

# **ARTICLE 1**

## **PREAMBLE, ENACTMENT, AND LEGAL STATUS PROVISIONS**

Chapter 1.1	Preamble and Enactment
Chapter 1.2	Jurisdiction
Chapter 1.3	Legal Status Provisions

### **CHAPTER 1.1**

#### **PREAMBLE AND ENACTMENT**

Section 1.1.1.	Preamble and Enactment
Section 1.1.2.	Adoption and Effective Date

##### **Section 1.1.1. Preamble and Enactment**

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authorities of municipalities may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and have since been amended, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part V" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the State; and

WHEREAS, the Governing Body has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the land use regulations of Maysville; and

WHEREAS, the Governing Body of Maysville in adopting this ordinance desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Governing Body desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of its citizens;

WHEREAS, the Governing Body desires further to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Governing Body desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Governing Body desires to classify land uses, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Governing Body desires to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the Governing Body finds that the regulations contained in this ordinance are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. sections 36-66-1 et seq. so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

NOW THEREFORE BE IT ORDERED by the Governing Body of Maysville and it is hereby ordained by the authority of the same, that the following articles and sections (the "Ordinance") known collectively as the "Land Use Management Code for Maysville, Georgia," are hereby enacted into law.


#### **Section 1.1.2. Adoption and Effective Date**

This Land Use Management Code is hereby adopted and shall become effective immediately upon its adoption by the Governing Body, the public welfare demanding it.

Adopted, this the 4th day of June, 2007

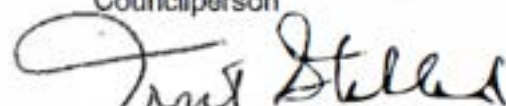
**TOWN OF MAYSVILLE, GEORGIA**

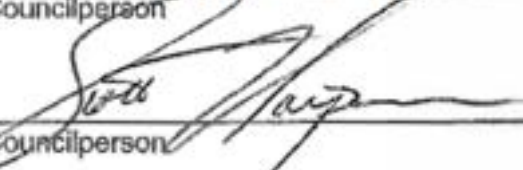
By:

  
Jerry Baker, Mayor

  
Councilperson

  
Councilperson

  
Councilperson

  
Councilperson

Attest:

  
Town Clerk

## **CHAPTER 1.2 JURISDICTION**

Section 1.2.1.	Jurisdiction
Section 1.2.2.	Zoning of Annexed Lands

### **Section 1.2.1. Jurisdiction**

Unless this Land Use Management Code clearly indicates otherwise, this Land Use Management Code shall apply within the incorporated limits of the Town of Maysville.

### **Section 1.2.2. Zoning of Annexed Lands**

Property annexed or proposed to be annexed into the city limits of the Town (after its date of adoption by that Governing Body) shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this Land Use Management Code. Such property annexed may be zoned by the Governing Body to any zoning district or districts established in this code, unless such zoning district specifically or this Land Use Management Code generally prevents its application. Lands hereafter annexed into the city limits shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this Land Use Management Code as now or hereafter amended, unless otherwise specifically provided in this code.

## **CHAPTER 1.3**

### **LEGAL STATUS PROVISIONS**

Section 1.3.1.	Conflict with Other Laws
Section 1.3.2.	Validity and Severability
Section 1.3.3.	Repeal of Conflicting Ordinances
Section 1.3.4.	Validity of Conditions of Zoning
Section 1.3.5.	Codification

#### **Section 1.3.1. Conflict with Other Laws**

Whenever the regulations of this Land Use Management Code require or impose more restrictive standards than are required in or under any other ordinance, the requirements of this Land Use Management Code shall govern. Whenever the provisions of any city, state or federal statute require more restrictive standards than are required by this Land Use Management Code, the provisions of such statute, regulation or ordinance shall govern.

#### **Section 1.3.2. Validity and Severability**

Should any section or provision of this Land Use Management Code be declared invalid or unconstitutional by any court of competent jurisdiction, such a declaration shall not affect the validity of the Land Use Management Code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

#### **Section 1.3.3. Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Land Use Management Code full force and effect, except that any ordinances or resolutions repealed by this Section shall not limit or impair the Town's authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

#### **Section 1.3.4. Validity of Existing Conditions of Zoning**

Notwithstanding the repeal of prior ordinances via Section 1.3.3 of this code, if a property was zoned subject to conditions prior to the adoption of this Land Use Management Code by the Governing Body, the existing zoning conditions shall continue to apply to said property.

#### **Section 1.3.5. Codification**

It is the intention of the Governing Body, and it is hereby ordered that this Land Use Management Code shall become and be made a part of the Code of Ordinances of the Town, and the articles, chapters, and sections of this Land Use Management Code may be renumbered if necessary to fit most appropriately into the Code of Ordinances for the Town.

## **ARTICLE 2 DEFINITIONS**

Chapter 2.1	Interpretations
Chapter 2.2	Definitions

### **Chapter 2.1 Interpretations**

Section 2.1.1.	Interpretations of Certain Terms
Section 2.1.2.	Applicability of Definitions
Section 2.1.3.	Use of Figures for Illustration

#### **Section 2.1.1. Interpretations of Certain Terms**

Except as specifically defined herein, or in other Articles of this Land Use Management Code containing definitions, all words used in this Land Use Management Code shall have their customary dictionary definitions. Unless otherwise expressly stated, the following words defined in this Article shall have the meaning herein indicated. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural number include the singular.

#### **Section 2.1.2. Applicability of Definitions**

The interpretations and definitions provided in this Article shall apply to the entire code unless the context clearly indicates otherwise. In cases where another Article or Chapter of this Land Use Management Code contains definitions, such definitions are primarily intended to apply to said Article or Chapter only; provided, however, that a definition provided in another Article or Chapter of this Land Use Management Code may have meaning outside the context of that particular Article or Chapter to the extent the context does not clearly indicate otherwise.

#### **Section 2.1.3. Use of Figures for Illustration**

Figures and illustrations associated with defined terms or regulations in this Land Use Management Code are provided for illustration only and do not limit or change the meaning of the term as defined or the meaning of regulations as written.

## CHAPTER 2.2

### DEFINITIONS

Section 2.2.1.	Miscellaneous Definitions
Section 2.2.2.	Terms Related to Agricultural Uses
Section 2.2.3.	Terms Related to Residential Uses
Section 2.2.4.	Terms Related to Institutional Uses
Section 2.2.5.	Terms Related to Commercial Uses
Section 2.2.6.	Terms Related to Industrial Uses
Section 2.2.7.	Terms Related to Recreation, Open Space, and Conservation

#### Section 2.2.1. Miscellaneous Definitions

**Aircraft landing field:** Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances.

**Alley:** A public or private thoroughfare which affords only a secondary means of access to abutting property.

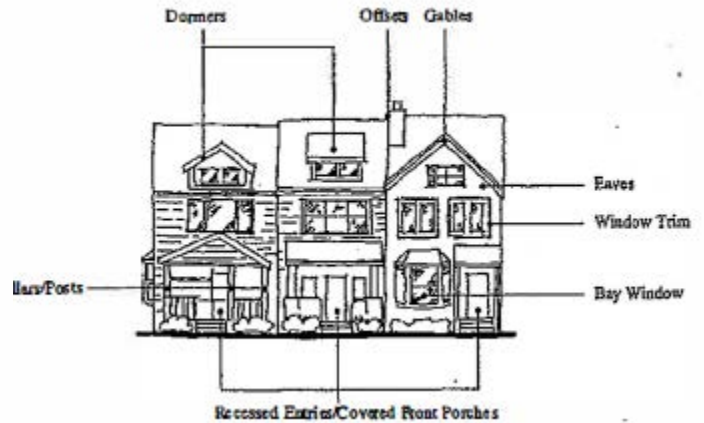
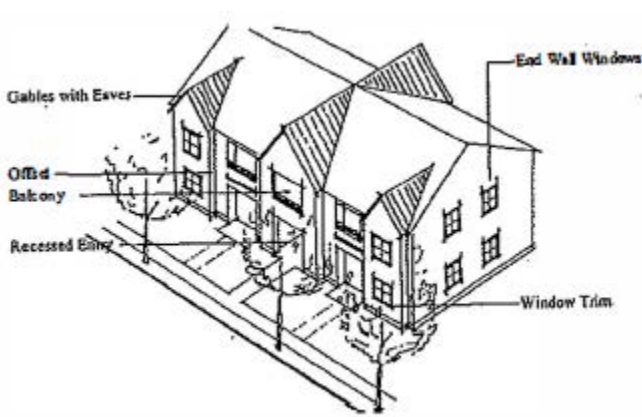
**Alteration:** Any change in the supporting members of a building or structure such as bearing walls columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or any movement of a building from one location to another.

**Amenity:** Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

**Alternative tower structure:** Clock towers, bell towers, church steeples, water towers, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Appeal:** A request for a review of an administrative official's interpretation of any provision of this Land Use Management Code, or a request for a review of an action taken by an administrative official in the application or enforcement of this Land Use Management Code.

**Architectural features:** Ornamental or decorative features attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.



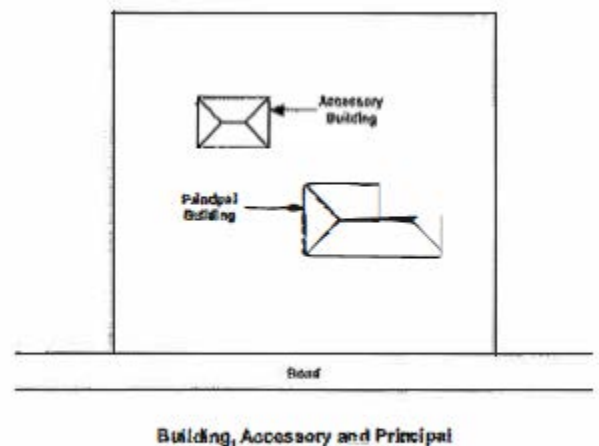
**Basement:** That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

**Best management practices /BMPs:** A wide range of stormwater management regulations, procedures, engineering designs, activities, prohibitions or practices which have been demonstrated to effectively control nonpoint source pollution encompassing the quality, quantity, and erosion and sediment control aspects of stormwater. Such practices could include but not be limited to: detention and retention ponds, sand filters, vegetative swales and buffers, street cleaning, installation of stream bank stabilization measures, and public education programs.

