species and are not subject to the provisions of this subsection. In addition to the diversity of species, the Zoning Administrator may require diversity of shapes and sizes as a part of the landscape plan. If a landscape proposal is submitted in which a cohesive element of the landscaping design proposes a uniform species as a part of a unique landscape plan, the Zoning Administrator may waive the species diversity requirement.

Species Diversity	
Required Number of Trees	Minimum Number of Species
11 – 20	2
21 – 30	3
31 – 40	4
41+	5

3. Groundcover. The ground area within required landscape areas shall have appropriate planted landscape treatment applied and present a finished appearance and reasonably complete coverage upon planting.
4. No artificial plants or artificial vegetation shall be used to meet any standards of this Chapter.

**K. Installation, Replacement, Occupancy**

1. Accepted practices required. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous and healthy growth. All landscape material, living and non-living, shall be in place prior to the issuance of the final Certificate of Occupancy. Living materials shall be in a healthy condition.
2. Protection of existing trees during construction. Any trees identified or approved for preservation by the Zoning Administrator shall be protected utilizing accepted techniques for protection including and not limited to those shown in Figure 4.1 of the Zoning Ordinance.
3. Replacement of dead, diseased or dying vegetation. The Zoning Administrator may require that landscaping be replaced in-kind if vegetation becomes dead, diseased, or dying. In the event of blight or species-specific diseases, substitution of plants shall be approved by the Zoning Administrator.
4. Temporary Occupancy Requirements.

A Certificate of Occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the City and acceptance by the City of appropriate surety.

- a. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this Section prior to the initiation of any use or any occupancy of the facility, structure, or grounds.
- b. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the Certificate of Occupancy is issued (drought, flooding, etc.). Financial or similar issues shall not constitute extenuating circumstances for the purposes of this Section.
- c. Financial surety shall be equal to 110% of the estimated cost of the plant material, labor, and installation, and other materials.
  - i. The amount of the surety shall be calculated from a written cost estimate prepared by an appropriately licensed professional and provided to the Zoning Administrator by the developer. If the Zoning Administrator finds that the cost estimates are not generally within accepted standards for estimating the costs of landscaping installation, the mayor shall require that surety be based on accepted estimating practices.
  - ii. Each estimate shall be guaranteed valid at the maturity of the surety instrument.
  - iii. An irrevocable letter of credit, cash deposit, certificate of deposit endorsed in favor of the City, performance bond issued by a bonding company with an investment grade rating by Moody's or Standard and Poors, or savings account passbook issued in favor of the City shall be acceptable forms of surety.
- d. Automatic Irrigation Required. All landscaping installations shall be required to incorporate an automatic underground irrigation system. Irrigation system shall be approved by the Zoning Administrator.

**L. Landscaping Features are a Part of the Overall Approval**

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, heirs, successors in interest, lessees, or agent, shall be jointly and severally responsible for installation, maintenance, and upkeep as specified.

**M. Maintenance and Upkeep of Landscaping**

1. Landscaping to be maintained in a vigorous and healthy condition.
  - a. Regular maintenance of all landscaping to present a healthy, neat and orderly appearance shall be required.
  - b. All landscaping shall be maintained free from disease, pests, weeds, and litter.
  - c. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance as needed and in accordance with acceptable horticultural practices.
2. Repair and Replacement of Landscaping

- a. Required landscape structures (examples include but are not limited to walls, fences, curbs, planters) shall be maintained in a structurally sound and aesthetically pleasing condition.
- b. The regular maintenance, repair, or replacement of any landscaping irrigation systems is required.
- 3. Continuous maintenance of the site as a whole is required.
  - a. All trees, shrubs, groundcover, and other plant materials must be replaced during the next suitable planting period if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

**N. Parking Lot Landscaping**

Parking lot landscaping standards of this section establish minimum landscaping requirements for the perimeter and interior of off-street parking areas. The general purpose of such landscaping is to reduce the visual impact of parking and pavement. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.

