

APPENDIX A: CITY OF CHATTAHOOCHEE HILLS

DRAFT UNIFIED DEVELOPMENT CODE (UDC)

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ARTICLE I. INTRODUCTORY PROVISIONS

Sec. 1-1 Title

This document is "The Unified Development Code of the City of Chattahoochee Hills, Georgia," and is referred to or cited throughout the document as "this UDC."

Sec. 1-2 Authority

This UDC is enacted pursuant to the City's authority of the Constitution of the State of Georgia and by laws enacted pursuant to the Constitution.

Sec. 1-3 Zoning Compliance Law

- A. This UDC is crafted as a series of articles.
- B. ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE V, ARTICLE VI, and ARTICLE VII are intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq. Changes to the text of these articles, as well as official zoning map amendments and other zoning actions addressed in those articles, require compliance with the amendment procedures provided in Sec. 3-3 and in said state statute.
- C. The remaining articles are not intended to constitute a zoning ordinance and may be amended using the City's general procedures for ordinance amendments, except as otherwise provided in this UDC.

Sec. 1-4 Purpose

- A. The City Council enacts into law this UDC for the following purposes:
 - 1. Promote the health, safety, and general welfare of the present and future inhabitants of the city;
 - 2. Improve community appearance;
 - 3. Secure safety from fire, panic and other dangers;
 - 4. Facilitate the adequate provision of transportation, water, schools, parks and other public requirements;
 - 5. Further traffic safety;
 - 6. Facilitate safe, attractive, and convenient pedestrian circulation and

minimize conflicts between pedestrians and vehicles;

- 7. Protect property against blight and depreciation;
- 8. Secure economy in government expenditures;
- 9. Provide retail, service, and employment opportunities to the residents of the city and the surrounding communities;
- 10. Provide opportunities for economic development;
- 11. Avoid urban sprawl;
- 12. Maintain rural character while encouraging sustainable development;
- 13. Encourage the most appropriate use of land, buildings and other structures throughout the city;
- 14. Promote the orderly, planned, efficient, and economic development of the city and guide future growth in accordance with the Comprehensive Plan;
- 15. Provide adequate open space, light, and air; preventing the overcrowding of land;
- 16. Provide access to nature and opportunities to experience nature;
- 17. Prevent the pollution of air, land, streams, and ponds; encourage the wise use and management of natural resources throughout the city; and preserve the topography and beauty of the community and the overall value of land.
- 18. Ensure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities;
- 19. Help eliminate the costly maintenance problems that develop when thoroughfares and lots are established

without proper consideration given to various public purposes;

20. Create walkable centers where people can live, work, play, and worship without the use of a car;

- B. In recognition of the changing needs and dynamic economy of a growing community, the City Council finds that periodic updates of this UDC will be necessary to maintain a proper relationship between the provisions of the article and various community plans. In order to fulfill the above-stated purposes to the best of its abilities, the City Council commits not only to the enforcement of this UDC, but to its maintenance and updating as the community's normal planning and review process may dictate.

Sec. 1-5 Applicability

- A. Territorial application. This UDC shall apply to all land, uses, buildings, and structures within the corporate boundaries of the City.
- B. General application. In their interpretation and application, the provisions of this UDC shall be deemed the minimum requirements for the promotion and protection of the public health, safety, and welfare.
- C. Required conformance. All buildings, structures, land, or open space, in whole or in part, shall be used or occupied in conformance with this UDC. No buildings or structures, in whole or in part, shall be erected, constructed, reconstructed, moved, or structurally altered unless in conformance with this UDC and the requirements of the district in which it is located.
- D. Control over less restrictive private Agreements. This UDC shall not nullify any private agreement or covenant. However, when this UDC is more restrictive than a private agreement or covenant, this UDC shall control. The City shall not enforce any private agreement or covenant.
- E. Control over less restrictive laws and regulations. If any condition or requirement imposed by this UDC is more restrictive than a condition or requirement imposed by any other law, rule, or regulation, the more

restrictive condition or requirement shall govern.

- F. Conflict. If any condition or requirement imposed by this UDC contains an actual, implied, or apparent conflict, the more restrictive condition or requirement shall control except as otherwise specifically noted.
- G. References to other laws. Whenever a provision of this UDC refers to any other part of the Chattahoochee Hills City Code or to any other law, the reference applies to any subsequent amendment of that law.
- H. State farming and hunting statutes. Nothing in the UDC shall restrict or prohibit the right to farm or hunt on property as provided in state law.
- I. Text and graphics. Illustrations, photographs, and graphics are included in this UDC to illustrate the intent and requirement of the text. In the case of a conflict between the text of this UDC and any Illustrations, photographs, and graphics, the text shall govern.

Sec. 1-6 Minimum Requirements

- A. In their interpretation and application, the provisions of this UDC shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare.
- B. The regulations set forth in this UDC for each zoning district are the minimum regulations that apply uniformly to each class or kind of structure or land. The following regulations also shall apply to each type of use listed, whether such use is authorized as of right or by special permit. When applied to special permits these regulations shall be in addition to all additional criteria and procedures set forth in ARTICLE VII.

Sec. 1-7 Enactment and Effect

- A. This UDC takes effect and is in force upon its adoption by City Council.
- B. This UDC shall apply to all applications received on or after its effective date. Any application received prior to its effective date shall be processed under the provisions of

the ordinances in effect on the date that the application was received and deemed complete.

Sec. 1-8 Prior Approvals

- A. Nothing contained in this UDC shall require any change in plans, construction, alteration, or designated use of a structure for which a complete application for a building permit has been filed with the appropriate City authorities before the effective date of this UDC.
- B. Changes to the official zoning map and any associated master site plans, master plan reports, or conditions approved by the City under the former zoning ordinance shall remain in full force and effect and enforceable under this UDC.
- C. Variances and any associated master site plans, master plan reports, or conditions approved by the City under the former zoning ordinance shall remain in full force and effect and enforceable under this UDC.
- D. Conditional uses and any associated master site plans, master plan reports, or conditions approved by the City under the former zoning ordinance shall remain in full force and effect and enforceable under this UDC.
- E. Modification or the repeal of any approval identified in subsections (B) through (D) above shall only be accomplished in accordance with Sec. 3-3.

Sec. 1-9 Transitional Provisions

Buildings and structures where construction has begun. To avoid undue hardship, nothing in this UDC shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued prior to the effective date of this UDC or amendment thereto, provided:

- A. Such permit or approval has not by its own terms expired prior to such effective date;
- B. Actual building construction is commenced prior to the expiration of such permit or approval;
- C. Actual building construction is carried on pursuant to said permit or approval and

limited to and in strict accordance with said permit or approval; and

- D. No renewals or extensions of said permit or approval shall be authorized.

Sec. 1-10 Severability

If any section, subsection, paragraph, clause, sentence, or provision of this UDC is adjudged by any court of competent jurisdiction to be invalid or unconstitutional, that judgment does not affect, impair, invalidate or nullify the remainder of this UDC. The effect of the judgment is confined to the section, subsection, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

Sec. 1-11 Official Zoning Map

- A. The Official Zoning Map for the City of Chattahoochee Hills is incorporated and made part of this UDC.
- B. The original Official Zoning Map must be kept on file with the City Clerk. The map must indicate the date of the adoption, be signed by the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the City of Chattahoochee Hills Unified Development Code," together with the map's date of adoption and notation of any map amendments.
- C. The City Council may, from time to time, readopt the Official Zoning Map.
- D. The Official Zoning Map may be kept electronically in a Geographic Information System. Any copy of the Official Zoning Map published on the web or otherwise portrayed electronically does not constitute the original Official Zoning Map.
- E. The Zoning Administrator may make paper copies of the Official Zoning Map available to the public for a reasonable fee.

Sec. 1-12 Establishment of Zoning Districts

For the purposes of this UDC, the city is divided into zoning districts that provide opportunities for residents of the city to conduct business and to interact with nature, with agriculture, and with others. The zoning districts of the city are designated as follows.

Rural Districts
Rural (RL)
Hamlet and Village Districts
Low-Density Residential Hamlet (HM-LDR)
Medium-Density Residential Hamlet (HM-MDR)
Special-District Hamlet (HM-SD)
Mixed-Use Hamlet (HM-MU)
Village (VL)
Historic Crossroads Districts
Historic Crossroads - Rico (HC-R)
Historic Crossroads - Campbellton (HC-C)
Other Districts
Parkway-Commercial (PC)

Sec. 1-13 Interpretation of Map Boundaries

A. Rules for interpretation. When the Zoning Administrator determines that uncertainty exists with respect to the location of the boundaries of any zoning district as set forth on the official zoning map, the following rules shall apply:

1. Where possible, a file pertaining to a change to the official zoning map, which includes a correct legal description and minutes of the City Council public hearing, shall be used for delineating zoning boundaries.
2. Where a zoning district boundary line is shown as approximately following a corporate limits line, a land lot line, a lot line or the center line of a thoroughfare, a City road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
3. Where a zoning district boundary line is shown as being set back from a thoroughfare, a City road, a state highway, an interstate highway, or a railroad right-of-way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the center line of a thoroughfare, state highway, interstate highway, or railroad right-of-way and as being parallel thereto.

4. In the case of a through lot fronting on two approximately parallel thoroughfares that is divided by a zoning district boundary line paralleling the thoroughfares, the restrictions of the zoning district in which each frontage of the multiple frontage lot lies shall apply to that portion of the multiple frontage lot.
5. Where zoning district boundaries are in doubt, the Zoning Administrator shall make such interpretation using the appropriate scale from the official zoning map.

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Sec. 1-14 Relationship to Comprehensive Plan

A. The City of Chattahoochee Hills Comprehensive Plan, including its Future Development Map and related policies, as may be amended from time to time, is hereby established as the official policy of the City concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property shall be zoned in the City. The relationship between zoning districts and future development categories shall be as follows.

Future Development Category	Zoning District
Preferred Agricultural and Rural Residential	RL, HM
Preferred Village Area	RL, HM, VL
Mixed-use Hamlet	HM-MU
Parkway-Commercial	RL, PC
Crossroads Community	RL, HC

B. Exception. Portions of a given Village (VL) district may extend outside of the Preferred Town and Village Area but no more than 20% of the total land devoted to commercial, institutional, and industrial uses shall be outside the preferred area.

Sec. 1-15 UDC Administration

A. *Zoning Administrator.* The Zoning Administrator shall administer this UDC, except as otherwise provided in this UDC. It shall also be the duty and responsibility of each officer and employee of the City, especially each member of the Police and Fire Departments, to assist the Zoning

Administrator by reporting new construction, reconstruction, new land uses, and apparent violations of this UDC.

B. *Zoning Administrator Powers.* The Zoning Administrator shall have those powers and duties expressly identified in this section and this UDC, including, but not limited to:

1. The authority to administer, interpret, and enforce the provisions of this UDC, and to require and approve land development improvements and to require improvement guarantees for public improvements as specified in this UDC.
2. The authority and sole discretion to require and/or accept documents required by this UDC electronically, upon a determination that doing so will assist the Zoning Administrator and the public in the administration of this UDC.
3. The authority to inspect premises proposed for subdivision or land development, including any improvements within such subdivision or land development, to determine compliance with the requirements of this UDC and other laws and regulations of the City. No person shall refuse entry or access to any person authorized to conduct inspections who presents appropriate credentials for same, nor shall any person obstruct, hamper, or interfere with any such person while in the process of carrying out his official duties.
4. The authority to establish procedures for inspection of land development activity at various intervals in the development process, including without limitation inspection procedures for erosion control, the initiating of grading or land-disturbing activity, installation of on-site sewage disposal systems or sanitary sewer, installation of storm drainage pipe, detention, or other stormwater facilities, and installation of thoroughfare curbing and gutter, thoroughfare sub-grade, base, or paving.

5. The authority to review and grant administrative variances in accordance with Sec. 3-18.

6. The authority to review and grant Special Administrative Permits in accordance with Sec. 3-15.

7. The authority to review, approve, conditionally approve or deny final plats of minor subdivisions, farmette subdivisions, lot combination plats, lot line adjustments, construction plans and final plats of major subdivisions when preliminary plat approval has been obtained from the City Council.

8. The authority to review major subdivisions for conformity to the requirements of this UDC, to make reports and recommendations to the Planning Commission and the City Council on major subdivisions.

9. The authority to issue written zoning verifications stating the existing zoning of a particular parcel of property, including conditions and nonconforming situations applicable thereto. Requests to the Zoning Administrator shall be in writing, accurately identify the property, and be accompanied by a fee established by the City Council.

10. The authority to prepare and recommend standard drawings and construction specifications for private and public improvements not specified in this UDC. Upon their adoption by the City Council, they shall become mandatory.

C. *Exemptions to Zoning Administrator Powers.* The powers authorized in subsection (B) above do not extend to other ordinances or regulations referenced in this UDC. Those other ordinances and regulations are administered by the directors of the departments responsible them, as established by the County or City Council.

D. *Appeals.* Any person aggrieved by an interpretation or decision of the Zoning Administrator or other official responsible for the administration of this UDC may file an

appeal to the City Council in accordance with Sec. 3-19.

- E. **Fees.** The fees for various applications required by this UDC shall be as set by separate resolution of the City Council. Required fees shall not be refunded once submitted.

Sec. 1-16 Nonconformities

A. **Generally.**

1. Within the zoning districts established by this UDC, or in other provisions or amendments, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings and structures that were lawful before this UDC and the subsequent official zoning map were adopted, but that would be prohibited under the terms of this UDC or future amendments.
2. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the districts involved. It is the intent of the City to require the cessation of certain of these nonconforming situations, and to allow others to continue, on a limited basis, until they are otherwise removed or cease. It is further the City's intent that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this UDC, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of non-conformity.

- B. **Nonconforming Open Uses of Land.** Nonconforming uses consisting of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this UDC in the district in which it is located, shall be governed by the following restrictions in

addition to the other requirements in this UDC:

1. When any portion of a nonconforming open use of land has been changed to a conforming use, said portion shall not thereafter be used for any nonconforming use.
 2. No nonconforming open use of land shall be enlarged to cover more land than was previously occupied by such nonconforming use.
 3. When any portion of a nonconforming open use of land is discontinued for a continuous period in excess of one year, any future use of such land shall be limited to those uses permitted in that district under the provisions of this UDC. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision, unless such cessation is a direct result of governmental action impeding access to such land.
- C. **Reversions and Changes.** Any nonconforming use, use of land or building in combination, open use of land, use of land and structure in combination, nonconforming lot of record, or nonconforming characteristic ("nonconforming situations") that is changed to a conforming state shall not be permitted to revert to a nonconforming situation. No nonconforming situation shall be changed to another nonconforming situation.
- D. **Nonconforming Use of Land and Building/Structure in Combination.** The following regulations apply to the nonconforming use of land and buildings in combination and the nonconforming use of land and structures in combination:
1. Such uses of land and buildings or land and structures may be continued, but no such use which has been discontinued for a continuous period of one year shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.
 2. Such uses of land and buildings or land and structures, or any such building or

structure, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

3. A nonconforming use of a building may be extended into those interior parts of a building which were constructed and manifestly designed for such use prior to the enactment of the ordinance from which this UDC is derived.
- E. Nonconforming characteristics of buildings, structures and uses. No building, structure or use with nonconforming characteristics shall be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- F. Area extensions prohibited. A nonconforming use, or building or structure in combination with a use, or building or structure with nonconforming characteristics, shall not be extended or enlarged beyond the area of use or beyond the conforming size, height, or other dimensions or characteristics of the building or structure as it existed on the effective date of this UDC or amendments applicable thereto rendering such situations nonconforming.
- G. Reconstruction. Any building or structure constituting a nonconforming use of land and building, nonconforming use of land and structures, or building or structure with nonconforming characteristics that has been unintentionally damaged by fire or natural causes such as flood or storms, may be reconstructed to its previous nonconforming characteristics and used as it was prior to damage if development permits for the reconstruction are applied for within one year of the date of the damage.
- H. Buildings and Structures. Nothing in this UDC shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.
- I. Lots
 1. *Lot frontage.* Every building hereafter erected or moved shall be located on a lot that fronts on a thoroughfare, open space, civic space, or cottage court mews, except that up to 12 single-

family residential lots in the Rural (RL) district may front an access easement that connects to a thoroughfare or open space. Alleys may not be used to satisfy this requirement. All structures shall be located on lots as to provide safe and convenient access for servicing and fire protection.

2. *Lot reduction prohibited.* No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the front, side, or rear yards, or other requirements of this UDC are not maintained. Yards or lots created after the effective date this UDC shall meet at least the minimum requirements established by this UDC. This section shall not apply when a portion of a lot is acquired for a public purpose.
3. *Lots not meeting minimum lot size requirements.* When a lot has an area which does not conform to the requirements of the district in which it is located (see [Sec. 6-3D](#)), but was a lot of record on the effective date of this UDC or upon amendments thereto, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this UDC are met.

Sec. 1-17 Enforcement

- A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use of any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this UDC.
- B. Violations. If the Zoning Administrator finds that activities do not comply with the provisions of this UDC or of a permit issued under this UDC, or without authorization of a permit which would otherwise be required by this UDC, the Zoning Administrator is authorized to suspend or invalidate such permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summonses to any court of competent jurisdiction, or take any

other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety, and welfare.

- C. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this UDC to ensure compliance with or to prevent violation of its provisions. If it is found that any of the provisions of this UDC are being violated, the Zoning Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition prior to enforcement of this UDC.
- D. All uses of land, buildings, or structures shall be completed in accordance with approved plans and permits, including any conditions attached thereto. The building inspector shall make periodic field inspections as required. When a violation is found to exist, the building inspector shall immediately advise the Zoning Administrator of the violation so that appropriate action may be taken to ensure compliance. No certificate of occupancy shall be issued unless all improvements, landscaping, and facades are completed in accordance with the approved plans and permits.
- E. Any person, firm or corporation violating any provision of this UDC shall be deemed guilty of an offense and, upon conviction in recorder's court, shall be fined. Fines shall be assessed according to a schedule of fees adopted by the City Council. Each day such

violation continues shall constitute a separate offense.

- F. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- G. Nothing herein contained shall prevent the City from taking any such other lawful action as is necessary to prevent or remedy any violation, or to abate any nuisance.
- H. Remedies.
 - 1. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this UDC, the City Council, the Zoning Administrator, or the City Attorney, in addition to other remedies, may institute injunction, mandamus, or other appropriate action to stop, prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.
 - 2. Appropriate civil actions may also be taken by law or in equity to prevent any violation of this UDC; to prevent unlawful construction; to recover damages; to restrain or enjoin, correct, or abate a violation; or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the remedies provided in "A" immediately above.

ARTICLE II. DEFINITIONS

Sec. 2-1 Generally

- A. For the purpose of this UDC, certain words and terms used herein shall be defined and interpreted as follows. All other terms not defined shall have their customary dictionary definitions.
- B. The following shall apply to the use of all words in this UDC:
 1. Words used in the present tense shall include the future tense.
 2. Words used in the singular shall include the plural and vice versa.
 3. The words "shall" and "must" are mandatory.
 4. The word "should" implies a preference supportive of the City's interest rather than a requirement.
 5. The word "may" is permissive.
 6. The terms "zoning," "zoning district" and "district" have the same meaning and refer to the zoning districts established by this ordinance.
 7. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Sec. 2-2 Abbreviations

Abbreviation	Full Term
ADA	Americans with Disabilities Act
DNR	The Georgia Department of Natural Resources
DTC	Density Transfer Charge
FEMA	The Federal Emergency Management Agency
ft.	Foot, feet
GDOT	The Georgia Department of Transportation
Max.	Maximum
Min.	Minimum
ROW, R.O.W.	Right-of-way
sq. ft.	Square foot, square feet
USDA	United States Department of Agriculture

Sec. 2-3 Definitions

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

Access easement means an easement devoted to vehicular or pedestrian access which affords a principal means of access to abutting property.

Alley means a strip of land providing vehicular and pedestrian access to the rear of properties which abut and are served by another thoroughfare.

Antenna means any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Arcade means a private frontage conventional for retail use wherein the facade is a colonnade supporting floor area that overlaps the sidewalk, while the facade remains at the facade setback. An arcade does not encroach in the public right-of-way.

Art mural means an original work of visual art that is tiled, painted directly on, or affixed directly to a wall or building. An art mural may consist of mechanically produced or computer-generated prints or images. An art mural is not a sign.

Base area means the net area of a property from which development rights may be severed and sent.

Basement means a level below a floor of a building with a minimum of one-half of the total wall area below grade. A basement is not a story. The term "basement" is synonymous with "cellar."

Block means an area of land that is entirely surrounded by thoroughfares, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Buildable area means the portion of a parcel of land where a building may be located, and which shall contain enough square footage to meet the requirements of the respective zoning district. That portion which is not located in the setbacks, utility corridors, driveways, slopes to build thoroughfares, tree save areas, landscape strips, specimen tree areas, state water buffers, buffer

areas, wetlands, stormwater, and sanitary sewer easements.

Building means any structure with a roof designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

Building facade line means a line on a lot running immediately adjacent to and co-planar with a building facade.

Caliper means the diameter of a tree trunk. The term "caliper" is used for trees less than 12 inches in diameter. For trees less than four inches in diameter, it is measured six inches from the ground. For trees between four inches and 12 inches in diameter, it is measured 12 inches from the ground.

Comprehensive Plan means the official adopted Comprehensive Plan of the City of Chattahoochee Hills as well as any thoroughfare plans, parks and recreation plans, or any other study, document, or written recommendation pertaining to subjects within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the City.

Concept plan means a site plan that is general and flexible in nature and that meets the requirements of Sec. 4-6.

Cul-de-sac means a thoroughfare having only one connection to another thoroughfare, and which is terminated by a vehicular turn-around.

Curb cut means a connection between a thoroughfare and a property for vehicular access. curb cut applies to access regardless of the existence of curbing.

Day means a calendar day unless otherwise indicated. When a time period is measured in days, it means a consecutive number of days.

Density transfer charge means an optional mechanism by which a receiving area property owner may increase density on a parcel by paying a standardized fee to the City. The City then uses the money to protect property. The DTC option provides speed and convenience to property owners and allows the city to protect the properties it considers most important.

Density unit means the unit of measurement representing the total amount of residential development permitted for any property.

Design speed means the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. In all situations where pedestrians are regularly present, lower speeds are safer, and preferred.

Developable area means all of the area within any Hamlet (HM), Village (VL), or Historic Crossroads (HC) zoning district except for the required open space. Developable area includes all required civic spaces.



Development permit means a permit issued by the City authorizing development work on a site, including permits for land disturbance and construction of infrastructure.

Driveway or drive means a vehicular access way that connects off-street parking to a thoroughfare.

Encroach means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback or above a height limit.

Facade means the building wall fronting a thoroughfare or open space that constitutes any side of a structure or building.

Facade, primary means the building facade representing the "front" of the building, complete with the primary pedestrian entrance, and facing the primary frontage of the lot.

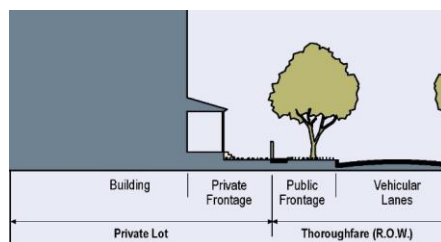
Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly authorized custodial relationship; or
- B. A maximum of 6 unrelated persons; or
- C. Two unrelated persons and any spouse, parents, or children related to either.

Farmette subdivision means a large-lot residential subdivision of rural land.

Floor area means the sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls, including common public areas, such as lobbies, rest rooms and hallways, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, stairwells, elevator shafts, but excluding internal parking and loading areas, attics, porches, balconies and other areas outside of the exterior walls of the building.

Frontage means the area comprising both the private frontage and the public frontage of a lot. Private frontage and public frontage are divided by the property line. Lots with frontage on more than one side shall have designated primary frontages and may have secondary frontages. When a lot fronts a thoroughfare, its primary frontage shall be that frontage facing the thoroughfare of higher intensity based on traffic volume, number of lanes, or pedestrian activity, as determined by the Zoning Administrator.



Frontage, private, means the area of a lot located within the first layer and in between the facade and the public frontage.

Frontage, public, means the area in the right-of-way or access easement located adjacent to a lot and its facade including curbs, sidewalks, and landscape strips.

Fueling position means the location next to the pump where a vehicle stops to refuel. A single pump may have a fueling position on both sides.

Full cutoff means a luminaire type that does not allow any light to be emitted or reflected above a horizontal plane.

Future development map means the map entitled future development map and contained within the Comprehensive Plan.

Geographic antenna placement area means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

Grade means the existing grade or elevation of the ground surface that exists or existed prior to manmade alterations, such as grading, grubbing, filling, or excavating.

Ground level means any building floor within five vertical feet of the adjacent sidewalk.

Height means the vertical distance measured from the finished grade along the primary facade of a structure to the highest point of the coping or parapet of a flat roof or to the average height between eaves and ridge for gable, hip, and gambrel roofs. When referring to an accessory structure or a tower, means the distance measured from ground level to the highest point on the accessory structure or a tower appurtenance.

Impervious means the prohibition or limitation of the drainage of water.

Inoperative vehicle includes, but is not limited to, any automobile, watercraft, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following: Wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded; one which does not have a valid license plate attached thereto; or one which has not moved in a period of 90 days.

Landscape area means the area of a lot exclusive of building footprints, driveway, areas devoted to parking, and walkway pavements devoted to

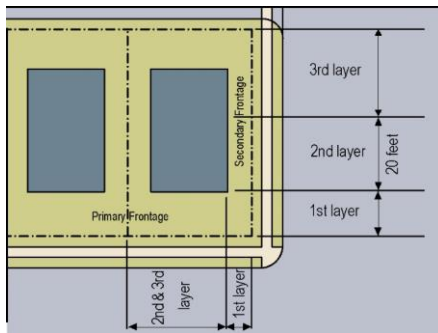
plants, shrubs, trees, and accessory ponds, pools, and water features.

Landscape strip means an area required by this UDC or by conditions of zoning that is reserved for the installation and/or maintenance of plant materials and/or street furniture.

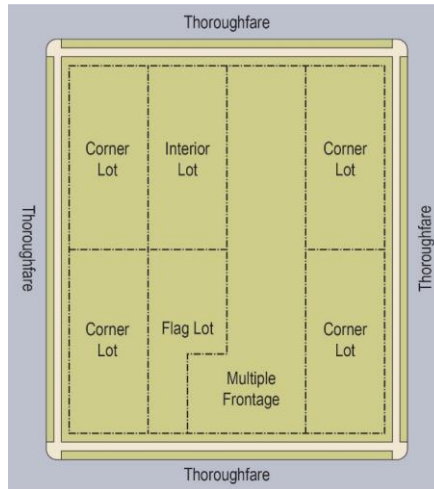
Lane means a vehicular way located to the rear of lots providing access to service areas and parking consisting of gravel or landscaped edges, with no raised curb, and drained by percolation.

Layers means an area of a lot as shown in the figure below.

- A. On lots less than 20 acres containing single-family detached dwellings, the first layer shall be the area between the primary or secondary facade and the abutting thoroughfare or open space and shall extend from lot line to lot line.
- B. On vacant lots the first layer shall be the area between the required facade setback and the abutting thoroughfare or open space and shall extend from lot line to lot line.
- C. On lots other than identified in (A) or (B) above, the first layer shall be the area between the primary building facade and the abutting thoroughfare or open space and shall extend from lot line to lot line.



Lot, corner, means a multiple frontage lot adjoining two thoroughfares at their intersection. In situations where a multiple frontage lot has equal distance on thoroughfare frontages, the Zoning Administrator shall determine the legal lot frontage.



Lot, flag, means a tract or lot of land of uneven dimensions in which the portion fronting on a thoroughfare is less than the minimum width required for construction of a structure on that lot.

Lot frontage means the shortest property line oriented toward a thoroughfare. A property line adjoining a stub thoroughfare shall not be considered as frontage unless it is proposed for access or is the only thoroughfare frontage.

Lot line or property line means a line established through recordation of an approved plat, or a deed in the absence of a platting requirement, which separates a lot from other lots, or a lot from a right-of-way or thoroughfare.

Lot line, front means the lot line along the primary frontage.

Lot line, rear, generally means the lot line opposite and most distant from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and the most distant from the front lot line, not less than 20 feet long, and wholly within the lot. True triangular lots do not have rear lot lines. The Zoning Administrator shall make the final determination of rear lot lines when in dispute or undefined by this definition.

Lot line, side, means a lot line which is not a rear or front lot line.

Lot, multiple frontage, means lots adjoining more than one thoroughfare.

Lot of record means lot which is part of a subdivision, a plat of which has been recorded in the records of the County Clerk of Superior Court; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this UDC.

Massing means the variation of a building achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Mortgage lot means a lot which is created for the primary or sole purpose of meeting the requirement of a bank or lending institution for a loan or mortgage in cases where property descriptions must be smaller than the total acreage of the tract on which the principal building that is the subject of the loan is located.

Nonconforming means those situations defined and governed by Sec. 1-15E.

Nonconforming characteristics means elements of buildings, structures, or uses regulated by this UDC, including, but not limited to, lots, building frontages, outdoor dining, fences, walls, blocks, thoroughfares, thoroughfare connectivity, open space, buffers, parking, dumpsters, loading, curbs, sidewalks, and landscape strips, as they apply to nonconforming situations defined and governed by Sec. 1-15E.

Off-site or off-premises means the location of a structure or use outside of the subject development.

Off-site dwelling means the location of a principal structure with a residential use outside of the subject development.

On-site or on-premises means the location of a structure or use within a subject development.

Parcel. See Lot.

Path means a pedestrian way traversing an open space or Rural (RL) district, with landscape matching the contiguous open space, ideally connecting directly with a sidewalk network.

Pavement width means the width of a given lane, thoroughfare, or other thoroughfare pavement,

measured from back-of-curb to back-of-curb, or to the edge of pavement where no curbs are required or exist.

Performance bond means a type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the Zoning Administrator to cover the costs of required improvements, and payable to the City. The City may call in the performance bond in the event the subdivider defaults on required improvements.

Performance guarantee means any financial deposit or other security that may be accepted by the City as a guarantee that improvements required as part of an application for subdivision or land development are satisfactorily completed in conformance with approved plans.

Plat, final, means the final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the County Clerk of Superior Court, and containing all elements and requirements set forth in this UDC.

Plat, preliminary, means a drawing which shows the proposed layout of a subdivision in sufficient detail to clearly indicate its feasibility, but is not in final form for recordation pursuant to Sec. 4-9.

Porch means a roofed open structure projecting from the exterior wall of a building and having at least 70 percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect screening.

Property means, when used in conjunction with zoning proposal applications, an area of land composed of less than one lot, or of accumulations of one or more lots, or parts thereof

Receiving area means those properties which may receive development rights from a sending area.

Recycling bin means a container to temporarily hold recyclable materials until transferred to a recycling center by a recycling service, and with a holding a capacity of less than 100 gallons.

Right-of-way means a portion of land over which a local or state government has designated a right of use.

Rural ornamentation means any automobile, truck, vehicle or trailer of any kind or type, which

is inoperable and without a valid attached license plate, that is unmistakably identifiable as having been operated specifically for purposes of agriculture or agriculture related activities.

Scenic view area means those geographic areas containing visually significant or unique natural features, as identified on the City's official scenic view area map. Protection of this area is crucial to the City's goal to remain deliberately rural.

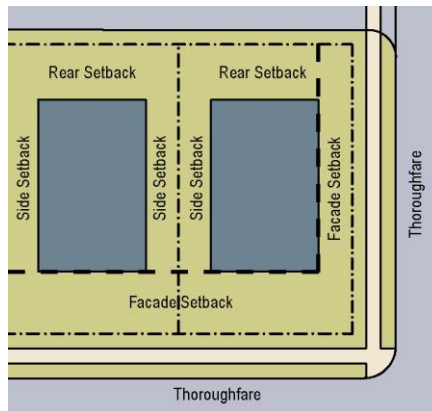
Screen means a fence, wall, hedge, landscaping, earthen berm, buffer area, or any combination of these that is designed to provide a visual and/or physical barrier.

Sending area means those properties from which development rights may be severed and transferred to a receiving area.

Sensitive natural area means any area, as identified now or hereafter by DNR, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; and/or other areas so designated by DNR that are sensitive or vulnerable to physical or biological alteration.

Setback means a space between a property line and a building or specified structure.

Setback, facade, means the portion of a lot located between any building facade and the thoroughfare or open space it faces. The facade setback area extends the entire length of an abutting thoroughfare or open space from intersecting lot line to intersecting lot line. Facade setback shall be synonymous with required front yard.



Sewage, community, means a decentralized system for the treatment and disposal of sewage for multiple lots owned and operated by a public or private entity such as a general improvement district, sanitation district, homeowners association or municipal government. Sewage systems are governed by the county and higher authorities.

Sewer, sanitary, means a sewer that carries sewage and residential or non-residential waste.

Sewer, storm, means a sewer that carries stormwater, surface water, and groundwater drainage but excludes sewage and residential, and non-residential wastes.

Sewer means an artificial and usually subterranean conduit designed to carry off sewage to a central treatment facility. The term "sewer" includes any pipe, manhole, connection, or other appurtenances thereto, located in a public right-of-way or easement that is designed to transport sewage and/or water.

Shrub means a deciduous or evergreen woody plant with single or multiple trunks or multiple leaders and with a mature height generally not expected to exceed 15 feet.

Sign means any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. See ARTICLE VIII for additional sign provisions.

Site means any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

Slope means degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points.

Special permit is the term used in reference to both special administrative permits and special use permits.

Special administrative permit means the mechanism established in Sec. 3-15 for uses that require additional review by the Zoning Administrator to determine the appropriateness and compatibility of locating within the city.

Special use permit means the mechanism established in Sec. 3-16 for uses that require additional review by the City Council to determine the appropriateness and compatibility of locating within the city.

Species, native means a plant occurring within the Piedmont region prior to foreign contact, according to the best scientific and historical documentation. This includes species that are considered indigenous, occurring in natural associations with habitats that existed prior to significant anthropogenic impacts and alteration to the landscape.

Specified anatomical areas means less than completely and opaquely covered human genitals, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, oral copulation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; excretory functions as a part of or in connection with any of these activities.

Story means a portion of a building between the surface of any floor and the floor or space above it, excluding basements and attics.

Street screen means a wing wall extension of a building facade utilized to screen parking or loading areas located on private property, matching the material and design of the adjacent adjoining building, and not located within an open space or sidewalk.

Structural soil means a load-bearing soil that resists compaction to allow for healthier tree root growth. Angular gravel within the soil mix allows air and water to permeate while supporting pavement loads.

Structure means anything built or constructed which occupies a location on, or is attached to, the ground. Driveways, surface parking lots, patios, and similar paved surfaces are not considered structures.

Structure, accessory, means a subordinate structure, customarily incidental to a principal structure or use and located on the same lot. Examples of structures in single-family dwelling districts include out-buildings, such as, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds, detached garages, and detached carports, etc. Fences and retaining walls are not considered structures. Driveways, surface parking lots, patios, and similar paved surfaces are not considered structures.

Structure, principal, means a structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principal shall be synonymous with main and primary.

Structure, support, means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice support structures, guy support structures, or monopole support structures. The term "support structure" includes radio and television transmission support structures, microwave support structures, common-carrier support structures, cellular telecommunication support structures, artificial trees, and other similar structures.

Subdivider means any person who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided under this UDC, or the authorized agent of such person.

Subdivision means:

A. A division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new thoroughfare or a change in existing thoroughfares. The term "subdivision" includes resubdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

B. A development consisting of subdivided lots.

Subdivision, major, means subdivision of land that does not qualify for the minor subdivision process. Major subdivisions may involve the construction of a new public or private thoroughfare or the upgrade of an existing private access way to City standards. Major subdivisions are processed in multiple steps including concept plan approval, preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of development permits, and final plat approval.

Subdivision, minor, means a subdivision of three or fewer lots or any number of lots in a farmette subdivision that is processed administratively by the Zoning Administrator as final plat applications that do not require preliminary plat approval.

Swale means a low or slightly depressed natural area for drainage.

Thoroughfare means public or private vehicular and/or pedestrian ways. The boundaries of the thoroughfare are defined by the property lines of the right-of-way or access easement, not by the thoroughfare improvements. The following types of vehicular ways shall constitute thoroughfares:

- A. Existing federal, state, county, or municipal thoroughfares;
- B. Those constructed as shown upon a plat approved pursuant to law and open to vehicle travel;
- C. Those constructed and open to vehicle travel as approved by other official action of the City Council; or
- D. Those constructed and open to vehicle travel and shown on a plat duly filed and recorded in the office of the County Clerk of Superior Court prior to the effective date of this UDC.

Thoroughfare, marginal access, means a residential thoroughfare parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.

Thoroughfare, private, means a thoroughfare that has not been accepted for maintenance by the City and that is not owned and maintained by a state, county, city, or another public entity.

Thoroughfare, public, means a thoroughfare that is owned and maintained by a state, county, city, or another public entity.

Thoroughfare, stub-out, means a thoroughfare having one end open to traffic and being temporarily terminated at the other. This temporary termination is to provide connectivity to future developments.

Trail means a way designed for and used by equestrians, pedestrians, and/or cyclists using non-motorized bicycles.

Transferable development right (TDR) means a development right that has been severed from a sending area property according to the rules in this UDC. TDRs can be bought, sold, or exchanged; they can be held for conservation or investment purposes. When they are applied to a receiving area property they can increase the number of density units available to that property, up to the maximum density allowed by zoning.

Tree means any self-supporting, woody perennial plant usually having a single trunk diameter of three inches or more which normally attains a mature height of a minimum of 15 feet.

Tree, shade, means a deciduous tree planted primarily for its overhead canopy and the quality of the shade it provides.

Tree, specimen, means a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species as further defined in Chapter 14, Article 9, Tree Preservation.

Tree, street, means a planted tree that is an element of a thoroughfare assembly.

Tree, understory, means a small to medium size tree with an expected mature height less than 30 feet and a canopy which may or may not offer a sufficient clearance height for pedestrians beneath.

Turfgrass means a continuous plant coverage consisting of a single grass species that is regularly mowed to maintain a desired height.

Use means the purpose or function arranged or intended for a structure or property.

Utility means public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, thoroughfares, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, stormwater systems and drainage ways, and railroads or other utilities identified by the City. As appropriate to the context, the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance means the mechanism established in Sec. 3-17 for seeking relief from the terms of this UDC.

Vicinity map means a map, not necessarily to scale, showing the general location of the proposed subdivision or land development in relation to major thoroughfares, government boundaries, and/or natural features.

Walkways means "sidewalk" when used within the public frontage.

Yard means an open, unoccupied land area extending between a structure and a lot line extending along the entire width or length of the lot. In addition to uses which may be provided

for, conditioned, or excluded from yards by other provisions of this UDC, yards may be used for driveways, signs, fountains, flagpoles, yard ornaments, walls, fences, walkways, buffers, landscaping and trees, underground utilities, and stormwater management facilities. No part of any yard or use made thereof shall serve the requirements for any other lot or structure.

Yard, front means an open area of a lot situated between the front lot line and any principal or accessory structure extending the full width of the lot.

Yard, required front. See setback, façade.

Yard, rear means an open area between the rear lot line and any principal structure extending the full width of the lot. True triangular lots do not have rear yards. Lots with more than one front lot line do not have rear yards. The Zoning Administrator shall make the final determination of rear yards when in dispute or undefined by this definition.

Yard, side means an open area between a structure and any lot line adjacent to another parcel, extending from the front yard to the rear yard, which does not otherwise meet the definition of rear yard.

Zoning Administrator means the City Manager or their designee.

ARTICLE III. ZONING PROCEDURES

Sec. 3-1 Applicability

The procedures and standards in this article shall apply to:

- A. All UDC amendments, map amendments, variances, and special permits, except as otherwise provided; and
- B. Certain land development or building permits as specified in Sec. 3-2.

Sec. 3-2 Pre-Application Meeting

- A. Applications to amend the official zoning map or the future development map shall not be submitted or accepted by the City until a pre-application meeting is held with the Zoning Administrator.
- B. The following applications for land disturbance or building permits shall not be submitted or accepted by the City until a pre-application meeting is held with the Zoning Administrator:
 - 1. Single lots within the Rural (RL) district when developing 35,000 square feet or more of new or additional floor area;
 - 2. Minor subdivisions, major subdivisions, or farmette subdivisions within the RL district when developing 5,000 square feet or more of new or additional floor area;
 - 3. Applications within Hamlet (HM) or Village (VL) districts when developing 5,000 square feet or more of new or additional floor area; and
 - 4. Any application within any district developing uses having supplemental use provisions as provided in Sec. 7-4.
- C. At the pre-application meeting, the applicant shall present preliminary plans that demonstrate how the proposed application conforms to the requirements of this UDC. The purpose of the pre-application meeting is informational only and intended to assist in the applicant's understanding of UDC requirements; to educate the applicant on community design policies and standards; to ensure the applicant is aware of the current Comprehensive Plan policies and vision; and

to inform the applicant of all necessary application materials required by this UDC.

- D. No preliminary decision on the application or assurances that a particular proposal will be approved shall be made by any City personnel or official.

Sec. 3-3 Amendments

- A. *Procedures for amendments.* Whenever the public necessity, public convenience, general welfare, or good zoning practice justify such action, this UDC, including the official zoning map, and the future development map may be amended by the City Council. The procedures for such amendments shall be as provided in this article. Such amendments may be referred to herein as "zoning proposals."
- B. *Initiation of amendments.*
 - 1. Amendments initiated by City Council. Members of the City Council may initiate amendments to the text of this UDC, the official zoning map, or the future development map.
 - 2. Amendments initiated by others. The owners of the subject property or the owners' authorized agents may initiate amendments to the official zoning map or the future development map by application to the City. The creation of a new special district or the expansion of an existing special district may be initiated by a minimum of 50 percent of the total number of properties within the proposed district or proposed district expansion.
 - 3. Concurrent review. Amendments to the future development map and zoning map for the same property may be accepted by the City and reviewed and decided on concurrently.
- C. *Application schedule.*
 - 1. Applications to amend the official zoning map, or the future development map must be filed in accordance with a submission schedule established by the Zoning Administrator. No application shall be deemed filed until

all required forms have been completed, all required materials have been submitted, and all required fees paid. The date the application is filed shall be noted on the application form by the Zoning Administrator and all subsequent deadlines tied to the date of application shall begin to run as of said filing date.

2. If an application to amend the official zoning map is denied by City Council, no rezoning application shall be accepted for the same or any portion of the same property within six months of the date of denial.
 3. If an application to amend the future land use map is denied by City Council, no future land use map application shall be accepted for the same or any portion of the same property within six months of the date of denial.
 4. An application to amend to the official zoning map or the future development map may not be withdrawn or amended, unless authorized by a majority vote of the City Council, after the legal advertising required by this article has been submitted for publication. The City Council by majority vote may allow an application to be so withdrawn with or without prejudice. Applications authorized to be withdrawn without prejudice shall not be considered a denial for the purposes of this article.
- D. *Content of applications.* Applications to amend the official zoning map or the future development map shall be filed with the Zoning Administrator on a form available from the City and shall, at a minimum, include the following:
1. The address(es) of the property.
 2. Two copies of a property survey, drawn to scale, showing a north arrow, land lot and district, location of the tract, dimensions along all property lines, acreage of the tract, the size and location of any existing structures, and the names and right-of-way dimensions of abutting thoroughfares.

3. A legal description of the site to be rezoned. If the site proposed for rezoning includes multiple zoning districts, provide a separate legal description for each individual district.
4. A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.
5. The current and proposed zoning, future development map classifications, existing and proposed uses of the property proposed to be reclassified and all zoning and land uses of properties abutting the subject property.
6. Site plan. A site plan showing compliance with regulations and calculations required by this UDC related to densities, TDR use, designated uses, internal circulation and parking areas, parking calculations, developable areas, open space, buffer areas, landscaping, setbacks, height, sidewalks, blocks, existing and proposed pedestrian connectivity and thoroughfares, including their respective measurements.
7. Any other information or documentation the department may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.
8. Applications to amend the official zoning map shall also include:
 - a. A written analysis of the impact of the proposed amendment with respect to each of the standards identified in Sec. 3-10.
 - b. If the application includes one or more variance requests, the applicant shall provide written analysis of the standards for application and approval of variances in Sec. 3-17 for each variance request.