**Building:** The word "building" includes the word "structure."

**Building, accessory:** A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

**Building, principal:** A building in which it is conducted the principal use of the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be defined to be the principal building on the plot on which same is situated, except for detached accessory apartments to the extent permitted by this code.



**Building Inspector:** The Town's or planning commission's official responsible for implementing and enforcing the applicable building codes of the Town. In the absence thereof, such functions shall be performed by the Planning Commission.



**Caretaker's residence:** A dwelling unit within a principal building or any freestanding building or structure that is an accessory use which is used for occupancy as a dwelling by an owner, security agent, or caretaker if permitted by this Code.

**Canopy:** A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term is not intended to refer to or be confused with a tree canopy.

**Certificate of Occupancy:** A document issued by the Town indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such a building or land may be occupied for the purpose stated therein. If a certificate of occupancy is issued based upon a mistake of fact or law, it shall not prevent the Town from enforcing this Code.

**Character:** Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

**Code:** This ordinance, titled the land Use Management Code for Maysville, unless the context clearly indicates otherwise. For purposes of this ordinance, the term "ordinance" shall have the same meaning as "code."

**Code of Ordinances:** This term refers to other ordinances not included within this Land Use Management Code, but which have been adopted by the Town.

**Compatibility:** With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict. With regard to buildings, harmony in appearance of architectural features in the same vicinity.

**Compost:** A humus-like, organic material produced from composting, which may be used to spur plant growth and condition soil or as topsoil.

**Comprehensive plan:** Any plan adopted by the Governing Body of the Town, or any plan adopted by a regional development center covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, as amended, if formally adopted by the Governing Body of the Town.

**Conditional use:** A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body within that particular zoning district as provided in certain instances by this Land Use Management Code. An approved conditional use runs with the property.

**Country club:** A club with recreational facilities for members, their families, invited guests and potentially members of the public. This term is distinguished from community recreation and golf courses with planned residential communities.

**Curb cut:** The providing of vehicular ingress and/or egress between property and an abutting street; the physical improvement designed to provide such ingress/egress.

**Deceleration lane:** An added roadway lane of a specified distance and width and which may include a taper as approved by the Town that permits vehicles to slow down and leave the main vehicle stream.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any activity which alters the elevation of the land, removes or destroys plant life, or causes structures of any kind to be erected or removed.

**Development permit:** An official authorization issued by the Town in accord with this code to proceed with land disturbance and grading, as set forth in this ordinance.

**Driveway:** A constructed vehicular access serving a property and connecting to a public street, as distinguished from a platted, public street.

**Dumpster:** A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal, or a container (excluding temporary placements) designed to hold refuse that is loaded onto a truck.

**Fence:** An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

**Fence, barbed wire:** One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

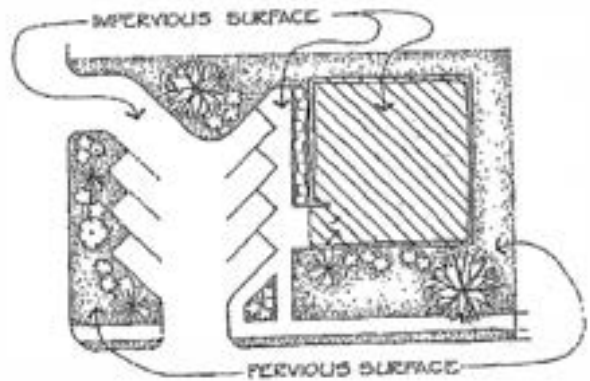
**Fence, chain-link:** An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

**Fence, solid:** A fence, including entrance and exit gates where access openings appear. through which no visual images can be seen.

**Governing Body:** The Mayor and Town Council of the Town of Maysville.

**Hearing Examiner:** A person who is qualified and may be or is appointed under the terms of this Land Use Management Code by the Governing Body to conduct hearings, gather information, and/or decide appeals, variances, or make other non-legislative approval or denial decisions, or make recommendations to the Planning Commission or Governing Body of the Town.

**Impervious surface:** A man-made structure or surface, which substantially prevents the infiltration of water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.



Source: Dickinson, Michael, and Fay Dorrick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 49/1492 (Chicago, American Planning Association, 1999, p. 120).

**Junk:** Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

**Lot:** A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. The word "lot" includes the word "plot" or "parcel."

**Lot, corner:** A lot abutting upon two or more streets at their intersection.

**Lot, double frontage:** Any lot, other than a corner lot, which has frontage on two (2) streets.

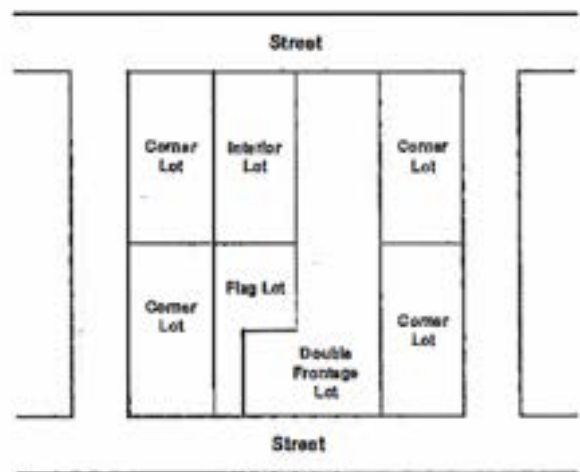
**Lot, flag:** A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. Also called a panhandle lot.

**Lot area, minimum:** Minimum lot area means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street right-of-way but inclusive of easements.

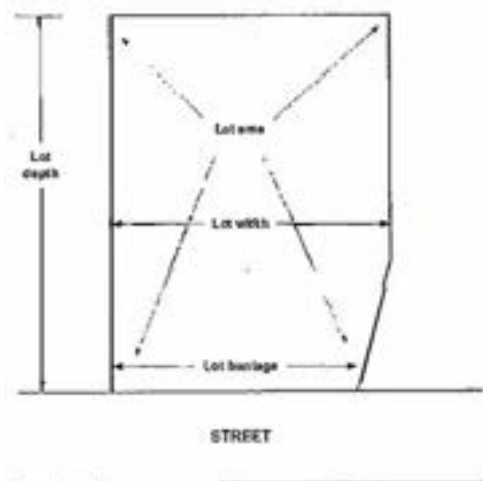
**Lot depth:** The mean horizontal distance between front and rear lot lines.

**Lot frontage:** The width in linear feet of a lot where it abuts the right-of-way of any street.

**Lot width:** The distance between side lot lines measured at the front building line.



TYPES OF LOTS



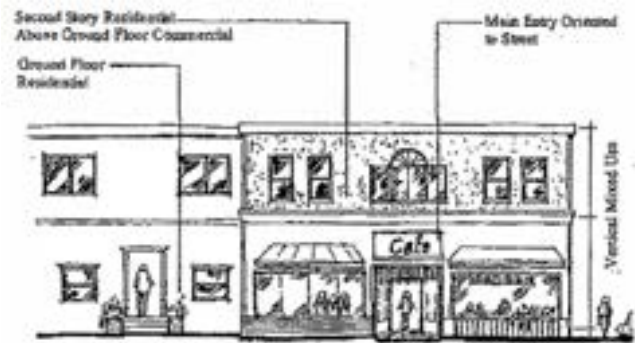
Lot Definitions

**Marquee:** A roofed structure attached to and supported by a building and projecting over public or private sidewalks or right-of-way.

**Maysville Planning Commission:** A body established by the Town of Maysville as recognized in this code that serves as the planning commission for the Town of Maysville.

**Metes and bounds:** A system of describing and identifying land by a series of lines around the perimeter of an area; "metes" means bearings and distances and "bounds" refers to physical monuments.

**Mixed-use building:** A building designed, planned and constructed as a unit, used partially for residential use and partially for office, personal service, retail, entertainment or public uses. This term includes live-work units, which are jointly used for commercial and residential purposes but where the residential use of the space is secondary or accessory to the primary use as a place of work. This term is distinguished from a dwelling containing a home occupation or home industry.



**Mixed-use development:** A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary, cohesive whole.



Source: Abbey Dicks, Jerry Wertz & Associates, Inc.