Parking Lot Landscaping Screening Requirements				
Type (see fig. 4.2 in Zoning Ordinance to determine type)	Maximum Distance from any Property Line Across Paved Parking Area	Minimum Border Width	Minimum Plant Units per 27 feet of Perimeter Parking Area	Minimum Required Site Features
A	Applies to any parking <sup>2</sup>	25	10	--
B	150 <sup>1</sup>	10	20	--
C	100 <sup>1</sup>	8	15	24" – 30" berm <sup>3</sup>
D	100 <sup>1</sup>	5	10	3 ft. wall <sup>4</sup>
E	Type E border provides an alternative plan option to provide flexibility an the opportunity for creativity. The alternative plan shall accomplish the purpose of this border Section and meet or exceed the requirements in this section to the satisfaction of the Zoning Administrator.			

<sup>1</sup>Minimum number of plant units: The minimum number of plant units to be located within the parking perimeter border shall be in addition to the requirements for the square footage of the lot. The number of units shall be calculated based upon the perimeter of the parking area.

<sup>2</sup>Type A parking borders may be used on any parking lot. If the depth of the parking lot measured from the property line is more than 150 feet. Type A parking border shall be required. If the depth I from 100 to 150 feet, a Type A or Type B border is required. If the depth is less than 100 feet, Type A, B, C, or D border shall be required. The applicant may select the optional border. Depending on site design, a single site may have more than one landscape parking border type.

<sup>3</sup>Landscaping is required on the berm.

<sup>4</sup>On property line fronting a public or private road as required by the Zoning Administrator Landscaping is required in between the wall and right-of-way.

- 1. Perimeter Parking Lot Landscaping: The parking lot perimeter landscaping requirements apply to all off-street parking lots that are not otherwise fully screened from view of adjacent public right-of-way. When a lot is located adjacent to a public right-of-way, alternatives should be considered to reduce the visual impact of the parking lot. Some alternatives are:
  - a. Use of Landscape Perimeter Borders: Required landscape borders shall be dedicated solely for open space and landscaping. No structures of

- paving shall be located within the border area, with the exception of walls, walkways or other features incorporated into the landscaping.
- b. Perimeter Landscape Border Options: Any of the following types of perimeter landscape border detailed in the below chart, may be used to satisfy Parking Lot Border Landscaping requirements of this section.
2. Parking lot Interior Landscaping Requirements: The Parking Lot Interior Landscaping requirements apply to the interior of all off-street parking lots that contain five or more parking spaces. Interior Planting Areas are required within all parking lots as specified in the subsection.
    - a. At least 10 square feet of landscape planting area shall be provided within the interior of all off- street parking area for each parking space contained with the area. For parking areas with more than 20 total parking stalls in a double-loaded aisle, a ten foot wide landscaped island shall run the length of the aisle. This island shall be required for each such aisle.
    - b. Landscaping located on the interior of parking areas shall be dispersed throughout the area. All planting areas shall be protected to prevent damage by vehicles and vehicle overhang.
    - c. The size of planting areas used to satisfy Parking Lot Interior Landscaping requirements shall be sufficient to protect plant materials and ensure proper growth and maintenance.
  3. Parking Lot Landscaping Requirements when more than the maximum number of parking space is approved.
    - a. When the parking space in excess of the defined maximum in Section 5.4 is approved, the minimum interior lot landscaping requirements shall be increased to 12.5 square feet of landscaping for each parking space.
    - b. All aisles shall have landscaped areas at each end of the aisle.
    - c. Landscaped medians at least ten feet in width shall be required for aisles that align with street access.