9. Application to amend the future development map shall also include a written analysis of the impact of the proposed amendment with respect to each of the standards identified in Sec. 3-11.
- E. In addition to the requirements of (D) above, applications to amend the official zoning map submitted by property owners or the owners' authorized agents shall also include the following:
1. An application fee established by the City Council.
 2. The name, address, telephone number, and email address of the owner and applicant, if different.
 3. If the applicant is not the property owner, the owner shall certify by notarized signature that the applicant has authority to file the application. For properties that have more than one owner, the notarized signature of all property owners shall be required.
 4. Disclosures of campaign contributions required by O.C.G.A. § 36-67A-3, as amended.
 5. For applications requesting the creation of a new special district or the expansion of an existing special district, signatures shall be required from owners representing a minimum of 50 percent of the total number of properties within the proposed district or proposed district expansion.
 6. Site analysis. A site analysis including information on all existing manmade and natural features including structures; utilities; easements; trees; streams and required stream buffers; habitats for endangered or threatened species; wetlands; floodplains; steep slopes; historic, cultural, and archaeological resources; and features to be retained, moved, or altered.
 7. A concept plan that conforms to Sec. 4-6.
 8. A site plan meeting the following requirements shall be provided for portions of developments proposed to be included in the initial phase of development: A site plan at a minimum one inch equals 20 feet scale showing compliance with all regulations and calculations required by this UDC which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, sidewalks, yards, open space, under- and overhead utilities, landscaping, grading, lighting, drainage, amenities, proposed pedestrian connectivity and thoroughfares, and similar details including their respective measurements. Site plans shall be prepared by a state-registered professional architect, registered landscape architect or planner certified by the American Institute of Certified Planners.
- F. All rezonings resulting in the potential for density greater than the maximum density allowed by right shall require a development agreement between the City and the applicant setting forth the planned application of TDRs in the proposed district in accordance with ARTICLE XIII.

Sec. 3-4 District Expansion

- A. When an amendment to the official zoning map would expand a zoning district and incorporate neighboring properties that, alone, do not meet the minimum requirements of the district, the following rules shall be met:
1. The proposed district expansion shall be required to meet the application requirements of Sec. 3-3.
 2. The proposed district expansion shall be master planned. The applicant shall submit a site plan and other application materials that demonstrate that the project complements and is in harmony with the existing district.
 3. All requirements related to units per acre, density, open space, and all other requirements shall be calculated and applied at the scale of the entire district, including the existing district and the proposed expansion. If the existing district or proposed district

expansion includes multiple owners, it shall be the responsibility of the property owners to determine the allocation of these required elements. Where reallocation occurs, an updated concept plan must be approved by the City.

4. No proposed zoning district expansion shall cause the total area of an individual district to exceed the maximum acres allowed in [Sec. 6-3E](#).

Sec. 3-5 Creation of Special Districts

~~A.—The creation of Historic Crossroads (HC)
The creation of Historic Crossroads (HC)
The creation of Historic Crossroads (HC)~~

- ~~1. Are designated as a special district on the future development map of the Comprehensive Plan;~~
- ~~2. Are in accord with and serve to promote the purposes set forth in the Comprehensive Plan and other officially adopted plans of the City;~~
- ~~3. Encourage land use and development in substantial accord with the vision set forth in the Comprehensive Plan and other official adopted plans of the City; and~~
- ~~4. Accomplish a special public purpose where substantial public interest warrants the creation of an area of unique character and/or high economic value to the city, and where other district regulations are inappropriate to accomplish this purpose.~~

~~B.—The creation of Special District Hamlet (HM-SD) districts shall be initiated only by the City and under one of the following conditions:~~

- ~~1. When the proposed Special District Hamlet (HM-SD) district is primarily a civic, institutional, educational, or other similar use. Industrial uses are not allowed unless incidental and accessory to another primary use within a Special District Hamlet (HM-SD) district; or~~
- ~~2. When immediately adjacent to an existing Hamlet (HM) or Village (VL)~~

~~district but which would not otherwise be compatible with the existing district.~~

~~C.~~A.The creation of Historic Crossroads (HC) districts shall be permitted only where they meet the following requirements:

1. Are designated as a historic crossroad on the future development map of the Comprehensive Plan;
2. Are in accord with and serve to promote the purposes set forth in the Comprehensive Plan and other officially adopted plans of the City;
3. Encourage land use and development in substantial accord with the vision set forth in the Comprehensive Plan and other official adopted plans of the City;
4. Accomplish a special public purpose where substantial public interest warrants the creation of an area of unique character and/or high economic value to the city, and where other district regulations are inappropriate to accomplish this purpose; and
- ~~5.—Where applicable, serve to protect and preserve individual buildings or grounds where there is special and substantial public interest in protecting such buildings and their visual environment.~~

~~D.—Review standards. In addition to the zoning action review standards in Sec. 3-10, the following shall be considered for the creation of new Special District Hamlet (HM-SD) districts.~~

~~1.5. Adjacency of the proposed district to existing development and its infrastructure is a beneficial characteristic, whereas a lack of adjacency shall be considered a detriment.~~

~~E.~~B.Contents of the district ordinance. In addition to the requirements for all zoning map amendments in Sec. 3-3, each ordinance creating a special district shall contain the following:

1. *Statement of intent.* Each district ordinance shall incorporate a

particularized statement of intent appropriate to the individual district being created, establishing the purpose and justification for the creation of the district.

2. *Incorporation of general regulations.* Each district shall specify that the general regulations for HM or HC districts are applicable to the district created.
3. *Tailoring of regulations.* Subject to this subsection, specific regulations may be established for each special district or portions thereof. Specific regulations shall be limited to the following:
 - a. The total number of large-scale non-residential uses.
 - b. Maximum block sizes.
 - c. Parking requirements.
 - d. Lot size regulations.
 - e. Density and required open space.
 - f. The maximum amount of open space that may be transferred off site.
 - g. Civic space types.
 - h. Setbacks and maximum building height.
 - i. Thoroughfare types and design.
 - j. Additional form, design, and/or landscaping standards may be established.
 - k. Uses may be restricted, limited, or prohibited but shall not be expanded. Uses may be limited by specifying the number of such uses, their size, or their hours of operation.

F.C. Legal requirements.

1. The creation of a Special District Hamlet (HM-SD) district shall be deemed a zoning map amendment.
2. Following approval of the district ordinance, the following shall occur:
 - a. The special district shall be assigned a unique numeric suffix;

- b. The approved standards of subsection "D" immediately above and any conditions shall be recorded in a new subsection in Sec. 6-6 Special Districts.; and
- c. The special district shall be added to the Zoning Map.

Sec. 3-6 Staff Review

- A. All completed applications for zoning proposals, special use permits, and variances shall be distributed by the Zoning Administrator to appropriate City officials and departments for review and comment. The Zoning Administrator, in association with the City Clerk, shall create an ordinance reflecting each requested zoning proposal, special use permit, and variance and place said ordinance for first read on the agenda of the next available regular or specially called meeting of the City Council. All zoning proposals, special use permits and variances shall be reviewed by the Zoning Administrator as set forth in this article and scheduled for public hearing before the Planning Commission, in accordance with this UDC's procedures.
- B. The Zoning Administrator shall submit a report on each zoning proposal, special use permit, and variance. The Zoning Administrator shall investigate and include in the report a recommendation applying the standards enumerated in this UDC applicable to the type of zoning proposal, special use permit and variance under review. The Zoning Administrator's report shall be a public record.

Sec. 3-7 Notice of Public Hearing

- A. *Public hearing.*
 1. The City Council shall make all final decisions on zoning proposals, special use permits, and variances authorized by this article. The Planning Commission shall hold a public hearing prior to said action following the public notice requirements herein, according to the following types of proposals under consideration.
 2. Zoning proposals, special use permits, and variances shall not be adopted until the title of the implementing

ordinance for such action shall have been read at two meetings of the City Council. The beginnings of said meetings shall not be less than five business days apart.

B. Notice.

1. At least 15 but not more than 45 days prior to the date of the required public hearing, the Zoning Administrator or City Clerk shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing. The notice shall state the time, place, and purpose of the hearing.
2. Written notice shall be mailed by first class mail by the Zoning Administrator to owners of property within 300 feet of the boundaries of the subject property who appear on the tax records of the City as retrieved by the county's geographic information system, at least 15 days prior to the date of the public hearing. The written notice shall state the time, place, and purpose of the public hearing. Notice shall not be considered inadequate if the mail is not delivered provided that the City uses the address information provided in the tax records and affixes adequate postage thereto.
3. For applications to amend the official zoning map, the notice, in addition to the requirements of Sec. 3-7B.1 and Sec. 3-7B.2 above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
4. For applications to amend the official zoning map, the applicant shall post one or more signs in a conspicuous location on the property, not less than 15 days prior to the date of the public hearing. At least one sign of no less than three feet in length and two feet in height and no larger than allowed in the City's sign ordinance, shall be posted along each thoroughfare on which the subject property has

frontage. One additional sign shall be posted for each additional 1,000 feet of frontage or fraction thereof in excess of 1,000 feet of frontage on each thoroughfare on which the subject property has frontage. The Zoning Administrator shall provide the signs to the applicant for timely posting by the applicant. Each sign shall contain the time, place, and purpose of the public hearing.

Sec. 3-8 Policies and Procedures

- A. The following policies and procedures shall govern the calling and conduct of the public hearing held by the Planning Commission pursuant to this article.
- B. The Chair of the Planning Commission shall preside over the hearing. After calling the hearing to order, the Planning Commission Chair shall request that the parcels of property and/or references to the code sections which are the subject of the zoning action be identified and read. Following such identification and reading, the recommendation of the Zoning Administrator shall be presented. The written recommendation of the Zoning Administrator shall be made a part of the record.
- C. Proponents of each zoning action shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning the action. If all ten minutes are not used, the proponent's remaining time may be reserved for rebuttal. Opponents of each action shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning each action. The presentation times may not be reduced but may be extended by majority vote of the Planning Commission, provided they are expanded equally for proponents and opponents.
- D. All speakers shall identify themselves and state their current address. Remarks should be limited to data, evidence, and opinions relevant to the proposal under consideration. Speakers shall address all remarks to the Planning Commission.
- E. Following public comment, the Planning Commission chair shall close the public

comment portion of the hearing with respect to the proposal under consideration and seek discussion and/or a motion to act upon the proposal as provided in Sec. 3-9.

- F. All items on an advertised agenda for a public hearing shall be heard on the scheduled date unless a majority of the members of the Planning Commission present at the public hearing determine that specific circumstances surrounding the matter warrant an additional hearing on the matter to a future date and time. In such instances, the City shall provide public notice of the new time, date, and location of the additional hearing consistent with the notice requirements of Sec. 3-7.
- G. If a scheduled public hearing must be canceled due to lack of a quorum, inclement weather or other extraordinary event, the public hearing shall be rescheduled and the City shall provide public notice of the new time, date, and location of the additional hearing consistent with the notice requirements of Sec. 3-7.

Sec. 3-9 Zoning Decisions

A. Action by the Planning Commission.

1. In making a recommendation on zoning proposals, special use permits and variances under this article, the Planning Commission shall review and consider the application or amendment and materials of record, the data, evidence, and opinions submitted during public comment, the recommendation of the Zoning Administrator, and the standards applicable to the type of proposal under review.
2. Upon the conclusion of deliberations, the Planning Commission shall make one of the following recommendations to the City Council:
 - a. Approval;
 - b. Approval as recommended by staff with recommended conditions;
 - c. Approval as recommended by staff with revised conditions;
 - d. Denial; or

- e. Recommend deferral of the proposal for additional information at a future public hearing, as regulated in Sec. 3-8. Deferrals shall be limited to a maximum period of time of 90 days. The 90-day period shall begin on the same day the recommendation was made by the Planning Commission. If the deferred item is not returned or concluded within the prescribed period, the item shall then automatically be deemed withdrawn and shall be required to follow the prescribed and established procedure to re-file applications before the Planning Commission.

B. Action by the City Council.

1. A meeting of the City Council for the purposes of reviewing and making final decisions on zoning proposals, special use permits and variances under this article shall be held at the next regular or specially called meeting of the City Council following the public hearing of the Planning Commission. At said meeting, the City Council shall provide the second read for the zoning action ordinance, and shall review any analysis or materials submitted by the initiating party and opposing parties, the recommendations of the Zoning Administrator, the minutes of the Planning Commission public hearing, all other matters of record, materials, data, evidence and opinion submitted during public comments, and the review standards and criteria set forth herein that are applicable to the type of proposal under review in making a final decision on each zoning action. Final decisions by the City Council shall be adopted by an ordinance implementing such action in accordance with the Charter of the City.
2. Upon the conclusion of deliberations, the City Council may approve, deny, or defer the proposal, add or delete conditions to the proposal, or allow the proposal to be withdrawn with or without prejudice in compliance with Sec. 3-9.

3. An action by the City Council to defer a final decision on the zoning action shall include a statement of the date and time of the next regular or special meeting at which the proposal will be considered by the City Council.
4. If deemed necessary, the City Council may defer a decision for the purpose of holding another public hearing at the Planning Commission. The notice requirements for public hearings contained in Sec. 3-7 shall be followed.

Sec. 3-10 Zoning Action Review Standards

A. The Zoning Administrator, the Planning Commission and the City Council shall consider the following standards governing the exercise of the zoning power whenever deliberating over any changes to the official zoning map pursuant to this article.

1. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of utilities, public facilities, or schools;
2. Whether the zoning proposal will result in a use which will or could cause City thoroughfares or transportation facilities to be unable to meet the transportation policies of the Comprehensive Plan;
3. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;
4. Whether there are other existing or changing conditions affecting the use and Development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal;
5. The existing uses and zoning of nearby property;
6. The suitability of the subject property for the zoning proposed;
7. Consistency with any adopted county and City wastewater treatment plans, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment

method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment or will negatively affect other public concerns;

8. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property;
9. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
10. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
11. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
12. In instances involving district expansion, whether the proposed change is supported by the homeowners associations or official neighborhood associations within the expanding district; and
13. In instances involving developments of regional impact, whether the proposed change is supported by the Atlanta Regional Commission (ARC) and/or the Georgia Regional Transportation Authority (GRTA).
14. Any additional review standards specific to that zoning district.

B. Review criteria for special permits are set forth in Sec. 3-14. Review standards for future development map amendments are set forth in Sec. 3-11. The review standards for variances are set forth in Sec. 3-17. All applicable review standards shall be considered by the Zoning Administrator, the Planning Commission, and the City Council. Printed copies of these standards shall be available for distribution to the general public.

Sec. 3-11 Future Development Map Amendments

The Zoning Administrator, the Planning

Commission and the City Council shall consider the following standards governing future development map amendments when deliberating over such proposals.

- A. Whether the future development map amendment proposal meets the policies and intent established in the Comprehensive Plan;
- B. Whether the future development map amendment proposal is compatible with the surrounding character areas as identified in the future development map;
- C. Whether the future development map amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water, sewer, and/or septic tank systems;
- D. Whether the future development map amendment proposal negatively impacts natural and historic resources identified by the City;
- E. Whether the future development map amendment proposal is in the best interest of the city and the public good and whether the proposal protects the health and welfare of its citizens; and
- F. Whether the property to be affected by the future development map amendment proposal has a reasonable economic use as currently designated on the future development map.

Sec. 3-12 Conditional Zoning

- A. Each zoning classification may have a subheading thereunder to be known as "conditional."
- B. Whenever an application amending the official zoning map, amending the future development map, or for a special permit is accompanied or supported by specific plans and designs or other written requirements for a particular use and its development, the City Council may approve such action as "conditional". In addition, the Zoning Administrator may recommend, and the City Council may adopt, conditions to any such actions when appropriate to mitigate impacts of the proposal upon surrounding properties consistent with the purpose of this UDC and the Comprehensive Plan.

- C. Upon approval by the City Council, such conditional plans and written conditions shall bear a certificate by the City Clerk indicating said approval and shall become a part of the ordinance adopting the zoning action.
- D. It shall be the duty of the Zoning Administrator to ensure that the development and use of the property is in strict compliance with the plans, designs and other written requirements adopted and approved as conditions by the City Council.
- E. Conditions adopted and approved by the City Council shall not be altered, changed, or varied unless such changes are approved by the City Council in accordance with the procedures for amendments set forth in this UDC.

Sec. 3-13 Procedures for Annexation

If a zoning proposal is for property to be annexed into the city, then:

- A. The City Council shall complete the procedures required by this UDC for changes to the official zoning map, except for the final vote of the City Council, prior to the adoption of the annexation, ordinance or resolution or the effective date of any local act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under the O.C.G.A. § 36-36-6.
- B. The public hearings required by Sec. 3-7 shall be conducted prior to the annexation of the subject property into the city.
- C. In addition to any other notice requirements, the City shall cause to be published within a newspaper of general circulation a notice of the hearing as required under the provisions of Sec. 3-7, as applicable, and shall place a sign on the property when required by Sec. 3-7; and
- D. The zoning classification approved by the City Council following the required hearing shall become effective on the later of:
 - 1. The date the zoning proposal is approved by the City Council;
 - 2. The date that the annexation becomes effective pursuant to O.C.G.A. § 36-36-2; or

3. Where a county has interposed an objection pursuant to O.C.G.A. § 36-36-11 or 36-36-113, the dates provided for in said code sections.

Sec. 3-14 Special Permits: General

A. Application procedures.

1. Special permit applications may be initiated upon application by the owner of the subject property or the owner's authorized agent.
2. Applications for special permits shall be filed with the Zoning Administrator on a form available from the City and shall, at a minimum, include the application requirements of Sec. 3-3 as applicable to the special permit request.
3. Applications for special permits shall be for one of the following special permit types: special administrative permit or special use permit.
4. Additional regulations regarding the administration of special permits are provided for in Sec. 3-15 for special administrative permits and Sec. 3-16 for special use permits.

B. Criteria. No application for a special administrative permit shall be granted by the Zoning Administrator and no application for a special use permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

1. Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers;
2. Compatibility of the proposed use with land uses on surrounding properties and other properties within the same zoning district, including the compatibility of the size, scale, and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings;

3. Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public thoroughfares, including pedestrian flow and access, providing access to the subject site;
4. Consistency with any adopted county and City wastewater treatment plans, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment or will negatively affect other public concerns;
5. Adequacy of other public facilities and services, including stormwater management, schools, parks, roads, sidewalks, and utilities, to serve the proposed use;
6. Whether or not the proposed use will create adverse impacts upon any surrounding properties by reason of noise, smoke, odor, dust, or vibration, or by the character or volume of traffic generated by the proposed use;
7. Whether or not the proposed use will create adverse impacts upon any surrounding use by reason of the manner of operation or the hours of operation of the proposed use; and
8. Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural or historic resources.

C. Development of an approved special use. The issuance of a special permit shall only constitute approval of the proposed use. Development of the use shall not be initiated until the applicant has secured all other permits and approvals required.

D. Expiration of a special permit. Unless a building permit or other required permits are secured within 24 months of issuance of the special permits, and construction

subsequently undertaken and actively continued pursuant to such building permit, the special permit shall expire automatically unless the permit is extended by resolution of the City Council.

- E. *Modifications to a special permit.* Changes to an approved special permit, other than time extensions provided under “E” above, shall be subject to the same application, review, and approval process as a new application, including the payment of relevant fees.

Sec. 3-15 Special Administrative Permits

A. *Purpose.*

1. Special administrative permits are a type of special permit provided for uses that are potentially compatible with the use characteristics of a zoning district but that require the Zoning Administrator to individually review their location, design, intensity, configuration and/or public facility impact to determine the use's appropriateness in a particular location and its compatibility with adjacent uses.
2. A special administrative permit shall not be approved for a use in any zoning district unless it is listed as a special administrative permit eligible use for the subject district in Sec. 7-2.

- B. *Time limits.* The Zoning Administrator may specify limits on the duration of each special administrative permit which is approved. Subject to any limit in duration, the special administrative permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and enforced by the Zoning Administrator in the same manner as any other provision of this UDC, subject to the limitations provided in this section and Sec. 3-14.

C. *Procedures.*

1. The provisions related to special permits in Sec. 3-14 shall also apply to special administrative permits.
2. The Zoning Administrator shall prepare a written analysis of each application for special administrative permit

including findings of fact based on the criteria contained in Sec. 3-14B and in addition, as applicable to the use proposed, to the applicable regulations contained in Sec. 7-4.

3. The Zoning Administrator shall make a written decision approving or denying each special administrative permit application and shall transmit said decision to the applicant. Said decision shall be based on a determination as to whether or not the applicant has met the criteria contained in Sec. 3-14B, the use standards contained in Sec. 7-4 where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, and the requirements of the zoning district in which such use is proposed to be located.
4. The Zoning Administrator shall make a final decision on each special administrative permit application within 45 days of its receipt. One 45-day extension of this review period may be exercised by the Zoning Administrator if such additional time is deemed necessary to adequately assess the request. If the Zoning Administrator fails to respond to the applicant within a maximum of 90 days, the application shall be deemed to be denied.
5. Appeals from a final decision on a special administrative permit by an aggrieved party shall follow the appeals procedure of Sec. 3-19.

Sec. 3-16 Special Use Permits

A. *Purpose.*

1. Special use permits are a type of special permit provided for uses that are potentially compatible with the use characteristics of a zoning district but require the City Council to individually review their location, design, intensity, configuration and public facility impact to determine the use's appropriateness in a particular location and its compatibility with adjacent uses.

2. A special use permit shall not be approved for a use in any zoning district unless it is listed as a special use permit eligible use of the type indicated for the subject district in Sec. 7-2.
- B. *Time limits.* The City Council may specify limits on the duration of each special use permit which is approved. Subject to any limit in duration, the special use permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and enforced by the Zoning Administrator in the same manner as any other provision of this UDC, subject to the limitations provided in this section and Sec. 3-14.
- C. *Procedures.*
1. The provisions related to special permits in Sec. 3-14 shall also apply to special use permits.
 2. Zoning Administrator analysis and recommendations.
 - a. The Zoning Administrator shall prepare an analysis of each application for special use permit and shall present the findings and recommendations in written form to the Planning Commission and the City Council.
 - b. The Zoning Administrator's recommendations on each application for special use permit shall be based on the criteria contained in Sec. 3-14B and, in addition, as applicable to the use proposed, to the applicable regulations contained in Sec. 7-4.
 3. The Zoning Administrator shall prepare a proposed ordinance to effect the proposed special use permit. Before deciding on any special use permit pursuant to the requirements set forth in this section, public notice and a public hearing before the Planning Commission shall be provided thereon pursuant to the requirements of this section and Sec. 3-7.
 4. The Zoning Administrator shall provide the City Council complete information on each proposed application for special use permit, including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, the written report, minutes and recommendation of the Zoning Administrator and the minutes and recommendation of the Planning Commission.
 5. The decision of the City Council on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in Sec. 3-14B, the use standards contained in Sec. 7-4, where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, and the requirements of the zoning district in which such use is proposed to be located.

Sec. 3-17 Variances

- A. Requests for variances. The City Council may authorize, upon proper application in specific cases, variance from the terms of this UDC. Request for variance applications shall be filed with the Zoning Administrator. All filed applications shall be reviewed by the Zoning Administrator who shall provide a written recommendation based upon the factors below to the City Council prior to a final decision.
- B. General standards for application and approval.
1. *Prohibited variances.* No variance shall be granted to allow a building, structure, or use not authorized in the applicable zoning district, a density of development not authorized within such district, reinstatement of any nonconforming situation, a special administrative permit, or a special use permit.
 2. *Nonconforming structures.* The reconstruction of any structure existing

before the effective date of this UDC that does not comply with the requirements of this UDC may apply for reconstruction on same footprint when safety permits. Any other deviation to the requirements of this section shall require a variance in accordance with this section.

3. *Application methods.* Applications for variances shall include the following. Variances that accompany an application for a separate zoning proposal or special permit shall meet the necessary requirements regarding zoning proposal or special permit submittals and processes set forth in this article, including the requirement for two reads.
 - a. An application fee established by the City Council.
 - b. The name, address, telephone number, and email address of the owner and applicant, if different.
 - c. If the applicant is not the property owner, the owner shall certify by notarized signature that the applicant has authority to file the application. For properties that have more than one owner, the notarized signature of all property owners shall be required.
 - d. The address(es) of the property.
 - e. Two copies of a property survey, drawn to scale, showing a north arrow, land lot and district, location of the tract, dimensions along all property lines, acreage of the tract, the size and location of any existing structures, and the names and right-of-way dimensions of abutting thoroughfares.
 - f. A legal description of the site.
 - g. A narrative statement explaining the reasons for the variance requested.
 - h. A statement showing compliance with each of the standards set forth in Sec. 3-17B.4.
4. *General criteria.* The City Council may authorize variances from the terms of

this UDC only upon making all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography;
 - b. The application of this UDC to the particular piece of property would create an unnecessary hardship (the threshold for hardship may be lower if the hardship can be resolved in a way that does not create negative impacts for neighboring properties and is consistent with the Comprehensive Plan);
 - c. Such conditions are peculiar to the particular piece of property involved;
 - d. Such conditions are not the result of any actions of the property owner; and
 - e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this UDC.
5. *Specific criteria.* The City Council shall also consider other variance criteria contained within this UDC.

C. *Variance decisions.*

1. Before providing recommendation on a variance application in accordance with this UDC, the Planning Commission shall provide for a public hearing on the proposed action in accordance with the procedures set forth in Sec. 3-8.
2. The provisions for public notice set forth in Sec. 3-7B.1, Sec. 3-7B.2, and Sec. 3-7B.4 regarding publication, written notice, and sign postings shall apply to variance applications.
3. The City Council shall make a variance decision for each application based upon a determination of the facts and application of the criteria in subsection B.4. For purposes of this UDC the term variance decision means final action by the City Council which results in a variance approval or a variance denial.

4. Variance decisions shall be made no later than 120 days following filing of a complete application, unless extended by agreement of the applicant and Zoning Administrator.
5. The City Council may impose conditions as it deems necessary in a particular case to protect the public interest and mitigate impacts of the variance upon surrounding properties as part of a variance decision, thereby approving the variance as conditional. Such conditions shall become an integral part of the variance decision.
6. An application may be withdrawn by the applicant prior to the variance decision.
7. Appeals of a variance decision by the City Council by an aggrieved party to the superior court shall be authorized and shall follow the appeal provisions in Sec. 3-19.

Sec. 3-18 Administrative Variances

- A. The Zoning Administrator shall have the authority to grant minor administrative variances from certain provisions of this UDC, where he or she determines that the following apply, except as provided in subsection (C):
 1. The strict application of the requirements of this UDC would cause undue and unnecessary hardship to the property owner;
 2. The intent and continued integrity of this UDC can be achieved with equal performance and protection of public interests through grant of the administrative variance; and
 3. The variance review criteria of Sec. 3-17B.4 have been considered.
- B. All applications for administrative variances shall be submitted to the Zoning Administrator on forms provided by the City. The authority to grant such administrative variances shall be limited to variances from the following requirements and only to the degree specified:

1. *Side yard.* Maximum of 3 feet reduction allowed by administrative variance, except as provided in Subsection (C).
2. *Rear yard.* Maximum of 5 feet reduction allowed by administrative variance, except as provided in Subsection (C).
3. *Facade setback.* Maximum of 5 feet reduction allowed by administrative variance, except as provided in Subsection (C), or to a setback consistent with the dominant setback of the block. Maximum of 5 feet increase allowed by administrative variance to allow for expanded pedestrian amenities.
4. *Building height.* Maximum of 5 feet increase allowed by administrative variance.
5. *Ground floor floor-to-floor height.* Maximum of 2 foot decrease allowed by administrative variance.
6. *Required civic space.* Maximum of 10 percent reduction allowed by administrative variance of the total area of civic space provided.
7. *Block size.* Maximum of 10 percent reduction allowed by administrative variance.

C.—Within any area covered by a subdivision plat approved before January 1, 2007, setbacks may be reduced up to ten feet by administrative variance.

C.

- D. Appeals of an administrative variance decision shall follow the procedure of Sec. 3-19.

Sec. 3-19 Appeal Procedures

- A. *Appeal to the City Council.*

1. Where it is alleged by any aggrieved person, firm or corporation that there is an error in any order, requirement, decision or determination made by the Zoning Administrator, or other authorized City official in the

performance of duties under this UDC, such person, firm or corporation may seek a review of such order, requirement, decision or determination by the City Council. Said appeals shall be filed with the Zoning Administrator in writing on forms provided by the Zoning Administrator within 15 days following the date of such order, requirement, decision, or determination.

2. An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the City Council, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Council or the County Superior Court, on notice to the officer from whom the appeal is taken and on due cause shown.
3. The City Council shall fix a reasonable time for the hearing of the appeal and provide 15 days' notice thereof as well as written notice to the parties in interest. Any party may appear at the hearing in person, by an agent or by an attorney. The Mayor shall request that the appeal be identified and read. The aggrieved party shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning the appeal. If all ten minutes are not used, the aggrieved party's remaining time may be reserved for rebuttal. The acting party and those in opposition to the appeal shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning the order, requirement, decision, or determination. The presentation times may not be reduced but may be extended by majority vote of the City Council, provided they are expanded equally for the aggrieved party and the acting party.

4. Following the consideration of all testimony, documentary evidence, and matters of record, the City Council shall decide on each appeal. The City Council shall decide the appeal within a reasonable time but in no event more than 45 days from the date of the filing of the appeal unless an extension of time is agreed to by the appealing party. The City Council may reverse, defer, sustain, or modify any order, requirement, decision, or determination made by the Zoning Administrator or other authorized City official and to that end shall have all the powers of the administrative official from whom the appeal was taken. An appeal shall be sustained, or the decision below modified, only upon an expressed finding by the City Council that the authorized City official's action was based on an erroneous finding of a material fact, or that said official's action was arbitrary. The action of the City Council on an administrative appeal shall be final.

B. Appeals from final decisions of the City Council.

1. Required appeal procedure. Any person aggrieved by a final decision of the City Council regarding a special use permit, appeal, or variance, or any City officer or department head affected by such decision, is authorized to appeal such decision to the County Superior Court by filing with the Clerk of said Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the final decision of the City Council is rendered.
2. Notice to City Council. Upon such filing, the clerk of the superior court shall give immediate notice thereof to the City Clerk. Within 30 days, the City Clerk shall cause to be filed with said Superior Court Clerk a duly certified copy of the proceedings had before the City Council, including a transcript of the evidence heard before it, if any, and the decision of the City Council.

3. Judicial procedure, superior court. Thereafter at the next term of the superior court, or in vacation upon ten days' notice to the parties, the judge of such court shall proceed to hear and pass upon the appeal. In determining the questions presented by the appeal, the court shall determine whether the decision of the City Council is correct as a matter of law.
4. Supersedeas may be granted. The filing of an appeal in the superior court from such final decisions of the City Council shall not ipso facto act as a supersedeas, but a supersedeas may be granted by the court upon such terms and conditions as may seem reasonable and proper.

Sec. 3-20 Zoning Reversion

If, within a reasonable time period after a rezoning has been approved by City Council, development or improvements have not proceeded on the rezoned property, the Zoning Administrator may review the situation and report their findings with recommendations to the City Council. The City Council, after notifying the property owner in writing, can at a public hearing, change the zoning category to its prior or other appropriate zoning district. Decisions of the City Council shall be final. Appeals of the decision of the City Council may be appealed to the County Clerk of Superior Court within 30 days of the final decision, by writ of certiorari.

ARTICLE IV. SUBDIVISION PROCEDURES

Sec. 4-1 Conformance Required

- A. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer title to any such parcel before a plat of such subdivision has been approved by the Zoning Administrator in accordance with the provisions of this article and filed with the County Clerk of the Superior Court.
- B. The subdivision of any parcel of land by the sole use of a metes and bounds description shall be prohibited.
- C. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided in violation of the provisions of this UDC.

Sec. 4-2 Applicability and General Provisions

- A. *Land is one tract until subdivided.* Until property proposed for subdivision has received final plat approval or minor plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.
- B. *Subdivision of land.* No real property within the city may be divided and offered for sale until approved in accordance with this article.
- C. *Development or improvement of land.* No person shall disturb or develop land or engage in development except in accordance with this UDC. It shall hereafter be unlawful for any person to disturb or develop any land until construction plans submitted and the development permit, if required, has been approved by the Zoning Administrator in accordance with this UDC. No person shall begin construction of any improvement on any lot prior to the approval of a preliminary plat, if required by this UDC, nor prior to approval of a development plan for said improvement as required by this UDC. The Zoning Administrator shall not authorize or permit the clearance of trees or vegetative materials outside approved construction limits.
- D. *Pre-application meeting required.* A pre-application meeting shall be scheduled with the Zoning Administrator prior to the submission of a concept plan. If no concept

plan is required, the pre-application meeting shall take place prior to the submission of a preliminary plat application.

- E. *Concept plan required prior to preliminary plat application.* A concept plan shall be approved by the City Council before the Zoning Administrator shall accept an application for preliminary plat approval in any Hamlet (HM), Village (VL), ~~Parkway Commercial (PC)~~, or Historic Crossroads (HQ) district. See Sec. 4-6.
- F. *Electronic copies.* The Zoning Administrator may allow electronic copies of any of the materials required to be submitted with concept plan, preliminary plat, construction plan, or final plat applications, including, but not limited to PDF, CAD, or GIS files.
- G. *Preliminary plat and plans required prior to construction.* No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this UDC, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this UDC.
- H. *Building and other permits.* No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this UDC that has not been approved in accordance with the provisions of this UDC.
- I. *Public thoroughfares and lands.* No land dedicated as a public thoroughfare or for other public purpose shall be opened, extended, or accepted as a public thoroughfare or for other public land unless such improvements are constructed in accordance with the specifications of this UDC and said land and/or improvements are formally approved and accepted as public improvements by the City Council in accordance with procedures established in this UDC.
- J. *Special review of subdivisions along state highways.* No subdivision plat containing land that abuts a state highway shall be approved until such plat has been submitted

for review and comment by GDOT, in accordance with the provisions of O.C.G.A. § 32-6-151. When the City receives such a plat, it shall submit two copies of the proposed subdivision plat to GDOT if such proposed subdivision includes or abuts on any part of the state highway system. Within 30 days of receipt of the plat, GDOT shall recommend approval and note its recommendation on the copy to be returned to the Zoning Administrator or recommend rejection. Failure of GDOT to act within this 30-day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the Zoning Administrator in writing. A recommendation for rejection shall be binding on the Zoning Administrator and the Planning Commission unless the Planning Commission, by official action recorded in its minutes, overrules the recommendation for rejection.

Sec. 4-3 Exemptions from Plat Approval

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this UDC; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this UDC:

- A. The creation and sale of cemetery plots.
- B. The sale of lots consistent with previously approved and recorded plats or deeds.
- C. The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- D. The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a dwelling or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- E. Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the City to issue permits if the resulting lots or parcels fail to meet any applicable regulations concerning

lot size, lot width, and other dimensional requirements.

- F. The creation of mortgage lots.

Sec. 4-4 Lot Combinations

- A. A lot line forming the boundary between two conforming platted lots may be removed through a final plat revision process which conforms to the requirements of this article.
- B. Where no final plat applies to the subject lots, the Zoning Administrator may require a boundary survey and plat depicting all lots involved in the lot combination, which may be approved by the Zoning Administrator and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the re-plat is for the purpose of removing the lot lines between specific lots.

Sec. 4-5 Lot Line Adjustments

- A. One or more lot lines between abutting lots may be adjusted through a final plat revision process that requires the approval of the Zoning Administrator and recording of a plat meeting the specifications of a final plat. No adjustment shall increase the degree of nonconformity of any lot.
- B. Where no final plat applies to the subject lots or parcels, the Zoning Administrator may require a boundary survey and plat of the entire lots involved in the lot line adjustment, which may be approved by the Zoning Administrator and recorded.
- C. Such plat showing said lot line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the re-plat is for the purpose of adjusting the lot lines between specific lots.

Sec. 4-6 Concept Plan

- A. *Purpose.* The purpose of this section is to ensure a general understanding of the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a concept plan of all major subdivisions for approval by the City Council.
- B. *When required.* All major subdivisions in Hamlet (HM) or Village (VL) districts shall

require the submission of a concept plan to the Zoning Administrator for review by the Planning Commission and approval by the City Council. Prior to application for preliminary plat approval, the City Council must approve the concept plan, if required.

C. *Concept plan application and specifications.* Concept plan applications shall include the following elements:

1. *Site assessment.* A thorough assessment of site conditions shall be submitted, demonstrating an understanding of the natural, cultural, and historic features that will guide or constrain the design of the subdivision. This should include all existing manmade and natural features including structures; utilities; easements; soils; wetlands, floodplains; habitats for endangered or threatened species; steep slopes; streams and required stream buffers; rock outcroppings; trees; historic, cultural, and archeological resources; and any other sensitive, unique, notable, or constraining features to be retained, moved, or altered.
2. *Concept plan.* A site map with areas of activity indicated with general boundaries showing proposed use categories and densities. This should include, at a minimum, commercial centers and frontages, major civic sites, terminated vistas, open spaces, entrances, major circulation thoroughfares including their typologies, walking distances from centers, and any special districts or special conditions.
3. *Statements.* Statements of proposed uses, proposed densities, and proposed water supply and sewage disposal.

D. *Procedures.* Upon receipt of a completed concept plan application, the Zoning Administrator shall forward all pertinent materials in the application to the Planning Commission for review and schedule the application for a public meeting before the Planning Commission. An application for concept plan approval must be submitted in

accordance with the filing deadlines established by the City's Community Development Department. The Planning Commission shall have 40 days from the date the public meeting is held to recommend that the City Council approve, conditionally approve, or deny the concept plan application. The City Council shall then consider the application at its next regularly scheduled meeting. The City Council shall approve, conditionally approve, or deny the concept plan application. The basis of the Planning Commission's review and the City Council's action on a concept plan shall be whether the concept plan is consistent with the purposes and requirements of this UDC and all other ordinances that relate to the proposed development, as well as the Comprehensive Plan and other plans adopted by the City.

- E. *Approval is conditional.* The concept plan shall be conditioned upon approval of a preliminary plat, and shall not make permissible any of the uses, densities, or intensities as proposed until a preliminary plat application is submitted and approved for all or a portion of the area covered by the concept plan.
- F. *Disposition.* Approval of a concept plan shall be valid for a period of one year, during which time a preliminary plat application must be submitted. If a preliminary plat application is not submitted during that time, concept plan approval shall expire and be null and void.
- G. *Amendments to approved concept plans.* The Zoning Administrator is authorized to approve minor amendments to concept plans. Any proposed amendment to a concept plan that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to concept plans determined to be major amendments, City Council approval shall be required. The City Council shall approve, conditionally approve, or deny the proposed major amendment to a concept plan. Procedures for considering a major amendment to a concept plan shall be the same as required for an initial application for concept plan approval.

Sec. 4-7 Preliminary Plat

- A. *Purpose.* The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a preliminary plat of all major subdivisions.
- B. *Planning Commission Powers.* The Planning Commission shall have the authority to review and approve, conditionally approve, or deny preliminary plats of major subdivisions.
- C. *When required.* All major subdivisions shall require the submission of a preliminary plat to the Zoning Administrator for approval by the Planning Commission. The Planning Commission must approve the preliminary plat, if required, prior to the issuance of any permit for land disturbance or development, or the installation of any improvements.
- D. *Application requirements.* The following shall be required for all preliminary plat applications. Preliminary plats that do not conform to the approved concept plan shall not be scheduled for Planning Commission review until a concept plan amendment has been approved.
1. Completed application form
 2. Letter requesting approval with name, address, and phone of applicant
 3. Copies of plat as requested by the Zoning Administrator
 4. Filing fee per resolution/schedule
 5. Description of type of water supply and sewerage system and utilities to be provided
 6. Data on existing conditions
 7. Conceptual grading and drainage plan that demonstrates conformance with the requirements of ARTICLE XIV if required by the Zoning Administrator
- E. *Plat requirements.* All information shown in Sec. 4-10 shall be required to be included on the plat.
- F. *Project phasing.* Some developments in Hamlet (HM) and Village (VL) zoning districts that are constructed over a long period of time may be separated into multiple phases

within an individual development. Individual phases may not meet the district requirements, but they must be designed so as to allow these requirements to be met in the development as a whole. An entitlements phasing chart shall appear on all plat applications for each phase of a development in Hamlet (HM) and Village (VL) zoning districts, including the number of residential units, amount of commercial space, and amount of open and civic spaces in all phases, including any applicable TDRs.

- G. *Procedures.* Upon receipt of a completed preliminary plat application, the Zoning Administrator shall forward all pertinent materials in the application to the Planning Commission for review and schedule the application for a public meeting before the Planning Commission. An application for preliminary plat approval must be submitted in accordance with the filing deadlines established by the City's Community Development Department. The Planning Commission shall approve, conditionally approve, or deny the preliminary plat application. The basis of the Planning Commission's action on a preliminary plat shall be whether the preliminary plat is consistent with the approved concept plan, and whether it meets the purposes and requirements of this UDC and all other ordinances that relate to the proposed development, as well as the Comprehensive Plan and other plans adopted by the City.
- H. *Notification of amendments.* If the Zoning Administrator has approved a minor amendment to the concept plan, they shall present a report on the amendment to the Planning Commission with the preliminary plat application. If the Planning Commission finds that any amendment deemed minor by the Zoning Administrator constitutes a public interest, it shall refer the amendment to the City Council for approval before rendering a decision on the preliminary plat. Procedures for considering a referred amendment to a concept plan shall be the same as required for an initial application for concept plan approval.
- I. *Disposition.* Approval of a preliminary plat shall be valid for a period of one year, after which time a complete development permit

or construction plans application must be submitted. If a complete application for construction plans is not submitted during that time, preliminary plat approval shall expire and be null and void.

- J. *Amendments to approved preliminary plats.* The Zoning Administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Planning Commission approval shall be required. The Planning Commission shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval.

Sec. 4-8 Construction Plans and Development Permit

- A. *Application.* Upon approval of a preliminary plat, or if no preliminary plat is required, the subdivider or land developer may apply for construction plan approval and approval of a development permit. In the case of a minor subdivision, or in cases where a preliminary plat is not required by this article, the subdivider or land developer may apply for approval of construction plans. The construction plan approval and development permitting process is administrative. No application for construction plans shall be accepted for processing nor development permit approved by the Zoning Administrator until a preliminary plat, if required, has been approved by the Planning Commission and the proposed construction plans are determined by the Zoning Administrator to be in substantial conformity with said approval and any conditions of such approval.
- B. *Decision criteria.* The only basis upon which the Zoning Administrator may deny a construction plan or development permit is the failure of the application to meet the requirements of this UDC or any other applicable local regulations or the failure of the construction plans and application to
- meet the requirements of preliminary plat approval specified by the Planning Commission.
- C. *Certificate of approval.* All copies of the construction plans shall be noted by inscription on the plan noting such approval by the Zoning Administrator. Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land has been initiated, or unless the Zoning Administrator approves an extension of time.
- D. *Application requirements.* The following shall be required for all development permit applications.
1. Completed application form
 2. Four copies of plat
 3. Filing fee per resolution/schedule
 4. Description of type of water supply and sewerage system and utilities to be provided
 5. Hydrological or other engineering study (City Engineer may exempt minor plats from this requirement)
 6. Subdivision entrance monument and landscaping elevation/plan
 7. Written approval from electric utility company regarding installation of service points and thoroughfare lights (if required by City Engineer).
- E. *Engineering drawings.* Engineering drawings for public and private thoroughfares, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the state, or if authorized under state law, a registered land surveyor, or professional landscape architect, shall be required to be submitted for review and approval, and such plans must meet the requirements of this UDC and the specifications of the Zoning Administrator. Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, if required, a registered engineer for the subdivider/developer shall submit one copy of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the

requirements of this UDC and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built thoroughfare and utility plans for future use by the City.

- F. *Permits for construction in public right-of-way.* Permits from the Zoning Administrator shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator.
- G. *Land disturbance permit must be approved.* If construction activity contemplated results in the disturbance of an area of one acre or more, a land disturbance permit must be approved along with any building permit prior to construction.
- H. *Indemnity agreement form must be filed.* Prior to the issuance of a land disturbance permit, an indemnity agreement form must be filed by the subdivider protecting the City against damage, repair and/or maintenance claims and liability arising out of drainage problems. The Zoning Administrator is hereby authorized to execute such agreements on the behalf of the City.

Sec. 4-9 Final Plat

- A. *When required.* All major subdivisions, resubdivisions, minor subdivisions, and dedications shall require final plat approval. The final plat approval process is administrative.
- B. *Criteria for approval.* The Zoning Administrator may grant final plat approval if the following conditions, as applicable, are met.
 - 1. The Planning Commission has previously approved a preliminary plat of the proposed subdivision (not required for minor subdivision).
 - 2. Where new improvements are involved in the subdivision, construction plans have been approved by the Zoning Administrator, all improvements have been installed and inspected by the Zoning Administrator, and subdivision improvement guarantees and bonds

as required by this UDC or the conditions of zoning or conditions of preliminary plat approval have been submitted.