**Occupied:** The word "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

**Overlay district:** A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

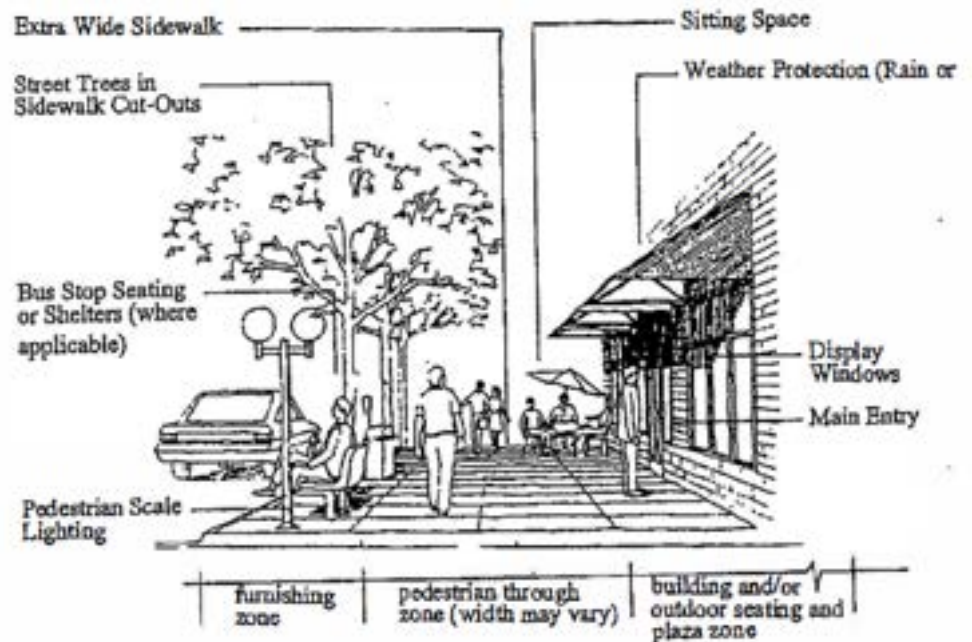
**Parking space:** An area having dimensions of not less than three hundred (300) square feet, including driveway and maneuvering area, to be used as a temporary storage space for a motor vehicle.

**Parking structure:** A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground parking areas under buildings.

**Pet, household:** Any animal other than livestock or wild animals, which is kept for pleasure and not sale, which is an animal of a species customarily bred and raised to live in the habitat of residential dwellings or on the premises thereof and is dependent upon residents of the dwelling for food and shelter. Household pets include but are not limited to dogs, cats, rodents, common cage birds, aquarium-kept fish, and small amphibians and reptiles.

**Pedestrian-scale development:**

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street.



**Permitted use:** A use by right which is specifically authorized in a particular zoning district or permitted by right in a particular overlay district.

**Person:** Includes a firm, association, organization, partnership, corporation, trust, or company as well as an individual.

**Planned unit development:** A form of development characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses.



**Perennial stream:** A stream which flows throughout the whole year as indicated on a United States Geological Survey quadrangle map.

**Planning Commission:** The Maysville Planning Commission.

**Public use:** Any building, structure, or use owned and/or operated by the federal government, State of Georgia, Jackson County, Banks County or other County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

**Recreational vehicle:** A vehicular type of unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

**Roof:** The cover of a building, including the eaves and similar projections.

**Semi-public use:** Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, electric, steam, or water distribution or transmission lines or systems, including incidental wires, cables, and poles but not towers.

**Shall:** The word "shall" is mandatory, not discretionary.

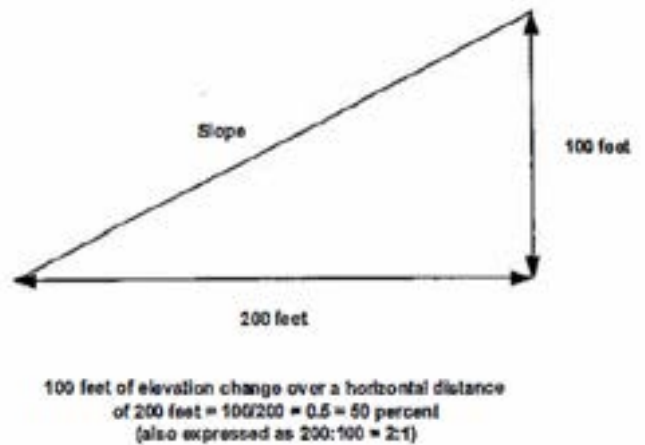
**Street:** A dedicated and accepted public right-of-way which affords the principal means of access for motor vehicles to abutting properties.

**Street, major:** An existing or proposed street or highway designated in the comprehensive plan or otherwise by the Town as an arterial or collector street.

**Structure:** Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground, or which is attached to something having permanent location on the ground. For purposes of this Land Use Management Code, swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations.



**Slope:** An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.



**Temporary use:** A use or structure is in place for only a short period of time.

**Tower, amateur radio:** A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

**Town Engineer:** If chosen, the Town's or planning commission's official is responsible for implementing and enforcing the applicable engineering requirements of this Land Use Management Code and those other engineering requirements of the Town. In the absence thereof, those functions shall be performed by the Planning Commission.

**Trash enclosure:** An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

**Undergrounding:** The placement of utility lines below ground, with the removal of above-ground poles, wires and structures as applicable.

**Use, accessory:** A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

**Used:** The word "used" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

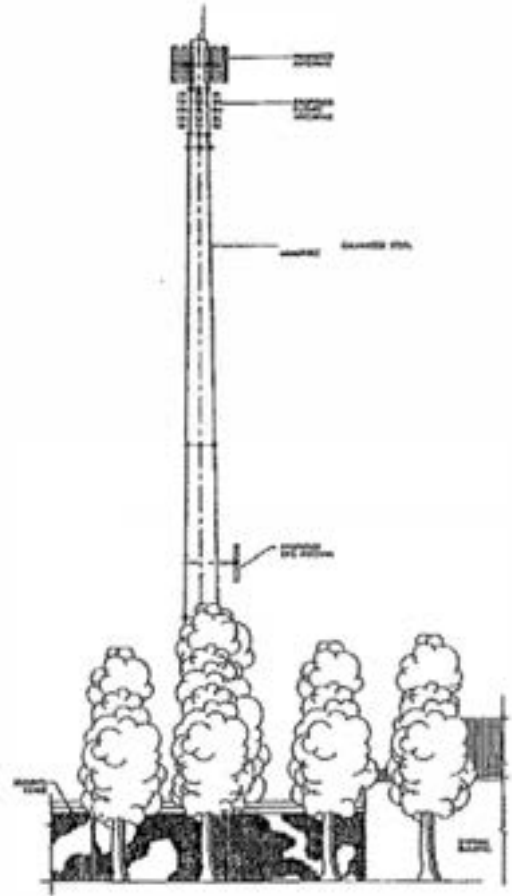
**Variance:** A grant of relief from the requirements of this Land Use Management Code which permits construction or use in a matter otherwise prohibited by this Land Use Management Code; A relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading, or other regulations which are dimensional in nature as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

**Wireless telecommunication equipment:**

Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

**Wireless telecommunication facility:**

Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.



**Yard sale:** A private sale of used merchandise owned by the property owner upon which the sale is conducted, limited to not more than 72 hours twice per month, with all merchandise stored inside each evening.

**Zoning map:** The official zoning map of the Town of Maysville.

**Zoning:** A legislative act representing a legislative judgment as to how the land within the Town may be utilized and where the lines of demarcation between the several use zones or districts are drawn.

**Zoning Administrator:** If chosen, a staff person employed in the position of Director of Planning and Development for the Town, or such other person who has authority via appointment to the position of Zoning Administrator, and any additional positions which have been delegated authority by the Zoning Administrator to exercise the functions of this Land Use Management Code assigned by this Code to said Zoning Administrator. In the absence thereof, those functions shall be performed by the Planning Commission.



### Section 2.2.2. Terms Related to Agricultural Uses

**Agriculture:** Farming, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. This term specifically includes "horticulture," or the growing of fruits, vegetables, herbs, flowers or ornamental plants. This term also includes plant nurseries and greenhouses, where land or structures are used primarily to cultivate trees, shrubs, flowers or other plants for sale.

**Animal quarters:** Any structure .which surrounds or is used to raise, breed (husbandry), house, shelter, care for, feed, exercise, train, exhibit, display, or show any animals or livestock other than domestic pets. This is not intended to apply to non-structural, fenced land for grazing. This includes the term "barn" when used to shelter livestock or other animals.

**Biomass production and storage:** Material used for the production of such things as fuel alcohol and nonchemical fertilizers, from sources such as plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

**Botanical garden:** A private facility, either nonprofit or operated for a fee, for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

**Dwelling, farm tenant:** A residential structure located on a farm and occupied by either a single non-transient or transient farm worker, or a farm worker's household containing no more than two adults, plus any children, where one or both of the adults is employed by the owner of the farm.

**Forestry:** An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development.

**Greenhouse:** A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

**Intrafamily land transfer:** A division of land within one or more agricultural districts that creates at least one additional lot but not more than four additional lots, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or other immediate relatives of the property owner, or some combination thereof; provided, that no more than one (1) lot shall be deeded to any one individual, and provided further that each lot shall be a minimum of two acres and a maximum of three acres in area. This definition shall not include or authorize any land subdivision which involves or will involve the creation of lots for sale or otherwise involves a property transfer for money, tangible or intangible personal property, real property exchanges, or other conveyances for consideration.

**Livestock:** Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, and mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity, whether owned or kept for pleasure, utility, or sale.

**Orchard:** An establishment which cares for and harvests fruit- or nut-bearing trees, bushes, or vines.

**Riding academy or equestrian center:** An establishment where horses are kept for riding or care or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales.

**Riding stable:** An establishment where horses or other animals that can be ridden by humans are kept for riding and which offers the general public rides for a fee.

**Roadside stand:** A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself, and which does not exceed 500 square feet.

**Stockyard:** Any place where transient cattle, sheep, swine, or other livestock are kept temporarily for slaughter, market, feeding, or sleeping.

### Section 2.2.3. Terms Related to Residential Uses

**Accessory apartment, attached:** A second dwelling unit that is added to the structure of an existing site-built single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling and shall have the same setback requirements as the main structure.

**Accessory apartment, detached:** A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling. This definition includes the term garage apartment. It shall have the same set back requirements as the main structure.



Accessory Apartment, Detached  
(Above Garage Shown)

**Apartment:** A building, distinguished from a "duplex" or "two-family" dwelling, designed for or occupied exclusively by more than two (2) families with separate housekeeping facilities for each family for rent or lease. The term "apartment" shall include "triplex" and "quadraplex." For the purpose of this code an apartment building shall also be considered a "multi-family" dwelling.



