

## **Exhibit A.**

### **Sec. 12-58. Landscape maintenance and landscape ~~surety~~ **guarantee.****

- (a) *Maintenance.* The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping required pursuant to this article.
- (b) ~~Bond or surety~~ **Financial Guarantee.** Prior to issuance of a certificate of occupancy, the developer or owner may be required to post a performance **guarantee** ~~bond, cash escrow, or other financial instrument~~ guaranteeing all landscaping materials and work for a period of 2 years following approval or acceptance by the City of Powder Springs. **The following types of guarantees may be considered and accepted, subject to the approval of the city attorney:**
1. **An escrow of funds with the city; or**
  2. **An escrow with a bank or savings and loan association upon which the city can draw; or**
  3. **An irrevocable letter of commitment or credit upon which the city can draw; or**
  4. **A certificate of deposit with assignment letter.**
- (c) ~~Surety~~ **Financial Guarantee amount.** All required ~~bonds or~~ financial guarantees shall be in the amount of 10% of the estimated cost of replacing all of the landscaping required by these specifications, unless otherwise specified by the community development director.
- (d) *Inspection and release.* At the end of the 2-year period, the city shall inspect the property and notify the owner or developer of any deficiencies to be corrected. If the site landscaping is determined to be in compliance with the approved plan and well maintained, the community development director shall release the ~~bond or financial~~ **guarantee.** ~~surety.~~

## **Exhibit B.**

### **ARTICLE 9. - SOIL EROSION AND SEDIMENTATION CONTROL**

#### **Sec. 9-22. Permit application requirements.**

No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Powder Springs without first obtaining a permit from the City of Powder Springs to perform such activity and providing a copy of Notice of Intent submitted to EPD, if applicable. The following permit applications procedures are hereby established and shall control processing and issuance of permits under this article:

- (a) *Plan and data.* The application for a permit shall be submitted to the City of Powder Springs and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in section 9-23 of this article. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of this article will be met...
- (b) *Fees.* In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In accordance with subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the division and half shall be submitted to the City of Powder Springs; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
- (c) ...
- (e) ~~*Bond*~~ *Financial Guarantee*. The City of Powder Springs may require the permit applicant to post a ~~bond~~ **financial** guarantee in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the City of Powder Springs may claim the ~~bond~~ **financial guarantee** or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

The following types of guarantees may be considered and accepted, subject to the approval of the city attorney:

1. An escrow of funds with the city; or
2. An escrow with a bank or savings and loan association upon which the city can draw; or
3. An irrevocable letter of commitment or credit upon which the city can draw; or
4. A certificate of deposit with assignment letter.

## **Exhibit C.**

### **ARTICLE 8. - LAND DEVELOPMENT REQUIREMENTS**

#### **Sec. 8-32. Clearing limits.**

- (a) Clearing and land disturbing activities are subject to the limits of section 12-13 of this development code. ~~The community development director shall not authorize a development plan that proposes the clearing of more than 8 acres of land without the specific authorization of the Mayor and City Council.~~ Clearing for other than installation of infrastructure, right-of-way, or parking areas (for commercial, industrial or institutional developments) on a subsequent phase may not begin until 50% of the structures in the previous phase have been issued building permits and 25% of the structures in the previous phase have been issued certificates of occupancy.
- (b) No clearing or land disturbing activity shall occur beyond the limits of clearing shown on approved development plans.
- (c) If the development on the site stalls for a period of 6 months or more, the site be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.