**O. Screening of Service Areas.**

1. Waste Disposal Receptacles.
  - a. Waste disposal receptacle located in all commercial and government zones shall be completely screened from view on all sides by a fence or wall with a minimum height of six feet or one foot taller than the receptacle, whichever is greater.
  - b. The enclosure shall be compatible in material and color with the primary structure on the lot if located within 20 feet of the building. If located beyond 20 feet from any structure, the enclosure should be designed to minimize the visual impact and blend in with surrounding landscaping.
  - c. Waste disposal receptacles shall be consolidated to reasonably minimize the number of collection sites and to equalize the distance from the buildings they serve.
    - i. Waste disposal receptacles shall be located out of the public view insofar as is practical.
    - ii. Waste disposal receptacles shall be located to avoid causing excessive nuisance or offense to other buildings or adjoining properties.
2. Loading Docks, Storage Areas. Loading docks, storage of materials or vehicles, and other service areas shall be screened from public view. Screening may

include plant materials, fencing, walls, or a combination as approved by the Zoning Administrator.

**P. Landscaping in the Public Right-of-way between the Edge of Pavement and the Property Line.**

1. Property owners shall be responsible for maintaining landscaping within the public right-of-way along the entire frontage of the property unless otherwise determined by the Zoning Administrator.
2. No conversion of right-of-way landscaping to any other use or surface material shall be permitted without the written permission of the Zoning Administrator.
3. Landscaping and any other surface material located within the right-of-way between the edge of the traveled way and the property shall not be used for the storage, sale, display, or merchandise.

**5.5 Tree Protection**

**A. General:**

In order to maintain and promote the public health, safety and welfare, the City has established regulations governing the conservation, planting and replacement of trees. It is the City's intent to prevent the indiscriminate removal of trees without denying the reasonable use and enjoyment of real property. The importance of trees is recognized for their contribution toward quality of life. It is also the intent of these regulations that all applicable sites within the City maintain or obtain minimum tree density, as defined herein. Consistent with the expressed purpose of these regulations, all persons shall make reasonable efforts to preserve and retain trees located on its premise.

**B. Exemptions**

The following shall be exempt from the provisions of this section

1. The removal of trees from an owner-occupied, single-family lot not located within a development.
2. The removal of trees from horticultural properties such as farms nurseries or orchards.
3. The necessary removal of trees by a utility company within dedicated utility easements.
4. The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way.
5. The removal of trees from lakes and detention ponds and drainage easements.
6. The removal of any tree which has become or threatens to become a danger to human life or property.

**C. Land Disturbance Permit for Development Activity**

No person shall engage in a Development Activity and no Land Disturbance Permit shall be issued without first obtaining an approved site plan stamped and signed by the Chief Building Official.

No tree removal shall be approved for any site not under active development. For the purposes of this Ordinance, a site is not under active development unless there exists an approved development plan delineating the improvements to be constructed on the site

consistent with the use for which the site is zoned, and there is a reasonable certainty that construction is imminent.

**D. Tree Save Requirements**

No trees with a diameter of six (6) inches or over measured five (5) feet from the ground level shall be taken down, damaged or destroyed without prior written approval of Mayor and Councilor their designated representative. Trees fitting this description shall be given the designation of Specimen Tree and every effort shall be made by the developer, builder and homeowner to preserve such trees.

Limits of root damage shall be taken into consideration prior to such approval. Where approval is given for trees to be removed, two trees shall be planted for each one removed and a site plan must be submitted to show the type and size of replacement trees. All replacement trees must have a diameter of not less than two (2) inches measured twelve inches above ground level. It shall be the intent of this section to retain as many trees as possible for the visual attractiveness, natural preservation and energy conservation benefit gained by doing so.

**E. Tree Survey Plan and Inventory**

The tree survey as required in **Section 7.3** shall be in the form of a to-scale map or site plan prepared and sealed by a registered surveyor or registered engineer, noting the location of all trees within the area to be modified from its natural state.

**F. Shade Trees Planted by Developer**

As a requirement of development approval, where the development is not naturally wooded, the applicant shall plant shade trees on the property within the development. Trees are to be planted a minimum of within five (5) feet from the right-of-way of the road or roads within and abutting the development. One (1) tree shall be planted for every forty (40) feet of frontage along each side of the road. New trees shall have a minimum trunk diameter measured twelve (12) inches above the ground level of not less than two (2) inches. Only long-lived shade trees shall be planted.