**Carport:** A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, steel, aluminum, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

**Condominium building:** A building containing one (1) or more individually owned units or building spaces situated on jointly owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family condominium building.

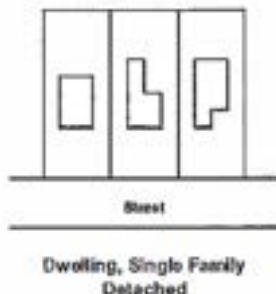
**Cooperative building:** A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

**Developmentally disabled person:** A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

**Dwelling:** A building, other than a manufactured home, mobile home, house trailer, or recreational vehicle, which is designed, arranged or used for permanent living, and/or sleeping quarters.

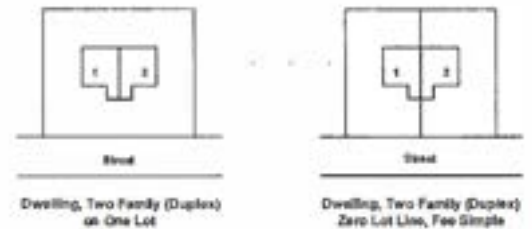
**Dwelling, single-family detached, fee-simple:**

A building designed or arranged to be occupied by one (1) family only and where such dwelling is located on its own lot in fee simple title.



Source: John Matusik and Daniel Dehlin, "Grading and Earthwork," Figure 24.23 in *Land Development Handbook*, 2<sup>nd</sup> ed., New York: McGraw-Hill, 2002, p. 562.

**Dwelling, two-family (duplex):** A building designed or arranged to be occupied by two (2) families living independently of each other.



**Dwelling, multi-family:** A building other than a duplex, designed for or occupied exclusively by more than two (2) families with separate housekeeping facilities for each family. This term includes attached residential condominiums and apartments.

**Dwelling unit:** A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

**Family:** An individual; or two (2) or more persons related by blood, marriage, or guardianship; or a group of not more than seven (7) persons, including developmentally disabled persons and their caretakers, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

**Family day care home:** A private residence in which a business, registered by the State of Georgia, is operated by any person who receives therein (for pay) for supervision and care for fewer than twenty-four (24) hours per day, three (3) to not more than six (6) children under eighteen (18) years of age who are not residents in the same private residence. For purposes of this Land Use Management Code, a family day care home may be operated as a home occupation, subject to the requirements of this Land Use Management Code.

**Guest house:** A lodging unit for temporary guests in an accessory building. No guest house shall be rented or otherwise used as a separate dwelling.

**Home occupation:** Any use, occupation or activity conducted entirely within a dwelling which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, as may be lawfully established under the terms of this Land Use Management Code.

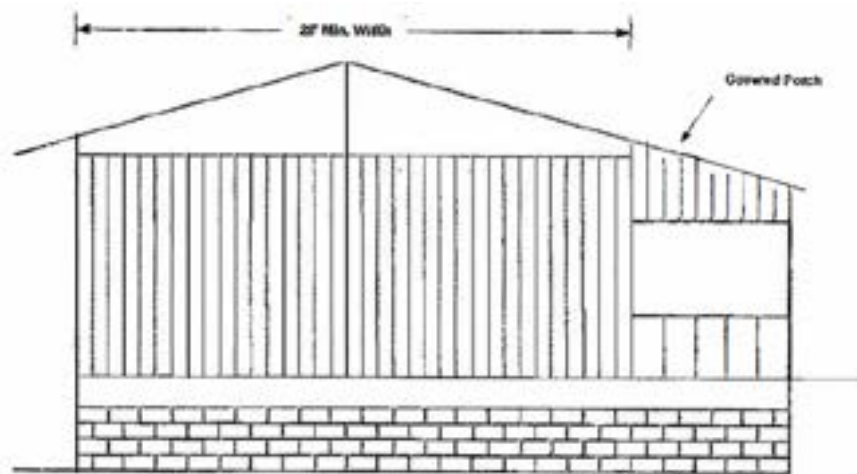
**Manufactured home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in heated floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).



Source: Time-Saver Standards for Housing and Residential Development, 2nd Ed. Joseph De Chiara, Julius Panero, and Martin Zelnik, Editors. New York: McGraw-Hill Professional, 1995. Chapter 11, Figure 17, p. 977.

**Manufactured home, class "A":** A dwelling unit meeting the definition of "manufactured home" and which meets the following development standards:

- (a) Minimum width of at least twenty-eight (28) feet.
- (b) The roof has a minimum 3:12 roof pitch which means having a pitch equal to at least three inches of vertical height for every twelve inches of horizontal run. The roof has a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, slate, built-up gravel materials, standing seam (non-corrugated) tin or steel or other materials approved by the Building Inspector. The roof overhang must be at least one (1) foot when measured from the vertical side.
- (c) The exterior siding materials consist of wood, masonry, hardboard, stucco, Masonite, vinyl lap, or other materials of like appearance comparable in composition, appearance, and durability to the exterior siding commonly used in site-built dwellings.
- (d) The wheels and towing devices are removed, and the home is attached to a permanent foundation that meets all applicable building code requirements.
- (e) **Skirting:** The entire perimeter area between the bottom of the structure and the ground of the manufactured home is skirted or underpinned with brick, masonry, finished concrete or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.
- (f) Includes a landing installed at each outside doorway. The minimum size of the landing is four feet by six feet (excluding steps) at each doorway. The structure includes steps which lead to ground level, and both landing and steps meet applicable building code requirements.



Illustrative "Class A" Manufactured Home

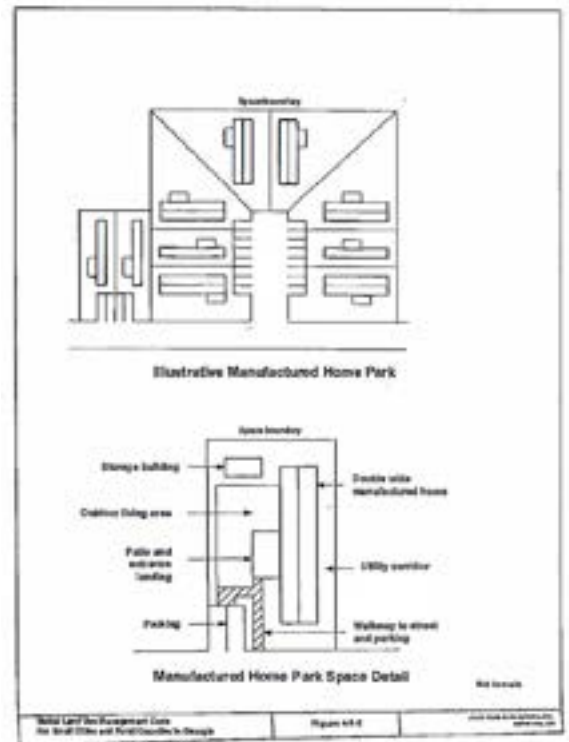
**Manufactured home, class "B":** A dwelling unit meeting the definition of "manufactured home" and which meets the following development standards:

- (a) The wheels and towing devices are removed and the home is attached to a permanent foundation that meets all applicable building code requirements.
- (b) **Skirting:** The entire perimeter area between the bottom of the structure and the ground of the manufactured home is skirted or underpinned with brick, masonry, finished concrete or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.



**Manufactured home park:** A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property.

**Manufactured home space:** A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.



**Mobile Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet and more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

**Model home:** A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home.

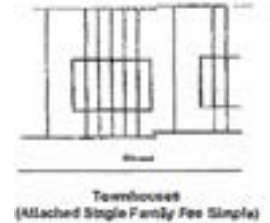
**Modular home:** Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local building code rather than a national housing or construction code. For purpose of this ordinance, a modular home that meets the local building code shall be considered the same as a detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling.

**Relocated residential structure:** A detached, single-family dwelling, site-built (i.e., excluding a manufactured home or mobile home) that is moved or disassembled into more than one structure and moved to another site, whether temporarily or permanently.

**Residential zoning districts:** All of the districts established in Article 7 of this Land Use Management Code.

**Rural/Exurban:** All of the agricultural zoning districts established in Article 6 of this Land Use Management Code, and rural residential (RR) districts established in Article 7 of this Land Use Management Code.

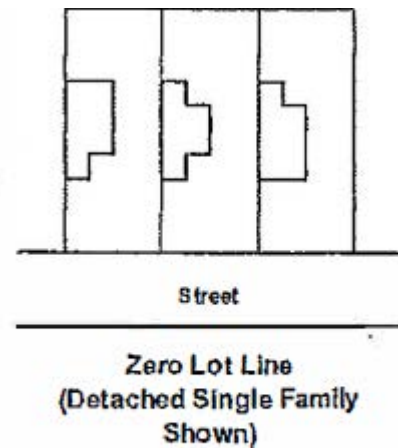
**Townhouse:** One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Source: John Matusak and Daniel Dobbs. "Grading and Earthwork." Figure 24.90 in *Land Development Handbook*, 2<sup>nd</sup> ed. New York: McGraw-Hill, 2002, p. 571.

**Yard sale:** The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. This term includes garage sales.

**Zero lot line:** The location of a building on a lot in such a manner that one or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero-lot line development is one where houses in the development on a common street frontage are shifted to one side of their lot.



## Section 2.2.4. Terms Related to Institutional Uses

**Assisted living facility:** Residences for the elderly who are in need of assistance, that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. For purposes of this ordinance, assisted living facilities are considered institutionalized residential living and care facilities.

**Boarding house:** See rooming house.

**Cemetery:** The use of property as a burial place.

**Church:** A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: schools, meeting halls, indoor recreational facilities, day care, counseling, and kitchens. This term includes synagogues, temples, and places of worship.