- 3. The final plat meets all applicable requirements of this UDC.
 - 4. A complete final plat application has been submitted, including all supporting materials required for final plats by this UDC.
 - 5. Homeowners association or property owners association documents that conform with the requirements of Sec. 11-6.
- C. *Administrative approval.* The Zoning Administrator shall consider final plats and applications that meet the above-referenced conditions a ministerial action of approval. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced criteria have not been met.
 - D. *Approval certificate.* Upon approval of the final plat, a certificate shall be stamped directly on the plat.
 - E. *Application requirements.* The following shall be required for all final plat applications.
 - 1. Completed application form
 - 2. Two copies of plat at approval, plus additional copies as requested by the Zoning Administrator
 - 3. Filing fee per resolution/schedule
 - 4. Description of type of water supply and sewerage system and utilities to be provided
 - 5. Soil test for each proposed lot containing a septic tank and drain field
 - 6. Warranty deed for the dedication of thoroughfares and other public places
 - 7. Written approval from electric utility company regarding installation of service points and thoroughfare lights
 - 8. As-built drawings of public improvements
 - 9. Subdivision improvement guarantee
 - 10. Certificate of title

11. Plat certificates

- F. *Plat requirements.* All information shown in Sec. 4-10 shall be required to be included on the plat.
- G. *Additional plat certificates.* In addition to information required by Sec. 4-10 to be supplied on a final plat, each final plat shall contain a surveyor's certificate, owner's certificate, and/or health department approval certificate, as appropriate.
- H. *Future minor subdivision certificate.* All Minor Subdivision Plats and Farmette Subdivision

Sec. 4-10 Plat Requirements

- A. The following information is required to be submitted on or with plats or construction plans.
- B. All plats and construction plans shall be provided at a minimum scale of one inch equals 100 feet.
- C. All plats and construction plans shall be provided on sheets with a maximum size of 24 by 36 inches, except for final plats, which shall be provided on sheets with a maximum size of 18 by 22 inches.

Plats must contain the following: "This Property may not be further subdivided using the Minor Subdivision process."

- I. *Distribution of recorded final plat.* The Zoning Administrator shall be responsible for ensuring that each appropriate agency receives a copy of the final recorded plat with assigned addresses.
- J. *Plat Act conformity.* All recorded plats shall conform with the requirements of O.C.G.A. §15-6-67.

	Preliminary Plat	Construction Plans	Final Plat
North arrow and graphic engineering scale	Required	Required	Required
Reference to north point (magnetic, true north, or grid north)			Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map	Required	Required	Required
Total acreage of the property being subdivided	Required	Required	Required
Name, address, and telephone of owner of record	Required	Required	Required
Name, address and telephone of subdivider	Required	Required	Required
Name, address and telephone of preparer of plat	Required	Required	Required
Date of plat drawing and revision date(s), if any	Required	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more benchmarks	Required	Required	Required
Names of owners of record of all abutting land	Required	Required	Required
Municipal, county and land lot lines inside the property or within 500 feet	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Required	Not Shown
Existing thoroughfares, utilities, and easements on and adjacent to the tract	Required	Required	Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)	Required	Required	Required
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition	Required		Required
Dimensions and acreage of all Lots	Approximate	Approximate	Exact
Locations of thoroughfares, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Locations and widths of sidewalks and crosswalks	Recommended		Required

	Preliminary Plat	Construction Plans	Final Plat
Right-of-way widths and pavement widths for existing and proposed thoroughfares	Required	Required	Required
Locations, widths and purposes of easements	Recommended	Required	Required
Thoroughfare centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required	Required
Acreage to be dedicated to the public	Recommended		Required
Thoroughfare names	Recommended	Required	Required
Thoroughfare mailing address for each lot			Required
Topography (the Zoning Administrator may specify the resolution of the contour lines)	Per Zoning Administrator	Per Zoning Administrator	Per Zoning Administrator
Minimum front building setback lines for all lots	Required	Required	Required
Location and width of all buffers, including, but not limited to, stream buffers, district buffers, thoroughfare buffers, etc.	Required		Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Plat recording and signature block			Required
Plat certificates: survey, owner, health department, future minor subdivision (see text)			Required
Signature block for Zoning Administrator approval	Required		Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
Statement of and reference to private covenants		Recommended	Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required	
Concept plan and density unit assignment	Required		Required
Entitlement accounting with phasing plan	Required	Required	Required
Street cross sections and profiles	Per City Engineer	Per City Engineer	Per City Engineer
Stormwater computation documents		Required	
Grading and drainage plan	Conceptual	Required	
Landscape plan		Required	
Community water system plan, if applicable			Required
Environmental site analysis	Required		
Conservation easements or other documentation for all permanently protected open space			Required
Covenants and HOA/POA (or equivalent) documents			Required
Pedestrian, bicycle, and equestrian circulation map(s)	Recommended		
Public art and monuments sites plan	Required		
Open space management plan	Required		Required
Copies of stamped deed book pages for all covenants, including those required in			Required
Analysis of natural features/site analysis	Required		
Signed release of the project by the development inspector			Required
Recorded deed to the city for any dedicated space			Required

Sec. 4-11 Improvement Guarantees

- A. In order to protect the City and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the City financial security to guarantee the installation of public improvements. The financial security shall be an amount equal to 125 percent of the cost of improvements not in compliance.
- B. The subdivider's or developer's financial guarantee may consist of any of the following:
 1. An escrow of funds with the City;
 2. An escrow with a bank or savings and loan association upon which the City can draw;
 3. An irrevocable letter of commitment or credit upon which the City can draw;
 4. A performance bond for the benefit of the City upon which the City can collect, or a certificate of deposit with assignment letter; or
 5. Any other form of guarantee approved by the City Council that will satisfy the objectives of this section. The guarantee shall be in an amount to secure the full costs, as determined by the City, of constructing or installing the improvements and utilities required.

Sec. 4-12 Limitations on Minor Subdivisions

- A. *Purpose.* Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via

consecutive minor subdivisions instead of filing for a major subdivision. It is the intent of the City Council to prohibit the practice of "chain" subdivisions where a parcel divided or created by minor subdivision or major subdivision is further subdivided by the minor subdivision process.

- B. *Limitations.* Any parcel created by the major subdivision process after January 1, 2007 may not be further subdivided by the minor subdivision process. Land within a minor subdivision shall not be further divided unless a concept plan application is filed and approved as a major subdivision pursuant to the requirements of this UDC.

Sec. 4-13 Major Subdivision Process

The following steps are required for the subdivision of land, except subdivisions that qualify for the minor subdivision process:

- A. *Pre-application meeting.* Applications for subdivision review shall not be accepted by the City unless a pre-application meeting has been held with the Zoning Administrator.
- B. *Concept plan.* The applicant may submit a concept plan subsequent to the pre-application meeting.
- C. *Preliminary plat.* Upon approval of the concept plan, a preliminary plat may be submitted according to the requirements of this UDC.
- D. *Development permit/land disturbance permit/construction plans.* Upon approval of the preliminary plat, application for development permitting may begin.
- E. *Final plat.* After the final plat is approved, signed, and recorded with the County Clerk of Superior Court, the developer may sell lots.

ARTICLE V. GENERAL PROVISIONS

The requirements of this article shall apply in all zoning districts, except as otherwise noted.

measured in a straight line from the nearest property line to the nearest property line.

Sec. 5-1 Measurement of Distance

All distance measurements of this UDC that do not specify the method of measurement shall be

Sec. 5-2 Required Open Space and Civic Space

Zoning District	Minimum Required Open Space	Minimum Required Civic Space
RL	none	none
PG	65% of gross site area	5% of gross site area
HC	65% of gross site area	5% of gross site area
HM-LDR	85% of gross site area	5% of gross site area
HM-MDR	75% of gross site area	5% of gross site area
HM-SD	65% of gross site area	5% of gross site area
HM-MU	65% of gross site area	5% of gross site area
	55% of gross site area see Sec. 6-3B (open space is determined by density and TDR requirements) but in no case less than 10% of gross site area	5% of gross site area
VL		

Sec. 5-3 Required Open Space

A. It is the purpose of these open space standards to:

1. Preserve open land in hamlets and villages in perpetuity;
2. Provide residents of developments with opportunities to view and experience nature, including meadows, trees, hiking trails, streams and other wetlands, wildlife in the natural habitat, and granite outcroppings. Nature also includes outdoor places for gatherings and recreation;
3. Provide residents of developments with opportunities to view agriculture, including livestock, gardens, orchards, and produce;
4. Provide residents of developments with access to all open spaces, except farms;
5. Minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures;

6. Provide an interconnected network of permanent open space;
7. Encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features;
8. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;
9. Promote construction of convenient and accessible walking trails and bike paths both within a development and to nearby areas in order to reduce reliance on automobiles.
10. Provide civic space as an amenity that promotes physical health and social interaction within the community and that provides a variety of active gathering spaces.

B. Open space shall be required as set forth in this section and shall be calculated as a percentage of total land area within a site.

C. Open spaces intended for public access or gathering shall provide points of access for emergency vehicles.

- D. Land permanently protected as regulated in Sec. 5-8 prior to being rezoned into a Hamlet (HM) or Village (VL) district shall not be allowed to count toward required open space, nor shall it count toward total district area for the purpose of calculating open space requirements though it shall be included for the purpose of meeting district size minimums and for calculating density controls in [Sec. 6-3B](#).
- E. Except in a Historic Crossroads (HC) district, all required open space must be located on parcels used exclusively as open space.
- F. All open space lots must meet the minimum lot size requirements of [Sec. 6-3D](#).
- G. Allowed open space uses.
1. Buffers required by Sec. 5-9 and any required stream buffers
 2. Sites of historic, cultural, or archeological significance, including burial grounds
 3. Utility crossings, transit rights-of-way
 4. Unpaved thoroughfares or driveways
 5. Greenhouse or nursery (see Sec. 7-4T)
 6. Farming, horse stables, keeping and raising of farm animals, livestock quarters and enclosures
 7. Solar farms (total solar panel area shall not exceed 5% of total required open space area)
 8. District geothermal or ground source loop fields, water wells
 9. Nature preserves
 10. Parks, open fields, or wooded areas
 11. Recreation fields
 12. Pedestrian ways, pedestrian trails, pedestrian paths, including those used by bicycles and/or horses
 13. Recreational access to the Chattahoochee River
 14. Amphitheater without significant hardscape area
 15. Floodplains, wetlands, and water bodies
 16. Critical wildlife habitat
 17. Botanical gardens
 18. Campsites without utility connections
 19. Occasional festivals or events
 20. Areas with steep slopes
 21. Roadside stands up to 800 square feet footprint
 22. Temporary structure (see [Sec. 7-4RR](#))
 23. Pervious parking areas designed as allowed open space uses 6, 8, 9, or 19
 24. Timber harvesting areas (not to exceed 30 percent of the total required open space) (also see Sec. 7-4R)
 25. Golf courses (not to exceed 30 percent of the total required open space)
 26. Stormwater management facilities, drain fields, or sewage treatment facilities (not to exceed 30 percent of the total required open space) that meet the criteria of [Sec. 5-10\(B\)\(12\)](#).
- H. Open space must incorporate the following features where they are present:
1. Habitats for endangered or threatened species as defined by DNR;
 2. Wetlands identified by the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, the county soil survey prepared by the USDA Natural Resources Conservation Service, or a certified wetlands delineation using data from the U. S. Army Corps of Engineers;
 3. Alluvial soils identified by FEMA and 100-year floodplain;
 4. Rivers, streams, lakes, existing ponds, naturalistic stormwater management ponds/facilities with pedestrian amenities, creeks, including, but not limited to, blue line tributaries and state waters;
 5. Required stream buffers;
 6. Existing steep slopes greater than 25 percent on average and with an area greater than 5,000 square feet identified as part of a site analysis

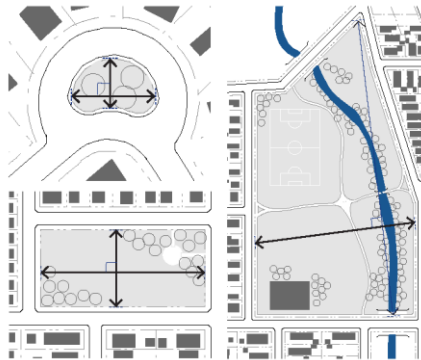
conducted by a registered engineer, land surveyor, or landscape architect; and

7. Sites of historic, cultural, or archaeological significance.

- I. *Open space demarcation.* Property lines separating open spaces from other uses shall be demarcated with permanent visible monuments or other features which achieve permanent visual differentiation. Any improvements used to this requirement shall be continually maintained.

Sec. 5-4 Required Civic Space

- A. Civic space shall be provided in the minimum amounts shown in the table in Sec. 5-2.
- B. Civic space must be designed to:
 1. Provide active or passive recreational amenities;
 2. Be visible and accessible from the adjacent sidewalk; and
 3. Permit and encourage pedestrians to walk on a minimum of 60 percent of the surface of the area excluding fountains, pedestrian furniture, public art, and similar elements.
- C. *Location.* Civic spaces must be located in developable areas. Every use, except for agricultural uses, shall be located within 800 feet of a civic space (as measured in a straight line between the closest points of the property lines of the civic space and the property lines of the use). Individual civic spaces shall be at least 5,000 square feet in area or at least as large as the smallest parcel located within 800 feet of the civic space.
- D. All dwellings within a Hamlet (HM) or Village (VL) zoning district shall be connected by a sidewalk or pedestrian way to every civic space within the development.
- E. *Civic space types.* All civic space shall also comply with one of the open space uses defined by subsections K through N. The Zoning Administrator may allow the following to count as civic space when operated or managed by the City or through a memorandum of understanding with the City: City Hall, fire station, police station, library, museum, community center, or nature center. These uses shall be limited to a maximum of 25 percent of the total land area of all civic spaces in a development. These uses also count toward the civic use bonus (see Sec. 6-3).
- F. Each Village (VL) district shall be required to reserve a transit station site, for service to that district, along with a transit corridor linking the transit station site to the South Fulton Parkway Right-of-Way. The transit station site shall count toward required civic space. The transit corridor shall count toward required open space.
- G. *Size measurement.* The size of the civic space shall include all landscape and paving areas associated directly with the civic space.
- H. *Minimum dimension measurement.* The minimum length or width of the civic space, as measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot.



- I. *Fully enclosed structures.* Fully enclosed structures include such uses as small cafes, kiosks, community centers, and restrooms. They are only permitted in certain civic space types. Open-air structures, such as gazebos, are permitted in all civic space types.
- J. *Stormwater management facilities* must be designed by a registered landscape architect as formal or natural amenities, and may not be fenced or enclosed by walls over 30 inches in height.



- K. Plaza. The intent of the plaza is to provide a formal civic space type of medium scale to serve as a gathering place for civic, social, and commercial purposes. Special features, such as fountains, playgrounds, and public art installations, are encouraged.

Dimensions	
Minimum Size	none
Minimum Dimension	60 feet
Minimum Percentage of Thoroughfare Frontage Required	25%
Improvements	
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum Impervious Surface + Semi-Pervious Surface	90% + 10%
Maximum Percentage of Open Water & Stormwater Features	30%



- L. Green. The intent of the green is to provide informal, medium scale active or passive recreation for building occupants and visitors within walking distance, mainly fronted by streets.

Dimensions	
Minimum Size	0.10 acres
Minimum Dimension	45 feet
Minimum Percentage of Thoroughfare Frontage Required	25%
Improvements	
Fully Enclosed Structures	Not permitted
Maximum Impervious Surface + Semi-Pervious Surface	20% + 15%
Maximum Percentage of Open Water & Stormwater Features	30%



M. Commons. The intent of the commons is to provide an informal, small to medium scale space for active or passive recreation for a limited area. Commons are typically internal to a block and tend to serve adjacent building occupants.

Dimensions	
Minimum Size	0.45 acres
Minimum Dimension	45 feet
Minimum Percentage of Thoroughfare Frontage Required	0%; requires a minimum of two access points with a total depth of 100 feet maximum (minimum 30 feet wide)
Improvements	
Fully Enclosed Structures	Permitted; may cover maximum 5% of commons area
Maximum Impervious Surface + Semi-Pervious Surface	30% + 10%
Maximum Percentage of Open Water & Stormwater Features	30%



N. Park. The intent of the park is to provide informal active and passive large-scale recreational amenities to local residents and the city. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

Dimensions	
Minimum Size	0.75 acres
Maximum Size	4 acres
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Thoroughfare Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size
Improvements	
Fully Enclosed Structures	Permitted in parks 2 acres or larger in size
Maximum Impervious Surface + Semi-Pervious Surface	20% + 10%
Maximum Percentage of Open Water & Stormwater Features	30%

Sec. 5-5 Greenway Trail Connections

A. *Chattahoochee Hill Country Regional Greenway Trail*. Within Hamlet (HM) and Village (VL) districts, at the time of application for a land disturbance permit or building permit, development projects with frontage adjacent to the roads identified on the Chattahoochee Hill Country Regional Greenway Trail Master Plan shall incorporate a multi-use path subject to the approval of the Zoning Administrator. Such path shall conform to the entry and exit points of the development as designated in the Master Plan map or as approved by the Zoning Administrator, but the detail of the alignment within the development may be amended to suit the needs of the development, provided that in no case shall more than ten percent of the path alignment consist of shared vehicular lanes or bicycle lanes without a physical barrier to separate them from vehicular traffic.

Sec. 5-6 Off-Site Open Space

Required open space may be transferred to an off-site parcel when meeting the following requirements. For the purpose of this section, an off-site parcel shall be a parcel outside the geographic area within which conformance with zoning district requirements is set.

A. The city finds that the transferred open space provides demonstrably greater value to the community than if the open space were not transferred off site. The Zoning Administrator will consider the following in making its determination:

1. Whether the off-site open space protects at least as much as the acreage otherwise required if not transferred.
2. Whether the off-site open space protects a site currently identified as within a scenic view area.
3. Whether the off-site open space connects elements of the city's greenspace network.
4. Whether the off-site open space provides public Chattahoochee River access.

5. Whether the off-site open space protects and/or provides public access to some valued landscape, view, historic site, cultural feature, or other valued amenity unique to its site.

B. The following transfer methods may be utilized:

1. The purchase of property and subsequent application of a conservation easement to that property in accordance with the open space protection standards of this article;
2. The purchase of development rights via the transferable development rights (TDR) program (see ARTICLE XIII), where one TDR shall equal one acre of transferred open space requirement; or
3. A payment in lieu of direct preservation as regulated under density transfer charges in ARTICLE XIII.

C. In no case shall the transfer of required open space result in development that does not comply with the remaining regulations of this district.

D. The off-site parcel ("open space parcel") shall contain the amount of open space otherwise required for any permitted development on that parcel. No transferred open space may satisfy the open space requirement for more than one site.

E. Open space requirements fulfilled on an off-site parcel shall be documented on approved zoning and development plans. Such documentation shall include the total amount of open space relocated and the location of the open space parcel.

F. Once transferred to an open space parcel, the square footage of the transferred open space shall not be used or credited toward future open space transfers or other open space or TDR requirements.

G. The maximum amount of the open space requirement that can be transferred off-site is as listed in the following table.

Zoning District	Maximum Amount of Required Open Space Allowed to be Transferred Off-Site
Rural (RL)	0%
Hamlet (HM)	20%
Village (VL)	80%
Historic Crossroads (HC) or Parkway Commercial (PC)	100%

Sec. 5-7 Open Space Networks

- A. Parcels designated as open space shall be configured to create or maintain a network of open space.
- B. No more than five percent of the open space shall be fewer than 50 feet in width.
- C. Except for agriculture, open space must not be isolated. Pedestrian circulation networks must provide access from the open space to existing and proposed thoroughfare networks, both inside and outside of the district.
- D. Paths located in floodplains, stream buffers, or within 25 feet of wetlands shall be constructed of pervious materials. Boardwalks may be approved by the Zoning Administrator where appropriate.
- E. Where path networks cross internal subdivision thoroughfares or public thoroughfares, access points shall be directly across from each other.
- F. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges, and tunnels.

Sec. 5-8 Open Space Protection and Maintenance

- A. Proposed open spaces included in approved zoning plans shall also include information delineating the entity responsible for the ownership, maintenance, and for resolution of issues related to such areas.
- B. The entity designated by "A" immediately above shall provide adequate maintenance of the open space improvements and shall replace dead plantings when necessary.
- C. Required open space areas shall be protected in perpetuity from further development or unauthorized use by a

conservation easement, public ownership, land trust ownership, covenant, or other permitted legal instrument. Such legal instrument shall:

1. Clearly delineate open space areas;
 2. Describe the features of the subject property to be permanently protected from development;
 3. List the parties, that is, the owners of the property, any easement holders, and the City as a third party beneficiary with rights to enforce the legal instrument if the City is not the holder;
 4. Specify how any easements may be transferred in the case of the dissolution of a homeowners association or other entity;
 5. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
 6. Clearly list restrictions;
 7. Provide for inspections of the property by the owner, any easement holders, and the City to ensure that the land is not being developed;
 8. Provide for maintenance of the property; and
 9. Provide for amendments only with the express written permission of all parties to the instrument.
- D. Concurrency. It is the intent of this subsection that required open space is preserved as buildings and/or phases within a district are completed rather than at full build out. The following shall apply within individual Hamlet (HM), Village (VL), ~~Parkway Commercial (PC)~~, and Historic Crossroads (HC) districts.
1. Residential units shall not be issued a certificate of occupancy until at least the minimum amount of required open space for those units has been permanently protected, per Sec. 5-3 and ~~Sec. 6-3B~~~~Sec. 6-3C~~. However, no open space shall be required to be permanently protected until at least 10% of the total number of proposed

units in a district have received a certificate of occupancy.

2. Certificate(s) of occupancy shall not be issued for commercial floor area until at least the minimum amount of required open space for that floor area has been permanently protected, per Sec. 5-3 and the percentage of the site proposed to be devoted to commercial uses, which shall consist of uses from any use category except for residential and agricultural uses. However, no open space shall be required to be permanently protected until at least 10% of the total commercial floor in a district has received a certificate of occupancy.

- E. Open space may be maintained and/or improved through reforestation, agriculture, sustainable forestry, pasture management, buffer replantings, stream bank protection and wetlands management or by other acceptable means as described in this UDC. The owner of the open space shall be responsible for maintenance, insurance, and taxes on the open space. The City may require a bond for maintenance.

- F. An open space management plan shall be submitted with the preliminary plat application. The open space management plan shall include the anticipated ownership and use of all protected open space parcels, along with a financial plan that demonstrates that the management expenses, taxes, and insurance will be covered by income derived from the property or other source of revenue.

Sec. 5-9 Required Buffers and Screens

- A. Buffers shall be required between any Hamlet (HM) or Village (VL) district and the Rural (RL) district, and where a Hamlet (HM), or Village (VL) district abuts a thoroughfare, except as specified in subsection (E) below. The intent of the buffers shall be to preserve rural views from thoroughfares and adjacent properties as part of the preservation of rural character in the city.

~~B. Adjacent to scenic roads as designated on the City's official scenic road map. b~~ Buffers shall consist of ~~a one of the following options:~~

~~C. B. Topography sufficient to provide an effective visual buffer such that buildings are not visible from the adjacent thoroughfare or adjacent district. wooded area consisting of existing or newly planted trees. Adjacent to non-scenic roads, buffers may be wooded, open, or agricultural areas. Buffers shall not include any buildings or pavement, except as specified in subsection (F).~~

~~D. C. Where non-wooded buffers are provided, a screen shall be required. This screen shall consist of native trees and other native plants/vegetation at a density sufficient to provide an effective year-round visual buffer screen such that buildings and parking are not visible from the adjacent thoroughfare or adjacent district. Existing trees and other vegetation must be used to meet the buffer requirements. Where the natural buffer is insufficient, supplemental plantings must be used and must consist of native trees and other native plants, including a mix of deciduous and evergreen species planted in a naturalistic arrangement.~~

~~1. Other standards.~~

~~Other standards.~~

~~E. D. Other standards.~~

1. The parking of vehicles and the placement of structures is not allowed in any required buffer.
2. No grading shall occur within any buffer. No retaining walls shall be constructed within any buffer.
3. Fences and walls shall be allowed in buffers subject to the requirements of Sec. 5-11 but may not be used to satisfy the visual screening requirement.
4. Buildings shall be set back at least 10 feet from all required buffers.

~~F. E.~~ The minimum depth of required buffers shall be as listed in the following table. Where there are conflicting requirements, the greater requirement shall apply.

	Trees or Vegetation (Minimum Depth)*
Adjacent to the Rural (RL) district	150 feet
Adjacent to scenic road as designated on City's official scenic road map	150 feet
Thoroughfares in developable areas	none
South Fulton Parkway	300 feet
All other non-scenic roads	70 feet**

*Or less where topography provides an effective visual buffer

**In Parkway Commercial (PC) Districts, the required buffer shall be 100 feet, except along South Fulton Parkway

G.F. Exceptions.

1. No buffers shall be required in any Rural (RL) or Historic Crossroads (HC) district.
2. Thoroughfares and utility crossings may be permitted to cross and interrupt buffers where approved by the Zoning Administrator. Such crossings must be designed to minimize the impact on the visual effectiveness of the buffer.
3. Signs which conform to the requirements of ARTICLE VIII shall be allowed to be located in buffers.
4. Where existing topography is adequate to provide an effective visual buffer, the Zoning Administrator may reduce the requirements of this section.
5. Where adjacent property owners agree in writing to the reduction of the buffer to allow for the proposed development to connect to existing or proposed uses on adjacent property, the Zoning Administrator may reduce the requirements of this section.

5.6. Openings within the buffer shall be allowed adjacent to non-scenic roads for up to 20% of the total length that a district fronts an individual thoroughfare, but not to exceed 500 feet per thoroughfare for any Village (VL) district or 250 feet per

thoroughfare for any Hamlet (HM) district. This opening may be open rather than wooded and may include agricultural uses, but shall not include any structures or pavement. Any buildings visible from a thoroughfare within such an opening must be designed consistent with an architectural style found within 100 miles of the site between the years of 1850 and 1900.

6. Where a Parkway Commercial (PC) district abuts a future contiguous Hamlet (HM) or Village (VL) district, no buffers shall be required between these districts.
7. Within the Preferred Town and Village Area designated in the Comprehensive Plan, and along any non-scenic within a developable area that abuts any thoroughfare, no buffer shall be required for up to 1,000 linear feet of frontage along the thoroughfare except adjacent to any Rural (RL) district, provided that the following requirements are met:
 - a. No more than 200-40% feet of this frontage may be dedicated to residential uses on the ground floor.
 - b. No curb cuts shall be allowed on the primary thoroughfare. Intersecting thoroughfares may be permitted by the Zoning Administrator.
 - c. The maximum facade setback along the primary thoroughfare shall be 20 feet, except where facades face a civic space.

H.G. Measurement. Buffers shall be measured as a linear depth from the edge of the property boundary or zoning district boundary.

Sec. 5-10 Additional Buffer Regulations for Parkway Commercial (PC) Districts

- A. No clearing is permitted in the buffer area except within a right-of-way or access easement for approved thoroughfare types.
- B. All buffer areas within 300 feet of the right-of-way of South Fulton Parkway must be permanently protected by conservation

~~existing vegetation and trees shall be preserved.~~

~~G. Buffer areas not abutting a thoroughfare may not be protected by conservation easement or counted as open space so that future connections to adjacent development may be provided.~~

~~Sec. 5-11~~ **Sec. 5-10 Landscape Standards**

The landscape standards in this article shall apply in all Historic Crossroads (HC) districts and in developable areas of all Hamlet (HM) and Village (VL) districts. See [Sec. 5-13F.4](#) for parking lot landscaping requirements.

A. Landscape design standards.

1. All landscape plans must be prepared by a registered landscape architect.
2. Native or edible plants are preferred. Invasive species shall be prohibited.
3. The spacing and placement of plants shall be adequate and appropriate for the typical size, shape, and habit of the plant species at maturity.
4. Proposed trees and understory trees shall be centered horizontally; and minimally:
 - a. Two feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
 - b. Three feet from walkways, curbing and other impervious pavements when planted in a continuous swale;
 - c. Five feet from thoroughfare lights, underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions;
 - d. Six feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;
 - e. Eight feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
5. All proposed trees shall be a minimum of two inches in caliper.
6. Proposed shrubs shall be of a five-gallon container minimum. Shrubs shall be 18 inches to 24 inches minimum clear from any sidewalk or pavement edge at the lot line.
7. Bare and exposed ground and/or in landscaped areas shall be covered with live plant materials and/or mulch, with the following exceptions:
 - a. Naturally occurring, creek beds, rock outcroppings or similar landscape features typically lacking in vegetation.
 - b. Agricultural fields seasonally tilled for cultivation.
 - c. Hiking trails and/or traces.
 - d. Clay or sand surfaces associated with recreation fields and facilities.
8. Porous paving materials should be used to improve stormwater infiltration on site.
9. Artificial plants or artificial turf are prohibited except for the following applications:
 - a. Rear yards of single-family residential lots and
 - b. Active recreation fields that are subject to intense use and soil compaction, and where paving or grass paving systems will not suffice given the area's purpose and level of use.
10. Where non-native species or other plantings require regular watering, they shall be irrigated by an automatic underground irrigation system. Wherever possible, bubbler, drip, and soaker hose systems shall be utilized.
11. The size and limits of existing vegetation shall be indicated on the landscape plan.
12. The property owner shall be responsible for maintaining all required landscaping, including

replacing any dead or diseased plantings or trees.

B. Landscape construction standards.

1. All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA).
2. Open spaces shall remain fenced and protected with a temporary construction/silt fence during all adjacent thoroughfare and site work and construction activities unless alterations to them are otherwise specified by the plans.
3. The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage, and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.
4. The topsoil within the construction area's limits of disturbance shall be removed, stored, and amended with organic soil additives as recommended by a landscape soils test prior to being redistributed.
5. Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.
6. All landscape soils that have been compacted during construction activities shall be loosened, aerated, and reconditioned to a depth of at least six inches before planting to provide an arable topsoil layer that can support the long-term health and vitality of landscaping.
7. Plants shall have normal, well-developed branches and vigorous root systems.
8. Temporary spray irrigation systems may be used to establish seeded areas for grass and groundcover.
9. Existing trees and vegetation should be preserved when possible. Such preservation may be used to fulfill the landscape requirements.
10. During construction, the root zones of existing trees and vegetation to be preserved shall be enclosed by a temporary protective fence and protected from clearing or construction activities.

C. Landscape maintenance.

1. Native ground covers that do not require irrigation or fertilization are preferred.
2. No disturbed ground shall be left exposed. Turfgrass and other approved and appropriate groundcovers or mulch shall cover all non-paved and non-built developed areas.
3. It shall be the responsibility of the property owner or his assigned agent to:
 - a. Maintain and keep all screening and fencing in good condition at all times;
 - b. Maintain landscaping by keeping turfgrass lawns properly mowed and edged, plants properly pruned and disease-free, and planting beds mulched, groomed, and weeded, except in Rural (RL) districts or required open spaces, and other areas of naturally occurring vegetation and undergrowth; and
 - c. Replace any required plantings that are significantly damaged, missing, infested, disease-ridden, or dead, within one year or the next planting season, whichever occurs first, except in Rural (RL) districts, required open spaces, and areas of naturally occurring vegetation and undergrowth.

Sec. 5-12Sec. 5-11 Fences and Walls

- A. This section shall regulate permanent fences and walls. See outdoor dining supplemental use provisions in Sec. 7-4BB for regulations pertaining to fences and walls for outdoor dining when located within sidewalks. The requirements of this section shall not apply to

temporary fences and walls associated with permitted land disturbance or building activities, or temporary tree protection in accordance with Chapter 14, Article IX.

- B. Fences and walls which conform to the provisions stated herein shall be permitted by the City's Community Development Department. Fences erected for agricultural uses shall be exempt from permit requirements.
- C. Heights of fences, walls, hedges, and other continuous foliage shall be measured from the adjacent top of the thoroughfare curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.
- D. Fences, walls, and vegetative materials must not obstruct the sight visibility triangle (see Sec. 12-1E).
- E. The Zoning Administrator may permit retaining wall heights in excess of the requirements of this section where existing topography so requires.
- F. Vehicle gates.
 - 1. No part of a vehicle gate shall be located within 20 feet of a public right-of-way, nor shall any gate obstruct a public right-of-way, required open space, or sight visibility triangle.
 - 2. Vehicle gates shall be further limited according to subsection (O) below and Sec. 12-5E.
- G. Fences and walls shall be located a minimum of three feet from any public right-of-way.
- H. The use of broken glass, projecting nails, concertina or razor wire, spikes or similar materials on fences and walls shall be prohibited.
- I. Barbed wire may only be used when associated with agricultural uses and shall be

Q.

Fence and wall materials and design shall be as set forth in the following table.

prohibited from use for any single-family uses.

- J. Walls and fences shall be limited to brick, wire, wood (or synthetic materials designed to have the appearance of natural wood) or stone materials.
- K. Fences and walls constructed along all property lines shall be constructed with a finished side toward any adjacent property.
- L. Street screens used for screening parking areas shall be located co-planar with the building facade line.
- M. Permanent fences and walls are prohibited directly beneath cantilevered portions of buildings.
- N. Fences are prohibited in the first layer and between any building facade and an adjacent open space except as follows:
 - 1. Within the Rural (RL) district;
 - 2. Within any required open space;
 - 3. Surrounding outdoor dining; and
 - 4. For any residential or agricultural use.
- O. Only poles and beams shall be permitted to be located above the top of fences and walls and in excess of the established height limits of this section. Such vertical structures shall be:
 - 1. A maximum width and depth of one foot by one foot;
 - 2. Located a minimum distance of six feet from any other such vertical structure; and
 - 3. Permitted to have a canopy affixed. See Sec. 6-2D.
- P. No fence or wall shall exceed 4 feet in height in any required buffer or the first layer, or 8 feet in height in any second or third layer, except that fences made of transparent deer netting or similar materials are allowed up to 12 feet in height only when associated with agricultural uses.

	Rural (RL) District or Required Open Space	Developable Areas
Aluminum fence	P	X
Barbed wire on metal or wooden posts	P	X
Hog wire, crossbuck and horse wire on metal posts	P	X
Hog wire, crossbuck and horse wire on wooden posts	P	P
Composite or metal fence having the appearance of a wood fence	P	X
Chain link fence (brown or dark green)	L	L
Chain link fence (silver, brown, or dark green)	R	R
3 or 4 rail wood or split timber, wood	P	P
Wood vehicle gate	P	P
Wooden picket fence	P	P
Metal vehicle gate, metal horse gate	P	L
Vertical slat wood privacy fence on wooden posts	L	L
Walls	P	P
Wrought iron fence	PX	P

P = Permitted (allowed)

X = Not permitted

L = Permitted (allowed) only in second or third layers

R = Permitted (allowed) only for public recreational uses

Sec. 5-13 ~~Sec. 5-12~~ **Traffic Impact Study**

A traffic impact study shall be submitted for any development that exceeds 50% of the thresholds for Developments of Regional Impact in metropolitan regions as established by the Atlanta Regional Commission.

Sec. 5-14 ~~Sec. 5-13~~ **Vehicular Parking**

A. No vehicular parking area, including those used for vehicular sales, leasing, or storage, shall be located between any building and an adjacent thoroughfare without an intervening building.

~~**A.B.** Within the Rural (RL) district, up to two vehicles may be parked between a building and a thoroughfare where the building is within 200 feet of the thoroughfare. There shall be no limitation on the number of parked vehicles in the Rural (RL) district where those vehicles are located more than 200 feet from a thoroughfare, unless otherwise prohibited by subsection (E).~~

~~**B.C.** Remote parking. Any parking spaces reserved for the exclusive use of a use on another lot shall be counted toward the maximum parking for that use.~~

~~**G.D.** Off-street parking requirements shall be as set forth in the following table.~~

	Rural (RL) District	Hamlet (HM) Pathway Commercial (PC) and Historic Crossroads (HC) Districts	Village (VL) District
Single-family residential	none	none	none
All other residential uses	none	Maximum 2.5 spaces per dwelling	Maximum 2 spaces per dwelling
Retail uses	not applicable	Maximum 5 spaces per 1,000 sq. ft.	Maximum 4 spaces per 1,000 sq. ft.
Restaurant	not applicable	Maximum 5 spaces per 1,000 sq. ft.	
All other uses	Maximum 5 spaces per 1,000 sq. ft.		

~~**D.E.** Limitation on trucks and specialty equipment.~~

1. Trucks and/or trailers exceeding four tons empty weight shall not be stored

or parked outdoors, with the following exceptions:

- a. Trucks used in farming the property on which they are located.
 - b. Trucks used in conjunction with a permitted use.
 - c. Trucks engaged in moving household goods or making deliveries.
 - d. A single tractor trailer may be parked on a lot if the owner and driver reside at the address, and it is parked on the buildable area of the lot, in the side or rear yard, at least 200 feet from the footprint of any dwelling on another lot (as measured in a straight line).
2. Earth moving equipment, tractors, or other heavy construction vehicles shall not be stored or parked outdoors, with the following exceptions:
- a. During construction under an active building permit and/or land disturbance permit.
 - b. Equipment used in farming the property on which they are located.
3. Recreational vehicles, campers, buses (including school buses), trailers, boats, and boat trailers may be parked or stored only under the following conditions:
- a. That such vehicles are not used as living quarters.
 - b. That the location of the parking or storage area shall be in the buildable area of the lot.

E.F. Specific to developable areas.

1. General.

- a. Off-street parking or loading area shall not be used for the repair, or dismantling of any vehicle or equipment, or for storage of materials or supplies, except when located within an enclosed garage.
- b. No surface parking area shall be larger than 1.5 acres unless

separated by a thoroughfare, lane, alley, or building.

- c. Porous paving materials are encouraged in order to increase stormwater infiltration on site.

2. Parking decks and structures.

- a. Parking decks adjacent to a thoroughfare shall be continuously lined for their entire width and height by occupiable space with a depth of at least 30 feet. Occupiable space shall not include parking, storage, mechanical areas, or digital equipment.
- b. Parking decks shall be constructed to conceal vehicles.
- c. Parking decks shall have the appearance of a horizontally storied building from any adjacent thoroughfare.
- d. Parking decks shall include architectural detailing and finish compatible with surrounding buildings.

3. Site design.

- a. Off-street parking spaces shall be located with sufficient room for safe and convenient parking without infringing on any public thoroughfare, open space, or sidewalk.
- b. Parking areas on adjoining lots may share curb cuts, driveways, and parking spaces subject to a recorded covenant running with the property on which the facilities are located.
- c. All parking lots and parking decks shall provide pedestrian walkways to connect parking spaces to adjacent sidewalks, open spaces, and building entrances. These walkways shall be five feet wide in parking lots or decks with fewer than 120 spaces, and eight feet wide in parking lots and decks with 120 or more spaces. Walkway pavements shall be differentiated from parking area pavement with a change in

surface texture, material, style, and/or color.

- d. On lots where the principal use is a parking lot, passenger car rental uses, or motor vehicle sales use, no more than 40 percent of the total area used for parking lots shall be impervious pavement.

4. *Landscaping and screening.*

- a. When surface parking abuts a thoroughfare right-of-way:
 - i. A street screen shall screen the parking area, at a minimum height of two feet and a maximum height of three feet; or
 - ii. A minimum four-foot-wide landscape area shall screen the parking area. Within the landscape area, a continuous planting of evergreen shrubs is to be installed at a minimum height of two feet and maintained to a maximum height of four feet.
- b. Parking lots shall provide minimum ten-foot-wide landscape islands at the end of each parking bay. Such islands shall have a minimum of one tree with a planting area a minimum area of 50 square feet and a minimum width of five feet and shall be planted or covered with other landscape materials.

- c. Parking rows with more than five parking spaces shall provide an additional landscape island for every six spaces in the row.
- d. Landscape islands shall be distributed throughout the lot and may incorporate stormwater management using light imprint methods.
- e. Landscape islands may be omitted for solar panel installations or other shading structures of equal or greater coverage.
- f. All required trees shall be minimum two-inch caliper when planted and shall be of a native shade tree variety which shall attain a minimum mature crown spread greater than 15 feet. A pre-approved list of native shade trees is available from the Zoning Administrator.

5. *Electric vehicle charging stations.*

- a. Parking lots or decks shall include two electric vehicle charging stations for each 50 parking spaces or portion thereof.
- b. Where golf cart parking is allowed on the street, a GFCI outlet shall be installed on the street side of the curb or in the curb in order to eliminate the hazard of extension cords across the sidewalk. The outlet may be controlled by a switch inside the adjacent building.



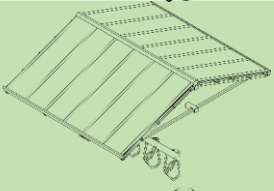

~~Sec. 5-15~~ **Sec. 5-14 Bicycle Parking**

- A. Bicycle parking facilities shall be provided as listed in the following table. Requirements shall be calculated based on gross floor area and shall be calculated
- B. separately for separate buildings. Allowed bicycle parking types are shown in C.

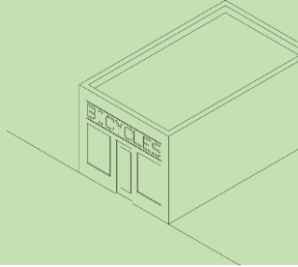
Use Category	Minimum Required Number of Bicycle Parking Spaces		
	Uncovered (RL)	Uncovered (HM, HC, PG , VL)	Covered Spaces (HM, HC, PG , VL)
Agricultural	none	none	none
Single-family residential	none	none	none
All other residential	n/a	2 spaces plus 1 space per 20 bedrooms	2 spaces plus 1 space per 20 bedrooms
Accommodation	2 spaces plus 1 space per 10 guest rooms	2 spaces plus 1 space per 10 guest rooms	none

Use Category	Minimum Required Number of Bicycle Parking Spaces		
	Uncovered (RL)	Uncovered (HM, HC, PG , VL)	Covered Spaces (HM, HC, PG , VL)
Office	n/a	2 spaces plus 1 space per 10,000 sq. ft. of building area	2 spaces plus 1 space per 10,000 sq. ft. of building area
All Other Institutional & Industrial	2 spaces plus 1 space per 20,000 sq. ft. of building area	2 spaces plus 1 space per 20,000 sq. ft. of building area	2 spaces plus 1 space per 20,000 sq. ft. of building area
Arts, Entertainment, & Recreation	2 spaces plus 1 space per 10,000 sq. ft. of building area	2 spaces plus 1 space per 5,000 sq. ft. of building area	none
Retail & Services	none	2 spaces plus 1 space per 5,000 sq. ft. of building area	none

C. Allowed bicycle parking types shall be as shown in the following table.

Standards	
	<i>Bicycle racks.</i> Shall be capable of securing bicycles and have at least two points of contact. Simple, easily identifiable forms should be used. Where two bikes can be locked on both sides without conflict, each side can be counted as one required space. May be covered or uncovered.
	<i>Decorative bicycle racks.</i> Shall be recognizable as bicycle parking facilities and shall be held to the same standards as other bicycle racks. Such racks may be provided for civic buildings and spaces, or other locations of historic, social, or cultural importance. May be covered or uncovered.
	<i>Bicycle shelters.</i> Shall be highly recognizable and integrated with uses requiring medium or long term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles and with at least two points of contact.
	<i>Bicycle lockers.</i> Shall be placed in a highly visible and well-lit location, ideally near public transit, but shall not disrupt the function and order of the public realm.

Standards



Bicycle stations. Should be located in highly visible locations, ideally near public transit. They should offer a variety of services that may include repair, rental, cafe, lockers, showers, and storage facilities.

- D. The Zoning Administrator may reduce the bicycle parking requirements where the character or use of the building is such as to make unnecessary the full provision of bicycle parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot.
- E. Bicycle parking may be located on a lot or in a thoroughfare planter and shall be accessible to all building occupants and provided in a safe, accessible, and convenient location in relation to building entrances. Bicycle parking shall provide clear and maneuverable access to a thoroughfare and shall be located at least as close to the building entrance as the closest car parking space serving that building, except for handicapped parking spaces.
- F. When located in a public right-of way, bicycle parking facilities shall not impede pedestrian use of the sidewalk and shall only be located within a thoroughfare planter a maximum distance of 100 feet from the building entrance the parking is intended to serve. When located in the public right-of-way, bicycle racks shall be of a type specified by the City.
- G. Buildings containing over 10,000 gross square feet of office space shall provide showering facilities, including showers and lockers, available to all tenants and their employees.
- H. At least 10 percent of bicycle parking spaces shall be designed to accommodate cargo bikes, long-tail bikes, or bikes with trailers.

~~Sec. 5-16~~ Sec. 5-15 Loading & Dumpsters

A. Specific to developable areas.

1. Loading.

- a. Loading areas, service yards, mechanical and electrical equipment, and other utilities, including roof-top equipment, shall be screened with evergreen plant material, opaque fences, or structural screens of materials and design matching the exterior building facades.
- b. Off-street loading and service areas shall be located in the third layer, shall be accessed from alleys where available, and shall be prohibited

from facing commercial streets, boulevards, or avenues.

2. Dumpsters.

- a. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. Restaurants shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.
- b. Dumpster areas shall be screened to their full height on all sides with evergreen plant material, opaque fences, or structural screens of materials and design matching the building facades.

- c. Dumpsters shall be located in the second or third layer, shall be accessed from alleys where available, and shall be prohibited from facing any thoroughfare without an intervening building.

3. Residential waste receptacles.

- a. Residential waste receptacles and recycling bins intended to serve detached single-family lots smaller than 0.5 acres shall either be shared between two adjacent residential lots or located underground.