**G. Maintenance of Planted Trees**

The developer shall be responsible for replacing any tree that dies within three years of the completion of the entire development or, if a phased development, within three years of the completion of the phase in which the now dead tree was planted.

**H. Tree Replanting Standards**

Unless otherwise approved by the City Manager, trees selected for replanting must be on the Tree Planting List listed in Section 5.5.I. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.

It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Accordingly, the replanted trees shall be of the same or similar species as those removed when practical.

### I. Recommended Species List of Overstory/Understory Trees

OVERSTORY	OVERSTORY
Scientific Name - Common Name	Scientific Name - Common Name
Acer babatum - Southern Sugar Maple	Acer buergerianum - Trident Maple
Acer floridum - Florida Maple	Amelanchier arborea - Serviceberry
Acer rubrum - Red Maple	Carpinus caroliniana - American Hornbeam, Muscledwood
Acer saccharum - Sugar Maple	Cercis Canadensis – Eastern Redbud
Betula nigra - River Birch	Cercis chinensis - Chinese Redbud
Carya flinoensis - Pecan	Chionanthus virginicus - Fringe tree, Grancy Greybeard
Carya ovata - Shagbark Hickory	Conunus coggygria - Common Smoketree
Castanea molissima - Chinese Chestnut	Crataetus phaenopyrom - Washington Hawthorne
Cunninghamia lanceolata - Common Chinafur	Cuoressocvoaris levfandii - Leyland Cypress
Fagus grandffolia - American Beech	Cyptomerla japonica - Japanese Cryptomeria
Fraxinas Pennsylvania - Green Ash	Haesia carolinia - Silverbell
Gingko biloba - Ginko, grafted	Llex attenuata - Savannah Holly
Juniperus virginiana - Eastern Red Cedar	Llex deciduas - Decidus Holly
Uquidambar styraciflua - Sweetgum	Llex x Nellie R Stevens - Nellis Stevens Holly
Uriodenendion tulipifera Yellow-poplar	Llex opaca - American Holly
Magnolia grandiflora - Southern Magnolia	Llex vomitoria - Yaupon Holly
Metasequoia glyptostroboides - Dawn Redwood	Koelreuteria bipinnata - Boouganville Golden Rain Tree
Nyssa aquatica - Swamp Tupelo	Koelreuteria paniculata - Paniced Golden Rain Tree
Nyssa syvatica - Black Gum	Largerstroemia species - Crapemyrtle
Oxydendrum - Sourwood	Maclura pomifera - Osage-orange
Pinus eliottff - Slash Pine	Magnolia Virginiana - Sweetbay Magnolia
Pinus strobes - White Pine	Magnolia x soulangiana -Saucer Magnolia.
Pinups taeda - loblolly Pine	Magnolia stelata - Star Magnolia
Pinus virginiana - Virginia Pine	Ma/us species - Flowering Crabapple
Plfantanus occidentalis - American Sycamore	Myrica cerifera - Waxmyrtle
Quercus accutissima - Sawtooth Oak	Ostrya Virginia - Ironwood Carolina Hornbeam
Quercus alba - White Oak	Oxydendrum aboreum - SourNood
Quercus coccinea - Scarlet Oak	Chinesis Pitachia - Chinese Pistache
Quercusfalcata - Southern Red Oak	Pyrus hybrids -improved flowering Pear
Quercus nigra - Water Oak	Sassafras ablblqum - Sassfrass
Quercus phelos - Willow Oak	Vitex agnus-castus - Chastetree
Quercus palustris - Pine Oak	Agrista leucothoe
Quercus prinus - Chestnut Oak	Agaristpopzd if alia
Quercus shumaroii - Shumard, Oak	Zelkova serrara - Japanese Zelkova
Sophora japonica - Japenese Pagodatree	
Taxodium disticum - Bald Cypress	
Tsuga canadensis - Canadian Hemlock	
Ulmus parvifolia - True Chinese Elm	