**Clinic:** An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

**Club or lodge, nonprofit:** A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

**College or university:** An educational use that provides training beyond and in addition to that training received in the 12<sup>th</sup> grade of secondary school (i.e., undergraduate and graduate). And which has students regularly attending classes. and which confers an associate, bachelor, master, and/or doctoral degree(s).

**Continuing care retirement community:** A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein.

**Crisis center:** A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, Including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

**Dormitory:** A building designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes, and which may include common kitchen and/or common gathering rooms for social purposes.



**Group home:** A single housekeeping unit of more than seven (7) unrelated persons, whether or not they are developmentally disabled.

**Helicopter landing pad:** Any structure or area which is designed or constructed for use, or used, as a helicopter landing area or any structure or area which is used as a helicopter landing area.

**Hospital:** An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

**Institutional residential living and care facilities:** An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

**Intermediate care home:** A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

**Museum:** A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.

**Nursing home:** A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; it complies with rules and regulations of the Georgia Department of Human Resources.

**Personal care home:** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.

**Rooming house:** A building where, for compensation, lodging only is provided for three (3) to not more than twenty (20) persons.

**School for the arts:** An educational use not operated by a public school system that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

**School; private, elementary, middle, or high:** An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by a public school system, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the State of Georgia."

**School, public:** An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by a public school system.

**School, special:** An educational use not operated by a public school system that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

**School, trade:** An educational use not operated by a public school system and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.

**Skilled nursing care facility:** A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- (a) The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures.
- (b) Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen. For purposes of this ordinance, skilled nursing care facilities are considered institutionalized residential living and care facilities.

**Therapeutic camp:** A child-caring institution which provides a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the residents participating in the activities; it is regulated by the Georgia Department of Human Resources.

#### **Section 2.2.5. Terms Related to Commercial Uses**

**Animal hospital:** An establishment designed or used for the care, observation, or treatment of domestic animals. This definition includes veterinary clinics and animal day care facilities.

**Automated teller machine:** A mechanized consumer device that is operated by a customer and which performs banking and financial functions. An automated teller machine is an accessory use.

**Automobile sales or service establishment:** New or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, rental, and/or service, including manufactured home and modular building sales, agricultural implements and equipment, and similar pieces of equipment of vehicle. This definition includes automotive services such as rental car facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, and oil change and lubrication facilities.

**Bed and breakfast inn:** A facility where overnight accommodations not exceeding six rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

**Broadcasting studio:** A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

**Business service establishment:** A business activity engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, messenger services and couriers, publications and business consulting firms, food catering, interior decorating, and locksmiths.

**Camp or campground:** Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

**Car wash:** The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities. For purposes of this ordinance, a car wash is considered an automobile sales and service establishment whether it is a principal use or accessory to another use or building.

**Carnival:** Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions and where the public either pays admission or participation fees. A carnival is a temporary use.

**Commercial recreational facility, indoor:** A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, for-profit art galleries, billiard halls and pool rooms, amusement halls, video arcades, ice and roller skating rinks, bowling alleys, fully-enclosed theaters, physical fitness centers, and health clubs or spas.

**Commercial recreational facility, outdoor:** A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, and which all or part of the activities occur outside of a building or structure, including but not limited to the following: amusement parks, stadiums, amphitheatres, fairgrounds, drive-In theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, archery ranges, unenclosed firearms shooting ranges and turkey shoots, fish ponds, botanical and zoological gardens, ultra-light flight parks, and bungee jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

**Construction field office:** A manufactured home, travel trailer, truck trailer, or other structure used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use.

**Contractor's establishment:** An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

**Convenience store:** A retail store, usually with a floor area of no more than 5,000 square feet and often approximately 2,500 to 3,000 square feet, that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services.

**Cottage Industry:** An individually owned craft shop that produces on the premises through handmade workmanship craft one or more goods for retail sale, such as candle-making, glass blowing, pottery making, weaving, woodworking, sculpting, and other similar or associated activities. A cottage industry has no more than 1,500 square feet of space and no more than five (5) employees.

**Day care center:** Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

**Drive-through:** A retail or service enterprise wherein service is provided, or goods are sold to the customer within a motor vehicle and outside of a principal building.

**Driving range:** An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, putting, and/or chipping, and which may include a snack bar and pro-shop. A driving range is an outdoor commercial recreation facility.

**Fairgrounds:** An area of land permanently established and intended to be devoted to seasonal community events, and which may include agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds not owned by the public are considered outdoor commercial recreation facilities.

**Festival:** The sale of ethnic, specialty, regional, and gourmet foods, art and crafts, and the provision of live entertainment in an outdoor setting. A festival is a temporary use.

**Finance, insurance, and real estate establishment:** Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

**Flea market:** The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is considered an open-air business.

**Funeral home:** A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles.

**Health spa:** An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," "fitness studios," and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

**Hotel:** A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel is a lodging service for purposes of this ordinance.

**Kennel:** Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise. This term includes animal grooming services and pet psychologists.

**Landscaping company:** A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timber, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

**Lodging service:** A facility that offers temporary (15 days or less in one room) shelter accommodation, or place for such shelter, open to the public for a fee, including "hotel" and "motel" as defined. "Bed and breakfast inn" is defined separately and is not considered a lodging service for purposes of this Land Use Management Code.

**Marina:** A facility for the mooring, berthing, storing, or securing of watercraft, and which may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

**Mini-warehouse:** (see self-service storage facility).

**Motel:** A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

**Office:** A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

**Office park:** Two or more buildings which are clustered together in which professional services are primarily engaged.

**Open air business:** Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden centers and garden supply stores, lumber and building materials yards, flea markets, statuaries and monument sales establishments, liquid petroleum dealers and tank sales. A roadside stand is not considered to be an open-air business.

**Personal service establishment:** A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated laundromats, full service laundries, dry cleaners, photographic studios, shoe repair and shoeshine shops, travel agencies, massage parlors, escort services, fortune-telling, and psychics.

**Recreational vehicle park:** Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers. This definition also includes developed campgrounds, governed by a set of public or private management rules, that accommodate recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or other utilities and services.

**Recreational vehicle space:** A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

**Restaurant:** Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes taverns, bars, pubs, and sidewalk cafes.

**Restaurant, drive-through:** Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

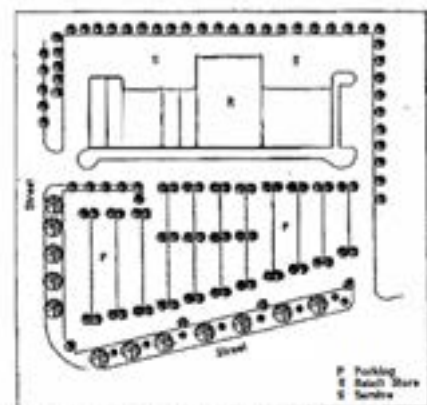
**Retail trade establishment, enclosed:** Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

**Retreat center:** A facility used for professional, educational, or religious meetings, conferences, or seminars and which may provide meals in a single building, lodging, and recreation for participants during the period of the retreat or program only. Such center may not be utilized for the general public for meals or overnight accommodations. Housing is usually in lodges, dormitories, sleeping cabins or other such temporary quarters, which do not contain kitchens.

**Self-service storage facility:** Mini-warehouse; A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units for exclusively storage purposes.

**Service and fuel filling station:** Any building, structure or land use for the retail sale of motor vehicle fuel and oil accessories, and which may include the servicing of motor vehicle, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles.

**Shopping center;** A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves. For purposes of use regulations, shopping centers are considered enclosed retail trade establishments.



Source: Cousins, Dennis. 2002 "Development Patterns and Principles," Figure 12.20 in *Land Development Handbook*, 2nd ed. The McGraw-Hill Companies. New York, McGraw-Hill.

**Single-room occupancy facility:** A lodging service that offers shelter accommodation for a person or persons for more than 15 days or less in one room, open to the public for a fee.

**Special event facility:** A facility or assembly hall available for lease by private parties or special events such as weddings. This term includes wedding chapels.

**Truck stop:** An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodation, showers, or restaurant facilities primarily for the use of truck drivers.

**Vehicle emission testing facility:** A building, structure, or use which is specifically designed to test the vehicle emissions of vehicles for compliance with air quality standards.

#### **Section 2.2.6. Terms Related to Industrial Uses**

**Batching plant:** A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

**Borrow site:** A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc. where the material is removed from the site.

**Brewery:** An industrial use that brews ales, beer, or similar beverages on site. This definition excludes micro-breweries.

**Bulk storage:** The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

**Composting facility:** A facility where compost or organic matter that is derived primarily from offsite is processed by composting and/or processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**Co-generation facility:** An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may be used, distributed through connection, or sell the energy converted from such process.

**Distribution center:** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**Hazardous waste:** Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the government of the United States or the State of Georgia.

**Incinerator:** A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.



**Land reclamation:** The return of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

**Landfill, construction and demolition:** A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

**Landfill, sanitary:** The burial of nonhazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

**Manufacturing, processing, assembling:** The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

**Materials recovery facility:** A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

**Micro-brewery:** A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment.

**Recycling processing center:** Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled, including but not limited to, plastics, glass, paper and aluminum materials.

**Research laboratory:** A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

**Resource extraction:** Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations.

**Salvage yard:** A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

**Sawmill:** A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the processing of lumber for use on the same lot by the owner or occupant of that lot.

**Showroom:** A principal or accessory use where wholesale or retail goods are displayed.

**Slaughterhouse:** A facility for the slaughtering and processing of animals and the refinement of their byproducts. This term includes rendering plants.

**Solid waste transfer facility:** A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

**Warehouse:** A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

**Wastewater treatment plant:** A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters.

**Wholesale trade establishment:** An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

**Wrecked motor vehicle compound:** An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

### **Section 2.2.7. Terms Related to Recreation, Open Space, and Conservation**

**Active recreational facilities:** Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or multiple purposes; community picnic pavilions (including covered facilities with grills and/or fire rings); community buildings for recreational events, and golf courses, excluding clubhouses, developed areas and accessory uses. Trails and bikeways through open spaces shall not be considered active recreational facilities.