Sec. 5-17Sec. 5-16 Inoperative Vehicles

- A. Any automobile, truck, vehicle or trailer of any kind or type, which is inoperable, are hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, and invite plundering and vandalism, to create fire hazards, to constitute a nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare and, when on City thoroughfares, to create a traffic hazard and endanger public safety.
- B. Such inoperable vehicles shall not be parked or stand on any private property or public thoroughfares, with the following limited exceptions.
 - 1. Such inoperable vehicles shall be permitted when located behind and fully screened from view of any public right-of-way by permissible fences or walls shall be permitted.
 - 2. A maximum of two such inoperable vehicles shall be permitted on an individual lot when used as rural ornamentation in the Rural (RL) district.
- C. This section shall not be the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or contrivances within the incorporated limits of the city, but shall be supplemental and in addition to the other regulations and regulatory codes, statutes, or provisions of law heretofore and hereinafter enacted by

city, county, state, or other legal entity or agency having jurisdiction.

Sec. 5-18Sec. 5-17 Outdoor Storage

- A. Outdoor storage is permitted in side and rear yards only and shall be screened so as to prevent visibility from residential uses, thoroughfares, and open spaces.
- B. Outdoor displays for merchandise which is being offered for sale on premises shall be permitted for all uses except for residential and agricultural uses, provided that all associated devices or structures:
 - 1. Shall not be permanently secured to the ground; and
 - 2. Shall meet all applicable provisions of this UDC when located within open spaces and sidewalks.

Sec. 5-19Sec. 5-18 Cemeteries

In a parcel with an existing or proposed cemetery, burial ground, human remains or burial objects, there shall be no land disturbing activity or timbering unless approved by the Zoning Administrator. The person or entity seeking a permit shall also comply with O.C.G.A. § 36-72-4. If a parcel is adjacent to a cemetery, there shall be no land disturbance in that parcel unless approved by the Zoning Administrator. The following development standards shall be required as a part of the application process for a land disturbance permit or building permit on any parcel with an existing or proposed cemetery or the first 50 feet of area on adjacent parcels:

- A. A report prepared by an archeologist determining the boundary of the cemetery and stating the number of graves believed to be present and their location as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes.
- B. A survey of the cemetery prepared by or under the direction of a registered surveyor showing the location of the boundaries of the cemetery or burial ground based on an archeologist's report.
- C. A 25-foot setback shall be provided around the perimeter of the outermost burials, as determined by an archeologist, if a cemetery

is located on the parcel of land to be developed. If a cemetery is within 25 feet of the parcel to be developed, a 25-foot setback shall be provided along common property lines on the parcel where the land disturbance permit or building permit is being sought.

- D. A temporary tree protection fence shall be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. If the cemetery is located on an adjacent parcel, the tree protection fence shall be located along common property lines. The temporary tree protection fence shall remain in place until construction is completed.
- E. A permanent four-foot-high fence or wall with a gate shall be constructed along the perimeter of a cemetery on a parcel for which land disturbing activity is sought. The location of the fence shall be as determined by an archaeologist. If the cemetery is located on an adjacent parcel, the fence shall be located interior to the required setback or along the common property lines as may be approved by the City Arborist. The gate shall have a latch and be four feet wide if the cemetery is inactive or ten feet wide if active.
- F. A maintenance plan for a cemetery located on the parcel for which a land disturbance permit or building permit is sought shall be developed and implemented.
- G. The location of a cemetery, as identified by the surveyor, shall be included on the recorded plat.
- H. A small plaque/marker may be placed on the cemetery grounds.

Sec. 5-20Sec. 5-19 Night Sky

- A. *Purpose and intent.* The purpose and intent of this section is to provide a strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy

and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from manmade sources.

- B. *Applicability.* For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this section, including the table in subsection (E). All building additions or modifications of 25 percent or more in terms of additional dwellings, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this section for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 60 percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming lot, shall constitute a major addition for purposes of this section.
 - 1. *Minor additions.* Additions or modifications of less than 25 percent to existing uses, as defined in subsection (B) above, and that require a permit, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the lot shall meet the requirements of this section with regard to shielding and lamp type.
 - 2. *Exempt lighting.* The following luminaries and lighting systems are exempt from these requirements:
 - a. Lighting for pools used at night, controlled by timers and with dimmers;
 - b. Underwater lighting used for the illumination of swimming pools and fountains, controlled by timers and with dimmers;
 - c. Temporary holiday lighting (may be used no more than 60 days per lot per year);
 - d. Lighting required and regulated by the Federal Aviation Administration,

or other federal, state, or local agency;

- e. Emergency lighting used by police, fire, or medical personnel, or at their direction;
- f. All outdoor light fixtures producing light directly from the combustion of fossil fuels;
- g. Security lighting controlled and activated by a motion sensor device for a duration of five minutes or less.

C. *Prohibited lighting.* The following lighting systems are prohibited:

- a. Aerial lasers;
- b. Searchlight style lights;
- c. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2,000,000 candelas or more, except as used by police, fire, or medical personnel, or at their direction;
- d. Cobra and shoebox-type light fixtures.
- e. Neon lighting not located in Hamlet (HM) or Village (VL) districts and not on commercial street, avenue, or boulevard thoroughfare types;

D. *Outdoor lighting standards.* All nonexempt outdoor lighting fixtures shall meet the following criteria:

- 1. Shall be full cutoff placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this section (as in the

case of period fixtures, cutoff fixtures may be used).

- 2. Shall be located, aimed, or shielded so as to minimize glare and stray light trespassing across property boundaries and into the public right-of-way.
- 3. Light spill. Lighting levels at property lines shall be a maximum measurement as listed:
 - a. Rural (RL) district: 0.5 footcandles.
 - b. Hamlet (HM) district: 1.0 footcandle.
 - c. Village (VL) district: 2.0 footcandles.
- 4. Commercial parking areas.
 - a. All lighting fixtures servicing parking lots, except floodlights, shall be cutoff fixtures, directed downward and not toward buildings or other areas.
 - b. The minimum illumination level for a parking lot shall be 0.4 footcandles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
 - c. Floodlights should be aimed or shielded to minimize uplight.
 - d. Light poles used in parking lots shall not exceed 20 feet in height.
- 5. In cases of off-street parking lots, shall be located, aimed, or shielded so as to minimize glare and stray light trespassing across property boundaries and into the public right of way in accordance with the following standards:

E. General lighting standards shall be as shown in the following table.

	Hamlet (HM), Historic Crossroads (HC) Parkway-Commercial (PC)		
	Rural (RL)	Low	Village (VL)
Ambient Light Levels	Very low	Low	Medium
Max. Lighting Standards	Minimal lighting, all full cutoff, controlled with motion sensors	Full cutoff lighting, controlled with dimmers, time switch, or motion sensors	Full cutoff lighting, some low wattage, non-full cutoff lighting; controlled with dimmers, time switch, or motion sensors
Maximum Allowed Lumens/Sq. Ft.	2.5-3.2 lumens / sq. ft.	3.3-4.2 lumens / sq. ft.	7.6-9.7 lumens /sq. ft.

		Hamlet (HM), Historic Crossroads (HC) Parkway Commercial (PC)	Village (VL)
Maximum Lamp Allowance (Lumens)	17,000 lumens	24,000 lumens	44,000 lumens
Required Shielding	Full shielded luminaire with no uplight or better	Shielded luminaire or better	Shielded luminaire or better
Lighting Curfew for All Uses Except for Residential or Agricultural Uses	8:00 p.m. or close of business, whichever is later	10:00 p.m. or close of business, whichever is later	10:00 p.m. or close of business, whichever is later

F. Parking lot lighting standards shall be as shown in the following table.

	Minimum Required Lumens/Sq. Ft.	Maximum Average Lumens/Sq. Ft.	Maximum Allowed Lumens/Sq. Ft.
Residential areas	0.5	2.0	4.0
Along commercial streets, avenues, and boulevards	1.0	3.0	12.0
SD districts	0.5	varies	12.0

1. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from another residential property or public thoroughfare.
2. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
3. Mixed-use development lighting must conform to the standards of its respective use.
4. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.
5. Street lights. All street light fixtures new, repaired (outside of normal maintenance) or replaced fixtures shall be full cutoff.

G. *Special uses.* All lighting not directly associated with the special use areas designated below shall conform to the general lighting standards described above.

1. *Outdoor sports, recreation fields, or performance areas.* Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall meet the following requirements:
 - a. Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play shall utilize luminaries with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:
 - i. Are provided with internal and/or external glare control louvers or lenses, and are installed so as to minimize uplight and light trespass and glare; and

- ii. Are installed and maintained so as to avoid aiming no more than 2.5 times the mounting height.
 - b. Illuminance. All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
 - c. Light spill. The installation shall also limit the spill of light off the parcel containing the sports facility to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as, performance areas, illumination levels shall not exceed 0.5 footcandles at any location along any property line of a residential or agricultural use, and 1.5 footcandles at any other location along any property line of any other use.
 - d. Curfew. All events shall be scheduled so as to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.
 - e. Setback. All light poles shall be set back the greater of 50 feet or one foot for every foot in height from any residential property line or right-of-way.
2. *Service station canopies and parking structures.*
- a. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures shall be fully shielded and utilize flat lenses.
 - b. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 footcandles.
 - c. The total light output of illuminated areas of a service station other than as detailed in subsection (b), above, shall not exceed 15 footcandles.
 - d. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, shall conform to the IESNA recommendation (RP-20).
 - e. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.
3. *Security lighting.*
- a. Security lighting shall be directed toward the targeted area.
 - b. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light shall not be triggered by activity off the property. Such lighting shall be controlled and activated by a motion sensor device for a duration of five minutes or less.
4. *Pedestrian path lighting.* Lighting posts shall not exceed a height of 16 feet above finished grade.
5. *Architectural accent lighting.*
- a. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed, and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with these standards.
 - b. Lighting fixtures shall not generate glare or direct light beyond the facade onto a neighboring property, streets or into the night sky.
6. *Temporary lighting permits.*

- a. Permits for temporary lighting may be granted by the Department of Community Development if the total output from the luminaries does not exceed 50 footcandles and the following conditions apply:
 - i. The purpose for which the lighting is proposed can be completed within 30 days, except that the permit for a major construction project may extend to completion.
 - ii. The proposed lighting is designed in such a manner as to minimize light trespass and glare.
 - iii. Permits issued for temporary recreational lighting shall expire one hour after the permitted end of the event.
 - b. The application for the temporary lighting permit shall include, but not be limited to, the following information:
 - i. Name and address of applicant and property owner;
 - ii. Location of proposed lighting fixture;
 - iii. Date and times for the lighting;
 - iv. Type, wattage, and lumen output of lamp;
 - v. Type and shielding of proposed luminaries;
 - vi. Intended use of the lighting;
 - vii. Duration of time for requested exemption;
 - viii. The nature of the exemption; and
 - ix. The means to minimize light trespass and glare.
- H. *Variances*. Any person may apply to the City Council for a variance from the provisions of this section. The application should include, but not be limited to, evidence about the following. The application may include the recommended practices of the Illuminating Engineering Society of North America, a

professional engineer or other authority on outdoor lighting.

- 1. How the proposed design and appearance of the lighting fixture are superior;
 - 2. How light trespass, uplighting and glare will be limited
 - 3. How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.
- I. *Submission of plans and evidence of compliance*.
- 1. Outdoor lighting fixture applicants shall submit evidence that the proposed work will comply with this section. Even when no other permit is required, the installation or modification (except for routine servicing and same-type lamp replacement of any exterior lighting) shall require submission of the information described below. The application shall contain (but shall not be limited to) the following, in addition to any other permit requirements:
 - a. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the lot.
 - b. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers.
 - c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off of light emissions.
 - 2. Additional submission. The above required plans, descriptions, and data shall be sufficiently complete to enable the department to determine compliance with the requirements of this section. If such plans, descriptions, and data cannot enable this determination, the applicant shall additionally submit as evidence of

compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

3. Subdivision plats. All new subdivided properties shall submit information as described herein for installed street lights and other common or public area outdoor lighting.

4. Certification. For all projects, certification that the lighting as installed, conforms to the approved plans shall be provided by an illumination engineer/professional before the certificate of occupancy is issued. Until this certification is submitted, approval for use by the issuance of the certificate of occupancy shall not be issued.

ARTICLE VI. ZONING DISTRICTS

Sec. 6-1 Intent

A. The Rural (RL) district is intended primarily for low density agricultural and single-family residential uses. This district is designed to stabilize and protect the rural, agricultural, and residential characteristics of the city and to encourage single-family uses on larger lots.

B. Hamlet (HM) districts. Hamlet districts are intended primarily for the creation of communities developed at a low overall density. These districts provide a location for agricultural and residential uses to exist in close proximity to smaller scaled mixed uses, including commercial, office, manufacturing or civic uses complete with standards and parameters to encourage a pedestrian-friendly traditional development form which enhances community aesthetics and limits conflicts between vehicles and pedestrians. There are ~~four~~ two Hamlet Districts:

1. ~~Low-Density Residential Hamlet (HM-LDR).~~ This district is intended primarily for ~~lower density~~ residential areas. This ~~subdistrict~~ allows agricultural or residential uses to be provided at higher densities than in the RL district and requires clustering of development and high levels of open space preservation within each individual district. ~~No part of any Residential Hamlet (HM-R) district shall be within 500 feet of another Residential Hamlet (HM-R) district, as measured in a straight line.~~
2. ~~Medium-Density Residential Hamlet (HM-MDR).~~ This district is intended primarily ~~for medium density residential areas with community sewage.~~ This ~~subdistrict~~ allows predominantly ~~residential development with minor commercial uses.~~
3. ~~Special-District Hamlet (HM-SD).~~ This district is intended for smaller hamlet districts that are focused on a specific use or type of uses consistent with the Comprehensive Plan but not otherwise covered in this article and requires

~~clustering and high levels of open space preservation within each individual district.~~

4. 2. Mixed-Use Hamlet (HM-MU). This district is intended primarily for a medium-density, fine-grained mix of uses, and requires high levels of open space preservation within each individual district.

C. Village District (VL). The Village District is intended primarily for the creation of larger mixed-use communities developed at a medium to high density. This district allows agricultural and residential uses in close proximity to medium or larger scale commercial, office, manufacturing, or civic uses complete with standards and parameters to reduce dependence on automobiles, in order to encourage fine-scale mixed uses and a pedestrian-friendly traditional urban form which enhances community aesthetics and limits conflicts between vehicles and pedestrians.

~~D. Parkway Commercial (PC). The purpose and intent of establishing the PC District is to:~~

1. ~~Provide opportunities for appropriately scaled commercial development for the rural areas of the city outside of the Hamlet (HM) and Village (VL) districts;~~
2. ~~Restrict or place reasonable controls on the development of inappropriate large-scale highway-oriented retail, service, office, and dining uses which are intended to serve large areas of the city;~~
3. ~~Alleviate development pressure on the surrounding rural area by placing reasonable controls on development and expansion of strip commercial uses;~~
4. ~~Encourage a grid of connected thoroughfares to improve access and reduce congestion;~~
5. ~~Connect with existing and future contiguous Hamlet (HM) and Village districts (VL);~~

Historic Crossroads (HC) Districts. The intent of the Historic Crossroads (HC) Districts are to:

- ~~7. Improve pedestrian access within the district and to and from the surrounding areas;~~
- ~~8. Establish building facade lines and sidewalk requirements, and reserve the space between buildings and the thoroughfare for pedestrian functions;~~
- ~~9. Provide services to the residents of the rural areas of the city and prevent commercial development that is inappropriate for its rural context; and~~
- ~~10. To meet these needs in a fashion that supports the rural vision and brand as expressed in the Comprehensive Plan.~~

~~E.D.~~ Historic Crossroads (HC) Districts. The intent of the Historic Crossroads (HC) Districts are to:

1. Protect the existing old Rico and Campbellton commercial areas from uses and building forms which are incompatible with the scale, character and needs of the surrounding area;
2. Reconstitute historic crossroads communities as identified in the Comprehensive Plan as viable downtown districts with authentic historic character;
3. Preserve and restore existing traditional and pedestrian scale buildings in historic crossroads communities;
4. Promote historic small scale, local-serving commercial uses in historic crossroads communities;
5. Provide opportunities for incremental development within a defined framework of streetscapes and building form;
6. Prohibit or place reasonable controls on the development of inappropriate

large-scale, highway-oriented retail, service, office, and dining uses which are intended to serve large areas of the city;

7. Alleviate development pressure on the surrounding rural area by placing reasonable controls on development and expansion of strip commercial uses, especially at the fringes of this district; and
8. Promote a nodal form of small scale historic commercial development that other zoning districts are unable to properly facilitate.

~~F.~~

Sec. 6-2 Development Controls

A. Clustering.

1. Development within each Hamlet (HM) or Village (VL) district shall be clustered to promote walking ~~and relationships between building users.~~
2. At least 80% of all lots within any individual Hamlet (HM) or Village (VL) district must share a side or rear lot line with, or be located immediately across a thoroughfare from, at least two other lots not used for open space and in the same development.
3. No more than 5% of single-family residential lots within an individual Hamlet (HM) or Village (VL) district may be larger than 0.5 acres.

B. Building setbacks.

1. Setbacks shall not apply to lots exclusively used for common mailboxes or other community amenities.
2. Any building used for human occupancy must be set back 40 feet from any easement containing a gathering or transmission line.

C. *Required Setbacks and Maximum Building Height.* The required setbacks and maximum building height regulations shall be as shown in the following table, unless alternate standards are approved by City Council.

	Rural (RL) District	HC, HM, and VL Districts			
		Roads	Streets	Commercial Streets	Avenues and Boulevards
Maximum building height	40 feet	45 feet	45 feet	50 feet (HC) 60 feet (HM and VL)	50 feet (HC) 60 feet (HM) 80 feet (VL)
Facade setback	60 feet min.	20 feet min.	5 feet min. ^{be} 10 feet max.	10 feet max. ^{be}	10 feet max. ^{be}
Side setback	25 feet min.	10 feet min.	None ^{ab}	5 feet max. ^{ab}	5 feet max. ^{ab}
Rear setback	50 feet min.	15 feet min.	none	none	none

^a See Parkway Commercial (PC) buffer requirements

^{ba} Or greater if required by building code

^{eb} Applies to all facades that face a thoroughfare or open space

D. Building encroachments into required yards.

1. Cornices, eaves, steps, gutters, fire chases, chimneys, bay windows, or other similar architectural features that are a part of an exterior wall of a structure, and fire escapes may extend into a required minimum setback, provided such extensions do not exceed three feet.
2. Stairs, porches, canopies, fences, walls, outdoor dining areas, seating areas, and vending areas shall be permitted within the first layer, provided sufficient area is preserved within the sidewalk area for safe pedestrian circulation as approved by the Zoning Administrator.
3. Cantilevered portions of buildings, including decks and awnings, shall be permitted to extend over portions of sidewalk on private property, provided that a minimum vertical ceiling height of 12 feet is maintained over the sidewalk.

E. Building height.

1. Building heights shall be as established in subsection (C), except that building heights in Hamlet (HM) and Village (VL) districts may be higher if the building is not visible from outside of the district, subject to the approval of the Zoning Administrator, the Fire Department, and the City Engineer.
2. Building height bonus. Buildings in Hamlet (HM) and Village (VL) districts

shall be permitted an additional height bonus above the respective district maximum height limit in accordance with the following regulations:

- a. Individual buildings providing a minimum of 50 percent of the total building floor area as senior housing shall be permitted an additional 30 feet of building height;
 - b. Individual buildings that visually terminate the viewshed of a public thoroughfare or open space through use of architectural detailing, massing and delineation shall be permitted an additional 20 feet of building height; and
 - c. Individual buildings within a Village (VL) district containing a minimum of 100,000 square feet of any of the following uses shall be permitted an additional 20 feet of building height: educational; places of worship; and public or governmental use.
3. Height limitations shall not apply to spires, belfries, cupolas, domes, transmission towers, chimneys, smokestacks, derricks, conveyors, flagpoles, silos and grain elevators, fire towers, masts, clock towers, cooling towers, water tanks, or mechanical bulkheads. However, such elements shall be prohibited from heights in excess of 25 feet above the height limit without approval by the Planning Commission.

F. Buildings in developable areas.

1. Design standards.

- a. All principal buildings shall be oriented to face either an accessible open space or the thoroughfare of greatest intensity based on traffic volume, number of lanes, and/or pedestrian activity, as determined by the Zoning Administrator. For lots with frontage along both South Fulton Parkway and a thoroughfare that intersects with South Fulton Parkway, buildings may be oriented to face the other thoroughfare.
 - b. The primary pedestrian access to all individual ground level or upper story dwellings, tenant spaces, and other uses shall either be directly accessible and visible from the sidewalk adjacent to the primary facade or shall provide a pedestrian connection with a minimum width of four feet to the sidewalk.
 - c. Buildings also may be oriented to face a courtyard or mews and individual uses may have pedestrian entrances that open directly to a courtyard or mews.
 - d. The first 30 feet of building depth facing any thoroughfare or open space must be occupied space on all above-grade floors of all buildings. Occupied space means interior building space regularly occupied by building users and does not include storage areas, utility space, or parking, but includes hallways, stairwells, and elevators.
 - e. Where present, garages serving individual dwellings shall be located so as to be directly accessible from the thoroughfare of lesser intensity based on traffic volume, number of lanes, and/or pedestrian activity as determined by the Zoning Administrator. Where garage doors face any public or private thoroughfare except a lane or alley, they must be set back at least 8 feet from the front facade.
 - f. The interior finished floor elevation of all buildings shall be no more than 5 feet above the adjacent sidewalk for residential uses and no more than 3 feet above the adjacent sidewalk for all other uses.
 - g. All buildings except single-family detached dwellings and townhouse dwellings shall have a minimum floor-to-floor height of 14 feet on the ground floor.
 - h. Delineation of building floors at the third story above ground level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
 - i. Gas station canopies shall have pitched roofs, no shallower than 5:12, and shall be covered in shingles, shakes, or traditional standing-seam metal.
 - j. No drive-through service window or associated element or driveway shall be located between a building and any adjacent thoroughfare.
2. *Facades that face thoroughfares.* All facades that face thoroughfares shall conform with the following requirements.
- a. Facades for residential or agricultural uses shall have residential windows with clear glass no less than 10 percent of the area of the facade as measured per floor.
 - b. Facades for education and arts, entertainment, and recreation uses shall be glazed with clear glass no less than 20 percent of the area of the facade as measured per floor.
 - c. Facades for all other uses shall have storefronts and glazed with clear glass no less than 60 percent of the area of the ground floor facade and no less than 20 percent of the area of upper floor facades. Ground story fenestration shall be measured as a percentage of the area between two and eight feet above the average grade at the base of the facade.
 - d. The length of facades without intervening fenestration,

architectural detailing, or entryway shall not exceed 20 feet.

- e. Pedestrian entrances may be counted towards fenestration requirements.
- f. Exterior walls shall utilize brick, glass, wood, cementitious siding, stucco, or stone. Metal or metallic materials may be permitted but shall not constitute the majority of the material on any individual wall or facade unless approved by the Zoning Administrator.

3. *Maximum building footprint.*

- a. Except as specified in subsection (c), no building footprint shall exceed 80,000 gross square feet in any Village (VL) district.
- b. Except as allowed in subsection (c), no building footprint shall exceed 40,000 gross square feet in any Hamlet (HM) or Historic Crossroads (HC) district.
- c. Maximum building footprints may be exceeded only with a variance and when the variance criteria of Sec. 3-17 and the following apply.
 - i. There is a compelling public interest.

- ii. The proposed building is occupied exclusively by industrial, office, institutional, or entertainment uses.

- iii. Such uses shall have their primary frontage only along boulevard or avenue thoroughfare types.

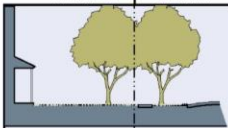
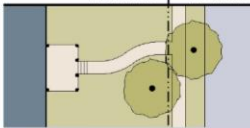
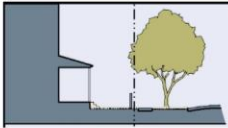



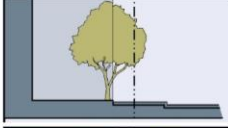
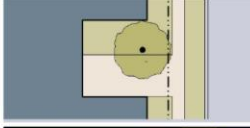


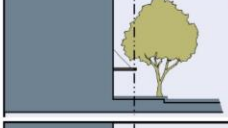

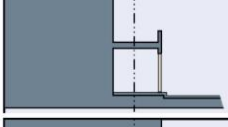

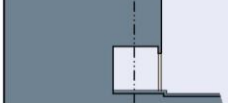

- iv. Such uses shall vary roof and facade details, patterns, and materials every 300 linear feet along the primary facade.

- v. The total number of large-scale non-residential uses shall not exceed four such uses within individual Hamlet (HM) districts or six within individual Village (VL) districts.

4. Flat roofs shall be enclosed by parapets a minimum of four feet in height.

5. Sidewalks or other pedestrian ways shall connect every building entrance with every parking area.

6. Private frontages shall conform to one of the types shown in the following figure.

	SECTION	PLAN		
	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE
a. Common Yard: a planted Frontage wherein the Facade is setback substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.				
b. Porch & Fence: a planted Frontage wherein the Facade is setback from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.				
c. Terrace or Lightwell: a Frontage wherein the Facade is setback from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.				
d. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is setback. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.				
e. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.				
f. Shopfront: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.				
g. Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.				
h. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb. See Table 8.				

Sec. 6-3 Density

A. *Residential density calculation.* Accessory dwellings shall not count toward minimum or maximum residential units per acre. The non-residential area of live-work units shall not count toward these calculations. All principal dwellings shall count as shown in the following table:

Conditioned Space	Density Equivalent
1,301 sq. ft. or more	1 unit
1,300-901 sq. ft.	0.7 units
900-501 sq. ft.	0.6 units

Conditioned Space	Density Equivalent
500 sq. ft. or less	0.5 units

B. *Civic use bonus.* The floor area of any building that is operated or managed by the City for at least five years shall not count toward the maximum density. One additional density unit is allowed for every 1,000 square feet of such buildings provided. ~~This bonus shall be allowed in all zoning districts except Low-Density Residential Hamlet (HM-LDR) districts.~~

C. *Density controls.* Density controls shall be as shown in the following table.

Zoning District	Minimum Residential Units Per Acre	Maximum Residential Units Per Acre By Right ^a	Maximum Residential Units Per Acre With TDR	Minimum Non-Residential Area per Gross Acre ^b	Maximum Non-Residential Area ^c
RL	none	0.05-0.33 ^d	n/a	none	none
PC	none	1	1	400 sq. ft.	10,000 sq. ft.
HC	none	per approved plan	per approved plan	per approved plan	per approved plan ^f
HM-LDR	none	0.1	n/a	none	none
HM-MDR	none	0.8	1	none	5% of developable area ^{f,g}
HM-SD	none	1	2	per approved plan	per approved plan ^f
HM-MU	0.5	1	2	40 sq. ft.	25% of developable area ^{f,g}
VL	43 ^e	1	10	200 sq. ft.	40% of developable area ^{f,g}

^a The total number of residential units per acre, before the application of any transferable development rights, density transfer charges, or civic use bonuses.

^b Non-residential includes all use categories except residential and agricultural uses. Numbers are expressed as total gross square feet of non-residential floor space at build out per gross acre of land. Example: A development with 250 gross acres of land in an HM-MU district would have a minimum required non-residential floor area of 10,000 gross square feet.

^c Non-residential includes all use categories except residential and agricultural uses.

^d See Sec. 11-5.

^e Transfer of development rights (TDR) is required to meet the minimum residential density. See ARTICLE XIII.

^f Or as specified in ~~Sec. 6-3C~~~~Sec. 6-3D~~, whichever is less.

^g Includes all parcels except those devoted exclusively to residential or agricultural uses, as well as any parking associated with those uses.

D.C. Mixed-Use Concurrency Requirement.

The following shall apply within individual Hamlet-Mixed-Use (HM-MU) and Village (VL) districts. For the purposes of this section, the non-residential area of live-work units shall be counted as non-residential space and the residential area of live-work units shall count toward residential units based on the area shown in subsection (A) above.

1. No more than 100 residential units on a site shall be issued a certificate of occupancy until such time as at least 8,000 gross square feet of non-residential floor area has been issued a certificate of occupancy on the same site. Any mixed-use concurrency requirements beyond the first 100 residential units may be required by conditional zoning.
2. No certificate(s) of occupancy shall be issued for more than 40,000 gross square feet of non-residential floor area on a site until such time as a certificate of occupancy has been issued for at least 25 residential units. Any mixed-use concurrency requirements beyond the first 40,000 gross square feet may be required by conditional zoning.

D. Lot size regulations. The following lot size regulations shall apply. Lots used exclusively for common mailboxes, community amenities, private thoroughfares, or utilities are exempt from these regulations.

District	Minimum Lot Size
RL	20 acres
HC	none*
HM-R	none*
HM-SD	none*
HM-MU	none*
VL	none*

*Any lot on an individual septic system must be at least 1 acre, or larger if required by the County Health Department

E. District Size Regulations. The following shall apply to individual district sizes.

Zoning District	Minimum Acres	Maximum Acres
RL	none	none
PC	none	15

Zoning District	Minimum Acres	Maximum Acres
HC	none	none
HM-LDR	29	250
HM-MDR	1500	3500
HM-SD	none	1,200none
HM-MU	200	none1,500
VL	500	none

District	Minimum Lot Size
RL	20 acres*
PC	4 acres
HC	none**
HM-LDR	none**
HM-MDR	none**
HM-SD	none**
HM-MU	none**
VL	none**

*Or less for farmette subdivisions—see Sec. 11-5

**Any lot on an individual septic system must be at least 1 acre, or larger if required by the County Health Department

District Specific Controls: Parkway Commercial (PC)

The following shall govern the form and design of development in the Parkway Commercial (PC) district:

Maximum total commercial floor area shall be 10,000 square feet per district. All structures and improvements shall have facade materials and details architecturally consistent with pre-World War II rural or small town styles common in the Piedmont or southeastern region of the United States.

Vehicular access to each building shall be derived from internal thoroughfares and all buildings shall front internal thoroughfares. District entrances shall be derived only from Campbellton-Redwine Road, Capps Ferry Road, Rice Road, or Cochran Mill Road. No more than one entrance shall be permitted per 700 linear feet of road frontage. Driveways, parking lots, and pedestrian access shall be shared among uses and buildings within the district. Driveways shall be designed as a street thoroughfare type. Thoroughfares shall be provided with both vehicular and pedestrian access that connect to

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Sec. 6-4 District-Specific Controls: Historic Crossroads (HC)

A. *Design controls.* The following regulations shall govern the form and design of development in a Historic Crossroads (HC) district:

1. All structures and improvements shall have facade materials and details architecturally consistent with historic pre-World War II rural, crossroads, or small-town styles common in the Piedmont or southeastern region of the United States. Approval may be contingent on proof of such consistency, as determined by approval of the Zoning Administrator, Planning Commission, and City Council.
2. Any curb cut on any public thoroughfare must be approved by the Zoning Administrator. Direct thoroughfare connections shall be provided for both vehicular and pedestrian access to adjacent Hamlet (HM) or Village (VL) districts.
3. Site design shall minimize cut-and-fill in siting of buildings, drives, and parking facilities.
4. Buildings:
 - a. Materials. Facades shall consist of brick, glass, wood, stucco, stone, or cementitious siding materials. Brick siding shall be painted or coated unless recycled brick or other antique finish is approved by the City. When used, lap siding shall be applied with a 4 ½ inch reveal. Materials and style should be consistent on all sides of the building. Exterior building materials shall not include smooth-faced concrete block; tilt-up concrete panels; prefabricated steel panels; highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; or unplastered, exposed concrete masonry blocks. Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in material should be avoided.
 - b. Color. Paint colors shall be chosen from Sherwin Williams "Color Through the Decades" collections from 1850 – 1930 or the Benjamin Moore Historical Collection, or similar historical palette as approved by the Zoning Administrator. Unpainted surfaces shall be muted natural and earth tones. Buildings should be a single color with a complementary trim color. Bright colors or franchise colors are permitted as accents only.
 - c. Windows and doors. Windows shall be vertical in proportion and topped with an appropriately proportioned lintel or arch. Windows that are openable shall be double hung.
 - d. Roofs. Pitched roofs shall have pitches equal to or greater than 8:12, except that shed roofs on additions or porches may be shallower. Pitched roofs shall be traditional materials and treatments, appropriate to the historical style of the building. Where provided, parapet walls shall be of a design and materials consistent with the building facade. Facades should have a well-defined cornice with appropriate cornice returns on gabled roofs.
 - e. Doorways. Front entrance doorways shall be recessed a minimum of 3 feet unless under an awning or a porch with a depth of eight feet or greater.
 - f. Buildings shall include historically accurate architectural elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, and recesses. Exceptions may be approved for design, color, or roof pitch when the application is accompanied with appropriate

documented historical antecedents
and approved by the City Council.

Sec. 6-4 District-Specific Controls: Historic Crossroads (HC)

A. *Design controls.* The following regulations shall govern the form and design of development in a Historic Crossroads (HC) district:

1. All structures and improvements shall have facade materials and details architecturally consistent with historic pre-World War II rural, crossroads, or small-town styles common in the Piedmont or southeastern region of the United States. Approval may be contingent on proof of such consistency, as determined by approval of the Zoning Administrator, Planning Commission, and City Council.
2. Any curb cut on any public thoroughfare must be approved by the Zoning Administrator. Direct thoroughfare connections shall be provided for both vehicular and pedestrian access to adjacent Hamlet (HM) or Village (VL) districts.
3. Site design shall minimize cut-and-fill in siting of buildings, drives, and parking facilities.
4. Buildings:
 - a. Materials. Facades shall consist of brick, glass, wood, stucco, stone, or cementitious siding materials. Brick siding shall be painted or coated unless recycled brick or other antique finish is approved by the City. When used, lap siding shall be applied with a 4 ½ inch reveal. Materials and style should be consistent on all sides of the building. Exterior building materials shall not include smooth-faced concrete block; tilt-up concrete panels; prefabricated steel panels; highly reflective, shiny, or mirror-like materials; mill-finish (non-colored)

aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; or unplastered, exposed concrete masonry blocks. Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in material should be avoided.

- b. Color. Paint colors shall be chosen from Sherwin Williams "Color Through the Decades" collections from 1850 – 1930 or the Benjamin Moore Historical Collection, or similar historical palette as approved by the Zoning Administrator. Unpainted surfaces shall be muted natural and earth tones. Buildings should be a single color with a complementary trim color. Bright colors or franchise colors are permitted as accents only.
- c. Windows and doors. Windows shall be vertical in proportion and topped with an appropriately proportioned lintel or arch. Windows that are openable shall be double hung.
- d. Roofs. Pitched roofs shall have pitches equal to or greater than 8:12, except that shed roofs on additions or porches may be shallower. Pitched roofs shall be traditional materials and treatments, appropriate to the historical style of the building. Where provided, parapet walls shall be of a design and materials consistent with the building facade. Facades should have a well-defined cornice with appropriate cornice returns on gabled roofs.
- e. Doorways. Front entrance doorways shall be recessed a minimum of 3 feet unless under an awning or a porch with a depth of eight feet or greater.

f. Buildings shall include historically accurate architectural elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, and recesses. Exceptions may be approved for design, color, or roof pitch when the application is accompanied with appropriate documented historical antecedents and approved by the City Council.

B. *Building permit review and approval.* Architectural plans for all new buildings and all exterior alterations in an HC district must

be approved by the City Council prior to the issuance of a building permit.

1. Building permit applications shall be accompanied with color elevations accurately depicting materials, finishes, colors, etc. of all elements, including the primary structure, accessory structures, fences, awnings, and other appurtenances. Materials samples are encouraged to provide a better understanding of the proposal.
2. City Council approval of the final site plan is required before the issuance of a building permit.

ARTICLE VII. USES

Sec. 7-1 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a subordinate use incidental to and customarily associated with a specific principal use, located on the same lot.

Agricultural retail means the sale of agricultural products of value-added agricultural products grown and produced on the premises.

Agritourism means agricultural uses as defined under general farming, but which are open to visiting members of the public, and which may include such activities as petting zoos, corn mazes, hayrides, horseback riding, farm stands, pay fishing, pick-your-own vegetable and fruit gardens or orchards, food and beverage tastings or samplings, and classes or training in agricultural practices or the preparation of agricultural and value-added agricultural products.

Air transportation; airport, private means industries that provide air transportation of passengers and/or cargo using aircraft, such as airplanes and helicopters.

Amusement center means an indoor or outdoor establishment primarily engaged in operating amusements (mini golf, go cart track, billiard parlor, batting cages, game arcades, and similar uses).

Amusement theme park means outdoor recreation facilities consisting of amusement rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, water slides or any similar commercial outdoor recreation. Includes associated food service and indoor amusements.

Assisted living facility means a facility having six or more beds and which offers accommodations that range from independent residential housing options to housing options with personal services. A residential use is to be considered an assisted living facility if it is registered with or licensed by the state as an assisted living home. Any dwelling, facility or structure which for any reason is not required to be or fails to be licensed

by the state as an assisted living home, but provides housing, food service, and one or more personal services for any person and which also provides beds for six or more persons, who are not related to the owner or administrator by blood, marriage or adoption shall also be considered an assisted living facility. Personal services include, but are not limited to, individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this UDC, a continuing care retirement community (CCRC) shall be considered an assisted living facility, and a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3 (as amended) with six or more beds shall also be considered an assisted living facility.

Bed and breakfast, large, means a principal and/or accessory dwelling in which 6-10 total rooms are provided for sleeping accommodations for transient guests, for a daily fee and for no more than 30 consecutive days. The property owner must live on the premises. Breakfast and refreshments are the only food typically served and are served only to guests. A bed and breakfast is not a country inn or hotel.

Bed and breakfast, small, means a principal and/or accessory dwelling in which 5 or fewer rooms are provided for sleeping accommodations for transient guests, for a daily fee and for no more than 30 consecutive days. The property owner must live on the premises. Breakfast and refreshments are the only food typically served and are served only to guests. A bed and breakfast is not a country inn or hotel.

Business service center (including copy shops) means an establishment generally known as a copy center or shop primarily engaged in providing retail photocopying, duplicating, blueprinting, and other document copying services, without also providing printing services (e.g., offset printing, quick printing, digital printing, 3D printing, prepress services) and establishments (except private mail centers) engaged in providing a range of office support services (except printing services), such as document copying services, facsimile services, word processing services, computer rental services, and office product sales.

Caterer means a facility primarily engaged in providing event-based food services. These facilities generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premises site.

Cemetery or mausoleum means an establishment primarily engaged in operating sites or structures reserved for the interment of human or animal remains.

Check cashing establishment means a business other than a bank, savings and loan, or similar financial institution that cashes checks for a fee as a business activity and may or may not also make title loans as part of that business activity.

Clinic means a use where medical examination and treatment is administered to persons, including ambulatory patients, on an outpatient basis, with the facilities and equipment not being the most significant part of the production process. No patient shall be lodged on an overnight basis.

Cohousing means a residential use in which individual rooms are rented or sold to the general public to reside in for a period of 30 days or longer, and in which all occupants of such rooms share one or more common kitchens or living spaces. Cohousing is not a bed and breakfast or country inn.

College, university, or professional school means any educational facility that provides training or education beyond the 12th grade, including, but not limited to, trade, business and vocational schools; any institution of higher learning or assemblage of colleges, affording instruction in the arts and sciences and the learned professions, and conferring degrees. Such facilities may also include uses related to energy production, room, board, and food services related to the primary educational purpose of the use but which may also be open to the general public.

Compost facility means a commercial processing operation for the treatment of vegetative matter into humus-like material that can be recycled as a soil fertilizer amendment such as trees leaves and plant material. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or non-vegetative type wastes are not included.

Cottage court means a group of detached single-family dwellings or live-work units organized around a shared internal mews.

Country inn or farm stay means a lodging facility in which 6-50 rooms are provided for sleeping accommodations for transient guests, for a daily fee and for no more than 30 consecutive days. Meals may be served to guests and the general public. Guests may participate in agricultural activities. Rooms may be provided in a single building or multiple buildings.

Craft manufacturing means a facility whose primary use is the shared or individual use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment, and packaging. Craft manufacturing may also include the incidental storage, sale and distribution of said products or parts. Craft manufacturing specifically includes, but is not limited to, the manufacturing of electronic goods, food and bakery products, beverages, printmaking, leather products, jewelry and clothing, metal work, furniture, glass or ceramics, and paper.

Data processing services means establishments primarily engaged in providing infrastructure for data/communications hosting or processing services.

Day care center, small means a use in which shelter, care, and supervision is provided for six or fewer children or adults on a regular basis away from their residence for less than 24 hours a day. The term "small day care center" includes pre-kindergarten instruction but shall not include any school offering education at or beyond the level of pre-kindergarten.

Day care center, large means a use in which shelter, care, and supervision is provided for seven or more children or adults on a regular basis away from their residence for less than 24 hours a day. A large day care center may provide basic educational instruction. The term "large day care center" includes pre-kindergarten instruction but shall not include any school offering education at or beyond the level of pre-kindergarten.

Drive-through or drive-in means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the property. Drive-through facilities

are usually found in conjunction with a quick vehicle servicing use or other retail sales and service use. Examples include, but are not limited to, drive-through windows, menu boards, car wash facilities, and quick oil change facilities.

Dwelling means one or more rooms constructed with cooking, sleeping, and sanitary facilities designed for and limited to use as living quarters for one family for periods of more than 30 consecutive days.

Dwelling, accessory, means a dwelling contained within an accessory structure or within a principal structure when separated from the principal use and served by a separate entrance.

Dwelling, caretaker/employee means a single dwelling used as a residence for a caretaker or watchman accessory to a permitted use.

Dwelling, duplex means a residential structure which contains two dwellings. Duplexes shall consist of two side-by-side or stacked dwellings, both facing a thoroughfare and sharing the same front setback, and both within a single building massing.

Dwelling, multifamily, means a structure containing three or more dwellings not including townhouses.

Dwelling, single-family detached, means one dwelling on its own lot that is not attached to any other dwelling by any means.

Dwelling, townhouse, means a single-family dwelling built to its lot lines or a portion of its lot lines.

Event center, large means a commercial facility or assembly hall available for lease by private parties or special events, such as weddings, and holding more than 14 days of events within a calendar year or any event with a capacity of more than 50 attendees.

Event center, small means a commercial facility or assembly hall available for lease by private parties or special events, such as weddings, and holding 14 or fewer days of events within a calendar year and with a capacity of 50 or fewer attendees.

Farming, general, means a parcel of land which is used for the raising of animals (including fish) on a commercial basis, such as ranching, dairy farming, piggeries, poultry farming and fish

farming; a facility for the business of boarding or renting horses to the public, or areas for the housing and riding of horses; the keeping and raising of all farm animals and fowl and use of private stables. Other uses include, but are not limited to, the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; the construction of farm buildings; the plowing, tilling, or preparation of soil at an agricultural facility; the planting, growing, fertilizing, harvesting, or otherwise maintaining of crops; the application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry; the breeding, hatching, raising, producing, feeding, keeping of livestock, hogs, horses, chickens, turkeys, poultry or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes; the production and keeping of honeybees, the production of honeybee products; and the keeping and raising of farm animals and fowl shall be subject to all regulations promulgated by the county health department. Concentrated animal feeding operations (CAFOs) as defined by the U.S. Environmental Protection Agency are not included in this definition.

Festival or event, occasional, outdoor/indoor, means the periodic gathering of large groups of people for cultural performances, exhibitions, competitions, celebrations, and similar events.

Fitness and recreational sports center means an establishment primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports. Uses include, but are not limited to, tennis courts, recreation centers, basketball courts, ice rink, hockey rink, soccer, field hockey and football fields, baseball and softball fields, gymnasiums, spas, group exercise and fitness centers, yoga, karate, and similar facilities.

Food processing and production means establishments primarily engaged in transforming livestock and agricultural products into products for intermediate or final consumption, including establishments that

slaughter and prepare meats. The food and beverage products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers, but establishments primarily engaged in retailing bakery and candy products made on the premises not for immediate consumption are included.

Forestry and logging means an operation on a tract or parcel of land involving the growing, conserving, and managing of forests and forest lands (includes the term "silviculture"). Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes. The term "forestry and logging" does not include the cutting of timber associated with approved land development or the processing of timber into finished or semi-finished products or storage of logs other than temporary storage of logs harvested on the site.

Fruit, vegetable, and fresh food markets means establishments primarily engaged in retailing fresh, frozen, or cured meats and poultry; fresh, frozen, or preserved fruits and vegetables; or dairy products; and incidental related goods. Delicatessen-type establishments primarily engaged in retailing fresh meat are included in this industry.

Funeral home or funeral services means an establishment primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise), not including a crematory.

Garage, residential parking means an enclosed structure accessory to one dwelling, designed or used for storing a vehicle or vehicles used by the occupants of the dwelling.

Gas station means a use that provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. Such stations shall be limited to four or fewer bays excluding no more than one attached or detached bay for washing cars. The term "gas station" may also incorporate general retail.

General freight trucking, local, means establishments primarily engaged in providing local general freight trucking. General freight

establishments handle a wide variety of commodities, generally palletized and transported in a container or van trailer. Local general freight trucking trips are same-day return.

General medical and surgical hospitals means establishments primarily engaged in providing diagnostic and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions. These establishments maintain inpatient beds and provide patients with food services that meet their nutritional requirements. These hospitals have an organized staff of physicians and other medical staff to provide patient care services. These establishments usually provide other services, such as outpatient services, anatomical pathology services, diagnostic X-ray services, clinical laboratory services, operating room services for a variety of procedures, and pharmacy services.