## **Exhibit D.**

### **ARTICLE 6 - ACCESS, PARKING AND LOADING**

#### **Sec. 6-58. Parking lot surfacing.**

- (a) Parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or other dust-free surface; provided, however, that porous pavement parking spaces and grass pavers may be substituted for standard dust free pavements as specified in section 6-87, "Use Division of Large Parking Lots."
- (b) Off-street parking areas for single-family and two-family dwellings shall be improved with a concrete surface at least 4" thick. **Additionally:**
  - 1. The installer must ensure that installation occurs during optimal weather conditions or make adjustment using additives to prevent shrinkage cracks, surface cracks or structural cracks.
  - 2. The sub-base should be compacted to 95% or consist of crush-n-run material.
  - 3. The concrete mixture should have a minimum strength of 3000 PSI.
  - 4. Commercial grade fiber mesh is required in the concrete pour for residential driveways.
  - 5. Cracks in control joints are acceptable and only one (1) additional crack is allowed per driveway. Cracks must be sealed. Where cracks exist, an engineer's certification of structural soundness must be provided.
  - 6. No cracks are allowed in sections of concrete that are located within the right-of-way.
- (c) Asphalt surfacing of residential driveways shall not be permitted except by special use.
- (d) Aggregate (gravel) surface may be considered appropriate and approved by the community development director in rural or low-density residential areas by a special use approval by the Mayor and Council. Water quality effectiveness and character of the zoning district shall be considered in determining surfacing requirements. Any permitted aggregate surface shall be maintained with rock or stone not more than one inch in diameter with an average depth of 2" and a minimum depth of one inch. The rock or stone may not contain dirt, sticks, construction debris, or other foreign matter. Sand rock or stone powder, crush and run or other similar material is prohibited. Aggregate surface shall be contained to prevent migration of the gravel onto other areas.
- (e) Off-street parking areas for uses other than single-family and two-family dwellings shall be improved with a permanent dust-free surface consisting of a minimum of a 6" graded aggregate base overlaid with a 2" Type B binder and a 1½" Type E asphaltic concrete wearing surface.
- (f) In the LI and HI Industrial zoning districts, the above type of surface is required for customer, visitor, and employee automobile parking. In the LI and HI Industrial zoning districts the following surface is required in areas used for loading docks and parking of commercial trucks and other commercial equipment:
  - a. An 8" graded aggregate base, overlaid with a 2" Type B binder and a 1½" Type E asphaltic concrete wearing surface; or
  - b. A 10" graded aggregate base, overlaid with a 12" course of 3,000 P.S.I. concrete.

## **Exhibit E.**

### **ARTICLE 5. - SITE AND ARCHITECTURAL DESIGN REVIEW**

#### **Sec. 5-88. ~~Front~~Yard landscaping.**

- (a) Sodded ~~front, side and rear~~ yards ~~may be~~ are necessary for consistency in ~~some~~ city neighborhoods.
- (b) Unless street trees already exist or a different street tree standard applies, front lawns should be supplemented with 2 street trees and 5 shrubs.

## **Exhibit F.**

### **ARTICLE 1. - GENERAL PROVISIONS**

#### **Sec. 1-35. Open Space.**

All single-family and multi-family developments with more than 20 units shall provide open space as specified in this section, except for Conservation Subdivisions which shall meet the open space requirements specified in Article 15, Division IX. The following standards shall apply to open space:

- (a) At least 20% of the site shall be set aside as open space.
  - (b) Open spaces must be designed to be accessible to all residents of the development.
  - (c) ...
  - (e) Community recreational amenities such as playing fields, playgrounds, tennis courts, basketball courts, and swimming pools are required for all residential developments as indicated below. No more than 25% of the total area of recreational amenities may be contributed to open space. In addition to the requirements of Section 4-100, the following standards apply:
    - 1. Required amenities for single-family detached and single-family attached developments.
      - i. 1-19 units: no amenities are required.
      - ii. 20-50 units: must include at least one amenity.
      - iii. 51-100 units: must include at least two amenities.
      - iv. 101+ units: must include at least three amenities.
    - 2. Required amenities for multi-family developments.
      - i. 1-19 units: no amenities are required.
      - ii. 20-50 units: must include at least one amenity.
      - iii. 51+ units: must include at least two amenities.
    - 3. When a residential development has more than 50 dwelling units, an indoor community recreation facility or clubhouse must be constructed for use by residents of the development.
      - i. When constructed as a separate structure, the facility or clubhouse must be at least 1,200 square feet in floor area.
      - ii. When located within a multi-family residential building, the facility or clubhouse must be at least 800 square feet in floor area.
    - 4. **Mail Kiosks.** All mail kiosks within residential developments shall be constructed with a durable, weather-resistant roof or covering to protect users and mail from inclement weather.
      - i. Mail kiosks shall incorporate architectural features and materials that are substantially consistent with the design and appearance of the residential units within the development. This includes but is not limited to: Roof Design; Exterior Materials; Color Scheme; and Architectural Details.
      - ii. Plans for mail kiosks shall be submitted for Design Review and approval by the Community Development Department.
      - iii. Mail kiosks must be maintained in good condition, ensuring ongoing consistency with the aesthetic and structural quality of the development.
      - iv. The kiosk must be lighted or well served by a nearby street lamp.
- f. Open space shall comply with the regulations of Sec. 1-81, as applicable, or be permanently ...