**Common area:** Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

**Community recreation:** A private recreational facility for use solely by the residents and guests of a particular (usually residential) development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of such development.

**Conservation areas, primary:** Any property qualified as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep mountain slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

**Conservation areas, secondary:** Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

**Conservation easement:** A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property; assuring its availability for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archeological, or cultural aspects of real property (O.C.G.A. 44-10-1); A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the Governing Body and recorded in the office of the Clerk of Superior Court of the County where the property is located. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Governing Body and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

**Conservation subdivision:** A subdivision, as defined by this code, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.



Source: Abbey Deiss, Jerry Weltz & Associates, Inc.

**Greenspace:** Permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (a) Water quality protection of rivers, streams, and lakes;
  - (b) Flood protection;
  - (c) Wetlands protection;
  - (d) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
  - (e) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
  - (f) Scenic protection;
  - (g) Protection of archaeological and historic resources;
  - (h) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (1) Connection of existing or planned areas contributing to the goals set out in this definition.

**Land trust:** A private, nonprofit conservation organization formed to protect natural resources, such as productive farm or forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

**Recreation, passive:** Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking, provided that such activities occur in a manner that is consistent with existing natural conditions.

**Wetlands:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

## **ARTICLE 3 ESTABLISHMENT OF ZONING DISTRICTS, OVERLAY DISTRICTS, AND MAP**

Chapter 3.1	Zoning Districts
Chapter 3.2	Official Zoning Maps
Chapter 3.3	Overlay Districts
Chapter 3.4	Rules Governing Boundaries

### **CHAPTER 3.1 ZONING DISTRICTS**

Section 3.1.1.	Intent
Section 3.1.2.	Zoning Districts Established.

#### **Section 3.1.1. Intent**

The zoning districts established in this Chapter are intended to: promote the orderly future development of each participating municipality in accordance with its comprehensive plan; discourage sizes and types of development which would create excessive requirements and costs for public services; discourage uses which because of their size or type would generate an abnormal amount of traffic on minor streets; establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and protect and promote suitable environments for family and household residences, institutions, commercial and other employment centers, and other uses.

#### **Section 3.1.2. Zoning Districts Established**

The following zoning districts are hereby established:

AG, Agricultural District  
AG-R, Agricultural Residential District  
RR-1, Restricted Rural Residential District  
RR-2, Rural Residential District  
RR-3, Rural Residential District  
R-1, Single-Family Residential District  
R-2, Medium Density Residential District  
R-3, Two-Family Residential District  
MFR, Multiple-Family Residential District  
PCD, Planned Community Development District  
O-1, Office-Institutional District  
C-1, Neighborhood Commercial District  
C-2, Highway Commercial District  
CBD, Central Business District  
TC, Town Center Mixed-Use District  
I, Industrial District

## **CHAPTER 3.2 OFFICIAL ZONING MAP**

Section 3.2.1.	Official Zoning Maps
Section 3.2.2.	Map Revisions

### **Section 3.2.1. Official Zoning Map**

The boundaries of zoning districts created by this ordinance are hereby established as shown on map entitled "Official Zoning Map" for the Town of Maysville. The current map is dated May 15, 2007.

Said official zoning map and all explanatory matter thereon accompany and are hereby made a part of this Land Use Management Code. The Official Zoning Map shall indicate the date of adoption and most recent amendment. The original of the Official Zoning Map shall be kept in the office of the City Clerk of the Town.

The Official Zoning Map may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the Official Zoning Map. The Zoning Administrator may make copies of the Official Zoning Map available to the public for a reasonable fee.

### **Section 3.2.2. Map Revisions**

If, in accordance with the provisions of this Land Use Management Code, the Governing Body approves changes in the district boundaries or other subject matter portrayed on the Official Zoning Map such changes shall be made promptly after the amendment has been approved by the Governing Body. The Governing Body shall be solely and exclusively authorized to amend the Official Zoning Map.

The Zoning Administrator is authorized to correct errors if any in the Official Zoning Map, which may include revisions to property lines which form a zoning boundary, without a requirement to seek approval of the Governing Body.

## **CHAPTER 3.3 OVERLAY DISTRICTS**

Section 3.3.1.	Intent
Section 3.3.2.	Overlay Districts Established
Section 3.3.3	Overlay District Boundaries
Section 3.3.4	Revisions to Overlay District Boundaries

### **Section 3.3.1. Intent**

It is the intent of this Chapter to establish geographic areas which superimpose additional requirements upon the basic zoning district or districts without affecting the requirements of the basic zoning district or districts. Accordingly, there are hereby established the following overlay districts in the Town of Maysville. Unless otherwise specified, when the requirements of a basic zoning district and overlay district conflict, the more restrictive (less permissive) requirements shall apply.

### **Section 3.3.2. Overlay Districts Established**

There is hereby established the following overlay district:

Historic District

### **Section 3.3.3. Overlay District Boundaries**

The boundaries of the overlay districts are hereby established as shown on the Official Zoning Map, or if more expedient, said districts may be shown on a separate map or maps of the Town, or portion or portions thereof within the overlay district or districts.

### **Section 3.3.4. Revisions to Overlay District Boundaries**

If, in accordance with the provisions of this Land Use Management Code, changes are made in the overlay district boundaries, such changes shall be made promptly after the amendment has been approved by the Governing Body. The Governing Body shall be solely and exclusively authorized to amend the boundaries of overlay districts.

Provisions for amending the Historic District shall be subject to Chapter 19.3 of this Land Use Management Code.

Provisions for amending any other overlay districts boundaries that may be created from time to time shall be subject to Chapter 21.2 of this Land Use Management Code.

## **CHAPTER 3.4**

### **RULES GOVERNING BOUNDARIES**

Section 3.4.1.	Streets
Section 3.4.2.	City Limits
Section 3.4.3.	Property Lines
Section 3.4.4.	Streams and Rivers
Section 3.4.5.	Abandonment or Vacation of Right-a-Way
Section 3.4.6.	Determinations, Interpretations, and Appeals

#### **Section 3.4.1. Streets**

Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or such lines extended, such centerline, street right-of-way lines or such lines extended shall be construed to be such boundaries. Where boundaries are indicated as approximately paralleling the centerline of streets or highways, the location of said boundaries shall be determined by using an engineering scale on the map showing such boundaries.

#### **Section 3.4.2. Town Limits**

Where boundaries are indicated as approximately following the corporate limit line of the Town, such corporate limit line shall be construed to be such boundaries.

#### **Section 3.4.3. Property Lines**

Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.

#### **Section 3.4.4. Streams and Rivers**

Where boundaries are indicated as approximately following the centerline of stream beds or riverbeds, such centerline shall be construed to be such boundaries.

#### **Section 3.4.5. Abandonment or Vacation of Right-of-Way**

Where a public street or other right-of-way is officially vacated or abandoned, and said street or right-of-way is also a zoning district or overlay district boundary, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street or right-of-way.

#### **Section 3.4.6. Determinations, Interpretations, and Appeals**

In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall determine the location of the boundary. Any such administrative determination is subject to appeal as an administrative decision in accordance with Chapter 22.2 of this Land Use Management Code.



## **ARTICLE 4 NONCONFORMING SITUATIONS**

Chapter 4.1	Definitions
Chapter 4.2	Nonconforming Lots
Chapter 4.3	Nonconforming Buildings and Structures
Chapter 4.4	Nonconforming Uses

### **CHAPTER 4.1 DEFINITIONS**

**Abandon:** To stop the use of property or the occupancy of a building intentionally. Abandonment is presumed when the use of a property or building has ceased, and the property or building has been vacant or has not been used for the same purpose for twelve (12) months or more.

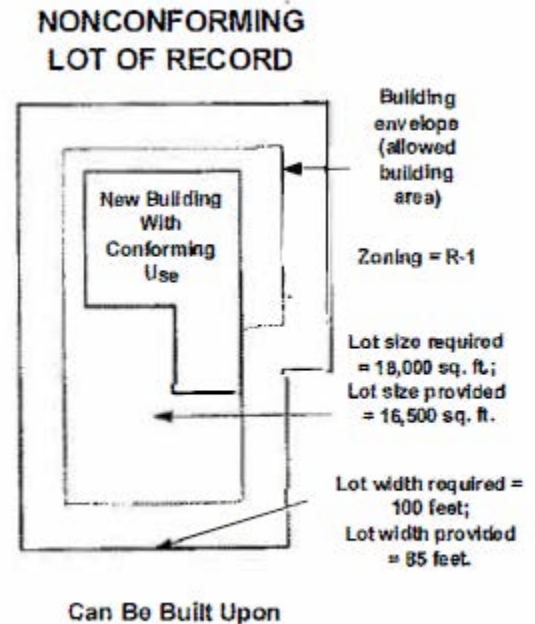
**Nonconforming building or structure:** A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum building coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this Land Use Management Code for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

**Nonconforming lot:** A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this Land Use Management Code, but which was a lot of record prior to the effective date of this Land Use Management Code or its amendment.

**Nonconforming use:** Any building or use of land or building lawfully existing on or before the effective date of this Land Use Management Code or as a result of subsequent amendments to this Land Use Management Code, which does not conform to the provisions of the zoning district in which it is located, or other provision of this Land Use Management Code.

## CHAPTER 4.2 NONCONFORMING LOTS

A lot of record, as defined by this Land Use Management Code, that does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located may be used as a building site, provided that the access, height, buffer, setback, and other dimensions are not changed, and, provided further, that the lot meets all the current standards and requirements of the applicable County Health Department.