General retail means an establishment primarily engaged in the sale, lease, or rental of new or used products to the general public not regulated elsewhere in this UDC. Auction houses are included in general retail.

General warehousing and storage means establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks, rather than bulk products of any type (regulated in open yard storage).

Golf course or country club means a use of land for playing the game of golf; which may include a country club and a driving range as an accessory use.

Greenhouse or nursery means any land used to raise trees, shrubs, flowers and other plants for sale or transplanting. No more than ten percent of the income from the use shall be derived from the retail sale of related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, and the retail sale of plants not grown on the property.

Group home means a dwelling containing up to six unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, including any support or supervisory personnel or family members who reside at the facility. The term mental or physical

impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered to be mentally or physically impaired under the Fair Housing Act.

Heavy manufacturing means an industrial facility that involves dangerous, noxious or offensive uses, or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception radiation or any other likely cause.

Home-based business means an accessory business use of a dwelling in any zoning district.

Hotel means a lodging facility in which rooms are provided for sleeping accommodations for transient guests, for a daily fee and for no more than 30 consecutive days.

Industrial launderers means establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing, such as protective apparel (flame and heat resistant) and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels.

Interurban and rural bus or rail transportation means establishments primarily engaged in providing bus or rail passenger transportation over regular routes and on regular schedules, principally outside a single metropolitan area and its adjacent nonurban areas.

Landscaping business means a business whose primary operation is the sale and/or storage of organic and inorganic materials, plants, mulch, pine straw, and other limited related accessory products for the landscape industry and the storage and use of associated landscape vehicles with an approved use permit for landscaping business, plant nursery, or garden center with indoor retail component.

Library or archives means establishments engaged in maintaining collections of documents (e.g., books, journals, newspapers, and music)

and facilitating the use of such documents (recorded information regardless of its physical form and characteristics) as are required to meet the informational, research, educational, or recreational needs of their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible electronically.

Light manufacturing means an industrial facility that involves food and beverage production; land-intensive outdoor sales and services; or repair or servicing of industrial, business, or consumer machinery, equipment, or products mainly by providing centralized services for separate retail outlets.

Live-work means nonresidential activity conducted wholly within a dwelling that allows employees, customers, or clients to visit.

Manufactured home means a single-family dwelling constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426) and which bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD).

Motion picture or sound recording industries means establishments primarily involved in the production and distribution of motion pictures or sound recordings.

Medical laboratory means establishments primarily engaged in providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner.

Mini-warehouse or self-storage unit means a structure or group of structures containing separate spaces/stalls which are leased or rented on an individual basis for the storage of goods.

Mixed-use means development with a mix of residential and non-residential uses.

Mobile food services means establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from

motorized vehicles or non-motorized carts. The establishment is the central location from which the caterer route is serviced, not each vehicle or cart.

Motion picture theater means an establishment primarily engaged in operating motion picture theaters and/or exhibiting motion pictures or videos at film festivals, and so forth.

Motor vehicle or recreational vehicle sales and rental means establishments primarily engaged in retailing or rental of automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans, and of vehicles used for leisure time activities and/or as a dwelling while traveling. Examples include a camper, a motor home, a travel trailer, and a boat, or retailing these vehicles in combination with activities, such as repair services, retailing used cars, and selling replacement parts and accessories.

Museum, historical site, or similar institution means an establishment primarily engaged in the preservation and exhibition of objects, sites, and natural wonders of historical, cultural, and/or educational value.

Nature park or similar institution means an establishment primarily engaged in the preservation and exhibition of natural areas or settings.

Open yard storage means any activity which involves the sale or storage of any externally stored bulk material; the sale or storage, wrecking, dismantling, processing or sorting of waste, discarded or salvaged paper, rags, machinery, equipment or other junk, including automobiles, trucks and similar motor vehicles, including the temporary parking or storage of machinery utilized for heavy construction, earth moving, timber harvesting, tree or building maintenance, and other heavy, working vehicles; where those materials are commonly stored in an open area outside any building; provided, however, that businesses engaged predominantly in the repair or sale of new or used motor vehicles and other machines shall not be included in the term "open yard storage" if those vehicles and machines are in operating condition and ready for sale or, if non-operational, those vehicles or machines are stored in a building; any property with more than ten vehicles shall be considered open yard storage. Accessory office

use of buildings on the property is not evidence that a use should not be considered open yard storage.

Outdoor dining means an accessory area for seating on a portion of the sidewalk or lot outside of a business establishment for the purpose of eating, drinking, or otherwise socializing.

Parking and storage of large vehicles means parking or storage of any vehicle in excess of 24 feet in length, eight feet in width or eight feet in height.

Parking deck means a partially or fully enclosed building designed for the parking of vehicles. A parking deck is not a residential parking garage.

Parking lot means an unenclosed surface area used for the parking of vehicles.

Pawn shop means an establishment engaged in a business involving in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent.

Theater, amphitheater, stadium, or arena, large means an indoor or outdoor facility for artists, athletes, speakers, or performers with an audience capacity of more than 400 people.

Theater, amphitheater, stadium, or arena, small means an indoor or outdoor facility for artists, athletes, speakers, or performers with an audience capacity of 400 or fewer people.

Personal care home means any dwelling, facility, or structure ("facility") required to be licensed by or registered with the state as a personal care home with no more than five beds. Any facility which for any reason is not required to be licensed by or registered with the state as a personal care home, or fails to be licensed by or registered with the state as a personal care home but which, through its ownership or management, undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one or more personal services for two other persons, who are not related to the owner or administrator by blood, marriage, or adoption shall also be considered a personal care home for the purpose of this definition. Personal services include, but are not limited to, individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. The term

"personal care home" shall apply without regard to whether any fee charged is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether the facility is operated for profit or not for profit. For the purposes of this UDC, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3 (as amended) shall also be considered a personal care home.

Pet care services means establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, and training pets.

Professional offices means establishments primarily engaged in processes that specialize in performing professional, scientific, and technical activities for others, including, but not limited to, medical and dental services, legal advice and representation; real estate sales and rental agencies; financial services (not including banks, check-cashing and/or payday loans), collection agencies, accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting and counseling services; research services; advertising services; photographic services; publishing, print shops, translation and interpretation services; plumbers, exterminators, and other technical services; veterinary services; and other professional, scientific, office service, and technical services.

Recreation field means an outside area designed and equipped for the conduct of sports and leisure-time activities, including, but not limited to, softball, soccer, football, and field hockey, playgrounds, recreation areas, playing fields, and other similar uses or facilities.

Recreational vehicle (RV) park or campground means a facility which leases lots or areas for recreational vehicles or camping.

Recycling center means establishments primarily engaged in collecting, sorting, or processing materials to be recycled, including, but not limited to, plastics, glass, paper, and aluminum materials. Recycling bins shall not be included in this definition.

Rehabilitation center means a facility providing rehabilitative services in the facility whether

operated for profit or not for profit. Rehabilitative services in the facility include counseling services, therapeutic services offered as a part of any organized program for the mental, psychological, and substance abuse recovery. Uses such as halfway houses, drug rehabilitation centers or other facilities for treatment of drug dependency shall be included in this definition. The term "rehabilitation center" shall not apply to occupational or physical rehabilitation of any person, hospitals or services located on the premises of a hospital, services offered to individuals by one or more licensed medical professionals in a private office setting, or personal services offered as part of a permitted home-based business.

Renewable energy facility means a facility generating electricity using renewable energy generation technologies including: solar arrays, solar collection systems, or geothermal energy systems where the total combined area dedicated to such technology exceeds 10,000 square feet; and/or wind energy systems where the total number of generating devices exceeds two.

Research and development means establishments primarily engaged in conducting original investigation undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

Restaurant means an establishment located wholly or partially within a building and primarily engaged in the preparation and serving of food to patrons. A cafeteria shall also be considered to be a restaurant.

Roadside stand means a use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats or dairy products for sale from a vehicle or an open-air structure. The consumption of food at the stand is prohibited.

School pre-K through 12, large, means an establishment primarily engaged in furnishing academic courses and associated course work that comprise a basic preparatory education ranging from pre-kindergarten through 12th grade for 100 or more total students.

School pre-K through 12, small, means an establishment primarily engaged in furnishing academic courses and associated course work that comprise a basic preparatory education ranging from pre-kindergarten through 12th grade for less than 100 total students.

Senior housing means a single-family or multifamily development intended for, operated for, and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

Services, personal and household, means appliance and home and garden equipment repair and maintenance, barber shops and beauty salons, garden centers; household, home, garden, and pool services.

Sexually oriented business means a use meeting the definition of sexually oriented business in Chapter 10, Article XI of the City's Code of Ordinances.

Short term rental is defined in Chapter 10 Article XIII. Short term rentals shall not be a part of a bed and breakfast, country inn, or a part of a bed and breakfast, country inn, or hotel .

Storage tank, bulk, flammable liquids or gasses, means establishments primarily engaged in the storage of flammable liquids or gasses.

Storm shelter means structures providing shelter from dangerous or inclement weather.

Support activities for air transportation (including airports) means establishments primarily engaged in providing specialized services for air transportation, except air traffic control and other airport operations.

Temporary structure means structures intended for short-term use.

Temporary uses, commercial retail, means commercial structures of a seasonal or temporary nature, including, but not limited to, food stands, vendors, or similar uses, permitted

only in those districts allowing similar uses on a permanent basis.

Use, accessory, means a subordinate use which is customarily incidental to the principal use of a lot, and which is located on the same lot as a principal use.

Use, principal, means the primary or main purpose or function of a lot or structure. The term "principal use" is synonymous with "main" and "primary."

Utility substation, telephone, electric, gas, etc., means establishments primarily engaged in the provision of electric power, natural gas, steam supply, water supply, and sewage removal through a permanent infrastructure of lines, mains, and pipes.

Wholesale trade means establishments primarily engaged in wholesaling products, such as motor vehicles, furniture, construction materials, machinery, and equipment (including household-type appliances), metals and minerals (except petroleum), sporting goods, toys and hobby goods, recyclable materials, and parts.

Yard sale means the general sale, open to the public, conducted from or on any property for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage" sale. The term "personal property" means items which are owned, utilized, and maintained by an individual or members of their family and acquired in the normal course of living in or maintaining a residence.

Zoo or botanical gardens means establishments primarily engaged in the preservation and exhibition of live plant and animal life displays.

Sec. 7-2 Permitted Uses

- A. The permitted principal uses and special permit uses identified in the table in subsection (H) shall be permitted only as listed within each zoning district. Any change of use, including a change of a single use within a multiple use structure, shall comply with the requirements of this UDC and any conditions of zoning.
- B. Principal and accessory uses allowed by district are shown in the table below. All uses are subject to all applicable requirements of this UDC.
1. (P) Use permitted. Indicates a use is permitted in the respective district.
 2. (A) Use allowed only with Special Administrative Permit. Indicates a use may be permitted in the respective district only with an approved by Special Administrative Permit.
 3. (U) Use allowed only with Special Use Permit. Indicates a use may be permitted in the respective district only where approved by the City Council.
 4. (A/U) Use allowed only with a Special Administrative Permit when occupying 4,000 square feet or less or when located more than 1,000 feet from any off-site dwelling (as measured in a straight line between the closest points of the two lots); Use allowed only with a Special Use Permit when occupying more than 4,000 square feet and located 1,000 feet or less from any off-site dwelling (as measured in a straight line between the closest points of the two lots).
 5. (X) Use Prohibited. A use is not permitted in the respective district.
- C. Any use listed with a "yes" in the column headed by the words "supp" (supplemental regulations shall:
1. Satisfy the applicable supplemental use standards established in Sec. 7-4 in addition to all other UDC requirements.
 2. Schedule a pre-application meeting with the Zoning Administrator as delineated in Sec. 3-2.
- D. Multiple uses are allowed within a lot, structure, or business are allowed. Each use shall be regulated according to the associated provisions set forth within this UDC.
- E. Where a use includes two or more defined uses and neither is subordinate or accessory to the other, the permission and use requirements of both shall apply.
- F. A use not specifically listed is prohibited unless the Zoning Administrator determines the use to be similar to a listed use. When determining whether a proposed use is similar to a listed use, the Zoning Administrator must consider the following criteria:
1. Actual or projected characteristics of the proposed use
 2. Amount of site area or floor area and equipment devoted to the proposed use
 3. Sales volume
 4. Type of customer
 5. Number of employees
 6. Hours of operation
 7. Building and site arrangement
 8. Types of vehicles used and their parking requirements
 9. Number of vehicle trips generated
 10. How the proposed use is advertised
 11. Likely impact on surrounding properties
 12. Whether the activity is likely to be found independent of the other activities on the site
- G. Where a use not listed is found by the Zoning Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment per Sec. 3-3.

H. Permitted Use Table

Permitted Use	Supplemental Standards	RL	All oth er HM	VL	HC
Agricultural					
Agricultural retail	Sec. 7-4B	A*	A	A	A
Agritourism		A*	P	P	P
Equestrian training or sales facility		A*	P	P	P
Farming, general		P	P	P	P
Forestry and logging (timber harvesting)	Sec. 7-4R	P	P	P	P
Greenhouse or nursery	Sec. 7-4T	P	P	P	P
Pet care services	Sec. 7-4FF	U	U	U	U
Roadside stands	Sec. 7-4MM	A	P	P	P
Residential					
Assisted living facility	Sec. 7-4G	X	A	A	A
Cottage court	Sec. 7-4J	X	P	P	P
Cohousing		X	P	P	X
Dwelling, duplex		X	P	P	P
Dwelling, multifamily		X	P	P	P
Dwelling, single-family detached		P	P	P	P
Dwelling, townhouse		X	P	P	P
Group home	Sec. 7-4V	P	P	P	P
Live-work		X	P	P	P
Manufactured home		X	X	X	X
Personal care home	Sec. 7-4EE	U	A	A	A
Senior housing		X	P	P	P
Short term rental	Sec. 7-4QQ Chapter 10, Article XIII	PA	PA	PA	PA
Storm shelter		P	P	P	P
Accommodation					
Bed and breakfast, small		A	P	P	P
Bed and breakfast, large		U	P	P	P
Country inn		U	P	P	P
Hotel		X	P	P	U
Recreational vehicle (RV park) or campground	Sec. 7-4II	U*	P	P	U
Rooming house or boardinghouse	Sec. 7-4NN	X	U	U	U
Institutional					
Ambulatory health care services		X	A	A	U
Broadcasting and telecommunications facility		X	A	A	U
College, university, or professional school		U	A	A	U
Communications tower	ARTICLE X	U	U	U	U
Clinic		X	P	P	U
Data processing services		X	U	U	U
Day care center, small	Sec. 7-4M	A	P	P	P
Day care center, large	Sec. 7-4M	U	P	P	P
General medical and surgical hospital		X	U	U	X
Home health equipment rental		X	P	P	X
Library or archive		A	P	P	A
Medical laboratory		X	A	A	U
Motion picture or sound recording facility		U*	P	P	U
Museums, historical site, or similar institution		U	P	P	U
Place of worship	Sec. 7-4F, Sec. 7-4GG	P	P	P	P

Permitted Use	Supplemental Standards	RL	All oth er HM	VL	HC
Professional office		X	P	P	P
Rehabilitation center	Sec. 7-4KK	X	U	U	U
Renewable energy facility	Sec. 7-4LL	P	P	P	P
Research and development		X	P	P	P
School, pre-K through 12, large		U	U	U	U
School, pre-K through 12, small		U	A	A	U
Utility substation	Sec. 7-4UU Sec. 7-4VV	U	U	U	U
Arts, Entertainment, and Recreation					
Amusement center	Sec. 7-4D	X	P	P	U
Amusement theme park	Sec. 7-4E	X	U	U	X
Driving range (not associated with golf courses)		X	P	P	X
Event center, small	Sec. 7-4O	U*	A	A	A
Event center, large	Sec. 7-4O, Sec. 7-4F	U*	U	U	U
Festival or event, occasional, outdoor/indoor	Sec. 7-4P	A	A	A	A
Fitness and recreational sports center (includes swimming pools)	Sec. 7-4Q	X	P	P	P
Golf course or country club		X	P	P	X
Motion picture theater (including drive-ins)	Sec. 7-4F	X	U	U	U
Nature parks or similar institution		P	P	P	P
Recreation fields	Sec. 7-4HH	A	P	P	P
Sexually oriented business	Sec. 7-4OO	X	X	U	X
Theater, amphitheater, stadium, or arena, small	Sec. 7-4TT Sec. 7-4UU	X	A	A	A
Theater, amphitheater, stadium, or arena, large	Sec. 7-4TT Sec. 7-4UU , Sec. 7-4F	X	U	U	U
Zoo or botanical gardens		U	P	P	U
Retail					
Automotive parts and accessories store		X	U	U	U
Business service center (including copy shops)		X	P	P	P
Gas station	Sec. 7-4S	X	U	U	U
Liquefied petroleum gas (bottled gas) dealer		X	U	U	U
Motor vehicle or recreational vehicle sales and rental	Sec. 7-4Z	X	U	U	U
Motor vehicle rental (fewer than 10 vehicles)		X	P	P	P
Pawn shop	Sec. 7-4DD	X	X	U	X
General retail	Sec. 7-4T Sec. 1-1A	X	P	P	P
Temporary structure	Sec. 7-4RR Sec. 7-4SS	A	A	A	A
Temporary use, commercial retail	Sec. 7-4SS Sec. 7-4TT	X	A	A	A
Services					
Animal hospital or veterinary clinic		A*	P	P	A
Automobile impound lot		X	X	U	X
Automobile wash services		X	U	U	U
Automotive repair and maintenance		X	U	U	U

Permitted Use	Supplemental Standards	RL	All oth er HM	VL	HC
Caterer		X	P	P	P
Cemetery or mausoleum	Sec. 5-18 Sec. 5-19	U	U	U	U
Check cashing establishment		X	X	U	X
Civic or social organization		A	P	P	P
Commercial banking		X	P	P	P
Crematory	Sec. 7-4L	X	X	U	X
Dry cleaning and laundry services (except self-service)	Sec. 7-4N	X	P	P	P
Funeral home or funeral services		X	A	A	A
Industrial launderer		X	U	U	U
Parking lot or parking deck	Sec. 5-13 Sec. 5-14	X	A	A	A
Personal or household services		X	P	P	P
Restaurant; mobile food services	Sec. 7-4Y	X	P	P	P
Self-service laundry		X	U	U	U
Industrial					
Air transportation; airport, private	Sec. 7-4C	U*	U	U	X
Compost facility	Sec. 7-4I	U*	U	U	X
Craft manufacturing	Sec. 7-4K	U	P	P	U
Food processing and production		U*	A/ U	A/U	U
General freight trucking, local		X	U	U	X
General warehousing and storage		X	U	U	X
Heavy manufacturing		X	X	X	X
Intermodal terminal facility		X	X	U	X
Interurban and rural bus or rail transportation		X	U	U	U
Light manufacturing and distribution		X	A/ U	A/U	X
Mini-warehouses and self-storage units	Sec. 7-4X	X	U	U	X
Open yard storage	Sec. 7-4AA	X	U	U	X
Parking and storage of large vehicles	Sec. 7-4CC, Sec. 5-13E Sec. 5-14D	X	U	U	U
Recycling center	Sec. 7-4JJ	X	U	U	X
Storage tank, bulk, flammable liquids	Sec. 7-4QQ Sec. 7-4RR	X	U	U	U
Support activities for air transportation (including airports)		X	X	U	X
Wholesale trade		X	A/ U	A/U	X
Accessory					
Accessory agricultural use	Sec. 7-3	A	A	A	A
Agricultural housing	Sec. 7-4A	P	P	P	P
Accessory dwelling	Sec. 7-3G	P	P	P	P
Caretaker/employee dwelling		P	P	P	P
Drive-through	Sec. 6-2F.1.j	X	P	P	X
Outdoor dining	Sec. 7-4BB	X	P	P	P
Small cell facility	ARTICLE X	P	P	P	P

*Must be located on a parcel of 10 acres or more. Any structures containing this use must be set back at least 200 feet from any property line of a lot containing a residential use.

Sec. 7-3 Accessory Uses and Structures

- A. *Principal structure.* Accessory uses shall be located on the same lot as the principal structure to which they are accessory.
- B. *Accessory structure.* No accessory structure shall be constructed upon a lot until construction of the principal structure has commenced.
- C. *Uses accessory to residential uses.* Accessory uses to residential development may generally be considered to include private garages, stables, storehouses, greenhouses, home-based businesses, children's playhouses, summerhouses, home workshops, accessory dwellings, swimming pools, yard sales, and similar appurtenant uses.
- D. *Accessory agricultural uses to residential or non-residential uses* include, but are not limited to, slaughtering or processing of animals, petting zoos, educational tours, picnicking, pay fishing, and pick-your-own vegetable and fruit gardens or orchards. Concentrated animal feeding operations (CAFOs) as defined by the U.S. Environmental Protection Agency are not allowed as accessory agricultural uses. See supplemental use provisions in Sec. 7-4.
- E. *Uses accessory to agricultural uses.* Accessory uses to agricultural uses include all uses accessory to residential uses, including a single accessory dwelling as limited below in subsection (E). Agricultural housing beyond a single dwelling shall only be allowed with a special use permit and subject to the use provisions of Sec. 7-4A.
- F. *Uses accessory to non-residential uses.* Accessory uses for non-residential development shall include those normally appurtenant to such development, except as shown in Sec. 7-2.
- G. *Accessory dwellings.*
1. On lots where the floor area of the principal dwelling is 3,200 square feet or less, accessory dwellings shall be limited to a floor area no greater than 960 square feet or 60% of floor area of the principal dwelling (whichever is less).
 2. On lots where the floor area of the principal dwelling exceeds 3,200 square feet, accessory dwellings shall be limited to a floor area no greater than 30% of the floor area of the principal dwelling.
 3. No more than one accessory dwelling shall be allowed on a lot.
- H. Accessory uses and accessory structures except for outdoor dining, fences, and walls shall not be permitted within the first layer, except that accessory uses and accessory structures in the Rural (RL) district or required open space shall be exempt from this provision when:
1. Located more than 600 feet from the right-of-way of a thoroughfare, excluding alleys, lanes, or bicycle facilities; or
 2. Fully screened from view from any thoroughfare by topography.

Sec. 7-4 Supplemental Use Provisions - Specific

The regulations set forth in this UDC within each zoning district are the minimum regulations that apply uniformly to each class or kind of structure or land. The following regulations also shall apply to each use or type of use listed, whether such use is authorized as of right or by special permit.

A. Agricultural housing.

1. A single accessory dwelling shall be allowed by right (see Sec. 7-3) accessory to all agricultural uses.
2. For agricultural uses on lots 50 acres and larger, one additional accessory housing unit shall be allowed for every 50 acres, up to a maximum of 5 total units.
3. The head of household of all agricultural housing units must be either related by blood to or a full time or seasonal employee of the property owner and responsible for agricultural production on the property.
4. All such housing shall meet applicable City and County regulations regarding housing, water, and septic tanks.
5. All such housing shall meet the requirements of Occupational Safety and Health Administration (OSHA) Standard 1910.142.
6. All such housing shall meet applicable rules and regulations regarding agricultural worker housing of the Georgia Department of Labor.
7. All agricultural housing units shall meet the requirements of accessory dwellings in Sec. 7-3G.

B. Agricultural retail.

1. All of the displayed inventory of the products sold shall be agricultural or value-added agricultural products grown and produced on the premises or within 50 miles.
2. Only one agricultural retail facility shall be allowed per parcel.
3. Agricultural retail may occur inside buildings or outdoors.

4. Buildings or portions of buildings devoted to agricultural sales shall not exceed 1,000 square feet in floor area.

C. Air transportation; airport, private.

1. For fixed wing aircraft, a 1,500-foot clear zone extending from the end of all runways shall be secured through ownership or easement, but in no case shall the end of a runway be closer than 200 feet from any property line.
2. For both fixed and rotary-wing aircraft, neither the landing area nor any building, structure, or navigational aid shall be located within 400 feet of the property line of any off-site dwelling.
3. Establishments primarily engaged in providing air transportation of passengers or cargo over regular routes and on regular schedules such as air commuter carriers, scheduled air passenger carriers, scheduled air cargo carriers and scheduled helicopter passenger carriers, are prohibited.

D. Amusement center.

1. An amusement center use shall not occupy more than five acres.
2. Outdoor recreation activities shall be limited to between 10:00 a.m. and 10:00 p.m.

E. Amusement theme park.

1. Outdoor recreation activities shall be limited to between 10:00 a.m. and 10:00 p.m.

F. Assembly uses.

1. No assembly use, including places of worship, clubs, and theaters, may be designed to accommodate more than 1,000 people indoors.

G. Assisted living facility.

1. The approval and/or issuance of any special permit by the City for operation of an assisted living facility may precede the issuance of permits or licenses from the state, provided that

any special permit granted shall be conditioned on the issuance of the appropriate permits, licenses, or registrations required by the State.

2. No such facility shall be located within 2,000 feet (as measured in a straight line between the closest points of the two lots) of any community service facility as defined in O.C.G.A. § 37-4-2, rehabilitation center, or supportive housing facility.
3. All assisted living facilities must provide at least 80 square feet of personal living space per resident or provide that amount required by the state for the licensing of assisted living homes, whichever is greater.
4. Each location shall be required to provide transportation service for its occupants.

H. Communications towers. See ARTICLE X.

I. Compost facility.

1. Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m., Monday through Saturday.
2. Compost facilities shall maintain a buffer of not less than 150 feet adjacent to all property lines. When compost facilities handle and process food waste delivered from off-site sources, such facilities shall maintain a buffer of not less than 300 feet adjacent to all property lines. Buffers shall provide an effective year-round visual buffer.
3. Collection, storage containers, or receptacles shall not be allowed in minimum yards.

J. Cottage court.

1. Cottage court developments shall provide a landscaped mews of at least 40 feet in width and 3,000 square feet in total area for every 10 units or fraction thereof. No more than 10 dwellings may face any mews.
2. No principle dwelling in a cottage court shall exceed 1,500 square feet in floor area.

3. The mews shall not be parked or driven on, except for emergency access and permitted temporary events.

K. Craft manufacturing

1. No individual business shall exceed 4,000 square feet in of floor area.
2. No equipment or process shall be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

L. Crematory.

1. The crematory shall have no more than one cremation unit per location.
2. The crematory will be owned and operated by a licensed funeral home. The crematory will be used solely by the funeral home for customers having services at the location of the licensed funeral home and operate as an off-site accessory type use to the funeral home and not as a customer-based independent business.

M. Day care center, small or large.

1. Shall comply with all applicable state day care requirements for standards, licensing, and inspections.
2. Shall provide at least 100 square feet of outdoor recreation area per child. Such outdoor areas shall be permitted to utilize off-site open space for meeting this requirement when agreements for using such areas are obtained and provided.
3. Hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m.
4. When located within the RL district, shall be separated by a minimum distance of 3,000 feet from any other such use (as measured in a straight line between the closest points of the primary structures).

N. Dry cleaning and laundry services (except self-service).

1. Facilities which make use of class I solvents shall be prohibited.

2. Facilities which make use of class II and III solvents shall not be located in buildings with other occupancy and shall only be located in buildings which are set back at least 20 feet from any side or rear property line and any other building.
3. The applicant for such a facility shall certify in writing at the time of application that all the above conditions shall be met.

O. Event center, small or large.

1. Event hours shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Thursday, and between 8:00 a.m. and 11:00 p.m. Friday and Saturday, or as permitted by City Council.

P. Festivals or events, occasional, outdoor/indoor.

1. As applicable, special events are subject to the requirements of other City departments.
2. No more than eight permits shall be granted per year and no permit shall be effective for more than 21 consecutive days or 16 nonconsecutive days in a 30-day period for a single event on the same property. An application for said permit shall be made no less than 14 days prior to the event.
3. Festival or event hours shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Thursday, and between 8:00 a.m. and 11:00 p.m. Friday and Saturday, or as permitted by City Council.

Q. Fitness and recreational sports centers.

1. These criteria shall apply to any fitness and recreational sports center within 1,000 feet of the property line of any off-site dwelling.
2. No outdoor storage shall be permitted.
3. The supplemental use provisions for recreation fields shall apply to all outdoor activities associated with fitness and recreation sports centers.

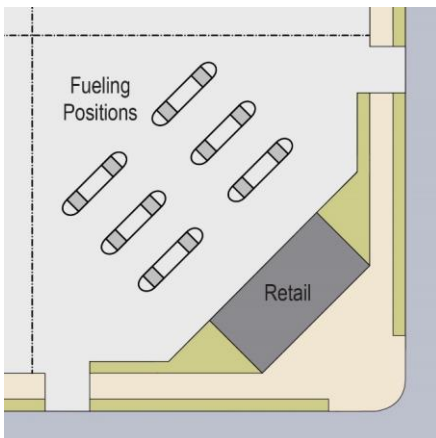
R. Forestry and logging.

1. Such activities shall be conducted consistent with "Georgia's Best Management Practices for Forestry" as established by the Georgia Environmental Protection Division (EPD).
2. Forestry and logging activities taking place on property that is adjacent to occupied residential property shall preserve a 50-foot buffer from the property line of any off-site dwelling. Up to 50 percent thinning may be permitted in the buffer.
3. In Hamlet (HM) and Village (VL) districts, forestry and logging activities shall maintain a buffer of not less than 70 feet adjacent to any thoroughfare. Up to 50 percent thinning may be permitted in the buffer.
4. Nothing in these standards shall be interpreted to prevent standard silviculture practices that promote healthy forest-keeping practices.
5. Where forestry and logging uses count toward required open space, they shall provide publicly accessible pedestrian amenities throughout and which connect to adjacent uses.

S. Gas stations.

1. All repair and maintenance activities shall be carried on entirely within an enclosed building.
2. Outdoor storage is prohibited.
3. Only minor automotive repair and maintenance is allowed and shall be confined within the principal structure, out of public view.
4. Above-ground tanks for the storage of gasoline, liquefied petroleum gas (other than single-service sizes), oil, and other flammable liquids or gases shall be prohibited.
5. Overnight accommodations, showers, and overnight customer parking shall be prohibited.

6. The use shall not be combined with any other use or facility so as to create a truck stop.
7. No more than 16 total fueling positions are permitted for each individual use.
8. All fueling positions shall be located to the rear of the structure and be shielded from the adjacent road by the structure and shall be located so as to limit visibility from any adjacent thoroughfare to the greatest possible degree (see illustration), except that a maximum of one fuel pump that dispenses petroleum fuels and its associated canopies and service areas shall be permitted to be located between the building and an adjacent thoroughfare. Alternative fuels like biodiesel, hydrogen, and electricity may be provided on additional pumps in front, with a maximum of one fueling position per alternative fuel type permitted in front.
9. The front and rear of the building should be designed as primary facades, complete with fenestration and entryways (no false facades, false windows, or false doors).



T. General retail.

1. Within a Historic Crossroads (HC) district only, general retail may also sell motor vehicle fuels but shall be limited to a maximum of one fueling position.

2. General retail shall not provide repair, maintenance services, or other vehicular services in any zoning district

U. Greenhouse or nursery.

Where greenhouses or nurseries count toward required open space, their total floor area shall not exceed 100 gross square feet per acre.

V. Group home.

1. No more than one group home shall be allowed within any individual Hamlet (HM), or Historic Crossroads (HC) zoning district.
2. No more than two groups homes shall be allowed within any individual Village (VL) district.
3. No group home in the Rural (RL) district shall be located closer than 3,000 feet from another existing group home (as measured in a straight line between the closest points of the primary structures).

W. Home-based business.

1. The smaller of 25 percent or 750 square feet of the gross floor area of a dwelling may be used for activities devoted to home-based businesses.
2. No more than 75% of the area of any accessory structure shall be devoted to home-based businesses.
3. Signs identifying home-based businesses shall be limited to one two-square-foot wall sign per lot as defined in ARTICLE VIII.
4. There shall be no storage, display or activity associated with the home-based business visible outside the structure.
5. The following uses are not allowed as home-based businesses: restaurants, funeral homes and funeral services, all retail uses except for live-work units, personal care homes, short-term rental, and any other use found incompatible with the intent of this UDC.

6. A maximum of two vehicles used for taxi or limousine services shall be permitted on the lot when such use occurs as a home-based business.
7. Resident participants in a home-based business must have the appropriate occupational licensing, including business licenses.
8. No home-based business shall generate traffic, sound, smell, vibration, light, or dust that is offensive.
9. No more than two nonresident employees, nor more than six people in total including working residents, employees, clients, or patrons are allowed on the premises at the same time in conjunction with home-based businesses.
10. Vehicles kept on the lot in association with the home-based business shall be used by residents only.
11. The transporting of goods by trucks with more than 2 axles is prohibited. Incoming vehicles related to the home-based business shall be parked off-street within the confines of the residential driveway or other permitted off-street parking area.
12. When home-based businesses include the use of instruments, machinery or equipment that emit sounds (i.e., musical instruments, sewing machines, saws, drills) that are detectable beyond the unit, noise levels shall be regulated as follows: Between 8:00 a.m. and 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home-based business shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home-based business shall not create noise detectable to normal sensory perception off the subject property.
13. No home-based business shall be operated so as to create or cause a nuisance.

14. Auto repair, farm equipment repair, or similar operations shall not be visible from a thoroughfare or neighboring properties; all repair activities and storage of vehicles shall be fully enclosed in a structure, with the exception that one vehicle may be stored outside for up to 24 hours upon delivery or awaiting pick-up. All such storage is subject to any vehicle storage regulation herein or elsewhere in this UDC.

X. Mini-warehouses and self-storage units.

1. Lots containing mini-warehouses and self-storage units shall be located a minimum of 1,500 feet from the property line of any other lot containing a mini-warehouse or self-storage use.
2. No doors for individual storage units shall be visible from any adjacent open space or adjacent thoroughfare except lanes or alleys.
3. A manager shall be employed at the facility and shall be responsible for the operation of the facility in conformance with conditions of approval.
4. No sale of merchandise or flea markets shall be conducted on the property.
5. No outdoor storage is permitted.
6. No outdoor speakers or amplification shall be permitted.

Y. Mobile food services.

1. Mobile food services includes mobile food concession stands, food trucks, mobile canteens, mobile refreshment stands, mobile food carts and mobile snack stands.
2. Such uses shall be prohibited from operation within thoroughfares, except for areas of thoroughfares designated for on-street parking.
3. Such uses shall be prohibited from operation on sidewalks, except for areas of sidewalks designated as outdoor dining. See outdoor dining supplemental use provision in Sec. 7-4BB.

4. Such uses shall not be allowed to stay in one location for more than 16 hours without moving.

Z. Motor vehicle or recreational vehicle sales and rental.

1. All vehicles shall be parked on an all-weather surface.
2. No more than 50 vehicles may be displayed outside in areas that are visible from a thoroughfare.

AA. Open yard storage.

1. An additional 40-foot setback and 30-foot landscaped buffer shall be provided interior to existing zoning setbacks adjacent to all thoroughfares, open spaces, and residential uses. A 20-foot landscaped buffer shall be provided adjacent to all other uses.
2. Interior to the landscaped buffer the use shall be surrounded by an opaque wall or fence no less than six feet tall.
3. The landscaped buffer shall be planted with evergreen plant material to obscure the wall as much as possible. Dead plant material shall be replaced promptly to maintain the buffer.
4. In no case shall the contents of the open yard storage be visible from property lines of any thoroughfare, dwelling, or open space.

BB. Outdoor dining.

1. Outdoor dining may encroach into sidewalk areas when the following criteria are being met:
 - a. Shall provide a minimum unobstructed sidewalk clear walking area of:
 - i. Six feet along any commercial street, avenue, or boulevard thoroughfare type.
 - ii. Four feet in width along all other thoroughfare types.
 - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted, and no element shall be attached to the sidewalk in any way;

- c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this UDC; and

- d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing, or similar non-fixed barriers provided they do not exceed a height of 42 inches including any plant material.

CC. Parking and storage of large vehicles.

1. Vehicles may park within a fully enclosed structure that meets all other criteria of the zoning district.
2. Vehicles may park when fully screened and obstructed from view from any thoroughfare or open space.
3. Vehicles may park on the side or to the rear of the primary residential structure on the lot, provided that the lot is three acres or larger, but shall not be closer than 100 feet from any property line.
4. This section shall not apply to vehicles that park or stand in RL zoning districts for less than eight hours while engaged in the loading or unloading of the vehicle.

DD. Pawn shops.

1. Pawn shops shall be separated by a minimum of 2,000 feet from all other pawn shops (as measured in a straight line between the closest points of the lots).
2. If the pawn shop involves title pawn, then associated vehicles shall be stored at another location which allows for the long-term storage of such vehicles through the open yard storage or parking and storage of large vehicles use categories.

EE. Personal care homes.

1. The approval and/or issuance of any special permit for operation of a personal care home by the City shall precede the issuance of permits or licenses from the state; provided, however, that any special permit granted under the terms of this part

shall be conditioned on the issuance of the appropriate permits, licenses or registrations required by the state.

2. When personal care homes include halfway houses, drug rehabilitation centers or other facilities for treatment of drug dependency, such facilities shall not be located within 2,000 feet of any personal care home, community service facility as defined in O.C.G.A. § 37-4-2(6), nursing home, rehabilitation center, or supportive housing facility (as measured in a straight line between the closest points of the two lots containing the facilities).
3. An application for a personal care home must specify the number of beds for which personal services will be made available. Any increase in the number provided shall require a new application.
4. Personal care homes must provide at least 80 square feet of personal living space per resident or that amount required by the state for the licensing of personal care homes, whichever is greater.
5. No signs shall be permitted other than those permitted by the regulations of the zoning district within which such personal care home is located.
6. Each location shall be required to provide transportation service for its occupants.
7. In RL districts, no more than four residents, not including owner and owner's family, may reside on the premises.

FF. Pet care services.

1. Buildings housing animals shall be a minimum of 100 feet from any property line.
2. Any animal pens and runs shall be a minimum of 200 feet from any property line.

GG. Places of worship.

1. In addition to the accessory uses and structures that are permitted in

ARTICLE VII for the zoning district in which the place of worship is located, additional accessory uses and structures are permitted that are customarily associated with places of worship and intended primarily for the use of worshipers; such as a chapel, library, administrative offices, religious educational facilities for worshipers, fellowship hall and related kitchen and dining area, ornamental gardens, or outdoor recreational facilities occupying less than 10,000 square feet.

2. Places of worship shall be subject to the assembly use size restrictions in subsection (F).
3. The following additional uses may be permitted as accessory to the place of worship only upon approval of a special use permit, and provided that they meet all regulations specific to the proposed use or structure contained in this UDC. No signage shall be permitted for accessory uses except door signs.
 - a. Day care center.
 - b. Health and social services, including counseling, out-patient clinics, transitional housing, homeless shelter, soup kitchen, and the like.
 - c. Indoor recreation facilities such as gymnasiums, health, and fitness facilities.
 - d. Kindergarten.
 - e. Outdoor recreation facilities 10,000 square feet or larger.
 - f. Private school (K-12).

HH. Recreation fields.

1. Loudspeakers/paging systems are prohibited within 200 feet of the property line of any off-site dwelling.
2. The hours of operation shall be limited to daylight hours when said facility is not associated with a school K-12 (private or public) and when located within 1,000 feet of the property line of

any off-site dwelling (as measured in a straight line).

3. When located within required open space areas, shall be limited to 70,000 square feet and shall be located a minimum distance of 1,000 feet of any other such use within required open space (as measured in a straight line).

II. Recreational vehicle (RV) park or campground.

1. Minimum lot size shall be ten acres.
2. A minimum 100-foot vegetative, visual buffer shall be required around the entire perimeter of the property.
3. Only accessory services and parking related exclusively to the recreational operations shall be allowed.
4. Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
5. No outdoor public address system shall be allowed
6. Sanitary facilities, sewage dump stations, and trash receptacles shall be located a minimum of 200 feet from the property line of any off-site dwelling.

JJ. Recycling center.

1. Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m., Monday through Saturday.
2. Recycling centers shall maintain a buffer of not less than 150 feet adjacent to all property lines.
3. All recyclable materials shall be stored in containers with no stockpiling outside the containers.
4. Collection, storage containers, or receptacles shall not be allowed in minimum yards. Storage shall be screened with a six-foot-high solid wall or fence, including access gates.
5. The processing of recyclable materials must be done within an enclosed building.

KK. Rehabilitation centers.

1. When rehabilitation centers include halfway houses, drug rehabilitation centers or other facilities for treatment of drug dependency, such facilities shall not be located within 2,000 feet of any personal care home (as measured in a straight line between the closest points of the two lots), assisted living facility, community service facility as defined in O.C.G.A. § 37-4-2, nursing home, rehabilitation center, or supportive housing facility.
2. No signs other than those permitted by the regulations of the zoning district within which such rehabilitation center is located.
3. Each location shall be required to provide transportation service for its occupants.
4. Any rehabilitation center applying for a special permit relating to the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency shall be required to complete the application, sufficiently in advance of the date that final action is expected on the decision, to ensure compliance with the public hearing and posted notice requirements of Sec. 3-7.

LL. Renewable energy facility.

1. No more than 30% of a site may be dedicated to this use.
2. All structures associated with the use, except fences and walls, must be set back at least 400 feet from any property line.
3. Structures shall be exempt from the height restrictions of the zoning district.

MM. Roadside Stands

1. Hours of operation shall be limited to between 8:00 a.m. and either 8:00 p.m. or sunset, whichever is later.
2. The total area of all permanent and temporary structures shall not exceed 1,200 gross square feet.

3. No temporary sanitary facility or trash receptacle may be located within 100 feet of the property line of any off-site dwelling.
4. No tent, table or other temporary structure shall be located within 100 feet of the property line of any off-site dwelling.

NN. Rooming and boarding houses.

1. No more than six occupants, not including the owner and owner's family, may reside on the premises.
2. Parking, when provided, must be provided in an enclosed garage or in the rear or side yard.
3. The outer appearance of the building shall be compatible in height, style, facade setback, roof type, fenestration, and floor area with buildings on the same block.
4. If meals are served on the premises, meals may only be served to residents and owner's family members if present.
5. At least 1,000 feet shall separate a rooming and boarding house from another rooming house and boardinghouse, transitional housing facility, or personal care home (as measured in a straight line between the closest points of the two lots containing the facilities).

OO. Sexually oriented business.

1. All sexually oriented businesses shall be prohibited unless properly licensed in accordance with the City's licensing requirements for such businesses.
2. All sexually oriented businesses shall meet the requirements of Chapter 10.
3. All sexually oriented businesses shall remain in full compliance with its City license and all other state laws applicable thereto.
4. All property lines of such uses shall be located a minimum of 1,000 feet from the property line of any Rural (RL) district.

5. All sexually oriented businesses shall submit with the application for a building or occupancy permit a certified boundary survey by a licensed surveyor of the lot and the property lines of surrounding lots identifying the use of properties at or within all distance requirements imposed by the sexually oriented business licensing provisions and this UDC.

6. All sexually oriented businesses shall be directly accessible from a highway, boulevard, or avenue.
7. No actual or depicted specified anatomical areas or specified sexual activities shall be visible from outside the structure or on signage outside the structure or visible from outside the structure.

PP. Shipping containers.

1. Shipping containers may be used for accessory storage.
2. Containers shall be limited to the rear yard.
3. Containers shall be painted a color that blends into the background and screened from view from all property lines with an opaque fence or an evergreen vegetative screen. Application may be made to the Planning Commission to approve an alternative design that would be at least as effective as a fence or vegetative screen in promoting the vision for the city expressed in the Comprehensive Plan.
4. Any occupation of a shipping container shall require a building permit and shall comply with all applicable building codes.
5. If the skin of the shipping container is significantly altered, use of the container shall require a building permit.

QQ. Storage tank, bulk, flammable liquids.

- ~~1. Occupancy shall be limited to no more than two guests per bedroom;~~

Storage tank, bulk, flammable liquids.

1. No tank or other structure used for storage of flammable or toxic liquids shall be closer than 100 feet to any property line.
2. A fire prevention, evacuation and safety plan must be approved by the City Fire Department.
3. A spill containment and noise and air pollution abatement plan must be approved by the Zoning Administrator.
4. An application fee for such uses shall be established by the City Council.

SS.RR. Temporary structure.

1. Temporary structures (whether tents, site-built, mobile, or manufactured structures) utilized for construction offices, ticket booths, security guard shelters, storage structures in association with construction, emission inspection stations, portable toilets and other similar uses may be permitted.
2. Temporary structures shall be located outside of any required buffers and landscape areas and shall maintain the principal structures' setback of the district.
3. Temporary structures must be removed prior to the issuance of a certificate of occupancy or within five days of completion of the temporary event or activity for which the structure was approved.
4. A permit for a temporary structure shall expire no more than three years from the date of approval at which time the structure shall be removed unless a new permit is obtained within 30 days of the expiration date.
5. When located within a required open space, must not be in place for more than 90 days within any 365 day period.

TT.SS. Temporary use, commercial retail.

1. Hours of operation shall be limited to between 8:00 a.m. and either 8:00 p.m. or sunset (whichever is later),

Sunday through Thursday, and between 8:00 a.m. and 10:00 p.m., Friday through Saturday.

2. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of ten feet from any internal drive or permitted curb cut.
3. No temporary sanitary facility or trash receptacle may be located within 100 feet from the property line of any off-site dwelling.

UU.TT. Theater, amphitheater, stadium, or arena.

1. No amplified outdoor sound system speaker may be located closer than 200 feet from the property line of any off-site dwelling.
2. No amphitheater structure shall exceed 40 feet in height.

VV.UU. Utility Substations

1. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district.
2. Utility substations measuring more than 35 square feet and greater than five feet in height from finished grade, unless fully enclosed in a building detailed to fit into the streetscape and meeting all frontage and fenestration requirements, shall meet the following regulations:
 - a. Minimum setback of all utility structures from a dwelling shall be:
 - i. Electric: 200 feet.
 - ii. Gas and telephone: the applicable minimum setback for the district in which located.
 - b. A minimum ten-foot-wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.

- c. Electric substations shall provide a minimum 50-foot-wide replanted or natural buffer adjacent to the property lines of any property used for single-family.

WW.VV. Wastewater Pump Stations

- 1. Wastewater pump and lift stations shall provide a minimum 50-foot setback (including adequate visual screening) adjacent to the Rural (RL) district.

XX.WW. Yard Sales

- 1. Only three yard sales are permitted per property per year.
- 2. A yard sale shall not exceed four consecutive days.
- 3. Vehicular parking shall not be permitted in locations otherwise prohibited by this UDC or other City regulations.

ARTICLE VIII. SIGNS

Sec. 8-1 Title

This article shall hereafter be known and cited as the "City of Chattahoochee Hills Sign Ordinance."

Sec. 8-2 Purpose and Findings

A. Purpose. This article was enacted with the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs;
2. To encourage the effective use of signs as a means of communication;
3. To promote economic development;
4. To improve traffic and pedestrian safety as it may be affected by distracting signs;
5. To prevent the destruction of the natural beauty and environment of the city;
6. To protect the public health, safety, and general welfare;
7. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;
8. To ensure the fair and consistent enforcement of sign standards; and
9. To make it easier, quicker, and more economically efficient to apply for a sign permit.

B. Findings.

1. The City finds that signs are a proper use of private property, are a means of personal free expression, and are a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of

their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message.

2. The City further finds that the regulation of the size, height, number, and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect public investment in thoroughfares, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing community compatible with its rural setting, to protect the natural environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.
3. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such signage as thoroughfare signs which enable the traveling public to know where they are located and to find where they are going. As such, the City's wayfinding program is a tool developed and maintained to control the visual appearance of public signage in order to safely communicate services and locations available to the traveling public. With the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City Council finds that public utility signs are frequently of the same nature as those signs erected by

governmental entities in that they provide necessary information to safeguard the public from downed power lines and from thoroughfare excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

4. The City further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this article, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. 8-3 Definitions

The following words, terms, and phrases, when used in this article, shall have the following meanings, except where the context clearly indicates a different meaning. Words and phrases not defined in this section but defined in Sec. 2-2 or Sec. 7-1 shall be given the meanings set forth in those sections.

Abandoned sign means any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters, or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated sign means any sign, or part of a sign, that uses any movement or change of lighting or

color to depict action or create a special effect or scene.

Applicable wall area means the wall on which a wall sign is attached including all walls and windows that have the same thoroughfare or pedestrian orientation. All open air spaces shall be excluded from the applicable wall area.

Audible sign means any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning/canopy sign means any sign that is a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner means a sign other than a flag with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Billboard means a freestanding sign with an area of more than 72 square feet.

Blade sign means a sign attached to a wall on one side and projecting out from the wall, with sign faces perpendicular to the wall.

Changeable copy sign means any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

Commercial. For the purpose of this article, commercial uses do not include home-based businesses or short term rentals.

Directory sign means a single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center.

Fall zone means an area equal to 133 percent of the height of the structure in every direction.

Flag means any fabric or bunting containing colors, patterns, or symbols used as a symbol of

a government or other entity or organization or used to communicate information of any kind to the public.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The sign may only be illuminated externally.

Illuminance means the quantity of light arriving at a surface divided by the area of the illuminated surface, measured in footcandles.

Illuminance, average means the level of illuminance over an entire illuminated target area.

Horizontal illuminance applies to a horizontal surface.

Maximum illuminance means the highest level of illuminance on any point within the entire area.

Minimum illuminance means the lowest level of illuminance on any point within the entire area.

Vertical illuminance applies to a vertical surface.

Illuminance levels and footcandles mean the maintained illuminance levels, the illuminance levels occurring just prior to lamp replacement and luminaire cleaning. The average illuminance level applies to an entire illuminated target area. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels.

Illuminated sign, external, means a sign illuminated by an external light source.

Illuminated sign, internal, means a sign illuminated by an internal light source.

Direct illumination means illumination that is projected from within a sign, building, or similar structure.

Indirect illumination means illumination that is projected onto a sign, building, or similar structure.

Lamp means the component of an outdoor luminaire that produces light.

Maintenance means the upkeep of a sign for the purpose of maintaining safety and appearance which may include painting, bulb replacement, panel replacement, letter replacement, repair of electrical components, and structural reinforcements to its original condition.

Marquee sign means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Moving sign means a sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multi-tenant means one or more buildings, located on a single lot, containing two or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls.

Obscene. Material shall be considered obscene if it meets the criteria provided in O.C.G.A. 16-12-80, as amended.

Pennant, streamer, means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign means any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit means a sign permit reviewed, approved, and issued by the City.

Permittee means the person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person means a natural or legal person, including a firm, organization, partnership, trust, or corporation.

Portable sign means a sign, other than a sandwich board sign, which is not permanently

affixed to the ground or to a structure, including but not limited to hand-held signs, signs on trailers, or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Projecting sign means any sign which is suspended or projected from the wall, eave, or soffit of the building.

Public sign means any sign erected by a governmental entity.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Sandwich board sign means a portable sign not secured or attached to the ground or surface upon which it is located having two panels hinged at the top and capable of standing on its own frame without external support or attachment. A sandwich sign is also known as an "A" frame sign.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to announce, direct attention to, identify, advertise, or otherwise communicate information of any kind to the public.

Sign face means that part of a sign that is or can be used for conveying the sign's message.

Spill light means the light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires.

Standard informational sign means a sign with an area of not greater than three square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Suspended sign means any sign which is suspended from the eave or soffit of the building.

Temporary sign means any sign that is not permanently mounted.

Wall sign means any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign

face. No wall sign shall extend more than 12 inches from any wall, building, or structure.

Window sign means any sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

Sec. 8-4 Violations, Penalties

- A. Noncompliance. No person shall erect or cause to be erected any sign which does not comply with the standards of this article.
- B. Dangerous or defective. No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
- C. Separate violation. Each sign installed, created, erected, or maintained in violation of this article shall be considered a separate violation when applying the penalty portions herein.
- D. Public nuisance. Any violation of this article is hereby declared to be a public nuisance.
- E. Notice. The Zoning Administrator shall give the permittee 10 to 30 days' written notice, based on the practical considerations of completing measures to comport with the standards of this article, to correct the deficiencies or to remove the sign which is in violation of this article. If the permittee refuses to correct the deficiencies or remove the sign, the Zoning Administrator will have the sign removed at the expense of the permittee.
- F. Citations. If any sign or other device covered by this article is, or is proposed to be, erected, constructed, altered, converted, or used in violation of any provision of this article, the Zoning Administrator shall issue a citation. Additionally, the City may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to \$1,000.00, imprisonment

for up to 60 days, or both such fine and imprisonment.

Sec. 8-5 Applicability

The standards of this article shall apply to all signs erected within the city limits.

Sec. 8-6 Permit Required

Except where specifically not required by the standards of this article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the city without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from any adjacent property shall not be subject to the standards of this article.

Sec. 8-7 Fees Required

No permit shall be issued until the appropriate application has been filed with the Zoning Administrator and fees have been paid.

Sec. 8-8 Application Content

Applications for sign permits required by this article shall be filed by the person owning the subject lot or by the owner's agent with express permission of the owner. The application shall describe and set forth the following:

- A. The type and purpose of the sign as defined in this article.
- B. The value of the sign.
- C. A drawing to scale showing the address of the property upon which the subject sign is to be located, the proposed location of the sign on the property, the distance of the proposed sign from the property's boundaries, and all existing structures or buildings on the property.
- D. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
- E. The names and addresses of the owners of the property upon which the subject sign is to be located.
- F. Written consent of the owner of the property, or their agent, granting permission for the placement, maintenance, size, and height of the sign to be placed on the property.
- G. For wall signs, building elevations.

H. The name, address, telephone number, and business license number of the sign contractor. All applicants for signs which incorporate electricity must obtain an electrical permit.

I. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent thoroughfare level.

J. The zoning district in which the subject property is located, and a statement of compliance with all requirements of the zoning district.

Sec. 8-9 Comprehensive Sign Plan

A. A development may submit a comprehensive sign plan to request special consideration of signs that are specifically integrated into the overall design of that development but which do not otherwise meet the requirements of this section. Because signage serves an important role in the overall site design and aesthetic, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development.

B. It is not the intent of this section to be used to circumvent any purpose of this article. Prohibited types of signs may not be approved in a comprehensive sign plan, but alternate designs and sign areas may be approved where they are not visible from any pre-existing public thoroughfare or outside any area covered by a comprehensive sign plan.

C. Comprehensive sign plans may be required by the City Council or Planning Commission as part of any project approval.

D. Application information. Any comprehensive sign plan application shall be submitted to the Community Development Department and shall include all the information required above in Sec. 8-8.

E. Authority and review. The City Council shall have the authority under the conditions provided in this article to permit the utilization of comprehensive sign plans and may approve sign standards that are more or less restrictive than the regulations set forth in this article.

1. Comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing.
 2. Exceptions to the sign regulations in this article may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this article and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.
 3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.
 4. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.
 5. The Zoning Administrator may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.
- F. Future signs. A comprehensive sign plan may be approved where signs for outparcels or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of this article.
- G. Existing signs as part of a comprehensive sign plan. If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those

signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

- H. Permits prohibited until decision rendered. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.
- I. Withdrawal of plan.
1. An approved comprehensive sign plan may be withdrawn by the applicant, provided:
 - a. It is not required as a condition of project approval;
 - b. No signs have been installed pursuant to such plan;
 - c. All signs installed since approval of said plan comply with the requirements of this article; or
 - d. All signs in the center or project comply with the provisions of this article.
 2. The withdrawal shall be submitted in writing to the Zoning Administrator.
- J. Binding effect. After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this article. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this article, the approved plan shall control.

Sec. 8-10 Application Rejection

- A. Incomplete; false. The Zoning Administrator shall reject any application that is incomplete or inaccurate, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within 45 business days of receipt of said application. The Zoning Administrator may reject an application at any time prior to

the expiration of the 45-day period, if the application is incomplete, inaccurate, or contains false material statements or omissions, by returning the application to the applicant.

- B. Processing time; denial. The City shall process all complete and accurate sign permit applications within 45 business days of actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The Zoning Administrator shall give notice to the applicant of his decision on or before the 45th business day. If the decision of the Zoning Administrator is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the City to act within the 45-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this article will be granted. Any application not meeting the standards of this article will be denied.
- C. Appealable. A rejection pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in Sec. 3-19. However, notwithstanding the foregoing, a final decision will be rendered within 90 days from date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be affirmed.
- D. Resubmission. A rejected application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

Sec. 8-11 Permit Revocation

If it is determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Zoning Administrator shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in Sec. 3-19. However,

notwithstanding the foregoing, a final decision will be rendered within 60 days from date an appeal is filed. If a final decision is not rendered within the 60-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this article will be revoked.

Sec. 8-12 Variance

- A. *Timing.* The City Council shall hear and decide upon a variance within 90 days of the submission of a complete and accurate application.
- B. *Procedure.* Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be as set forth in Sec. 3-17.
- C. *Limitations.* No variance shall be granted to increase the number or area of signs permitted on a lot or to allow a prohibited sign.
- D. *Standards.* The standards which shall be considered for granting a variance from the standards of this article shall be only the following:
 - 1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this article.
 - 2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

Sec. 8-13 Suspension, Revocation

- A. Violation. Violation of any provision of this article shall be grounds for terminating the permit granted by the City to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked, or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the City Council.
- B. Hearing. The permittee shall be given ten business days' written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and/or license. The term "due cause" means

the violation of the standards of this article. The termination of the permit does not in any way preclude the person alleged to have violated the standards of this article from being tried or preclude the City from taking any other action authorized by this UDC and/or any action authorized by law.

Sec. 8-14 Expiration Date

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the Zoning Administrator. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Sec. 8-15 Tax Certificate, Liability Insurance Required

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city, unless and until such entity shall have obtained a City occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of \$25,000.00 for property damage for any one claim, and public liability insurance in an amount not less than \$100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier shall notify the City 30 days in advance of any termination and/or restriction of the coverage, including non-renewal, cancellation, and nonpayment of any premium.

Sec. 8-16 Signs Which Require No Permit

No permit is required for the following so long as all the standards in this article and in Sec. 8-24 are met, including those set forth below:

- A. Address number, not to exceed eight inches in height;
- B. Flags;
- C. Window signs;

- D. Door signs not to exceed one square foot in size and not more than one sign per door;
- E. Standard informational signs;
- F. Temporary holiday decorations used to celebrate a single holiday or season.
- G. Any facility or equipment which is located outside of a primary building on a lot zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples include fuel pumps, automatic teller machines (ATMs), and vending machines.

Sec. 8-17 Prohibited Signs and Devices

The following types of signs are prohibited in the city:

1. Any sign not specifically identified in this article as a permitted sign.
2. Balloons, streamers or air or gas filled figures. Any holiday decorations as defined in Sec. 8-16F above are exempt from this prohibition.
3. String lights or rope lights. Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, or outlining a window, within 150 feet of a thoroughfare and visible therefrom. Any holiday decorations as defined in Sec. 8-16F above are exempt from this prohibition.
4. Promotional beacons, search lights or laser lights or images.
5. Audible signs.
6. Signs in a public right of way, other than those belonging to a government, public service agency, or railroad.
7. Signs mounted or located on a tree, utility pole, or other similar structure.
8. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.

9. Portable signs, including signs attached to any parked vehicle or trailer so as to be visible from a public right-of way. This does not include promotional or identifying information painted on vehicles that are registered, operable, and regularly driven in the normal conduct of business. This does also not include sandwich signs.
10. Signs which depict obscene material.
11. Signs which advertise an activity which is illegal under federal, state or local laws.
12. Signs not maintained. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
13. Abandoned signs.
14. Animated signs, flashing signs, and changeable copy signs which change more than once per 24 hours and which are located within 150 feet of a public right-of-way.
15. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
16. Billboards.

Sec. 8-18 Nonconforming Signs

- A. Maintained. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.
- B. Repairs; material change. Minor repairs and maintenance of nonconforming signs shall be permitted; provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner

of sign, then such sign may be repaired without regard to the restrictions of this subsection.

- C. Grandfathering. Nonconforming signs may stay in place until one of the following conditions occurs:
 1. The sign is not used or leased for a continuous period of three months and/or the property is vacant for three months;
 2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or
 3. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this subsection.

Sec. 8-19 Removal of Unlawful or Dangerous Signs

- A. Removal order. The City may order the removal of any sign in violation of this article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.
- B. Procedure following removal order. If the sign is not removed within the time allowable pursuant to this article, the City shall remove or cause to be removed the sign and collect the costs thereof as provided below.
- C. Removal without notice. The City shall have removed any sign in violation of this article, without giving notice to any party, if:

1. Said sign is upon the public right-of-way or upon other public property; or
 2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- D. Removal after court determination. Other than signs located in a public right-of-way, a sign shall be removed by the City after a final determination by a court that the sign is unlawful and should be removed. If the permittee or owner fails to remove the sign the sign may be immediately removed and disposed of by the City.

Sec. 8-20 Sign Location

- A. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- B. No sign or any part thereof, except authorized traffic signs, shall be located in any public right-of-way. No sign may be located in any sight visibility triangle (see Sec. 12-1E).
- C. No sign shall project over a public thoroughfare.

Sec. 8-21 Measurement of Sign Area

- A. Size generally. The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same thoroughfare-oriented wall are within 24 inches or less of one another, then the area of the sign shall be measured within one continuous polygon.
- B. Structure. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delimits the sign face.
- C. For changeable copy signs, the sign face area shall include the entire area within which any

words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Such changeable copy signs cannot flash, and if located within 150 feet of a thoroughfare right-of-way, may not change more than once per 24 hours.

- D. Multi-faced signs. For multi-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

Sec. 8-22 Measurement of Sign Height

- A. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 1. Existing grade prior to construction; or
 2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- B. Where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public thoroughfare or the grade of the land at the principal entrance to the principal structure on the lot, whichever is greater. Where the normal grade is below the normal grade of a public thoroughfare, the sign base can be raised to the elevation of the normal grade of the thoroughfare before the height limitations are applied (surveyor's certificate required).

Sec. 8-23 Construction Standards

- A. Building and safety codes. All signs permitted under this article shall be constructed and

maintained in accordance with the applicable building and safety codes. The City may remove after due notice any sign which shows neglect or becomes dilapidated.

- B. Faces. The face of a sign shall be flat, with protrusions of no more than two inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom.
- C. Illumination. Signs, when illumination is permitted and except as otherwise restricted in this article, may only be illuminated externally. Freestanding signs with external illumination shall have light directed downward. Externally illuminated signs shall not exceed 55 footcandles. All sign lighting

shall comply with the night sky requirements of [Sec. 5-19](#).

- D. Landscaping, weeds, and grass shall be kept cut in front of, behind, underneath, and around the base of freestanding signs.
- E. Construction. Freestanding sign structure/base materials shall match the principal structures material. Any architectural color standards of the district shall apply only to the sign structure not to the sign face.

Sec. 8-24 Location Standards

If not otherwise stated, any sign not specifically allowed for a particular use by this section shall be prohibited, except as otherwise provided for under this article. The following standards shall govern the sign quantity, size, and other standards based on the sign's location.

	Land Use Area			
	Agricultural/ Commercial/ Institutional Use in Rural (RL) Districts and Required Open Spaces	Residential Use in Any District or Area	Commercial Use in Developable Areas	Industrial, Communication, Wholesale, Transportation and Warehouse Use in Developable Areas
Freestanding Signs				
Quantity (max.):	1 along each abutting thoroughfare per lot	1 or 2 at each subdivision entrance (see area below)	1 or 2 along each abutting thoroughfare per lot (see area below)	1 or 2 along each abutting thoroughfare per lot (see area below)
Area:	32 sq. ft. max.	Either one 32 ft. max per entrance or two 16 ft. max. per entrance	One 32 sq. ft. max. along each abutting thoroughfare with up to 500 ft. frontage Either one 64 sq. ft. max. or two 32 sf max. along each abutting thoroughfare with > 500 ft. frontage	One 32 sq. ft. max. along each abutting thoroughfare with up to 500 ft. frontage Either one 64 sq. ft. max. or two 32 sf max. along each abutting thoroughfare with > 500 ft. frontage
Height:	6 ft. max.	6 ft. max.	6 ft. max.	6 ft. max.
Other:	No changeable copy allowed	No changeable copy allowed	No changeable copy allowed	No changeable copy allowed
All Other Sign Types				

Land Use Area			
Window sign	Not more than three per lot/unit and not larger than four square feet or cover more than 25 percent of the area of each window, whichever is less.		Shall not occupy in the aggregate more than 25 percent of the window area.
Construction	One additional sign shall be allowed during construction. The sign shall not exceed 12 square feet in area and five feet in height. Sign must be removed with the issuance of a certificate of occupancy or installation of a permanent sign, whichever occurs first.		
Flag	Each flagpole shall not exceed 35 feet in height. Flag shall not be more than 36 square feet.	Each lot may display no more than three flags and/or flagpoles, which are not to exceed 35 feet in height each. Flags shall not be more than 36 square feet each.	
Banner	Allowed for a period not exceeding 14 days, with no more than three such 14-day periods being permitted per calendar year per lot. Banners shall not be more than 18 square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and the roof meet or shall not extend more than five feet above grade when on the ground.		Allowed for a period not exceeding 14 days, with no more than three such 14-day periods being permitted per calendar year per lot. Banners shall not be more than 32 square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and the roof meet or shall not extend more than five feet above grade when on the ground.
Awning/canopy signs	Not permitted	Not permitted	Signs shall be deducted from allocated wall sign area. The area shall not exceed ten percent of the area of the awning or canopy.
Standard informational signs	Each lot may display two without a permit.		Each lot may display two without a permit, except that lots with more than one business may display four.
Wall sign	One maximum 32 square foot sign or two maximum 16 square foot single-faced signs when there is no residential use in the structure	Only permitted on accessory buildings	Shall not exceed the smaller of five percent of applicable wall area or 100 square feet, confined to the upper 30 feet of the facade. Each place of business is allowed a maximum of two wall signs, one sign per wall. ¹ Tenants over 50,000 square feet floor space shall not exceed the smaller of five percent of applicable wall area or 300 square feet.
Internal sign			Permitted adjacent to internal entrance drives serving the development. Shall not exceed 20 square feet in area and six feet in height.
Drive-through or drive-in sign	Not permitted	Not permitted	One per drive-in or drive-through facility, not legible by the traveling public, and shall not exceed six feet in height.
Out of store marketing device	Not permitted	Not permitted	Shall not exceed eight feet in height and not internally illuminated except for display screens.

Land Use Area			
Entrance/ projecting/ blade signs	Not permitted	Not permitted	One blade sign per entrance. Signs shall not exceed three square feet; must be uniform in size, material, color, shape, and placement; and maintains a minimum seven feet of clearance between the bottom of the sign and the walkway below.
Directory/on-site wayfinding	Not permitted	Not permitted	Sign face shall be oriented to the sidewalk/pedestrian uses and shall not exceed 12 square feet in area. Sign shall not exceed seven feet in height, excluding structural or decorative elements. Name plates shall not exceed one-sixth of the sign face.
Sandwich sign	Not permitted	Not permitted	One per establishment. Sign shall not be located in a public right-of-way. Sign shall not exceed 3.5 feet in height and 7 square feet in area (per side). Sign shall be removed and placed indoors at the end of each business day. Sign shall not obstruct vehicular, bicycle, or pedestrian traffic and must comply with ADA clearance and accessibility. Sign faces shall be constructed of materials that present a finished appearance. Rough-cut plywood and plastic are not allowed. Sign frames shall be wood, anodized aluminum, or metal. Plastic frames are not allowed. Sign shall not be illuminated.

1 No changeable copy unless approved as a marquee sign. Signs shall not cover architectural features or details, and shall not extend beyond the roof line or outer edges of the building. Electrical raceways/conduit shall be painted to match the exterior walls to which they are attached.

ARTICLE IX. SMALL CELL FACILITIES

Sec. 9-1 Defined

Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (a) each wireless provider's antenna could fit within an enclosure of no more than 6 cubic feet in volume; and (b) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for the connection of power and other services. Such terms do not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and do not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

Sec. 9-2 Applicability

- A. This article only applies when small cell facilities are attached to an existing structure.
- B. Small cell facilities that are not attached to an existing structure are subject to ARTICLE X.

Sec. 9-3 Permit Required

A permit is required to install a small wireless facility in the City, except no permit is required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

Sec. 9-4 Use Standards

- A. Small cell facilities may only be installed:
 - 1. On streetlight or mast arms mounted on pre-existing poles, including utility and street light poles or other pre-existing exterior support structures;
 - 2. On the wall of a building facing the rear lot line at a height of at least 20 feet in a residential district or when mounted on a residential building, or 15 feet in a nonresidential or when mounted to a commercial building; and
 - 3. On the roof of a building.
 - 4. No portion of the facility may exceed the building height limits of the zoning district.
- B. Antennas located at the top of poles and support structures must be incorporated into the pole or support structure or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure.
- C. Antennas placed elsewhere on a pole or support structure must be integrated into the pole or support structure or be designed and placed to minimize visual impacts.
- D. Radio units or equipment cabinets holding radio units and mounted on a pole must be placed as high as possible, located to avoid interfering with or creating any hazard to any other use of the public right-of-way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units, or equipment cabinets mounted below the communications space on poles, they must be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
- E. Wiring and cabling must be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

F. *Public property.*

1. City property. A private small cell facility may be located on the exterior of public property or attached to an existing support structure owned or operated by the City. The use of any property owned or operated by the City will be at the discretion of the City Council and may not be subject to the same conditions and requirements as are applicable to such facilities on privately owned property. The City Council may, but is not required to, hold a public hearing before its decision to allow the use of property owned or under the control of the City.
 2. Non-city right-of-way. A private small cell facility may be located in a right-of-way that is owned or operated by a county government, the State of Georgia, or the federal government, subject to the approval of the applicable government.
 3. Other public property. A private small cell facility may be located in public property, other than a right-of-way, that is owned or operated by a county, state, federal, or other governmental agency subject to the same conditions and requirements as are applicable to such facilities on privately owned property.
- G. No lights are permitted on any antenna unless required by the Federal Communications Commission, the FAA, or the City.
- H. Every small cell facility must be removed at the cost of the owner when it is no longer in use or when it has not been operated for a continuous period of 6 months. Such a facility must be removed within 90 days after receiving a removal notice from the City.

Sec. 9-5 Procedures

- A. The applicant must provide proof that it is a licensed provider and will comply with all applicable federal, State, and City laws and regulations, including those regarding wireless communications services.
- B. Within 30 days of the date an application is filed with the City, the Zoning Administrator

must notify the applicant in writing of any information required to complete the application. If additional information is required, the time required by the applicant to provide such information will not be counted toward the 90-day review period set forth in this clause.

- C. In determining whether to issue a special administrative permit allowing the installation of a small cell facility on an existing structure, the Zoning Administrator will consider the following factors and decide if it is appropriate:

1. Demonstrated need for the small cell technologies within the geographic area requested in order to deliver adequate service.
2. Proof that all co-location sites in the area of need are/were pursued and have been denied; or that there does not exist the ability to co-locate using existing structures. The applicant must demonstrate all actions taken to achieve co-location.
3. The character of the area in which the small cell technology wireless support structure is requested, including evidence of surrounding properties and uses.
4. Stealth technology, if any, proposed to be utilized by the applicant, or proof that stealth technology is either unnecessary or cannot be used.
5. Proof that the proposed small cell technology wireless support structure is the minimal physical installation that will achieve the applicant's goals.
6. The safety and aesthetic impact of: any proposed small cell technology wireless support structure; related accessory equipment; and/or equipment compound.

- D. The City has 90 days from receipt of a completed application for a small cell system to make a final decision of approval or disapproval. If the application is incomplete, the Zoning Administrator must notify the applicant within 10 days of application submission. At that time, the 90-day clock stops and is reset to zero. Upon submittal of

a completed application, the 90-day clock will start. Within 90 days of the date a completed application is filed with the City, the City must:

1. Complete the review;
2. Make a final decision of approval or disapproval; and
3. Advise the applicant in writing of the final decision, including the specific reason for said decision based on the applicable factors in this section.

E. Within 60 days of the date of a complete application is filed with the City for attaching equipment to a structure which is part of an existing small cell system, the City must:

1. Complete the review;
2. Make a final decision of approval or disapproval; and
3. Advise the applicant in writing of the final decision, including the specific reason for said decision based on these small cell facility standards.

ARTICLE X. TELECOMMUNICATIONS TOWERS

Sec. 10-1 Purpose

The purpose of this article is to provide requirements for the siting of all wireless, cellular, television, and radio telecommunications support structures and antennas; to encourage the location of support structures in non-residential areas; to minimize the total number of support structures within the community necessary to provide adequate personal wireless services to residents of the city; to encourage the joint use of new and existing support structure sites among service providers; to locate telecommunications support structures and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of support structures and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

Sec. 10-2 Applicability

- A. *Location.* No support structure or antenna shall be located in the city except as set forth in this section. Except as set forth in subsections C, D, and E of this section, the provisions, requirements, and limitations of this section shall govern the location of all wireless telecommunication, cellular telecommunication, television, microwave, or radio transmission support structure or antenna installed within the city. If any provisions in other sections of this UDC conflict with this article, the provisions of this article shall apply.
- B. *Height limitations.* Height limitations applicable to buildings and structures set forth elsewhere in this UDC shall not apply to support structures and antennas which comply with this section.
- C. *Governmental exemption.* Except as otherwise specifically provided for in this section, the provisions of this section shall not apply to the City's properties, facilities, or structures.
- D. *Amateur radio receive-only antennas.* This section shall not apply to any support structure, or the installation of any antenna, that is 75 feet or less in height and is owned

and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna; provided, however, that only one such support structure or antenna per dwelling shall be exempt from this section. Amateur radio receive-only antennas shall be located in the second or third layer unless fully screened, or located more than 600 feet from any thoroughfare right-of-way.

- E. *Satellite dishes and receiving antennas* are permitted as accessory structures. They shall be installed in the second or third layer and at least 10 feet from any property line in any developed area or 30 feet from any property line in the Rural (RL) district or required open space. Such antennas or satellite dishes shall not exceed the height of the roof line of the principal structure and no more than two such antennae or dishes shall be allowed per property. Satellite dishes shall not exceed 4 feet in diameter. The requirements of this article shall not apply to satellite dishes and receiving antennas that meet these criteria.
- F. *Pre-existing support structures and antennas.* Any support structure or antenna for which a permit has been properly issued prior to the effective date of this UDC shall not be required to meet the provisions of this article. Any such support structures or antennas shall be referred to in this UDC as "pre-existing support structures" or "pre-existing antennas"; provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease. If an additional antenna is co-located upon a pre-existing support structure or alternative support structure after adoption of this section, then the requirements of Sec. 10-3E (except Sec. 10-3E.6), Sec. 10-3G, and Sec. 10-3H shall be met as part of the permitting process.

Sec. 10-3 General Provisions

- A. *Principal or accessory use.* A support structure and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is

considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or support structure. For purposes of determining whether the installation of a support structure or antenna complies with zoning district requirements, including, but not limited to, setbacks, buffers, and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or support structure may be located on a leased area within such lot or parcel. Support structures that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. *Five-year plan and inventory of existing sites.*

To facilitate the co-location of antennas and future land use planning, each applicant seeking to locate a new support structure, alternative support structure, or antenna, or modify any such existing structure, shall provide to the Zoning Administrator an inventory of its existing support structures or alternative support structures, existing support structures or alternative structures to be upgraded or replaced, and proposed support structures or alternative structures to be constructed in the next five years following the date of the application.

1. The inventory shall include all such structures owned or leased by the applicant that are within the city limits as well as all structures within any neighboring jurisdiction which are currently capable of providing coverage or capacity within the city. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, support structure type, and general suitability for antenna co-location of each support structure or alternative structure, and other pertinent information as may be required by the Zoning Administrator.
2. If the applicant does not know specific future support structure and antenna site locations but does know of areas

where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the potential general locations of any facilities and identify each service area with a number that will correspond to the potential locations.

3. The Zoning Administrator may share the location of existing telecommunication facility sites with other applicants seeking to locate support structures or antennas within the jurisdiction of the city, provided that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The location of any proposed telecommunication facility sites will be protected as privileged information if the applicant so requests and it is considered as such under the applicable laws and legal authority.

C. *Co-location; design requirements.* In addition to all applicable building and safety codes, all support structures shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

1. For support structures 120 feet or less in height, the structure and fenced compound shall be designed to accommodate the maximum number of users as determined by the most current technology.
2. For support structures taller than 120 feet in height, the structure and fenced compound shall be designed to accommodate at least three providers or the maximum number of users as determined by the most current technology.

D. *Co-location; availability of suitable existing structures.* No new support structure shall be permitted unless the applicant demonstrates to the satisfaction of the Zoning Administrator that no existing support structure or existing alternative support structure can accommodate the applicant's proposed antenna. The applicant shall submit an inventory of all support structures

or alternative support structures located within one-half mile of the proposed location. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All required evidence must be submitted with the application. Evidence submitted to demonstrate that no existing support structure or other structure can accommodate the proposed antenna shall consist of one or more of the following:

1. No existing support structures or suitable alternative support structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements;
 2. Existing support structures or structures are not of sufficient height to meet the applicant's engineering requirements;
 3. Existing structures or support structures do not have sufficient structural strength to support the applicant's antenna and related equipment;
 4. The cost or contractual provisions required by the support structure owner to share an existing support structure or alternative support structure, or to adapt an existing support structure or alternative support structure for sharing exceed the cost of new support structure development. Specific cost information must be submitted if this justification is to be relied upon; and
 5. The applicant adequately demonstrates that there are other limiting factors that render existing support structures unsuitable, other than economic reasons. If the requirement of co-location will cause additional expense to the applicant, all such costs must be specifically shown.
- E. *Aesthetics.* The guidelines set forth in this subsection shall govern the design and construction of all support structures, and the installation of all antennas governed by this section.
1. Support structures and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness.
 2. At all support structure sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the support structure facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
 3. For antennas installed on a structure other than a support structure, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive. Antennas designed to appear as trees are preferred.
 4. Support structures shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If the lighting is required, the Zoning Administrator shall review the available lighting alternatives and approve the design that causes the least visual disturbance.
 5. No signage shall be permitted upon any support structure or alternative support structure.
 6. To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with any officially designated historic

structure or within any scenic view area.

7. Access to the support structure site shall be restricted so as to minimize visibility of the access. Where possible, existing thoroughfares shall be used. Where no thoroughfare exists, access shall follow the existing contours of the land.
8. The Zoning Administrator may impose additional reasonable requirements to minimize the visual impact of the facility on the surrounding area.

F. *Setbacks and separation.* The following setbacks and separation requirements shall apply to all support structures:

1. Support structures shall be set back a distance equal to the height of the support structure to any public right-of-way or occupied structure, or property line of the lot containing the support structure.
2. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
3. In all zoning districts, support structures shall not be located closer than 2,000 feet from any existing support structure (as measured in a straight line between the closest points of the structures).
4. In the event an applicant clearly demonstrates that, given the structural failure characteristics of an alternative structure design, the required setbacks are excessive and unduly burdensome, the applicant may request the setbacks be reduced. In determining whether setbacks shall be reduced, consideration shall be given to both the danger from structure collapse and falling debris, such as ice, from a structure.

G. *Security fencing/anti-climbing devices.* All support structures and supporting equipment shall be enclosed by fencing not less than six feet in height and shall also be equipped with appropriate anti-climbing

devices. Fencing shall be of chain link, wood, or other approved alternatives and shall comply with the fence requirements of [Sec. 5-11](#)~~Sec. 5-12~~.

H. *Landscaping.* The following requirements shall govern landscaping surrounding all support structures.

1. Where adequate vegetation is not present, lots with support structures shall be landscaped with a strip of plant materials which effectively screens the view of the facility. Landscaped strips shall be a minimum of ten feet in width and located outside the fenced perimeter of the facility.
2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed and vegetation to be replanted.
3. Landscaping shall be maintained by the provider and shall be subject to periodic review by the Zoning Administrator to ensure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this section.

I. *Maintenance impacts.* Equipment at a transmission facility shall be automated to the greatest extent possible to reduce vehicular traffic to the site. Where the site abuts or has access to a thoroughfare, access for maintenance vehicles shall be exclusively by means of the thoroughfare, utilizing existing curb cuts or driveways where present.

J. *Airport review.* If, upon receipt of an application for the erection of any support structure or alternative support structure governed by this section, the Zoning Administrator deems that the proposed structure may interfere with or affect the operation of existing or proposed airport facilities, a copy of the application shall be

submitted by the Zoning Administrator to the respective airport authority for review and recommendation.

- K. *Federal requirements.* All support structures must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission, and any other agency of the federal government with the authority to regulate support structures and antennas. If such standards and regulations are changed, the permittee or the lessee of the support structure and antenna governed by this section shall bring such support structure and/or antenna into compliance with such revised standards or regulations within six months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such support structure and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the support structure and constitute grounds for the removal of the support structure or antenna at the owner's, permittee's, or lessee's expense.

A review and final decision for new towers shall be completed with 150 days of the application date. A 30 day completeness review is allowed and tolls the final decision deadline.

- L. *Building codes; safety standards.* In order to ensure the structural integrity of support structures, the owner, permittee, or subsequent lessee of a support structure or alternative support structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for support structures that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Zoning Administrator concludes that a support structure fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the support structure, said party shall have 15 days to bring the support structure into

compliance with such standards. Failure to bring such support structure into compliance within 15 days shall be deemed a declaration of abandonment of the support structure and constitute grounds for removal of the support structure. Prior to the removal of any support structure, the Zoning Administrator may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard support structures and may grant a reasonable extension of the above referenced compliance period.

- M. *Change of ownership notification.* Upon the transfer of ownership of an interest in any support structure, alternative support structure, or lot upon which such a structure has been erected, the support structure permittee shall notify the Zoning Administrator of the transaction in writing within 30 days.

Sec. 10-4 Application Procedures

- A. *Pre-application meeting.* Prior to submitting an application for a permit for any telecommunication facility, the applicant shall schedule a pre-application meeting with the Zoning Administrator as required in Sec. 3-2. Applicants shall also review the city inventory of potentially available sites for co-location.

- B. *General application requirement.* Application for a permit for any telecommunication facility shall be made to the Zoning Administrator by the person, company, or organization that will own and operate the telecommunications facility. The Zoning Administrator is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal, the following information shall be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal.

1. A survey, sealed by a registered surveyor, showing the location of all lot lines, leased areas, easements, access points, structures, screening, and landscaping existing on site.

Commented [JC1]: FCC and BILD act timeline requirements for new towers (150/30).

2. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the City.
3. Scaled elevations showing the impact of the proposed support structure or antenna.
4. Landscaped plan to scale indicating size, spacing, and type of plantings required in Sec. 10-3H.
5. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent dwellings, zoning districts, structures, and sites of historic significance, streetscapes, or scenic view areas.
6. Information and drawings showing that the proposed facility and support structure satisfy the aesthetic requirements of Sec. 10-3E.
7. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.
8. Report from a professional engineer licensed in Georgia, or other appropriate qualified industry expert, documenting the following:
 - a. Support structure or antenna type, height, and design;
 - b. Engineering, economic, and other pertinent factors governing selection of the proposed design;
 - c. Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;
 - d. Evidence of structural integrity of the support structure or alternative support structure;
 - e. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and
 - f. Certification that the antenna and related equipment or appurtenances comply with all current regulations of the Federal Communications Commission, with specific reference to Federal Communications Commission regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.
9. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility, including name, address, telephone number, and electronic mail address. Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network, such as whether the antenna or support structure is needed for coverage or capacity.
10. If the proposed site is in the Rural (RL) zoning district, applicant must describe why an alternate zoning district was not proposed by identifying:
 - a. What good faith efforts and measures were taken to secure such an alternate site and why such efforts were unsuccessful;

- b. Why such an alternate site was not technologically, legally, or economically feasible; and
 - c. How and why the proposed site is essential to meet service demands for the geographic service area.
11. The Zoning Administrator will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Zoning Administrator shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
 12. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage, and power line easements impacting the proposed support structure site.
 13. The original signature of the applicant. The applicant must provide a signed, notarized statement of all owners of the subject property authorizing the filing of the application, and where applicable, the signed and notarized affidavit of the owners of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner of the subject property. Where applicable, the applicant shall also provide a copy of any lease agreements with the owner of the subject property.
 14. The applicant's proposed five-year plan, the inventory of existing support and alternative support structures, and other information required by Sec. 10-3B.
 15. Evidence demonstrating specifically that no existing support or alternative support structure can accommodate the proposed antenna, under Sec. 10-3D.
 16. If the proposed antenna height exceeds the limitations of Sec. 10-7B, the applicant must describe why an antenna complying with that height standard is not feasible by showing:
 - a. What good faith efforts and measures were taken to secure an alternate site and why such efforts were unsuccessful;
 - b. Why an alternate site was not technologically, legally, or economically feasible;
 - c. How and why the proposed height is essential to meet service demands for the geographic service area; and
 - d. How and why the necessary service cannot be provided with more antennas at a height complying with Sec. 10-7B.
 17. The applicant must provide any other information which may be requested by the Zoning Administrator to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
- C. *Support structure co-location information submittals.* Any person or entity co-locating an antenna which will add no more than ten feet to the height of the support structure and related equipment or appurtenances on or around a support structure for which a permit has already been issued shall submit the following information only. This information must be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal:
1. The name of the person or entity co-locating the antenna.
 2. The name of the owner of the support structure and a copy of any lease agreements with said owner.
 3. The support structure's permit number.
 4. The location of the support structure.
 5. The remaining structural capacity of the support structure.

6. Certification that the antenna and related equipment or appurtenances comply with all current regulations of the Federal Communications Commission, with specific reference to Federal Communications Commission regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

Sec. 10-5 Administrative Approvals

- A. General. The Zoning Administrator may approve by special administrative permit the installation of an antenna on any existing tower whether or not the structure or tower is grandfathered, so long as the additional structure does not make a “substantial change” to the tower or base station as defined by the FCC. A “substantial change” per FCC regulations occurs when the proposed change:
 1. Adds more than 10% of the tower height or 20 feet to the height of the existing tower or structure, whichever is greater;
 2. Extends outward more than 20 feet from the existing tower;
 3. Involves installation of more than the standard number of cabinets, not to exceed four;
 4. Involves excavation outside the current lease area;
 5. Defeats existing facility concealment elements; or
 6. Violates conditions of approval, provide such conditions do not contradict the “substantial change” thresholds.

This administrative approval process may include any related equipment structures.

- A. *Application contents; fee.* All applications for special administrative permits shall be submitted to the Zoning Administrator. Each application shall contain as a part thereof detailed plans and specifications as set forth in Sec. 10-4B. A special administrative permit application shall not be accepted for processing without the information required

in Sec. 10-4B. An application fee shall be charged by the Zoning Administrator in an amount determined by a schedule of fees adopted by resolution of the City Council from time to time.

- B. *Report of approved permits.* A report of all administrative permits approved as set forth in this section shall be presented to the City Council at their next regularly scheduled meeting.

Sec. 10-6 Special Use Permit Required

- B. General.

1. If the proposed support structure or antenna is not eligible for a special administrative permit, then a special use permit shall be required in any zoning district. All such uses shall comply with requirements set forth in this article, in Sec. 3-14 for special use permits, and in all other applicable codes and ordinances.
2. In granting a special use permit, the City Council may impose conditions to the extent that it concludes such conditions are necessary to mitigate the impact of the proposed support structure or antenna on surrounding properties.

- B. *Application contents; fee.* All applications for special use permits shall be submitted to the Zoning Administrator. Each application shall contain detailed plans and specifications as set forth in section Sec. 10-4B. An application for a special use permit shall not be accepted for processing without all the information required in Sec. 10-4B.

- C. *Co-location of antennas required.* Applicants for the erection of a support structure or antenna, except amateur radio operators, shall be required to co-locate upon an existing support structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing support structure suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative support structure is available as set forth in Sec. 10-3D.

D. *Independent expert review.* The City shall engage a professional engineer licensed in Georgia as an independent expert to review any of the materials submitted by an applicant for a special use permit if the application seeks a new support structure over 100 feet in height. The City may engage such an expert if the application seeks a new support structure less than 100 feet or seeks a co-location. The expert shall render an opinion regarding any concerns about the proposal, including, but not limited to, structural integrity and the feasibility of alternative sites or co-location. Following the review of an independent expert, the City shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns.

E. *Public hearing.* Before taking action upon the proposed special use permit, the City Council shall hold a public hearing on the matter.

F. *Considerations in approval or denial of special use permits.* Any denial of a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The City Council shall submit a written decision to the City Clerk and mail a copy to the applicant within one week of the date of decision. In addition to the review standards provided for special use permits in Sec. 3-16, the following factors shall further be taken into consideration in acting upon a special use permit application under the provisions of this section:

1. The height and setbacks of the proposed support structure or antenna;
2. The proximity of the support structure or antenna to residential structures and properties;
3. The surrounding topography;
4. The surrounding tree coverage and foliage;
5. The design of the support structure or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual

obtrusiveness, such as a monopole or alternative support structure;

6. The proposed ingress and egress;
7. The availability of suitable existing support structures or other structures for antenna co-location; and whether the applicant has demonstrated adequately, pursuant to Sec. 10-3D, that no co-location is possible;
8. The impact of the proposed support structure or antenna upon the visual quality of the surrounding area;
9. The needs of the applicant as balanced against the detrimental effects on surrounding properties;
10. The impact of the proposed support structure or antenna on adjacent and nearby properties;
11. Whether the applicant has demonstrated with clear and convincing evidence that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity;
12. Whether the applicant has complied with, and satisfactorily demonstrated compliance with, all requirements of this article;
13. Whether the applicant has satisfied the aesthetic requirements of Sec. 10-3E; and
14. If the applicant has previously filed a five-year plan pursuant to Sec. 10-3B, whether the proposed facility complies with that plan, and if not, whether the applicant has valid reasons for deviating from its plan.