## 5.6 Subdivisions

### A. Required Improvements

1. Street Utility Improvements. In every major subdivision the following street improvements and utilities shall be planned for and provided by the sub-divider, by installation and payment prior to the approved Final Plat.
  - a. All streets shall be named and marked with signs and shall include street grading and street paving.
  - b. Sanitary sewer lines shall be provided unless paragraph c below applies.
  - c. If a sanitary sewer line cannot be connected to a trunk line sewer at the time of development of the subdivision, septic tanks or other approved dispose at services shall be installed by and at the expense of the sub-divider for interim use in conformance with the requirements of the Jackson County Health Department. These may be installed on individual lots as and when the lot is built upon.
  - d. Water mains within the subdivision with connections to each lot.
  - e. All utilities shall be installed underground in the street right-of-way.
2. Base and Paving shall consist of the following:
  - a. Fill Compaction: After grading of the roadway has been completed, the sub-divider shall provide two (2) copies of a compaction certificate certified by a registered engineer or certified testing laboratory stating that the road has been compacted to a ninety-eight (98%) percent density.
  - b. Base and Paving Requirements:
    - i. One and one-half (1 ½) inch plant mix asphalt Type "E" or "F" shall be applied on a base of six (6) inch crusher run stone or four (4) inch compacted asphalt concrete base compacted to ninety-eight (98%) compaction and primed with bituminous prime in accordance with DOT specifications for construction of road and bridges.
    - ii. A two (2) inch plant mix asphalt type "E" or "P" shall be applied on a base of six (6) inch crusher run stone compacted to a ninety-eight (98%) compaction and primed with a bituminous prime in accordance with DOT specifications for construction of road and bridges.
  - c. The sub-divider shall provide the City Building Official with two (2) copies of a certificate from an engineer certified private testing laboratory of the compaction test on the base before paving is commenced.
  - d. Concrete curbs and gutters shall be constructed with three thousand (3000) pound concrete at twenty-eight (28) day breaking strength. Concrete curb and gutter shall be six (6) inches by six (6) inches by twenty-four (24) inches, with expansion joints every ten (10) feet and expansion joints every fifty (50) feet.

Note: Bituminous prime tack coat surface treatment and hot mix asphaltic concrete paving courses shall be in accordance with DOT specifications.
3. Storm Drainage Facilities
  - a. A registered engineer must certify that the proposed storm drainage improvements, indicated on the subdivision plat are adequate.

- b. If a storm drainage system exists in the City of Commerce, then the proposed subdivision must contain an underground storm drainage system which will be connected to the existing area system. Such system shall be indicated on the plat.
  - c. If a storm drainage sewer system does not exist in the City of Commerce, then adequate surface drainage facilities, as certified by an engineer, shall be included in the subdivision and so indicated on the plat.
  - d. The developer shall be responsible for the relocation, improvement and/or extension of any public drainage way or structure that may be directed toward the proposed development if so required by the City of Commerce.
  - e. Where a proposed subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way along each side of the channel or course for the purpose of widening, deepening, relocating, improving or protecting such drainage easement.
4. Dedication of Land for Greenspace
- a. Every developer shall set aside a minimum of 20% of the total subdivision gross acreage as dedicated greenspace. Not over fifty (50) percent of this reserved area may be within a 50 year flood plain or a waterway.
  - b. All property proposed for greenspace shall be: (1) shown on the plat, and (2) be approved with respect to location and suitability.
  - c. The greenspace required by this ordinance shall be deeded to a Property Owners Association created by the developer, by recorded covenants, declaration and restrictions running with the land shall preserve and maintain for the use and benefit of the owners and occupants of lots and dwellings within the subdivision. If at any time, upon the determination by the governing authority the greenspace is not maintained and becomes a public nuisance, the governing authority shall serve the owner or persons involved with a notice, either personally or by certified mail describing the condition, stating the work necessary to remove the condition, and the time within which said work must be completed. If, at the end of the time so specified the work has not been performed the work shall be performed by the governing authority and the cost thereof shall constitute a lien against the owner's property with a minimum charge of \$1,000 per day or part thereof.
5. Sidewalks: Sidewalks shall be provided by the developer as required by this Ordinance and shall meet the design and location standards required in this Ordinance. All sidewalks shall be located a minimum of 2 feet from the back of curb and shall be a minimum of 5 feet in width and a minimum 3,000 psi. Control joints shall be provided every 10 feet. Sidewalks which are provided as part of Georgia Department of Transportation (DOT) will be built according to DOT standards.
6. Street Lights: Streetlights, as defined and approved, shall be provided by the developers of all new subdivisions. At the time of and as a requirement of submission of a Final Plat the developer shall submit a drawing(s) of the subdivision's layout showing locations of streetlights. This drawing must be approved by the Building Official prior to obtaining any building permit within that subdivision. Said layout may be shown on the Final Plat.