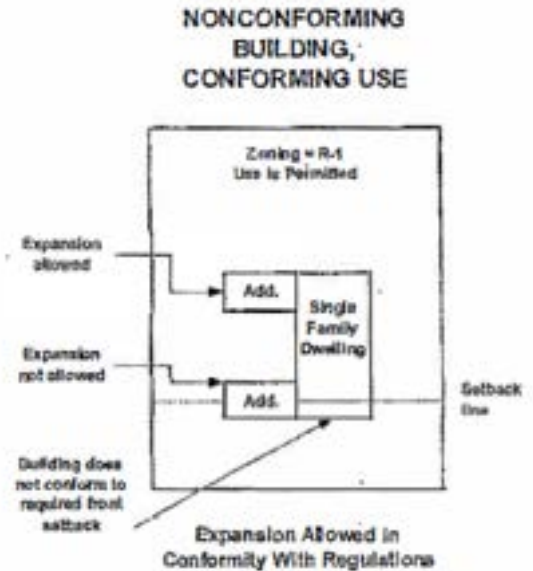
## CHAPTER 4.3

### NONCONFORMING BUILDINGS AND STRUCTURES

- Section 4.3.1. Expansion
- Section 4.3.2. Expansion in Overlay Districts

#### Section 4.3.1. Expansion

A nonconforming building or structure, as defined by this Land Use Management Code, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located. Any such expansion, enlargement, or extension of a Non-conforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the zoning district in which said non-conforming building or structure is located, and all other requirements of this Land Use Management Code.



#### Section 4.3.2. Expansion in Overlay Districts

A building or structure that complies with the use requirements for an overlay district (if any) in which said building or structure is located, and which is governed by the overlay district use regulations in addition to the use regulations of the underlying zoning district, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the overlay district (if any) in which the building or structure is located. Any such expansion, enlargement, or extension shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the overlay district. If applicable to said building, or if inapplicable, it shall comply with the dimensional requirements for the zoning district in which said building or structure is located.

## **CHAPTER 4.4 NONCONFORMING USES**

Section 4.4.1.	Generally
Section 4.4.2.	Change of Use
Section 4.4.3.	Abandonment
Section 4.4.4.	Expansion
Section 4.4.5.	Repair

### **Section 4.4.1. Generally**

A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this Chapter.

A use which does not comply with the use requirements for an overlay district, if any, in which said building or structure is located, and which is governed by the use regulations for an overlay district, if any, instead of the use regulations of the underlying zoning district, may be continued even though such use does not conform with the use provisions of the overlay district in which said use is located, except as otherwise provided in this Chapter.

It shall be the responsibility of the owner of a nonconforming use to prove to the Zoning Administrator that such use was lawfully established and existed on the effective date of adoption or amendment of this Land Use Management Code.

### **Section 4.4.2. Change of Use**

A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.

### Section 4.4.3. Abandonment

A nonconforming use shall not be re-established after discontinuance or abandonment for one (1) year, except as provided in this Section. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this Section. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed in excess of six (6) months, said lapse of business registration shall constitute discontinuance.

Notwithstanding the paragraph above of this Section, a nonconforming use shall not be considered abandoned if the following are met:

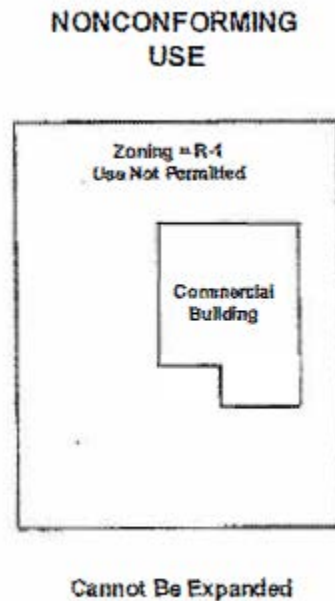
- (1) The owner of a nonconforming use shows that a diligent effort has been made to sell, rent, or use the property for a legally permissible use;
- (2) The property owner files a request per requirements specified by the Zoning Administrator to the Governing Body to continue the nonconforming use; and
- (3) The Governing Body makes a determination that said use or occupancy does not constitute abandonment due to extenuating circumstances and grants the property owner permission to continue said use or occupancy.

### Section 4.4.4. Expansion

A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district and overlay district (If applicable) in which said use is located.

### Section 4.4.5. Repair

A nonconforming use may be rebuilt, altered or repaired after damage provided such rebuilding, alteration or repair is completed within one (1) year of such damage, and the same non-conforming setbacks are maintained.

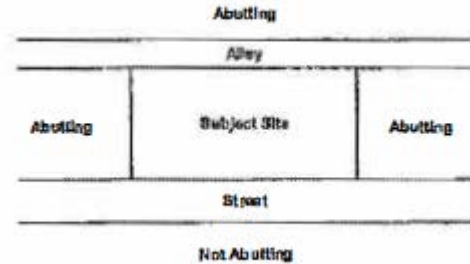


## ARTICLE 5 GENERAL PROVISIONS

Chapter 5.1	Definitions
Chapter 5.2	General Provisions
Chapter 5.3	General Dimensional Provisions

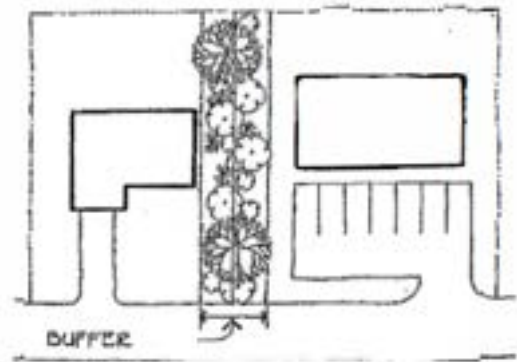
### CHAPTER 5.1 DEFINITIONS

**Abutting:** Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.



**Buffer:** A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is usually intended to provide screening, as defined and as may be required by this Land Use Management Code.

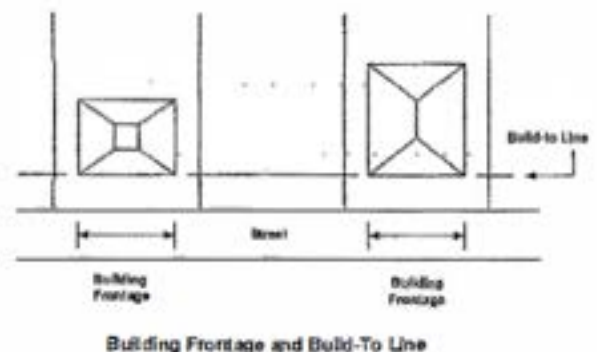
**Buffer, natural undisturbed:** A buffer that contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated.



Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 50).

**Buildable area:** The portion of a lot which is not located within any minimum required yard, landscape strip, landscaped area, buffer, or natural undisturbed buffer; that portion of a lot wherein a building or structure may be located.

**Building frontage:** The width in linear feet of the front exterior wall of a particular building, as measured parallel to the front property line.

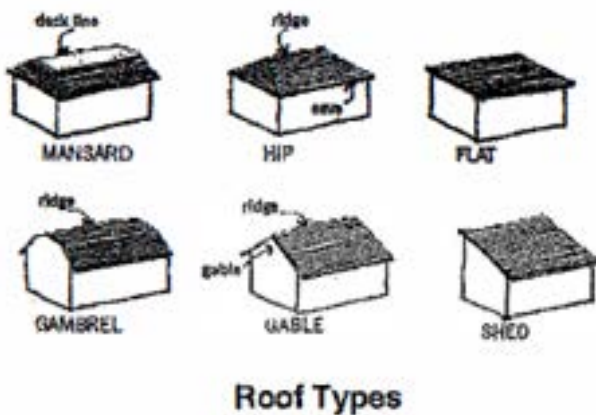


**Build-to-line:** A front building setback line applied to a principal building on a particular property so that a continuous and consistent building setback will be achieved considering the front building setbacks of buildings on abutting and/or adjacent lots on the same side of the street or right-of-way.

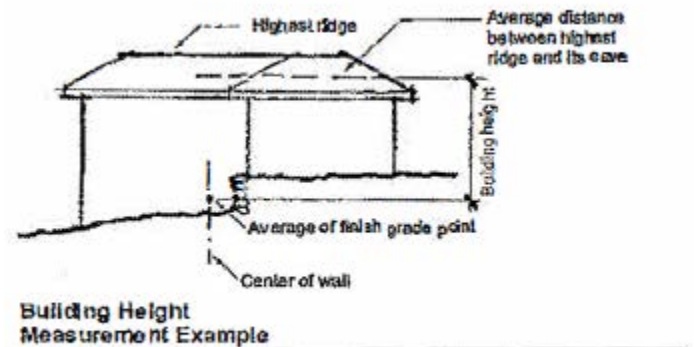
**Building coverage:** The horizontal area measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

**Building coverage, maximum:** The percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal and accessory buildings and structures on the lot, not including steps, terraces, and uncovered porches.

**Building, height of:** The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building .



Source: Stoll, Garner, and Gill Rosmiller. Be Unique: A Model for Anti-Monotony in Residential Development. *Zoning News*, October 2003, p. 2.



**Building setback line:** A line establishing the minimum allowable distance between the front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into beyond a required building setback line. For purposes of this Land Use Management Code, a minimum required building setback line and minimum required yard shall be considered the same.

**Centerline of street:** That line surveyed and monumented by the Governing Body responsible for the road and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or pavement ends of such street.

