



August 02, 2021

Honorable Mayor and Councilors
 City Manager
 City Attorney
 Clerk of Council

This application comes at the request of the Columbus Consolidated Government.

Various requests to the UDO from staff.

Subject: (REZN-06-21-1200) Request to amend the text of the Unified Development Ordinance (UDO) in regards to Table 3.1.1. – Solid Waste Transfer Station; Section 3.2.76 – Solid Waste Transfer Station; and Chapter 13 Definitions to read as follows:

UNIFIED DEVELOPMENT ORDINANCE REVISIONS
 (Explanation of Revisions)

1. Explanation of Revisions: Amend Table 3.1.1. by permitting Solid Waste Transfer Station in the following districts:

Use Category	HI ST	RE 10	RE 5	RE 1	RE T	SF R1	SF R2	SF R3	SF R4	RM F1	RM F2	M HP	U PT	C R D	N C	R O	C O	G C	S A C	L MI	H MI	TE C H	NO TES
Solid Waste Transfer Station																				SE	SE		*

2. Explanation of Revisions: Amend Chapter 3 to create Section 3.2.76 to add additional standards to Solid Waste Transfer Station:

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>CHAPTER 3</p> <p>N/A</p>	<p>CHAPTER 3</p> <p>Sec. 3.2.76 – Solid Waste Transfer Stations.</p> <p>A solid waste transfer station shall comply with Article VII, Chapter 13 of the City of Columbus Code, and all applicable requirements of that code and this UDO.</p>

3. Explanation of Revisions: Add Solid Waste Transfer Facility to Chapter 13.

<p>CHAPTER 13</p> <p>N/A</p>	<p>CHAPTER 13</p> <p><i>Solid waste transfer station</i> shall mean a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility.</p>
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ADDITIONAL INFORMATION:

Advanced Disposal reached out to the Planning Department in late spring about possibly moving off Veterans Parkway. We held a Teams meeting with them and upon review, discovered that the City Code has a whole section on Solid Waste Transfer Stations but the UDO had nothing. Therefore, what we are bringing to Council is a Text Amendment to bring the UDO into compliance with Chapter 13 of the City Code. This text amendment recommends that Solid Waste Transfer Stations be permitted as a Special Exception Use (SEU) in LMI (Light Manufacturing / Industrial) and HMI (Heavy Manufacturing / Industrial). The Text Amendment will be on the 8/24 Council agenda.

Please emphasize that this is NOT a site-specific issue; merely an attempt to fix an omission in the UDO. If approved, Advanced Disposal or any other waste entity would have to file a Special Exception to

locate in LMI or HMI. That would be site-specific at that point. The SEU would go through the zoning process and would be heard before PAC and Council.

- A. Request to amend the text of the UDO in regards to Section 12.3.5 – Violation of Soil Erosion and Sedimentation Provisions; and Section 12.5.4 – Violation of Other Provisions.

4. Explanation of Revisions: Create minimum fines for offenses.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p style="background-color: yellow; display: inline-block; padding: 2px;">CHAPTER 12</p> <p>Section 12.5.3. Violation of Soil Erosion or Sedimentation Provisions.</p> <p>Any violation of the provisions of these development regulations adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, shall be subject to the penalties or fines listed below.</p> <p>A. <i>Civil Monetary Penalties.</i> Soil erosion or sedimentation violations shall be subject to a civil penalty assessed and collected by the City.</p> <p style="padding-left: 40px;">1. <i>Maximum Penalty.</i></p> <p style="padding-left: 80px;">(A) Any person who violates any provisions of this UDO adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, or permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Engineering Director issued as provided in this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.</p>	<p style="background-color: cyan; display: inline-block; padding: 2px;">CHAPTER 12</p> <p>Section 12.5.3. Violation of Soil Erosion or Sedimentation Provisions.</p> <p>Any violation of the provisions of these development regulations adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, shall be subject to the penalties or fines listed below.</p> <p>A. <i>Civil Monetary Penalties.</i> Soil erosion or sedimentation violations shall be subject to a civil penalty assessed and collected by the City.</p> <p style="padding-left: 40px;">1. <i>Maximum Penalty.</i></p> <p style="padding-left: 80px;">(A) Any person who violates any provisions of this UDO adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, or permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Engineering Director issued as provided in this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.</p>

(B) For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation. N/A

2. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

Section 12.5.4. Violation of Other Provisions.

A. *Maximum Civil Penalty.*

1. Any person who violates any provisions of this Code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Code or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director of Planning, the Director of Inspections and Codes, the Director of Engineering, or the City Arborist issued as provided in these this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.

(B) For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation. Any person violating any provision of this Article shall be fined \$500.00 for the first offense and shall be fined \$1,000.00 for a second and subsequent offense at the same property location.

2. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

Section 12.5.4. Violation of Other Provisions.