G. *Requirements for issuance of special use permit.* The special use permit may be issued by the City only upon satisfaction of the following requirements:

1. A proper and complete application filed in accordance with the requirements of Sec. 3-16;
2. The application is in compliance with the conditions for the proposed special use permit required by this article, and is in compliance with all requirements of Sec. 10-3;
3. The applicant complies with the conditions proposed by the City for the purpose of reducing the harmful effects of the use on surrounding uses and ensuring compatibility with neighboring uses;
4. The City determines, based upon a review of the requirements and factors set forth in this article, that the benefits and need for the proposed special use permit are greater than any possible depreciating effects or damages to neighboring or nearby properties; and
5. All fees have been paid in full.

Sec. 10-7 Support Structures and Antennas

- A. *Placement of support structures and antennas.* No support structure or antenna shall be permitted within 800 feet of any residential property (as measured in a straight line between the closest points of the property lines of the two properties) unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity. For the purposes of this section, the term "residential property" means the property on which the dwelling is located and not more than 20 acres of land. All other requirements of this article shall apply and

must be satisfied prior to a permit being granted.

- B. *Height standards.* If the evidence establishes the necessity for placing a support structure or antenna within the areas listed in subsection (A) above, the height of such support structure or antenna shall be limited as follows:

1. Within the Rural (RL) district: the maximum height for a support structure, including antennas, shall be 90 feet.
2. Within any other district: The maximum height for a support structure, including antennas, shall be 75 feet.

Sec. 10-8 Abandoned Support Structures and Antennas

- A. *Notice of abandoned antenna and structures.* The owner or lessee of a support structure or antenna shall promptly notify the Zoning Administrator of its intent to abandon or the abandonment of any support structure or antenna.
- B. *Removal of abandoned antennas and support structures.* Any support structure or antenna that is not operated for a continuous period exceeding 12 months shall be considered abandoned, and the owner of such antenna or support structure shall remove the structure within 90 days of such abandonment. If said support structure or antenna is not removed within said 90 days, the City may take such action as may be deemed necessary to remove, or cause to be removed, such antenna or support structure at the owner's expense. If there are two or more users of a single support structure, then this provision shall not become effective until all users cease utilizing the support structure.

ARTICLE XI. SUBDIVISIONS

Sec. 11-1 Lot Requirements

- A. *Natural features and assets.* In the subdividing of land, appropriate consideration must be given to all natural features, such as tree growth, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.
- B. *Adequate buildable area required.* Every platted lot except for lots devoted entirely to open space, private thoroughfares, or utilities shall contain an adequate building site outside the limits of required setbacks, buffers, flood plains, stream buffers, wetlands, steep slopes, and other site elements or requirements of this UDC that would make that area unbuildable.
- C. *Flag lots.*
1. *Intent.* The creation of flag lots is strongly discouraged. However, subdivisions designed with one or more flag lots may be approved where conditions of hardship make standard design or frontage impossible or impractical due to the configuration of the lot to be subdivided.
 2. *Denial if reasonable alternative exists.* The Zoning Administrator (in the case of minor subdivisions, and farmette subdivisions) and the Planning Commission and City Council (in the case of other subdivisions) shall have due cause to deny any plat that proposes any flag lot, when a reasonable alternative to such lot pattern is available.
 3. *Panhandle (flag pole) length restriction.* If permitted, no flag lot shall be allowed to be platted that has a "panhandle" portion (i.e., the narrow portion of the lot, designed for access rather than designed for building) that is more than 400 feet in length.
 4. *Prohibition of abutting flag lots.* If permitted, abutting flag lots shall share a single curb cut and driveway on an access easement.
- D. *Side lot lines.* Insofar as practical, side lot lines shall be at right angles to straight thoroughfare lines or radial to curved thoroughfare lines.
- E. *Corner lots.* Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.
- F. *Multiple frontage lots.* Multiple frontage lots shall be avoided except where essential to provide separation of residential development from highways or boulevards or to overcome specific disadvantages of topography or orientation. Multiple frontage lots with frontage on a highway or boulevard thoroughfare shall have additional depth in order to allow space for screen planting along the lot line abutting a highway, avenue, or boulevard thoroughfare.
- G. *Mortgage lots.*
1. Where a lending institution requires, for the purposes of a loan or mortgage, a description of property that encompasses less land area than a lot of record, one or two mortgage lots may be lawfully created from the lot of record without constituting a subdivision.
 2. The applicant shall be required to file with the Zoning Administrator a copy of the plat creating the mortgage lot, which may be recorded in the records of the County Superior Court.
 3. No mortgage lot shall be less than one acre or larger than ten acres in size.
 4. No mortgage lot shall be created unless it has a minimum 20-foot-wide access easement connecting to a public or private thoroughfare.

Sec. 11-2 Easements

- A. Where a watercourse, drainage way, channel, or stream traverses a subdivision, there shall be provided a stormwater or drainage easement of adequate width. Easements shall be provided for all drainage facilities as approved by the Zoning Administrator.
- B. Where easements are needed for utility locations, the subdivider shall provide them to the appropriate utility provider. Where

easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the Zoning Administrator.

- C. Where easements are needed to ensure public access on private thoroughfares, the subdivider shall provide them to the City. These easements shall be recorded with the County Clerk of Superior Court.
- D. Where easements are needed to ensure private access on access ways or private drives, the subdivider shall provide them to the adjoining property owners affected. These easements shall be recorded with the County Clerk of Superior Court and copies supplied to the Zoning Administrator as a part of the final plat application.
- E. All easements required pursuant to this section shall be shown on the preliminary plat, if required, and final plat.

Sec. 11-3 Survey Monuments

- A. For all subdivisions, a state registered land surveyor shall install permanent survey monuments at all property corners and land lot lines, prior to final plat approval. Lot corners shall be marked with metal rods not less than one-half inch in diameter and 18 inches in length and driven so as to be stabilized in the ground.
- B. Permanent survey monuments shall also be installed in accordance with the most recent edition of section 180-7-.05, Monument, of the Rules of State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Plat Act (O.C.G.A. § 15-6-67).

Sec. 11-4 Subdivision Design

- A. The Zoning Administrator shall ensure that all subdivisions are designed in a manner that will:
 - 1. Enhance traffic circulation and other community needs;
 - 2. Encourage pedestrian traffic to schools, parks, existing and planned greenspace corridors, and neighborhood centers;
 - 3. Reduce impacts on streams and lakes;

- 4. Reduce unwanted noise and lights on neighboring lots; and
- 5. Discourage vehicular speeding on local streets.

Sec. 11-5 Farmette Subdivisions

- A. Farmette subdivisions shall only be permitted in the Rural (RL) zoning district and may be created by following the minor subdivision procedures regardless of the number of lots they contain.
- B. Farmette subdivisions shall provide an entrance on each road frontage, but shall provide no more than one entrance per 1,500 feet of frontage on each road. Farmette subdivisions with more than 20 lots must provide two entrances. The Zoning Administrator may waive the requirement for a second entrance if the applicant provides evidence that a second entrance is not possible due to the presence of natural constraints or limited frontage. The Zoning Administrator may require a 20-foot no-access easement and planting strip along the thoroughfare to ensure that lots fronting on the thoroughfare do not have access thereto.

~~C. Lot sizes within farmette subdivisions shall be as shown in the following table:~~

Lot Size as Platted on Jan. 1, 2007	Lot Standards
Less than 6 acres	No subdivision allowed
At least 6 but less than 26 acres	Subdivision allowed into a maximum of 2 lots with a minimum size of at least 3 acres
26 acres or more	Subdivision allowed into 3 or more lots; no lot may be less than 8 2/3 acres; maximum number of lots is the result of the following formula (where x is the lot size as platted on Jan. 1, 2007) rounded down to the nearest whole number

$$2 + \frac{x - 6}{20}$$

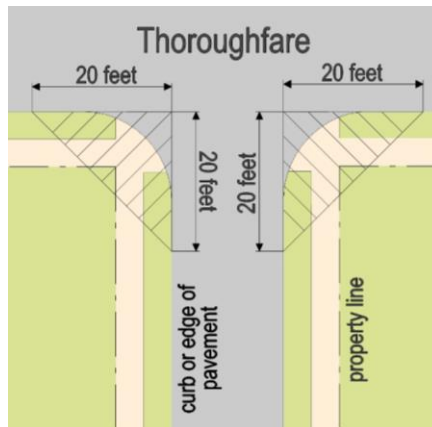
Sec. 11-6 Property Owners Associations

- A. A property owners association, homeowners association, or equivalent body shall be established in all Hamlet (HM) and Village (VL) districts.
- B. The association shall be responsible for services and maintenance as described herein.
- C. The association shall annually assess each property owner an amount sufficient to maintain and replace infrastructure, as necessary.
- D. The association shall be responsible for all repair, maintenance, operation, and management of private infrastructure, including roads, stormwater infrastructure, shared wastewater infrastructure, and required open space, as applicable.
- E. The developer may reserve in the association governing documents a period of time during which the developer is entitled to appoint a majority of the board of directors. This period of developer control shall terminate no later than three months after 80% of the total approved number of dwellings in the development have been issued a certificate of occupancy.

ARTICLE XII. THOROUGHFARES

Sec. 12-1 Design

- A. All public and private thoroughfares must conform with the requirements of this article. Any improvements along a state route must conform with the requirements of GDOT.
- B. All thoroughfares shall follow existing land contours with a minimum of cut and fill.
- C. Strategically located T-intersections, jogs and offsets that interrupt the visual axis of the street are encouraged.
- D. Intersections regulated by traffic signals are discouraged. A thoroughfare network design that distributes the traffic load is preferred. The use of roundabouts is encouraged where traffic counts are high. When signals cannot be avoided, as in a dense business district, signals shall be coordinated and timed, with controllers able to accommodate remote operation and approved by the City Engineer.
- E. *Sight visibility triangle*. At the intersection of a public or private thoroughfare and a driveway, or at the intersection of two public or private thoroughfares, a triangle formed by joining two points measured 20 feet from the intersection of the edge of pavement or curbs shall be kept free of visual obstructions greater than three feet in height. The Zoning Administrator may adjust these standards where topography or other conditions pose challenges to visibility that require more stringent requirements, or where the development context and design speed warrant less stringent requirements.



- F. *Grades*. No thoroughfare grade shall be less than one percent. No paved thoroughfare grade for a highway or boulevard thoroughfare shall exceed eight percent. No other paved thoroughfare grade shall exceed 12 percent, unless the Zoning Administrator finds that due to topographic conditions, a steeper grade is necessary, in which case the grade shall not exceed 16 percent. Grades between 12 percent and 16 percent shall not exceed a length of 180 feet. Grade requirements for unpaved thoroughfares are provided in Sec. 12-9.

Sec. 12-2 Connectivity

- A. All thoroughfares shall form an interconnected network that allows through access and multiple route options. Thoroughfare patterns that result in isolated pockets of development with relatively little interconnectivity are strongly discouraged. Preferential treatment of pedestrian access is required.
- B. No improvements within utility easements shall preclude future access or connectivity across or along such easements.
- C. *Block standards*. The following shall apply in all developable areas.
 - 1. Developments greater than 4 acres in size must incorporate existing or new thoroughfares that terminate at other existing or new thoroughfares to form an interconnected network with a maximum block perimeter of 2,000



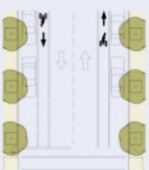


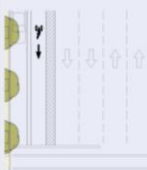

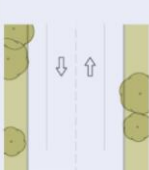
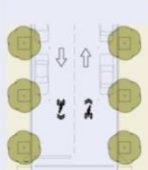
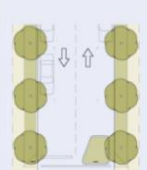
feet, as measured from intersecting centerlines. Neither alleys nor driveways shall be used to meet this requirement.

2. Block requirements may be relaxed by the zoning administrator where steep slopes in excess of 25%, preexisting development, small parcel size on the subject or adjacent properties, tree protection areas, stream buffers, cemeteries, open space, or easements are present that would make the provision of a complete block infeasible. In these instances, a pedestrian connection may be allowed instead of a thoroughfare connection.
 3. There is no maximum block perimeter length when a block contains a required open space of at least one acre in size and when no other use is located in that block.
 4. Cul-de-sacs and dead-end thoroughfares except for stub-out thoroughfares are prohibited except on thoroughfares where topography, environmental protection, preservation of cultural resources, or similar considerations prohibit the creation of street connections. In no case shall any dead-end street be greater than 600 feet in length in developable areas and 1,200 feet in Rural (RL) districts or required open spaces.
 5. Any block face that exceeds 600 feet in length shall include a mid-block open space and/or pedestrian access.
- D. Alleys are encouraged as a means of interparcel connectivity. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities.
- E. Stub-out thoroughfares.
1. Where a development in a developable area abuts a parcel greater than 4 acres in size and which is not a required open space, stub-out thoroughfares within the development must be installed which meet the block standards in subsection (C).
 2. The stub-out thoroughfare right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated thoroughfare is expected, except that the portion of a stub-out thoroughfare within a required open space or buffer shall not be required to be improved until such time as it is connected to another thoroughfare or drive. The right-of-way or easement for such unimproved stub-out thoroughfares shall be clearly indicated on the plat.
 3. If a stub-out thoroughfare exists on an abutting parcel, the thoroughfare system of any new development must connect to the stub-out thoroughfare to form a through street.
 4. The requirement for a stub-out thoroughfare may be waived only by variance in accordance with Sec. 3-17 and where slopes in excess of 25%, highways, waterways, small parcel size on the subject or adjacent parcels, tree conservation areas, stream buffers, cemeteries, open space, civic space, or easements would make the provision of a stub-out thoroughfare infeasible.
 5. Where buffers are required, thoroughfare stub-outs shall extend through the buffer to the property line. When connecting to an existing thoroughfare network in a neighboring subdivision, thoroughfares shall extend laterally through the buffer to connect with existing stub-outs.
 6. Stub-out thoroughfares shall be constructed to meet the standards of the City Fire Department. Any temporary vehicle turn-around areas shall be unpaved.
 7. Stub-out thoroughfares must be posted "Future Through Street" continuously until the through connection is established.
 8. Interparcel access. Where off-street parking spaces are provided in developable areas, the Zoning Administrator may require a stub-out thoroughfare and/or pedestrian way to

connect to abutting parcels with existing or potential future off-street parking spaces, unless otherwise required by the GDOT.

- F. All thoroughfare terminations must receive special attention and must be identified as locations for landmark features such as civic sites, public art, monuments, scenic vistas, or other features of architectural, civic, cultural, or historical importance, as approved by the Zoning Administrator. These features can provide closure to urban spaces, aids to navigation, and designate transitions between neighborhoods. Greater care should be taken with the design of these sites.

- G. *Bicycle Facilities.* A bicycle network consisting of bicycle trails, multiuse trails, bicycle routes, and bicycle lanes must be provided throughout the community. The community bicycle network shall be connected to existing or proposed regional networks when such networks exist or are planned within 2,000 feet of the district. The City may require the purchase of an easement to make such connections possible. No more than 30 percent of the paths within the required open space of a development shall be aligned with automobile thoroughfares. All bicycle facilities shall be designed according to the following types.

a. (SHARED USE) BICYCLE TRAIL AND BICYCLE PATH					
	Bicycle Trail (BT)	Bicycle Path (BP)			
	8 - 12 ft	10 - 14 ft			
	dual direction	dual direction			
	signed	signed, signalized			
b. BICYCLE LANE					
	Conventional Bicycle Lane (BLC)	Bicycle Lane with Bicycle Box (BLX)	Physically Sep. Bicycle Lane (BLP)	Buffered Bicycle Lane (BLB)	2-way Buffered Bicycle Lane (BLB2)
	5 ft min. w/parking, 4 ft min. w/o parking	5 ft min each way, box depth 14 ft	5 ft min/2 ft min barrier	5 ft min each way/2 ft min striped buffer	5 ft min each way/3 ft min striped buffer
	with traffic or Contra-flow	with traffic	with traffic or dual direction	with traffic	dual direction
	signalized, dashed, Peg-a-Track, colored, Bicycle Box	signalized, dashed, Peg-a-Track, colored, Bicycle Box	signalized, dashed, Peg-a-Track, colored, Bicycle Box	signalized, Peg-a-Track, colored, Bicycle Box	signalized, Peg-a-Track, colored, Bicycle Box
c. SHARED VEHICULAR LANES					
	Shoulder (BS)	Shared Vehicular Lane w/ Sharrow (SL)	Bicycle Boulevard (BB)		
	5 ft min	same as Vehicular Lane	same as Vehicular Lane		
	with traffic	with traffic	with traffic		
	signed, signalized	signed, signalized	signed, signalized		
Bicycle Parking	opportunistic, rack, Bicycle Shelter	opportunistic, rack, Bicycle Shelter	opportunistic, rack, Bicycle Shelter		

Sec. 12-3 Green and Design

- A. Thoroughfares shall be designed as depicted in the following tables, subject to approval of the Zoning Administrator, who may allow alternate designs appropriate to the local context and to promote the public health, safety, and welfare. For those assemblies that show angled parking, reverse (back-in) angled parking shall be preferred.
- B. The planter is a landscaped area adjacent to the curb that contains street trees and may also contain landscaping, bioswales, street lights, and/or street furniture.

- C. Where any parcel abuts an existing public or private thoroughfare that does not meet the standards of this section, walkways, curbs, landscaping, and any other thoroughfare elements shall be constructed or expanded on private property to be in conformity with the appropriate thoroughfare design. Any land area used for these improvements and which abuts a public thoroughfare may be dedicated to the City. This requirement shall not apply along South Fulton Parkway.

~~D. All vehicular areas in any Parkway Commercial (PC) district must be designed according to a street thoroughfare type.~~

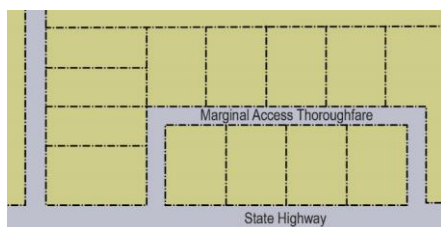
~~Drive aisles in parking lots shall be exempt from this requirement.~~

E.D. Trees along thoroughfares shall have a minimum 270 square feet of permeable surface per tree in Rural (RL) districts and required open spaces and a minimum 25 square feet of permeable surface and 250 cubic feet of structural soil per tree in all other districts.

F.E. A street furniture plan must be approved by the Zoning Administrator for all proposed thoroughfares and all new primary structures along existing thoroughfares. This plan shall include the placement and design of lighting, signage, benches, recycling bins, trash receptacles, bicycle racks, and other elements. All street furniture must be compatible with the surrounding area in material, color, finish, and architectural style.

G.F. Where thoroughfares traverse a required open space, the required sidewalk or bicycle facility shall be allowed to diverge from the pavement as long as the connectivity requirements of Sec. 12-2 are met.

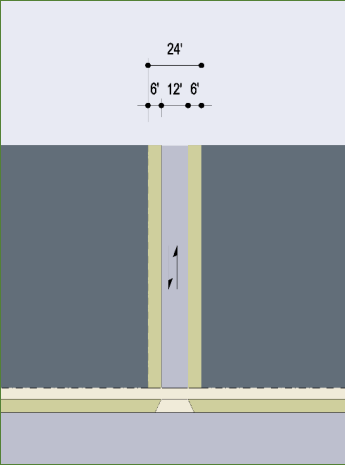
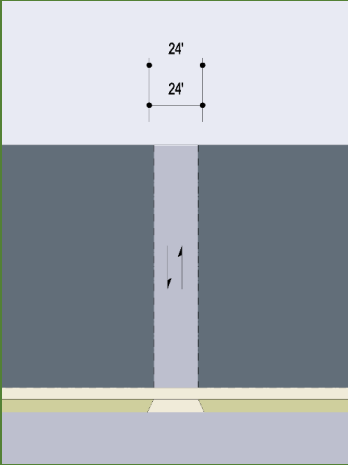
H.G. *Marginal access thoroughfares.* Whenever a major subdivision is proposed abutting the right-of-way of a state highway, a marginal access thoroughfare approximately parallel and adjacent to such right-of-way may be required at a distance suitable for the appropriate use of land between such marginal access thoroughfare and highway right-of-way. The City may also require a 20-foot no-access easement and planting strip along the highway to ensure that lots fronting the highway do not have access to it. (See Figure.)

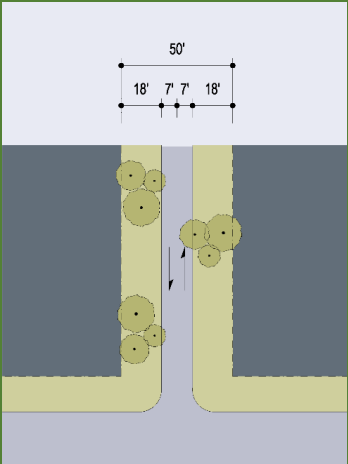
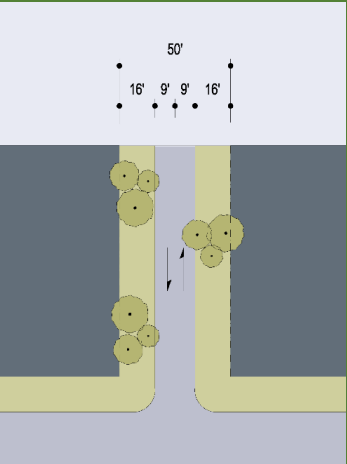
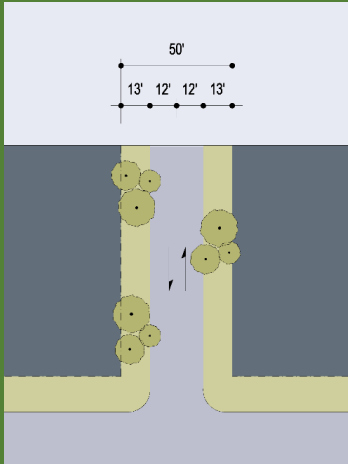


I.H. On-street loading and drop-off zones shall be permitted. Off-street loading is regulated by [Sec. 5-15](#).

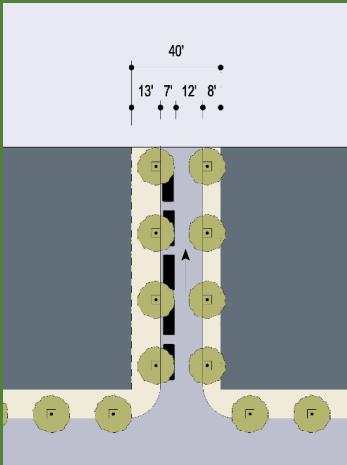
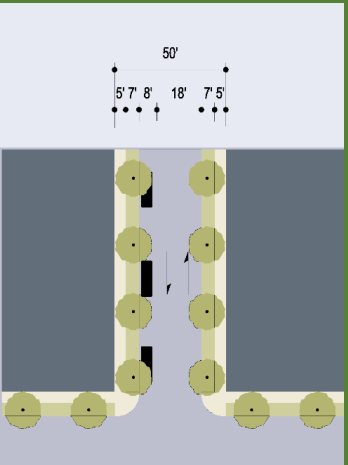
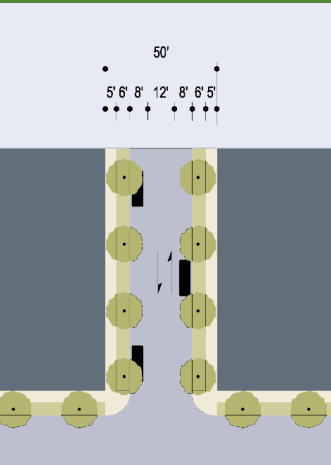
J.I. Bridges shall incorporate pedestrian and bicycle access and shall contain architectural elements compatible with the surrounding area.

Sec. 12-4 Thoroughfare Assemblies

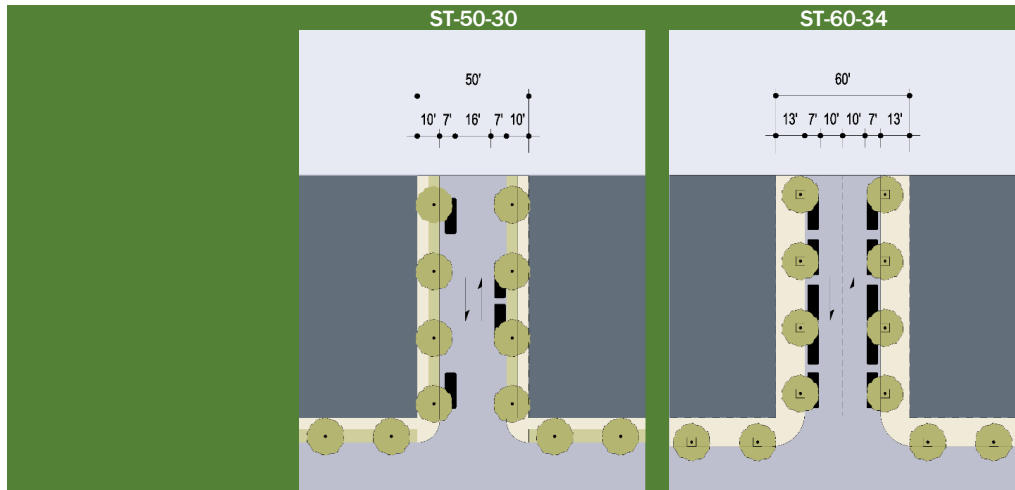
	RL-24-12	RA-24-24
		
Thoroughfare Type	Rear Lane	Rear Alley
Where Allowed	Developable areas	Developable areas
Right-of-Way Width	24 feet	24 feet
Pavement Width	12 feet	24 feet
Movement	Yield Movement	Slow Movement
Design Speed	10 MPH	10 MPH
Pedestrian Crossing Time	3.5 seconds	7 seconds
Traffic Lanes	n/a	n/a
Parking Lanes	None	None
Curb Radius	Taper	Taper
Walkway Type	None	None
Planter Type	None	None
Curb Type	Inverted Crown	Inverted Crown
Landscape Type	None	None
Lighting Type	None required	None required
Transportation Provision	None	None

	RD-50-14	RD-50-18	RD-50-24
			
Thoroughfare Type	Road	Road	Road
Where Allowed	Rural (RL) district and required open space	Rural (RL) district and required open space	Rural (RL) district and required open space
Right-of-Way Width	50 feet	50 feet	50 feet
Pavement Width	14 feet	18 feet	24 feet
Movement	Yield Movement	Slow Movement	Slow Movement
Design Speed	15 MPH	15 MPH	20 MPH
Pedestrian Crossing Time	4 seconds	5.1 seconds	6.8 seconds
Traffic Lanes	2 lanes	2 lanes	2 lanes
Parking Lanes	None	None	None
Curb Radius	25 feet	25 feet	25 feet
Walkway Type	Path optional	Path optional	Path optional
Planter Type	Continuous Swale	Continuous Swale	Continuous Swale
Curb Type	Swale	Swale	Swale
Landscape Type	Trees clustered	Trees clustered	Trees clustered
Lighting Type	None required	None required	None required

	RD-50-14	RD-50-18	RD-50-24
Transportation Provision	see Bicycling Module	see Bicycling Module	see Bicycling Module

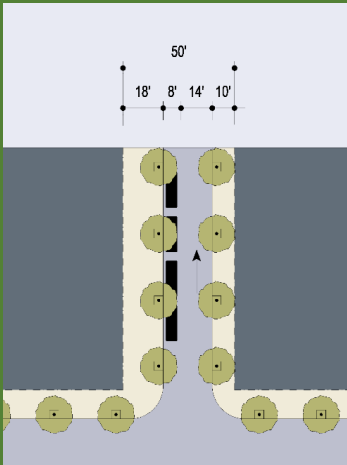
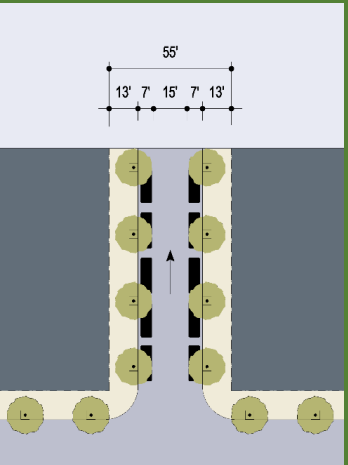
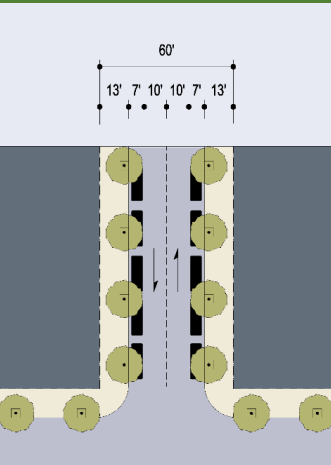
	ST-40-19	ST-50-26	ST-50-28
			
Thoroughfare Type	Street	Street	Street
Where Allowed	Developable areas	Developable areas	Developable areas
Right-of-Way Width	40 feet	50 feet	50 feet
Pavement Width	19 feet	26 feet	28 feet
Movement	Slow Movement	Free Movement	Yield Movement
Design Speed	20 MPH	20 MPH	20 MPH
Pedestrian Crossing Time	5.4 seconds	7.4 seconds	7.6 seconds
Traffic Lanes	1 lane	2 lanes	2 lane
Parking Lanes	One side @ 7 feet marked	One side @ 8 feet marked	Both sides @ 8 feet unmarked
Curb Radius	15 feet	10 feet	10 feet
Walkway Type	13/8 foot Sidewalk	5 foot Sidewalk	5 foot Sidewalk
Planter Type	tree well	7 foot continuous Planter	6 foot continuous Planter
Curb Type	Curb	Curb	Curb
Lighting Type	None required	None required	None required

	ST-40-19	ST-50-26	ST-50-28
Landscape Type	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center
Transportation Provision	see Bicycling Module	see Bicycling Module	see Bicycling Module

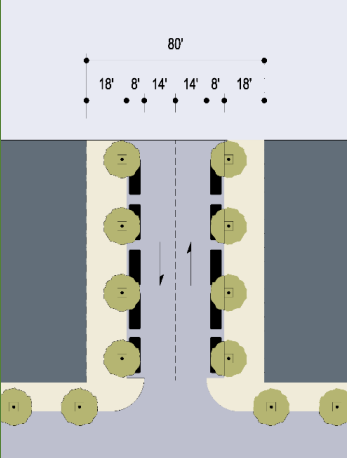
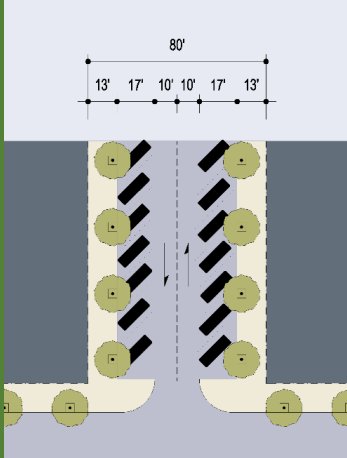
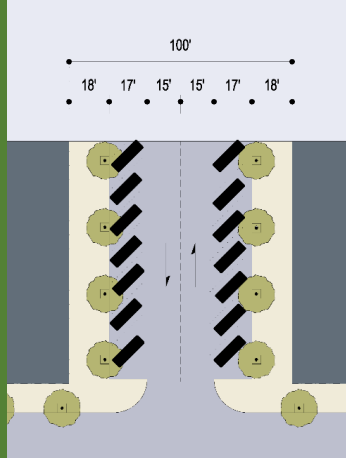


Thoroughfare Type	Street	Street
Where Allowed	Developable areas	Developable areas
Right-of-Way Width	50 feet	60 feet
Pavement Width	30 feet	34 feet
Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	8.5 seconds	9.7 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet unmarked	Both Sides @ 7 feet marked
Curb Radius	10 feet	15 feet
Walkway Type	10 foot Sidewalk	13 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb	Curb
Lighting Type	None required	None required

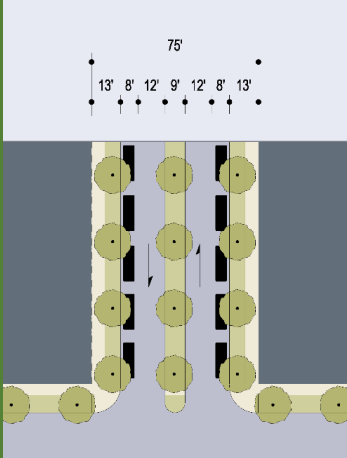
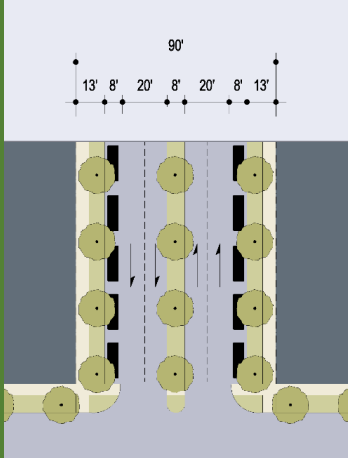
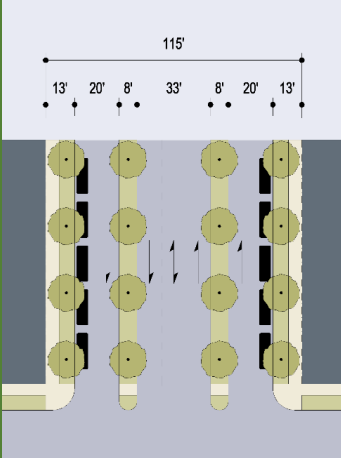
	ST-50-30	ST-60-34
Landscape Type	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center
Transportation Provision	see Bicycling Module	see Bicycling Module

	CS-50-22	CS-55-29	CS-60-34
			
Thoroughfare Type	Commercial Street	Commercial Street	Commercial Street
Where Allowed	Developable areas	Developable areas	Developable areas
Right-of-Way Width	50 feet	55 feet	60 feet
Pavement Width	22 feet	29 feet	34 feet
Movement	Slow Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	20 MPH	20 MPH
Pedestrian Crossing Time	6.2 seconds	8.2 seconds	9.7 seconds
Traffic Lanes	1 lane	1 lane	2 lanes
Parking Lanes	One side @ 8 feet marked	Both sides @ 7 feet marked	Both sides @ 7 feet marked
Curb Radius	15 feet	15 feet	10 feet
Walkway Type	18/10 foot Sidewalk	13 foot Sidewalk	13 foot Sidewalk
Planter Type	tree well	tree well	tree well
Curb Type	Curb	Curb	Curb
Lighting Type	Street lights	Street lights	Street lights

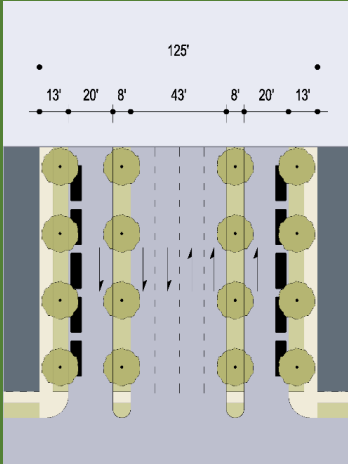
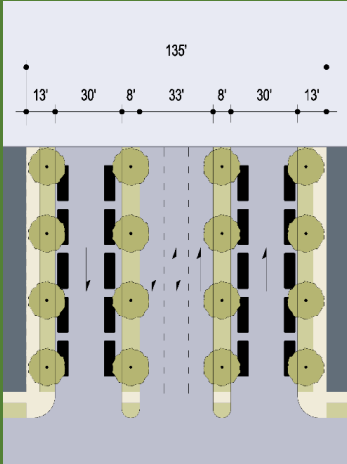
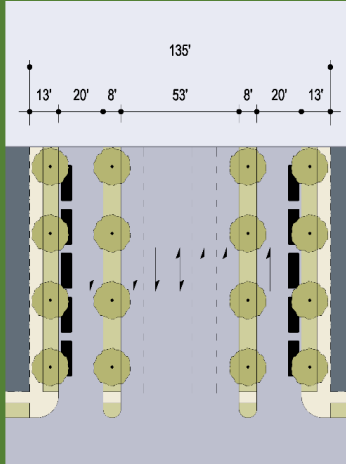
	CS-50-22	CS-55-29	CS-60-34
Landscape Type	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center
Transportation Provision	see Bicycling Module	see Bicycling Module	see Bicycling Module

	CS-80-44	CS-80-54	CS-100-64
			
Thoroughfare Type	Commercial Street	Commercial Street	Commercial Street
Where Allowed	Developable areas	Developable areas	Developable areas
Right-of-Way Width	80 feet	80 feet	100 feet
Pavement Width	44 feet	54 feet	64 feet
Movement	Free Movement	Slow Movement	Slow Movement
Design Speed	25 MPH	25 MPH	25 MPH
Pedestrian Crossing Time	8 seconds at corners	5.7 seconds at corners	8.5 seconds at corners
Traffic Lanes	2 lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 8 feet marked	Both sides angled @ 17 feet marked	Both sides angled @ 17 feet marked
Curb Radius	10 feet	10 feet	10 feet
Walkway Type	18 foot Sidewalk	13 foot Sidewalk	18 foot Sidewalk
Planter Type	tree well	tree well	tree well
Curb Type	Curb	Curb	Curb
Lighting Type	Street and pedestrian lights	Street and pedestrian lights	Street and pedestrian lights

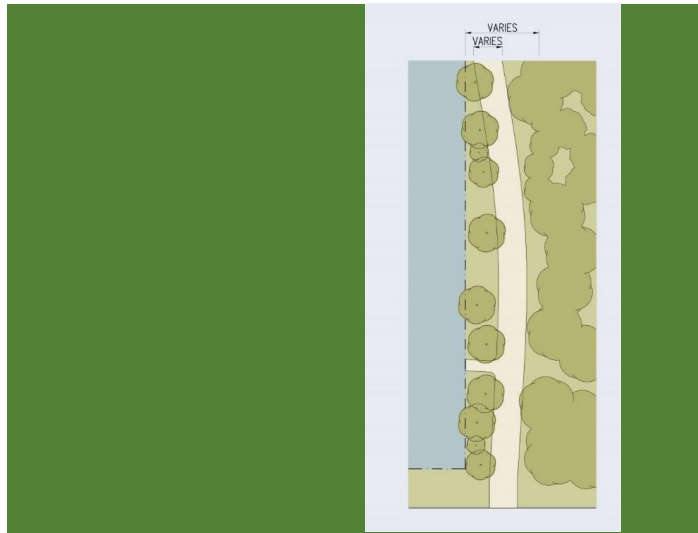
	CS-80-44	CS-80-54	CS-100-64
Landscape Type	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center
Transportation Provision	see Bicycling Module	see Bicycling Module	see Bicycling Module

	AV-75-40	AV-90-56	BV-115-33
			
Thoroughfare Type	Avenue	Avenue	Boulevard
Where Allowed	Developable areas	Developable areas	Developable areas
Right-of-Way Width	75 feet	90 feet	115 feet
Pavement Width	40 feet total	56 feet total	20 feet - 33 feet - 20 feet
Movement	Slow Movement	Slow Movement	Free Movement (inner lanes)
Design Speed	25 MPH	25 MPH	35 MPH
Pedestrian Crossing Time	5.7 seconds - 5.7 seconds	5.7 seconds - 5.7 seconds at corners	5.7 seconds - 9.4 seconds - 5.7 seconds
Traffic Lanes	2 lanes	4 lanes	3 lanes, one turning lane & two one-way slip roads
Parking Lanes	Both sides @ 8 feet marked	Both sides @ 8 feet marked	8 feet
Curb Radius	10 feet	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb or Swale	Curb or Swale	Curb

	AV-75-40	AV-90-56	BV-115-33
Lighting Type	Street and pedestrian lights	Street and pedestrian lights	Street and pedestrian lights
Landscape Type	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center
Transportation Provision	see Bicycling Module	see Bicycling Module	see Bicycling Module

	BV-125-43	BV-135-33	BV-135-53
			
Thoroughfare Type	Boulevard	Boulevard	Boulevard
Where Allowed	Developable areas	Developable areas	Developable areas
Right-of-Way Width	125 feet	135 feet	135 feet
Pavement Width	20 feet - 43 feet - 20 feet	30 feet - 33 feet - 30 feet	20 feet - 53 feet - 20 feet
Movement	Free Movement (inner lanes)	Free Movement	Free Movement
Design Speed	35 MPH	35 MPH	35 MPH
Pedestrian Crossing Time	5.7 seconds - 12.2 seconds - 5.7 seconds	8.5 seconds - 9.4 seconds - 8.5 seconds	5.7 seconds - 15.1 seconds - 5.7 seconds
Traffic Lanes	4 lanes & two one-way slip roads	3 lanes, one turning lane & two one-way slip roads	5 Lanes, one turning lane & two one-way slip roads
Parking Lanes	8 feet	8 feet	8 feet
Curb Radius	10 feet	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter	7 foot continuous Planter

	BV-125-43	BV-135-33	BV-135-53
Curb Type	Curb	Curb	Curb
Lighting Type	Street and pedestrian lights	Street and pedestrian lights	Street and pedestrian lights
Landscape Type	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center	Trees at 30 ft. avg. on center
Transportation Provision	see Bicycling Module	see Bicycling Module	see Bicycling Module



Thoroughfare Type	Path
Where Allowed	Developable and non-developable areas
Right-of-Way	Optional
Pavement	Unpaved (gravel, mulch, etc. but not dirt) Paved (asphalt, pavers, concrete, etc.)
Pavement Width	Varies (2 foot minimum for unpaved, 8 foot minimum for paved)
Walkway Type	6 foot Sidewalk
Curb Type	No curb
Lighting Type	Optional
Transportation Provision	see Bicycling Module

Sec. 12-5 Curb Cuts and Access

A. Entrance improvement specifications.

1. Roadway entrances and improvements, including necessary acceleration and/or deceleration lanes and right/left turn lanes, shall be designed, installed, and maintained as approved by GDOT, as applicable, or the Zoning Administrator, in accordance with applicable state or City specifications.
2. All entrances or exits of any thoroughfare or driveway, public or private, from or to any state highway shall be approved by GDOT and the Zoning Administrator prior to the construction of such entrances or exits and prior to the issuance of any land use permit or building permit for any improvement to be served by such entrances or exits.
3. All entrances or exits of any thoroughfare or driveway, public or private, from or to any City thoroughfare shall be approved by the Zoning Administrator prior to the construction of such entrances or exits and prior to the issuance of any land use permit or building permit for any improvement to be served by such entrances or exits.
4. Driveways and drop-offs may be located within the first layer of a lot.

B. Curb cut specifications. Curb cuts are prohibited along all highway, boulevard, and avenue thoroughfares. On all other thoroughfares, curb cuts shall be permitted

at a maximum width of 24 feet. No curb cut or driveway shall be permitted to be located closer than 100 feet to the nearest existing curb cut or proposed right-of-way of an intersecting thoroughfare. The Zoning Administrator may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

C. The following factors may be considered during the review and approval of a specific location of an entrance:

1. The location of existing or planned median breaks;
2. Separation requirements between the entrance and major intersections;
3. Separation requirements between other entrances;
4. The need to provide shared access with other sites;
5. The need to align with previously approved or constructed access points on the opposite side of the thoroughfare;
6. Lot frontage and access do not necessarily have to be along or front the same thoroughfare, if approved by the Zoning Administrator; and
7. The minimum number of entrances needed to move traffic to and from the site safely and efficiently.

D. Access along and near divided highways. Where a divided highway exists or is planned, the following access standards shall be met:

Minimum Access Separation Requirements	Distance (Feet)
Curb cut of driveway from thoroughfare intersection with divided highway	600
Curb cut or driveway on any thoroughfare from right-of-way of divided highway	200
Curb cut or driveway on any thoroughfare from state highway	200
Curb cut or driveway on parallel frontage thoroughfare from any thoroughfare	150

E. Gates. Gates controlling access to more than one lot shall be prohibited. This shall not be interpreted to limit gates restricting livestock or controlling access to multiple rural lots

under single ownership, such as, but not limited to, a multi-parcel farm. Where such gates are provided, a separate adjacent pedestrian gate shall also be provided.

- F. Access easements. The subdivider shall submit documentation of all necessary easements providing access to a public thoroughfare (see Sec. 4-10).

Sec. 12-6 Thoroughfare Lighting

- A. No street lights shall be required in the Rural (RL) district.
- B. Street lights shall be required as shown in the tables in Sec. 12-4 in all developable areas, except adjacent to residential or agricultural uses. They shall be installed adjacent to the curb and spaced equidistant from street trees. On residential streets, lighting shall be required only at intersections and crosswalks.
- C. Where required, thoroughfare lights shall be provided in accordance with City specifications. Fixtures and standards/poles installed or used shall be approved by the City and by the utility company that will be responsible for the maintenance of the facilities.
- D. Street light fixtures shall not exceed 30 feet in height and shall be located no more than 120 feet apart, or as approved by the Zoning Administrator. Pedestrian light fixtures shall not exceed 15 feet in height and shall be located no more than 60 feet apart, or as approved by the Zoning Administrator.
- E. The developer shall pay all costs for poles, fixtures and any other related items or materials necessary for the installation of thoroughfare lights, as well as arrange an agreement with the utility company for complete maintenance of all installations.
- F. Along private thoroughfares, the property owner's association may assume the responsibility and make the monthly payments to the power company for electrical energy for each thoroughfare light after 50 percent of the lots in that development phase have been sold.
- G. Along public thoroughfares, the City may assume the responsibility and make the monthly payments to the power company for electrical energy for each thoroughfare light only where the requirements of this section have been met and all improvements have been accepted by the City. Maintenance and

operation costs of thoroughfare lights will be assumed by the City no earlier than two years after lights have been installed.