7. Median Divided Entrance: A median divided entrance shall be provided by the developers of all new subdivision. Prior to Planning Commission approval, the developer shall submit a detailed landscape plan of the median and the developments proposed signage for visual approval.
8. Owners Association: Documentation shall be provided by the developer showing that a property owners association will be created by the developer and will be taken over by the homeowners at subdivision build-out. Bylaws must be provided at the time of final plat submittal that provide for the financial responsibility of the homeowners to maintain all recreation areas, open space areas and common area.

## 5.7 Stormwater

(What are design requirements of stormwater controls – i.e. treat first 1.2 inches of rainfall etc...)

### A. Applicability

This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, development applications, and grading applications, unless exempt as specified in the Stormwater Ordinance. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

1. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;
2. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;
3. Any new development or redevelopment, regardless of size, that is defined by the Administrator to be a hotspot land use or,
4. Land development activities that are smaller than the minimum applicability criteria set forth in items A and B above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

### B. Stormwater Design Manual

The City of Commerce will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual for the proper implementation of the stormwater requirements. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

### C. Stormwater Management Plan Requirements

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the stormwater requirements outlined in Section 6.9 of these standards. .

This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the stormwater design manual.

The stormwater management plan must ensure that the requirements and criteria in this ordinance are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the stormwater design manual. This includes:

1. Common address and legal description of site
2. Vicinity Map
3. Existing Conditions Hydrologic Analysis  
The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.
4. Post-Development Hydrologic Analysis  
The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Section 4; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 4 must be met for the stormwater runoff from the entire site.
5. Stormwater Management System  
The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);

documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 4; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

6. **Post-Development Downstream Analysis**  
A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.
7. **Construction-Phase Erosion and Sedimentation Control Plan**  
An erosion and sedimentation control plan in accordance with the Commerce Erosion and Sedimentation Control Ordinance or NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
8. **Landscaping and Open Space Plan**  
A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
9. **Operations and Maintenance Plan**  
Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
10. **Maintenance Access Easements**

The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

11. **Inspection and Maintenance Agreements**

Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City as provided in Section 3.4 above, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Section 3.4.

12. **Evidence of Acquisition of Applicable Permits**

The applicant shall certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

**D. Structural Stormwater Controls**

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function.

**E. Drainage System Guidelines**

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

1. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
2. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and,
3. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

**F. Dam Design Guidelines**

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

**5.8 Erosion and Sedimentation Control**

Erosion and sedimentation control practices shall be conducted in accordance with the Commerce Soil Erosion and Sedimentation Control Ordinance whenever any activity is performed that requires a land disturbance permit. These requirements shall apply until the project is completed. As required by the Commerce Soil Erosion and Sedimentation Control Ordinance, best management practices shall be conducted as prescribed in the *Manual for Erosion and Sediment Control in Georgia*.