A. *Maximum Civil Penalty.*

1. Any person who violates any provisions of this Code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Code or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director of Planning, the Director of Inspections

<p>2. For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation.</p> <p>N/A</p> <p>B. <i>Separate Offense.</i> Each day the violation continues shall constitute a separate offense.</p>	<p>and Codes, the Director of Engineering, or the City Arborist issued as provided in these this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.</p> <p>2. For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation. . Any person violating any provision of this Article shall be fined \$500.00 for the first offense and shall be fined \$1,000.00 for a second and subsequent offense at the same property location.</p> <p>B. <i>Separate Offense.</i> Each day the violation continues shall constitute a separate offense.</p>
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ADDITIONAL INFORMATION:

At the request of the Engineering Department and the Inspections and Code Enforcement Department, we are asked to review if minimum fines were prudent as it relates to violations. For years violators have gotten lenient sentences (fines) by judges when it comes to these violations. Inspectors sit in court for hours only to see violators (usually repeat offenders) get a minor penalty.

Upon review, the UDO only addresses violations of sedimentation provisions and soil erosion. There is no minimum fine. Planning worked with both departments as well as the City Attorney’s Office to create minimum fine language. Regarding Inspections and Codes, the City Attorney will provide new minimum violation fines for offenses that are written for their department (those fines are not in the UDO).

- B. Request to amend the text of the UDO in regards to Section 1.2.7 – Zoning District Boundaries by adding new subsection J.

5. Explanation of Revisions: Amend Section 1.2.7. – Zoning District Boundaries by adding subsection J.:

<p>CHAPTER 1</p> <p>Section 1.2.7. Zoning District Boundaries.</p> <p>Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the rules stated below shall apply.</p> <ul style="list-style-type: none">A. <i>Rivers, Streams, and Canals.</i> Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.B. <i>Centerlines.</i> Boundaries indicated as approximately following the centerlines of streets, railroads, highways, or alleys shall be construed to follow such centerlines.C. <i>County Limits.</i> Boundaries indicated as approximately following County limits shall be construed as following such County limits.	<p>CHAPTER 1</p> <p>Section 1.2.7. Zoning District Boundaries.</p> <p>Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the rules stated below shall apply.</p> <ul style="list-style-type: none">A. <i>Rivers, Streams, and Canals.</i> Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.B. <i>Centerlines.</i> Boundaries indicated as approximately following the centerlines of streets, railroads, highways, or alleys shall be construed to follow such centerlines.C. <i>County Limits.</i> Boundaries indicated as approximately following County limits shall be construed as following such County limits.
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<p>D. <i>Distances.</i> Distances not specifically indicated on the Official Zoning Map or contained in the legal description contained in the ordinance to amend the Official Zoning Map shall be determined by the scale of the Map.</p> <p>E. <i>Parallel Lines and Extensions.</i> Boundaries indicated as parallel to or extensions of features indicated in this Section shall be so construed.</p> <p>F. <i>Platted Lot Lines.</i> Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.</p> <p>G. <i>Rights-of-way Vacations.</i> If a street or other public right-of-way is vacated, where a district boundary is indicated following the right-of-way line at the edge of the street, such boundaries shall be construed as moving to the centerline of the vacated street.</p> <p>H. <i>Specific Dimensions.</i> Where specific dimensions indicate district boundaries, such specific dimensions shall control.</p> <p>I. <i>Interpretation.</i> Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning Map or in other circumstances not covered by this Section, the Board of Zoning Appeals (BZA) shall interpret the district boundaries.</p> <p style="text-align: center;">N/A</p>	<p>D. <i>Distances.</i> Distances not specifically indicated on the Official Zoning Map or contained in the legal description contained in the ordinance to amend the Official Zoning Map shall be determined by the scale of the Map.</p> <p>E. <i>Parallel Lines and Extensions.</i> Boundaries indicated as parallel to or extensions of features indicated in this Section shall be so construed.</p> <p>F. <i>Platted Lot Lines.</i> Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.</p> <p>G. <i>Rights-of-way Vacations.</i> If a street or other public right-of-way is vacated, where a district boundary is indicated following the right-of-way line at the edge of the street, such boundaries shall be construed as moving to the centerline of the vacated street.</p> <p>H. <i>Specific Dimensions.</i> Where specific dimensions indicate district boundaries, such specific dimensions shall control.</p> <p>I. <i>Interpretation.</i> Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning Map or in other circumstances not covered by this Section, the Board of Zoning Appeals (BZA) shall interpret the district boundaries.</p> <p>J. If, because of error or omission on the Zoning Atlas; because public property is sold to private individuals; or because of annexation of territory to Columbus, Georgia, any property in Columbus is not shown as being in a zoning district, the zone classification of such property shall be SFR2 (Single</p>
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	Family Residential 2) District unless changed by amendment to the Zoning Ordinance.
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ADDITIONAL INFORMATION:

The 1998 Zoning Ordinance and all previous ordinances had a clause that addressed land annexed into Columbus or converted from public ownership to private ownership and how it would be zoned if it had no underlying zoning district. This clause did not make into the UDO but should have been included.

Recommendations:

The Planning Advisory Commission (PAC) considered this text amendment at their meeting on July 21, 2021. PAC recommended **approval** by a vote of 4-2.

The Planning Department recommends **approval**.

Sincerely,

Rick Jones, AICP
Director, Planning Department