- H. All thoroughfare lighting must conform to the night sky requirements of [Sec. 5-19](#).

Sec. 12-7 Public Frontages

- A. Public frontages shall include trees of various species as approved by the Zoning Administrator and may include low maintenance understory landscape. The introduced landscape shall consist primarily of native or edible species requiring minimal irrigation, fertilization, and maintenance.
- B. Public frontage shall include regularly spaced trees with shade canopies of a height that, at maturity, clears the first story.
- C. Trees required on public frontages may be permitted to relocate to open spaces when such areas are located within 100 feet of where the trees would otherwise be required.
- D. Sidewalks shall be hardscape and shall be unobstructed by any object except trees and tree wells for their required width and to a minimum height of eight feet above the surface of the sidewalk. See Sec. 7-4BB for provisions related to the location of outdoor dining within sidewalks.

Sec. 12-8 Traffic Signs

- A. Signs for thoroughfare names, directions of travel, traffic control, and hazards shall be provided as directed by the Zoning Administrator. Thoroughfare signs on exterior/boundary thoroughfares shall be installed by the City with the developer paying a proportionate share determined by the City. Thoroughfare signs for interior thoroughfares of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Zoning Administrator.
- B. The subdivider of land involving a private thoroughfare shall install thoroughfare signs containing the thoroughfare name, as approved by the Zoning Administrator. The sign signifying the private thoroughfare may be required by the City to be a different color than that of thoroughfare signs provided for

public thoroughfares, in order to distinguish maintenance responsibilities in the field.

- C. Unless otherwise provided in standards and specifications adopted by the City, thoroughfare signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the thoroughfare name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post or another mounting system as approved by the Zoning Administrator. The vertical distance from the thoroughfare elevation to the bottom of the sign face shall be seven feet with a minimum burial depth of three feet.

Sec. 12-9 Unpaved Thoroughfare Standards

- A. All commercial streets, avenues, and boulevards must be paved. The Zoning Administrator may approve unpaved road or street thoroughfare types where appropriate based on the context, adjacent uses, and traffic volumes.
- B. Thoroughfares planned to serve commercial uses must be paved in developable areas. This is not to be interpreted to prevent unpaved drives on commercial property.
- C. No more than 12 residential lots may be served by an unpaved thoroughfare.
- D. The grade of any unpaved thoroughfare shall not exceed eight percent.
- E. All intersections of unpaved thoroughfares with paved thoroughfares must provide a 20-foot paved apron at the intersection, with a concrete transition strip not less than 12 inches in length where the apron meets the unpaved thoroughfare.
- F. Where an unpaved thoroughfare slopes upward from an intersection with a paved thoroughfare, the slope of the unpaved thoroughfare must not exceed two percent within 20 feet of the apron.

Sec. 12-10 Private Thoroughfares

- A. *Private thoroughfares permitted.* Private thoroughfares may be permitted, subject to the requirements of this section. Applications for approval of private thoroughfares shall be considered by the Zoning Administrator at the

time of preliminary plat approval. The Zoning Administrator may impose conditions on the approval of private thoroughfares to ensure various public safety purposes and to mitigate potential problems with private thoroughfares. No final plat involving a private thoroughfare shall be approved unless said final plat conforms to the requirements of this section.

- B. *Construction plans required.* It shall be unlawful for any person, firm, or corporation to construct a new private thoroughfare or alter an existing private thoroughfare or to cause the same to be done without first obtaining approval of construction plans from the Zoning Administrator and a development permit issued in accordance with the requirements of this UDC.
- C. *Names.* Private thoroughfares shall be named, subject to the approval of the Zoning Administrator.
- D. *Standards.* All private thoroughfares shall be constructed to all standards for public thoroughfares as required by this UDC, applicable construction specifications of the City, and as approved by the Zoning Administrator.
- E. *Easements.* Easements for private thoroughfares shall be designated on final plats as general-purpose public access and utility easements, along with the name of said private thoroughfare. Said easement shall be the same width as the right-of-way required for the type of thoroughfare in Sec. 12-3. The easement shall either:
 - 1. Be shown in a manner on the final plat such that each lot fronting the private thoroughfare extends to the centerline of the private thoroughfare; no lot shall be permitted to be divided by the general purpose public access and utility easement required and established for a private thoroughfare; or
 - 2. Shall be drawn as its own discrete parcel to be dedicated to a private homeowners association (i.e., not shown to be a part of any lot).
- F. *Maintenance.* The City shall not maintain, repair, resurface, rebuild, or otherwise

improve thoroughfares, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private thoroughfares. A private maintenance covenant recorded with the County Clerk of Superior Court shall be required for any private thoroughfare and other improvements within general-purpose public access and utility easements established for private thoroughfares. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The covenant shall specifically include the following terms.

1. The covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven or more lots fronting on a private thoroughfare.
2. The covenant shall include a periodic maintenance schedule.
3. The covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private thoroughfare.
4. The covenant shall run with the land.
5. The City may, at its discretion, as a condition of approving private thoroughfares, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Council may require that the subdivider pay an amount of money as recommended by the Zoning Administrator into an escrow account or other suitable account for the maintenance and repair of private thoroughfares and stormwater management improvements, to be drawn from by the homeowners or

property owners association as maintenance and repair needs may arise.

G. *Specifications for final plats involving private thoroughfares.* The Zoning Administrator shall not approve for recording any final plat involving a private thoroughfare unless and until it shall contain the following on the face of the plat:

1. Deed book and page reference to the recorded covenant required by this section (a copy of the applicable stamped deed book pages must be supplied with the application).
2. WARNING, the City of Chattahoochee Hills has no responsibility to build, improve, maintain, or otherwise service the private thoroughfares, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private thoroughfares shown on this plat.
3. Grant of easement. The general purpose public access and utility easement shown on this plat for private thoroughfare is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner

Sec. 12-11 Dedications of Thoroughfares and Public Lands

- A. No thoroughfare or public land shall be dedicated to the City without prior approval by a vote of the City Council.

- B. Upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by this UDC to be approved by the City Council shall be forwarded to the City Council by the Zoning Administrator following approval.
- C. Subdivision thoroughfares and rights-of-way and other lands to be dedicated to the public shall be accepted and dedicated by the City only upon the delivery to the City Council of the general warranty deed conveying fee simple title of such rights-of-way and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the City Council certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further, that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by resolution of the City Council.
- D. All slope, drainage, and utility easements, as well as necessary thoroughfare rights-of-way (as determined by the Zoning Administrator) shall be provided by the subdivider at no cost to the City.

ARTICLE XIII. TRANSFERABLE DEVELOPMENT RIGHTS

Sec. 13-1 Introduction

- A. Ownership of real estate is more than just ownership of a patch of dirt. Ownership comes with a bundle of rights, such as the right to occupy the surface of the land, the right to valuable things (such as oil and minerals) beneath the surface of the land, the right to plant trees and crops, the right to the airspace above the land, and the right to improve the land by adding roads and buildings such as houses and barns, and the right to sell or lease the land.
- B. These various rights may be split, or "severed," from the land and sold to others. In the American west, land often does not come with the rights to the minerals beneath it ("mineral rights") or the water that lands on it or flows across it ("water rights"). In a city a building owner may sell the rights to the space above his building ("air rights") to allow a larger building to be constructed above it. Similarly, "development rights" may be severed from undeveloped rural land and transferred to another owner separately from the land.
- C. When a development right is severed from the land, a legal document is recorded with the county to protect the property and keep it rural. That legal document is defined in this article.
- D. A transferable development right (TDR) can be sold and purchased. The seller can profit by selling this one of the many rights that are a part of his bundle of rights. The seller continues to own the land and can continue to live on it or farm it. The parts of the city from which property owners may sever their development rights and transfer them to other owners is called the "sending area." The city's sending area is defined in this article.
- E. When a development right is purchased and applied according to the rules in this article, the new owner receives an increase in development potential on his property. The parts of the city in which a property owner may apply a transferred development right are called "receiving areas." The receiving areas are defined in this article and the rules for applying transferred development rights

in the receiving areas are set forth in this article as well as in ARTICLE VI.

Sec. 13-2 Purpose

- A. In the Comprehensive Plan, the City established a goal of retaining its rural and natural character. Consequently, the City desires to preserve land which defines the city as rural and natural such as farmland and forests. This article enables a process by which such land is preserved through the transfer of development rights from one property to another to promote the conservation of natural, agricultural, environmental, historical and cultural resources in at least 60 percent of the city while encouraging a denser, walkable, financially-sustainable development pattern in the remaining 40 percent that does develop. The value of the transferred development rights allows non-developing landowners to share in the economic benefits of traditional neighborhood development without encouraging sprawl.
- B. The use of TDRs is an important part of the city's strategy for the preservation of its rural character. The transferring of development rights is a method for permanently conserving and protecting land by increasing the development potential in one area (the receiving area) in return for reducing development potential in another (the sending area). The transfer process should be guided by the characteristics of certain parcels or areas where preservation or development is more or less desired.
- C. The TDR program is designed to achieve the following:
 - 1. Increase total protected open space. The TDR program provides a means of clustering development on a city-wide scale, increasing the amount of open space preserved.
 - 2. Increase contiguous open space. The TDR program permits development to be concentrated on fewer properties, thereby providing more contiguous open space that is better wildlife habitat.

3. Reduce infrastructure. If each property in the city develops, this will maximize the miles of roads and infrastructure that must be maintained and serviced by the City. The increase of density on a property through the purchase of TDRs decreases the length of roads and infrastructure, while keeping the number of units the same. This results in a substantial reduction in the length of roads and infrastructure to be maintained and serviced per dwelling, thus decreasing the residents' tax burdens.
 4. Preserve scenic resources. Much of the city is currently forested. Roadways that are hemmed in by trees and tree canopy by their nature feel rural. Additionally, land in agriculture or meadow is important to the area's character because these are the only places with views that enable one to see the horizon and have a sense of space. While the character of any specific undeveloped parcel visible from the road may change over time, the fact of its visibility (or potential visibility) makes it by definition, scenic, even if only in the potential, and therefore worthy of preservation. If development is located on these properties, it destroys the rural character because it is highly visible. TDRs provide a way in which this land may be protected through development by transferring the development potential to more suitable sites through the sale of TDRs.
 5. Other preservation goals. The city also has an interest in protecting agricultural activities, improving the connectivity of and access to preserved space, and cultivating outdoor recreational opportunities.
- D. The TDR program may be utilized to preserve property in two ways. The typical TDR method is an open market of property owners negotiating transactions. An alternative, called density transfer charge (DTC) is also available to property owners seeking additional density. Property owners utilizing DTCs pay into a City-controlled fund that is

utilized to preserve property via the TDR market.

Sec. 13-3 TDRs Available: Typical Processes

- A. The following processes are typical processes for sending area property:
 1. The TDR seller (sending area owner) and the TDR buyer (receiving area owner) negotiate the terms of the transaction.
 2. Preliminary TDR assessment.
 3. Prepare survey and other documents.
 4. Final TDR assessment.
 5. Prepare and execute conservation easement or other permitted legal instrument.
 6. Department issues certificate and serial numbers (see Sec. 13-4J and Sec. 13-4K).
 7. Prepare deed of transfer, if a buyer is ready.
 8. Provide City with a third party's opinion as to the sufficiency of the documents.
 9. Record TDR deed.
 10. Sign and record deed of transfer.
- B. The following processes are typical processes for receiving area property:
 1. Determine TDRs required.
 2. Negotiate the terms of the transaction with the TDR sellers (sending area owners)
 3. Sign and record TDR deed of transfer.
 4. Assign TDRs to receiving area parcels and record with the City.

Sec. 13-4 Sending Areas

- A. Allocation of development rights. This section controls how TDRs are allocated to an owner of sending area property. The TDR is distinguished from the right to develop on a property in subsection (B) of this section. The allocation is prioritized to provide the greatest incentive to retain as open space the most desirable scenic properties. Subsection (C) of this section spells out some types of property that are not eligible to sever

and send TDRs. Subsection (D) of this section sets the land area of a property that is eligible to sever and send TDRs. Subsection (E) of this section addresses small parcels that have the potential only for minor subdivision or no subdivision, most of which already have dwellings on them so they have limited open space value. Subsection (F) of this section is the allocation to larger parcels that could become farmettes or hamlets and whose preservation is a higher priority. It also addresses the allocation to the highest priority scenic land and provides an incentive to sell TDRs. Subsection (G) of this section makes clear the number of TDRs to be deducted if the landowner intends to reserve additional sites for future dwellings.

B. TDRs. TDRs are not a right to develop on a property; they are a right to sever and send the development potential to another landowner. The City has a vested interest in seeing transfers occur because protecting some property while providing additional development potential for others not only supports the community's stated goal of remaining rural, it also reduces the burden on the taxpayer of municipal service delivery. Because there is no direct relationship to the right to develop, the TDR comes into existence only when they are severed and a conservation easement or other permitted legal instrument protecting the land as perpetual open space is recorded.

C. Eligibility. Landowners or representatives with the authority to transfer fee simple ownership of any parcel in the city (except as noted below) may apply for a transfer of development rights certificate. Parcels not eligible are as follows:

1. Any parcel in any Hamlet (HM) or Village (VL) district;
2. Any parcel from which all development rights have previously been severed, sold or otherwise transferred;
3. Any parcel on which a permanent conservation easement or other permanent deed restriction has been previously granted which effectively removes all development potential;

4. Any parcel fully developed based on its existing zoning, or as otherwise described in this article.

D. Determine the base area. A survey of the land from which a TDR will be transferred shall be submitted to the City by the landowner or ultimate purchaser of the TDR. The survey shall identify the total area of the land and subtract the following from the total area to determine the base area:

1. Road right-of-way. Deduct the area of land in any existing public right-of-way.
2. Conservation land. Deduct the area of any land already under a permanent conservation easement, deed restriction, or other approved legal mechanism that preserves the land as open space.

E. TDRs available for 3- to 26-acre parcels. The TDRs that are available for these small parcels are based on the right to subdivide parcels into a maximum of three lots, with a three-acre minimum lot size. Accordingly, no TDRs are available for parcels that are less than three acres. TDRs available by parcel area and existing development status shall be as shown in the following table.

Parcel Area (Acres)	Existing Development Status	
	One Existing or Future Dwelling	No Existing or Future Dwelling
At least 3 but less than 6	No TDRs available	1 TDR available
At least 6 but less than 20	1 TDR available	2 TDRs available
At least 20 but less than 26	3 TDRs available	Available TDRs equals number of acres less 3

F. TDRs available for properties of 26 or more acres.

1. One of the chief methods of fulfilling the vision in the Comprehensive Plan to "keep it rural" is to permanently protect the land that is currently scenic land or has the potential to become scenic. In order to encourage preservation of scenic property and to balance the total number of TDRs in

the city, property without scenic potential is valued at a lower rate than property with scenic potential.

2. A landowner owning more than 26 acres of land intending to sell development rights is given 0.8 development rights for acre of base area owned, plus an additional 0.4 development rights for every acre of land in a scenic view area. At the same time, the City will calculate the available development rights using the following calculation to calculate TDRs:

- a. Multiply the acres of base area by 0.8.
- b. Multiply the acres of scenic view area by 0.4.
- c. Multiply the acres of base area to be transferred to the City by 0.5.
- d. Add these figures.
- e. Subtract three TDRs per dwelling or reserved dwelling site located on the property, or five TDRs if the dwelling or dwelling site is in the scenic view area to determine the base number of TDRs.
- f. The total of this equation is equivalent to the number of TDRs available from the property.

G. Reservation for future dwelling sites. Any additional dwelling sites reserved on the property will reduce the number of TDRs available by three per dwelling site, or five per dwelling site located in the scenic view area.

H. Public dedication. A landowner transferring land to the City shall submit a transfer of title to the City Council for approval. All transfers of title shall be recorded with the county superior court before final assessment of available TDRs.

I. Preliminary assessment of available TDRs.

1. Generally. A landowner may seek a preliminary assessment of available TDRs by submitting the following documentation to the Zoning Administrator:

- a. A site survey that identifies parcel lines, total site area, and base area.
 - b. Documentation of any conservation easements, deed restrictions, or TDRs already conveyed from the property.
 - c. Identification of existing dwellings and reserved dwelling sites.
2. Preliminary assessment. The Zoning Administrator shall review the documents and applicable thoroughfare plans, and then issue a preliminary assessment which indicates the estimated number of available TDRs that may be conveyed from the property, as follows:
 - a. The Zoning Administrator shall make a good faith effort to estimate the number of TDRs that may be conveyed from the property based on the materials provided by the landowner.
 - b. The preliminary assessment shall include language that it is not final until final documentation, including a survey and base area calculation sealed by a land surveyor registered in the state, is provided to the City that verifies the information in the preliminary assessment letter.
 - c. The City will work to issue preliminary assessments within one week of the submittal of the information by the landowner.

J. Final assessment of available TDRs.

1. Generally. A landowner who wants to sell development rights shall apply for a final assessment of available TDRs, as follows:
 - a. A sealed property survey that identifies parcel lines, total site area, and base area.
 - b. Metes and bounds written legal description and plat prepared within 90 days of the date of application by a licensed surveyor;
 - c. Documentation of any conservation easements, deed restrictions, or

- TDRs already conveyed from the property, certified complete by an attorney or title agency;
- d. Documentation of title transfer to the City and final recording with the county, as applicable for public dedication;
 - e. Written description of the physical characteristics of the property;
 - f. Site plan which illustrates existing or proposed dwellings, historic structures, easements or other encumbrances; and
 - g. The required processing fee.
2. Calculation of development rights. After the application of a qualifying conservation easement or other permitted legal instrument to the property, the department shall assign serial numbers accordingly, and issue a transfer of development rights certificate. Development rights shall be calculated according to subsections (d) through (g) of this section. The final number of TDRs will be calculated by rounding down to the nearest whole number.
 3. Final TDR assessment. The Zoning Administrator shall review the documents and applicable thoroughfare plans, and then issue a final assessment which sets out the number of TDRs that may be conveyed from the property. The form for the final TDR assessment is provided below.
- K. Creation of TDRs. After the final TDR assessment is complete and the sending area property owner has executed a conservation easement or other permitted legal instrument, the City shall assign serial numbers for each TDR severed on the sending area property and provide a TDR certificate to the applicant. The Zoning Administrator shall keep a log of TDR certificates and serial numbers in the City's TDR registry.
- L. What to do with TDRs. TDRs are an interest in real property. They may be held as an investment; they also may be sold to or exchanged with any person or entity capable

of owning real property. The City may purchase TDRs from property owners in pursuit of its land preservation goals, but it is under no obligation to do so at any time or for any particular price. TDRs are assumed to reach their greatest financial value when applied to a receiving area property to increase its potential development density, as covered in Sec. 13-6 and ARTICLE VI.

- M. Appeal of calculation. Any landowner or authorized representative aggrieved by a final decision of the department related to the certification of transfer of development rights may appeal such final decision to the Planning Commission by filing, in writing, setting forth plainly and fully why the calculation is in error. Such appeal shall be filed no later than 30 days after the date of the department's final decision.

Sec. 13-5 TDRs Available: Density Transfer Charges

The density transfer charge option is offered as a simpler, more targeted form of the TDR program. DTCs provide benefit to the city by allowing the city to target properties most important for protection. It can also provide funds that can be leveraged with grants and other programs to protect a larger number of properties. The development process also is more streamlined and transparent since the DTC option eliminates the need to research and negotiate terms for TDRs.

1. Density transfer charge option.
 - a. TDR receiving site owners shall have the option of gaining bonus density by paying a density transfer charge (DTC) amount in lieu of each TDR that would otherwise be required.
 - b. DTC rates. The DTC rate shall be adopted annually by the City as a part of its fee schedule. The rate initially shall be determined by a mass appraisal of the City by an appraiser hired by the City who specializes in conservation easements. The appraisal shall be based on the per-acre value of development rights within the city. In subsequent years, when enough transfers have taken place, DTC rates shall be approved by the City

Council based on a representative sample of recent arms-length TDR transactions.

2. Use of DTC funds. The City shall use DTC proceeds exclusively for the preservation of TDR sending sites, TDR program administration (not to exceed five percent of DTC receipts), or, upon separate approval by the City Council, management or expansion of the city's open-space network, including acquisition and improvement of parks and interconnecting trails. The City may combine DTC proceeds with funding from other sources in order to acquire TDR sending sites and TDR sending site easements.
3. DTC application to receiving area property. When a DTC is applied to a receiving area development, the City shall assign a serial number to each DTC unit. As the development is platted, the DTCs are assigned to individual properties and the Zoning Administrator shall enter the information into the City's TDR registry, including the DTC serial number, the parcel IDs of the affected receiving area properties, and the new total number of density units assigned to each affected receiving area parcel.
4. DTC liquidation.
 - a. DTCs may be paid at the time of rezoning or may be paid at the time of issuance of building permits at the rate of 125 percent of the pro rata share of the original DTC value.
 - b. If the DTCs are paid with building permits, the charge per density unit used in the building permit shall be based on the change in density due to the rezoning divided by the number of density units of the rezoned property. The charge per density unit shall be calculated by the following method: $1.25 \text{ times DTC rate times (total density units of the rezoned property minus number of acres of rezoned property) / total density units of the rezoned property}$.

This charge shall be paid at the time a building permit is issued.

c. Example.

- i. Suppose the owner of 1,000 acres applied for a rezoning to Village (VL). The minimum residential density in a VL district is two units per acre, meaning they could develop 2,000 units in the village. The number of DTCs assessed would be 2,000 (units) minus 1,000 (original acres) equals 1,000 DTCs. If the established rate per DTC were \$4,000.00, the total assessed would be \$4,000,000.00.
- ii. If the property owner were to opt to have the DTCs paid at the time of permitting, the amount charged per dwelling would be $1.25 \text{ times } \$4,000.00 \text{ per DTC times } (2,000 \text{ total units minus } 1,000 \text{ acres}) / 2,000 \text{ total units}$ equals \$2,500.00 per unit.
- iii. The property owner could also purchase the required number of TDRs on the open market, which in this case would be 1,000 TDRs.

Sec. 13-6 Receiving of TDRs

- A. A landowner may purchase development rights to increase the development potential on a site, known as the receiving site. The purchase may be made between landowners or from any holder of TDRs not affixed to a receiving site. This section governs the purchase of development rights and the development that can be built with the purchased development rights.
- B. Density transfer charge option. TDR receiving site owners shall have the option of gaining bonus density by paying a density transfer charge (DTC) amount in lieu of each TDR that would otherwise be required. See section 4-27.
 1. Eligible properties. Receiving areas are those properties intended for mixed-use development; specifically any property in any Hamlet (HM), Village

(VL), or Historic Crossroads (HC) district not permanently protected as open space. Additional receiving areas may be designated through the amendment process as set forth in Sec. 3-3 and the procedures and requirements set forth in O.C.G.A. § 36-66A-2.

2. Development potential with TDR. When a developer purchases TDRs and applies them according to the process set forth in this article, the development potential of their property is increased by the number of TDRs purchased, up to the maximum density allowed in the district according to the district regulations or the applicable conditions of zoning. One development right permits the development of a single density unit as described in Sec. 6-3.
3. Calculation methods for acquisition of development rights. The following formulas shall be used to compute the number of TDRs that must be utilized to develop a receiving area:

The total number of proposed density units (as governed by ARTICLE VI) in the receiving area (hamlet or village) minus the total gross acreage of the area to be developed = total number of TDRs to be purchased from the sending areas.

Example. Suppose 3,000 acres in a village are to be developed at four units per acre. Therefore, 3,000 acres x 4 units per acre = 12,000 units to be developed. 12,000 units minus 3,000 acres (based on the density available with the acreage of the receiving area, using a baseline of one unit per acre as shown in Sec. 6-3) = 9,000 TDRs to be purchased from the sending areas.

- C. Use of TDRs. TDRs may be used, at the developer's option, to increase the density of a proposed development as follows:
 1. Plan to use TDR. The developer shall indicate on the initial preliminary plan submissions their intent to use TDRs to achieve the proposed plan's density. Since the hamlet and village are large-scale developments that can have

development build-out periods of 15 to 30 years, the need for TDRs may change in response to future demands that are not anticipated in the initial development proposal. Hamlet and village plans may be modified as provided in this section. The plan shall indicate the units built by right and those to be built with TDRs.

2. Source of TDRs. The developer shall submit proof of ownership of TDRs
3. Application of TDRs. TDRs are applied as follows:
 - a. If the developer owns the TDRs, they are approved for use with the signing of the final plan for the first phase.
 - b. The developer shall submit TDRs with each phase of development in proportion to the number of dwellings in the total development to be constructed with transferred development rights.
 - c. A fee shall be paid to the City for the administration of the TDR tracking system in accordance with the City's fee schedule.
4. Disposition of TDRs. As TDRs are used in the manner provided in subsection (3) of this section, the City shall keep a record of their use. See Sec. 13-7B and Sec. 13-7C.

Sec. 13-7 Administrative Process

- A. Recording of transfer of development rights transactions (sending areas).
 1. Deed of transfer.
 - a. A deed of transfer shall be required to convey development rights from a sending parcel to a purchaser. The deed shall be valid only if it is signed by the owner or attorney-in-fact of the sending parcel, complies with all legal requirements for the transfer of real estate, contains provisions established by the department and is recorded in the chain of title after the conservation easement or other approved legal instrument is secured against the sending parcel.

- b. A deed of transfer shall contain a metes and bounds written legal description and a plat prepared by a licensed surveyor, the names and addresses of the grantor and the grantee of the development rights, the serial numbers of the TDRs being conveyed along with a copy of the TDR certificate issued by the department and proof of the execution and recordation of a conservation easement or other approved legal instrument on the sending parcel.
2. Conservation easement. Where a conservation easement is used to convey the certified development rights on a sending area, the following requirements shall apply. A conservation easement between the owner of the sending area and an organization authorized by the laws of the state to accept, hold and administer conservation easements, pursuant to O.C.G.A. § 44-10-1, Georgia Uniform Conservation Easement Act, must be signed and recorded with the Clerk of Superior Court, prior to the deed of transfer. Conservation easements established pursuant to this section may not be released or nullified by any party.
 - a. The department may develop a model conservation easement form and require it be used to fulfill the requirements of this section.
 - b. In addition to the provisions of the Georgia Uniform Conservation Easement Act, each conservation easement shall contain:
 - i. A metes and bounds written legal description and plat prepared by a licensed surveyor;
 - ii. Prohibitions against the use and development of the sending area property which are inconsistent with open space as defined in Sec. 2-2; and
 - iii. Assurances that prohibition will run with the land and bind the landowner and every successor in interest to include a statement that the easement shall survive any merger of the easement interest and the fee simple interest of the property.
 - c. Nothing in the easement shall be construed to convey to the public a right of access or use of the property and that the owner of the property, his heirs, successors and assignees will retain exclusive right to such access or use subject to the terms of the easement. This should not be interpreted to preclude a grant of public access if the owner of the property chooses to grant it, subject to the terms of the easement.
 - d. Landowners interested in creating TDRs on their property should be careful to begin the process with the City before executing a conservation easement since property protected by conservation easement is not later eligible to be a TDR sending area (see section 4.3).
 3. Sufficiency of documents. Before recording the transfer deed and the conservation easement, parties to the transaction must obtain an opinion from a licensed Georgia attorney that the deed and easement have been executed by all necessary parties and is perpetual and binding on the property owner and every successor in interest. A copy of this document shall be provided to the City.
 4. Reissuance of TDR certificates. In the event of the transfer of fewer than all of a landowner's development rights, the landowner must return the original TDR certificate to the department upon the recordation of the conservation easement and deed of transfer. The landowner must provide a copy of the deed of transfer that contains the serial numbers of the development rights transferred. Within 95 days of the receipt of the complete TDR certificate, the department shall reissue a certificate to the landowner

reflecting the remaining TDRs and the corresponding serial numbers.

B. City tracking of TDRs, ownership, and application to property.

1. Tracking TDR ownership. When TDRs are transferred, the buyer or receiver of the TDRs shall register the recorded deed with the City and the change in ownership shall be recorded in the City's TDR registry.
2. TDR application to receiving area property. When a TDR is affixed to a receiving area property, the Zoning Administrator shall enter the information into the City's TDR registry, including the TDR serial number, the parcel IDs of the affected receiving area properties, and the new total number of density units assigned to each affected receiving area parcel.

C. Recordation of transfer of development rights transactions (receiving areas).

1. Deed of transfer. The deed of transfer shall be recorded with the City, which shall keep a record of the transaction in the City's TDR registry.
2. Plat requirements. The following information shall be recorded on the face of any plat for property which receives development rights under the provisions of this article:
 - a. A statement that the development rights used in the plat have been transferred in accordance with the deed of transfer, prescribed in subsection (a)(1) of this section. The statement shall include the Deed Book and page numbers of the deed.
 - b. The serial numbers of the TDRs conveyed along with a copy of the TDR certificate issued by the department.

D. Approval of transfer of development rights and appeal process. A transfer of development rights shall be allowed by right. If the property and process meets the requirements of this article, the Zoning Administrator shall approve the transfer. Approval of a development right does not

confer to the receiving property an automatic approval to develop. All development projects are subject to the review and approval procedures of this UDC.

Sec. 13-8 Legal Status of TDRs

Pursuant to O.C.G.A. § 36-66A-1, development rights made transferable pursuant to this article shall be interests in real property and shall be considered as such for purposes of conveyancing and taxation. Once a deed of transferable development rights created pursuant to Sec. 13-7A has been sold, conveyed, or otherwise transferred by the owner of the parcel from which the development rights were derived, the transfer of development rights shall vest in the grantee and become freely alienable. For the purposes of ad valorem real property taxation, the value of a transferable development right shall be deemed appurtenant to the sending property until the transferable development right is registered as a distinct interest in real property with the appropriate tax assessor or the transferable development right is used at a receiving property and becomes appurtenant thereto.

Sec. 13-9 Land Trust

- A. The City Council may approve a memorandum of understanding (MOU) between the City and a land trust. This MOU would describe the roles and responsibilities of the City and the land trust in preserving rural land in the city. The MOU would authorize the land trust to utilize funds collected from DTCs to purchase TDRs or to purchase land fee simple, remove the development rights to create TDRs and subsequently sell or lease the land. The MOU would outline the development and the methods that would govern the land trust use of City funds to protect land by conservation easements.
- B. The MOU shall require an accounting of all funds provided to the land trust from density transfer charges and the number and location of acres preserved. The MOU shall also require that any income earned through conservation activities funded by DTCs shall be subject to the same restrictions as money collected directly from DTCs.
- C. The land trust is obligated to monitor and protect the land covered by conservation easements it owns in perpetuity. The MOU

may authorize the land trust to utilize some nominal portion of the DTC funding to cover the costs of annual monitoring and reporting of the property on which the conservation easement is established and the cost of legal services to seek corrective actions in court in the event that the covenants of the conservation easement are violated and the land owner does not take corrective action.

- D. A conservation committee comprised of two residents of the city, two members of the board of the land trust and the executive director of the land trust must approve all real estate transactions such as the purchase of a conservation easement. The two resident members for the conservation

committee are nominated by the mayor and approved by City Council. The other members of the conservation committee are recommended by the executive director, if any, and approved by the board chair of the land trust.

- E. Members of the conservation committee serve three-year terms and may be appointed for one additional three-year term. Terms of membership on the committee are staggered to provide continuity from year to year. The executive director of the land trust is a permanent member of the conservation committee.

ARTICLE XIV. STORMWATER AND INFRASTRUCTURE

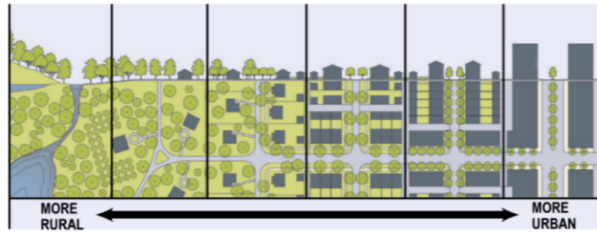
Sec. 14-1 Relationship to Other Regulations

- A. The following standards shall apply in addition to those of Chapter 14 – Land Development and Environmental Protection.

Sec. 14-2 Drainage and Stormwater Management

- A. *General requirements.* An adequate drainage system shall be required, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, and drop inlets. The Planning Commission shall not approve any preliminary subdivision plat that does not make adequate provision for stormwater and floodwater runoff channels or basins as determined by the Zoning Administrator. No building permit shall be issued for any building within a subdivision or development permit issued for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of drainage and stormwater management. Inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer. Stormwater should be detained on site when possible.
- B. *Method of design and capacity.* Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the City, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a ten-year storm or rain shall be provided for all thoroughfare drainage structures such as catch basin, inlets cross-drains, etc. Capacity for a 100-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.
- C. *District-wide site design that incorporates stormwater detention, retention, and infiltration in the common areas or open space is preferred.* Shallow stormwater features that are designed to appear natural and that serve alternate uses in dry periods can be site amenities and should be incorporated when possible.
- D. Stormwater facilities shall meet the following requirements:
1. Designed as formal or natural amenities and integrated with the landscape, rather than being designed as single-purpose ponds or other facilities
 2. Not fenced or enclosed by walls over 30 inches in height
 3. Designed to be consistent with the Light Imprint Handbook
- E. Stormwater detention and retention ponds shall be planted with appropriate trees, shrubs, and grasses. Plants in basin areas prone to submersion shall be hydrophilic.
- F. *Light imprint stormwater management methods shall be used.* Stormwater management methods employed shall be appropriate for the development intensity of the neighborhood as generally shown in subsection (G) below.

G. Light Imprint Stormwater Matrix



a. PAVING										Maint.	Cost
Compacted Earth/Gavel	*	*	*							L	\$
Wood Planks	*	*	*							H	\$\$\$
Plastic Mesh/Geomat		*	*	*						L	\$
Crushed Stone/Shell		*	*	*	*					M	\$
Cast/Pressed Concrete Paver Block			*	*	*	*				L	\$\$
Grassed Cellular Plastic			*	*	*	*				M	\$\$\$
Grassed Cellular Concrete			*	*	*	*	*			M	\$\$\$
Pervious Asphalt			*	*	*	*	*	*		L	\$\$
Asphalt			*	*	*	*	*	*		L	\$
Concrete			*	*	*	*	*	*		L	\$\$
Pervious Concrete			*	*	*	*	*	*		L	\$\$
Stamped Asphalt			*	*	*	*	*	*		L	\$\$\$
Stamped Concrete			*	*	*	*	*	*		L	\$\$\$
Pea Gravel				*	*	*	*	*		M	\$
Stone/Masonry Paving Blocks				*	*	*	*	*		L	\$\$\$
Wood Paving Blocks on Concrete					*	*	*	*		L	\$\$\$
Asphalt Paving Blocks						*	*	*		M	\$\$
b. CHANNELING											
Natural Creek	*	*								L	\$
Terracing	*	*	*							M	\$\$
Vegetative Swale	*	*	*							L	\$
Drainage Ditch	*	*	*	*						L	\$
Stone/Rip Rap Channels		*	*	*	*					L	\$\$
Vegetative/Stone Swale		*	*	*	*	*				L	\$
Grassed Cellular Plastic			*	*	*	*				M	\$\$\$
Grassed Cellular Concrete			*	*	*	*	*			M	\$\$\$
Soakaway Trench			*	*	*	*	*			M	\$\$\$
Slope Avenue			*	*	*	*	*			M	\$\$\$
French Drain			*	*	*	*	*			M	\$
Shallow Channel Footpath/Rainwater Conveyor			*	*	*	*	*	*		L	\$
Concrete Pipe			*	*	*	*	*	*		L	\$\$
Gutter			*	*	*	*	*	*		L	\$\$
Planting Strip Trench			*	*	*	*	*	*		L	\$
Masonry Trough				*	*	*	*	*		L	\$\$
Canal					*	*	*	*		H	\$\$\$
Sculpted Watercourse, i.e. cascades					*	*	*	*		M	\$\$\$
Concrete Trough						*	*	*		L	\$\$
Archimedean Screw						*	*	*		L	\$\$\$
c. STORAGE											
Irrigation Pond		*	*							L	\$
Retention Basin with Sloping Bank		*	*							L	\$\$
Retention Basin with Fence		*	*	*						L	\$\$
Retention Hollow			*	*	*					M	\$
Detention Pond			*	*	*	*				L	\$
Vegetative Purification Bed			*	*	*	*	*			M	\$\$
Flowing Park			*	*	*	*	*			M	\$\$
Retention Pond			*	*	*	*	*			M	\$\$
Landscaped Tree Well				*	*	*	*			L	\$\$
Pool/Fountain				*	*	*	*	*		H	\$\$\$
Underground Vault/Pipe/Cistern-Corrugated Metal				*	*	*	*	*		L	\$\$
Underground Vault/Pipe/Cistern-Precast Concrete				*	*	*	*	*		L	\$\$
Underground Vault/Pipe/Cistern-Cast in place Concrete				*	*	*	*	*		L	\$\$
Grated Tree Well				*	*	*	*	*		L	\$
Underground Vault/Pipe/Cistern-Plastic				*	*	*	*	*		L	\$\$\$
Paved Basin				*	*	*	*	*		M	\$\$\$
d. FILTRATION											
Wetland/Swamp	*	*								L	\$
Filtration Ponds	*	*	*							L	\$\$
Shallow Marsh	*	*	*	*						M	\$
Surface Landscape	*	*	*	*						L	\$
Natural Vegetation	*	*	*	*	*	*	*	*		L	\$
Constructed Wetland		*	*	*	*	*	*	*		M	\$
Bio-Retention Swale		*	*	*	*	*	*	*		M	\$\$
Purification Biotope		*	*	*	*	*	*	*		H	\$\$
Green Finger		*	*	*	*	*	*	*		L	\$\$\$
Roof Garden		*	*	*	*	*	*	*		M	\$\$\$
Rain Garden			*	*	*	*	*	*		M	\$\$
Detention Pond			*	*	*	*	*	*		L	\$
Grassed Cellular Plastic			*	*	*	*	*	*		M	\$\$\$
Grassed Cellular Concrete			*	*	*	*	*	*		M	\$\$\$
Waterscapes				*	*	*	*	*		H	\$\$\$

*NOTE - Maintenance is denoted as L=Low, M=Medium and H=High.

H. *Location of drainage facilities.* Drainage facilities shall be located in the thoroughfare right-of-way or access easement where feasible and shall be constructed in accordance with standards and specifications of the City. Catch basins shall be located at low points of thoroughfares. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within thoroughfare rights-of-way, perpetual, unobstructed easements at least 15 feet in width for drainage facilities shall be provided across property outside the thoroughfare right-of-way and with satisfactory access to the thoroughfare.

I. *Discharge.* Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Stormwater shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

J. *Grading and site drainage.* Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public thoroughfares. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

K. *Cross-drainpipes.* Where a watercourse separates the buildable area of a lot from the thoroughfare by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City. Cross-drains shall be provided to accommodate all natural waterflow and shall be of sufficient length to

permit full-width thoroughfare and the required slopes. Cross-drainpipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All storm drainpipes shall be minimum 18 inches in diameter. Storm sewer slopes shall be equal to or greater than one percent.

L. *Drop inlets.* Drop inlets shall be generally three-foot by three-foot boxes with two-foot by three-foot grates unless otherwise specified by the City. Grate openings shall run perpendicular to the direction of travel.

M. *Easements.* Where an irrigation ditch or channel, natural creek, stream, or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least 20 feet in width shall be provided.

Sec. 14-3 Water

A. *Generally.* No permit shall be issued for any building within a subdivision or for the development of land, if there is not an adequate water supply, as determined by the City Engineer.

B. *Water main requirements.* When a public water main is accessible, the developer shall install adequate water facilities, including fire hydrants, according to specifications of the City. All water mains shall normally be at least six inches in diameter except that pipe of lesser size may be used if properly looped and adequate water pressure is maintained in accordance with standards established by the Southeastern Fire Underwriters Association. Pipe of less than four inches shall not be used except in unusual cases. Water lines shall be installed at least 30 inches below grade. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

C. *Community water system.* If a county and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 45 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the County Health Department. This approval and a letter of approval from DNR shall accompany the final plat or land development application.

D. *Fire hydrants.* Fire hydrants shall be required for all land developments and all subdivisions except those permitted to be served by individual on-site wells or community wells that serve six or fewer homes. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the City Fire Department. Fire hydrants shall be located no more than 500 feet apart and within 400 feet of any principal dwelling. Hydrants, fittings, valves, and fire department connections shall be approved by the City's Fire Department. Fire department connections shall be not less than 18 inches or more than 36 inches above the level of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire Department. The agency having jurisdiction shall determine the sufficiency of hydrant type, placement, and hydrant pressure.

Sec. 14-4 Sanitary Sewer

A. *Connection to public sewerage system.* When a public sanitary sewerage system is reasonably accessible, as determined by the City, the subdivider or land developer shall connect with it and provide sewers accessible to each lot in the subdivision.

B. *Cluster systems.* A cluster system is a subsurface sewage disposal system that serves more than one property or dwelling. Cluster systems shall be governed by the following provisions:

1. The approval and permitting of all cluster systems shall conform to all state and county requirements.
2. The system shall be licensed and fully operational before final plat approval. No lot served by the system shall be sold nor shall any building permit be issued before the cluster system is approved for operation.
3. The disposal field shall not be located on any 100-year floodplain or within 200 feet of any groundwater recharge area.
4. Ownership, maintenance, and operation of a cluster system.
 - a. Upon transfer of title by the developer, a homeowners' association comprised of the owners of each lot serviced by the system, or a separate authority, shall own, maintain, operate, repair and replace, system components located outside of individual property lot lines. In the event the homeowners' association includes owners whose properties are not serviced by the system, those owners shall not be responsible for maintenance, operation, repair, and replacement of the system. Homeowners' association covenants shall specify the ownership, maintenance, and operation of the system in the event that the association is dissolved or the system is sold or otherwise disposed of.
 - b. The by-laws and methods of enforcement and collection of

delinquent assessments and dues of the homeowners' association insofar as they pertain to maintenance, operation, repair, and replacement of the cluster system shall be submitted to and approved by the City prior to or as a condition of final plat approval.

- c. Declaration of covenants, conditions, restrictions, and by-laws shall be recorded with the County Clerk of Superior Court prior to final plat approval or the first conveyance of any realty improvements to be serviced by a cluster system.
 - d. The City shall not be responsible for any dry sewer lines installed as part of major subdivision approval and used for the transfer or pumping of sewage to any cluster system. During the period of such use, the legal entity responsible for maintenance, operation, repair, and replacement of the system shall remain fully responsible for the system.
 - e. Prior to final plat approval, the owner of a cluster system shall submit to the City as-built plans and a manual explaining in detail the operation and maintenance of the system. Such a manual shall be kept at all times by the owner and shall be updated as necessary. Copies of any and all updates shall be provided to the City.
 - f. All costs of any testing or monitoring of a cluster system or its components shall be borne by the applicant or association, as the case may be.
5. Access to cluster systems.
- a. As a condition to approval of a cluster system, the applicant shall provide to the City all necessary easements (by deed) granting the City and its authorized agent access to all properties upon which the system is located and/or which the system services for the purpose of monitoring and inspecting the system and, where necessary, disconnecting a component of the

system in order to protect the integrity of the system as a whole. This provision shall not be construed to be in derogation of any authority to enter premises the City and its authorized agent may otherwise have by reason of statute, rule, or ordinance.

- b. As a condition to approval of a cluster system, the applicant shall provide to the owner of the system, and its successors, assigns and agents, all necessary easements (by deed) granting the owner access to all properties upon which the system is located and/or which the system services for the purpose of monitoring, inspecting, and pumping and cleaning the system in order to protect the integrity of the system as a whole.
- C. *Septic tanks.* Where individual wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the lot's peculiar health, drainage, and maintenance characteristics. No building permit shall be issued for a lot with a septic system, or a proposed septic system, without the approval of the county department of environmental health. No certificate of occupancy shall be issued without a final inspection by and approval of the county department of environmental health, and receipt of as-built drawings of the septic system.

Sec. 14-5 Utilities

- A. In any Hamlet (HM) or Village (VL) district, all utility facilities, including but not limited to gas, electric power, fiber optic, telephone, and cable television, shall be located underground throughout the subdivision or land development.
- B. Whenever existing utility facilities in HM and VL districts (other than major transmission lines) are located above ground, except when existing with public thoroughfare rights-of-way, they shall be removed and placed underground. Where this is not feasible, utilities shall be located on easements at least ten feet wide and centered on rear lot

lines, or in a location with satisfactory access as approved by the City Engineer.

Sec. 14-6 Oversizing of Improvements and Utilities

- A. The subdivider or land developer shall construct such oversized improvements and utilities that the City determines are necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider agrees to a proposal by the City to share in the cost arrangements for over-sizing improvements and utilities.
- B. A formula may be developed by the City to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.