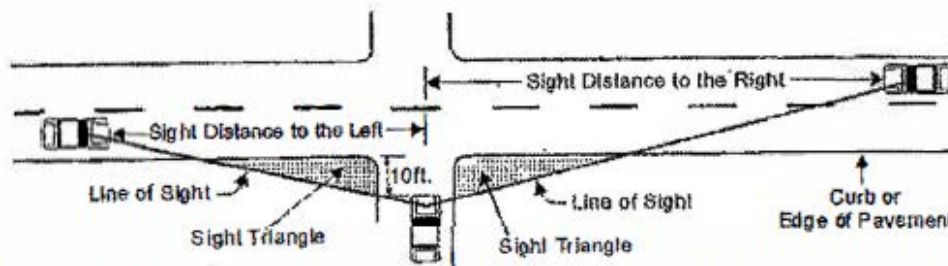
**Density:** The quantity of building per unit of area; for example, the number of dwellings per area (gross square foot or per acre).

**Floor area:** The sum of all square footages (areas) of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are excluded from the measurement of floor area: unfinished attics, attached garages or spaces used for off-street parking and loading, breezeways, and enclosed or unenclosed decks and porches.

**Lot of record:** A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of the county where the property is located; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this Land Use Management Code.

**Open space, landscaped:** That portion of a given lot, not covered by buildings, parking, access areas and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or for giving a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

**Sight visibility triangle:** The areas at the corners of an intersection, which may vary based on type of street and intersection geometry, that are to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items between thirty (30) inches in height to twelve (12) feet in height as measured from the ground.



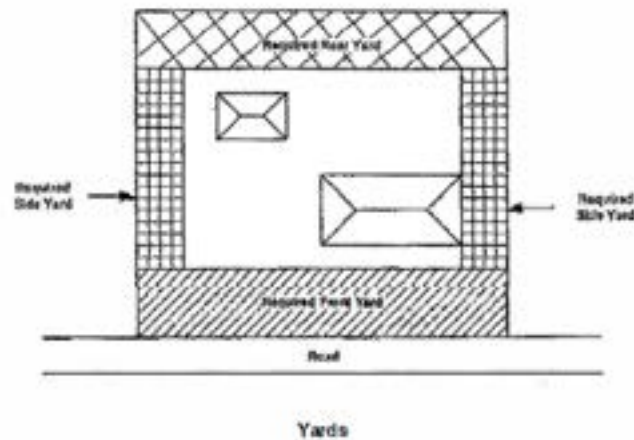
Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 5-13, p. 5-31.

**Story:** That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy (other than a one-story basement). Those stories above the first floor shall be numbered consecutively.



**Yard:** A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**Yard, front:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages.



**Yard, side:** An open, unoccupied space on the same lot with the principal building, situated between the building and the sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Yard, rear:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

## CHAPTER 5.2

### GENERAL PROVISIONS

Section 5.2.1.	Use, Occupancy and Erection
Section 5.2.2.	Use Prohibited When Not Specified
Section 5.2.3.	Minimum Requirements
Section 5.2.4.	Visibility at Intersections

#### Section 5.2.1. Use, Occupancy and Erection

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations of this Land Use Management Code or amendments thereto, including, without limitation, the use provisions for the zoning district (and, if applicable, the overlay district) in which it is located.

#### Section 5.2.2. Use Prohibited When Not Specified

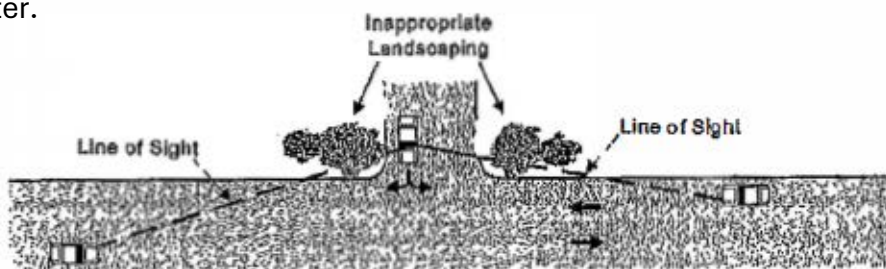
If not otherwise stated, any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided under Articles 6, 7, and 8 of this Land Use Management Code shall be prohibited in that zoning district.

#### Section 5.2.3. Minimum Requirements

Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties.

#### Section 5.2.4. Visibility at Intersections

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between thirty (30) inches and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within a sight visibility triangle as defined by this Land Use Management Code. Unless otherwise specified by the Zoning Administrator or Town Engineer, the area regulated shall be two triangular areas formed by the street right-of-way lines, or such lines extended, and lines connecting such right-of-way lines at points twenty-five (25) feet from the intersections of the right of- way lines. In such cases as right-of-way lines do not exist or cannot be determined, said measurements shall be made from points fifteen (15) feet from the centerline of the existing road or ten (10) feet from the existing pavement or roadbed, whichever is greater.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-45, p. 7-54.

## **CHAPTER 5.3**

### **GENERAL DIMENSIONAL PROVISIONS**

Section 5.3.1.	Every Use Must Be Upon a Lot of Record
Section 5.3.2.	One Dwelling on a Lot in Residential Districts
Section 5.3.3.	Height Limitations
Section 5.3.4.	Maximum Density, Minimum Lot Size, and Minimum Lot Width
Section 5.3.5.	Minimum Floor Area Per Dwelling Unit
Section 5.3.6.	Minimum Required Yards and Building Setbacks
Section 5.3.7.	Principal Building Separation
Section 5.3.8.	Maximum Building Coverage
Section 5.3.9.	Minimum Landscaped Open Space
Section 5.3.10.	Minimum Required Landscape Strips and Buffers
Section 5.3.11.	Street Frontage Requirement

#### **Section 5.3.1. Every Use Must Be Upon a Lot of Record**

No building or structure shall be erected or used established unless upon a lot of record as defined by this Land Use Management Code unless specifically provided otherwise in this Land Use Management Code.

#### **Section 5.3.2. One Dwelling on a Lot in Residential Districts**

Except as otherwise specifically provided in this Land Use Management Code, in any residential zoning district specified in Article 7 of this Land Use Management Code except for the MFR zoning district, only one dwelling and its accessory buildings may hereafter be erected on any one lot intended for such use. This provision shall not be construed to prevent the construction of more than one detached single-family condominium, multiple-family dwelling, office, institutional, commercial or industrial building upon a single lot, in districts where permitted, including residential zoning districts established in Article 7 of this Land Use Management Code, subject to setbacks and separation as provided in this Land Use Management Code. Nor shall this provision prevent the establishment of more than one dwelling on a lot in an agricultural zoning district specified in Article 6 of this Land Use Management Code, subject to setbacks and separation as provided in this Land Use Management Code.

#### **Section 5.3.3. Height Limitations**

Except as otherwise specifically provided in this Section, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the number of stories specified in this Land Use Management Code; provided, however, the Governing Body with jurisdiction may upon application and approval of a conditional use allow buildings and structures to exceed these height limitations, subject to procedures for conditional uses established in Chapter 21.2 of this Land Use Management Code.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, noncommercial radio and television towers, electricity transmission towers, utility poles, and similar structures.

#### **Section 5.3.4. Maximum Density, Minimum Lot Size, and Minimum Lot Width**

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district in which the lot is located as established by this Land Use Management Code. No lot shall hereafter be developed that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established by this Land Use Management Code, except as otherwise specifically provided. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the maximum density, minimum lot size, or minimum lot width of the zoning district, as the case may be, in which said lot and building are located are not maintained, except as otherwise specifically provided in this Land Use Management Code.

#### **Section 5.3.5. Minimum Floor Area Per Dwelling Unit**

No new dwelling shall hereafter be constructed or occupied that fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located, or the minimum square footage per adult as specified in this Land Use Management Code. No existing dwelling shall be reduced in size so that its floor area fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located, or the minimum square footage per adult as specified in this Land Use Management Code.

#### **Section 5.3.6. Minimum Required Yards and Building Setbacks**

No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use as provided in Article 11 or any other Article of this Land Use Management Code. The buffer requirements established by this Land Use Management Code may supersede these minimum required yards.

No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards of the zoning district in which said lot and building are located are not maintained. This section shall not apply to portions of lots affected by public acquisition of part of the lot. No part of a yard shall be included as a part of the yard required for another building.

In the case where a build-to line is established by or pursuant to this Land Use Management Code, no building shall be erected in a manner to have a different building setback or yard than that established by said build-to line.

#### **Section 5.3.7. Principal Building Separation**

On lots where more than one principal residential building is permitted, the building separation between principal residential buildings shall be a minimum of twenty (20) feet for one-story structures, thirty (30) feet when one or both principal residential dwellings are two-story structures, and forty (40) feet when one or both are three-story structures. Individual dwelling units within attached single-family fee simple dwellings (townhouses, which are zero lot line on one or both sides) shall be exempt from this requirement, although this provision shall apply to townhouse buildings. All non-residential principal buildings shall provide for adequate building separation to allow for sufficient fire access and traffic flow and that meet applicable building code requirements.

### **Section 5.3.8. Maximum Building Coverage**

No lot shall hereafter be developed to exceed the maximum building coverage specified for the zoning district in which it is located. In areas where a maximum impervious surface coverage is specified, no lot shall be developed to exceed said maximum impervious surface coverage.

### **Section 5.3.9. Minimum Landscaped Open Space**

No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located, or as may be established by any other Article or Section of this Land Use Management Code.

### **Section 5.3.10. Minimum Required Landscape Strips and Buffers**

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or use established in a manner so that the minimum landscape strips and buffers required by this Land Use Management Code for the zoning district (and, if applicable, overlay district) in which said building, structure, or use is located, or for the specific use if buffer and landscape strip requirements are established for said use in any Article or Section of this Land Use Management Code.

### **Section 5.3.11. Street Frontage Requirement**

No building or structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least thirty (30) feet on a public street unless specifically provided otherwise by this Land Use Management Code.

## **ARTICLE 6**

### **AGRICULTURAL ZONING DISTRICTS**

Chapter 6.1	Agricultural District
Chapter 6.2	Ag-R, Agricultural-Residential District

#### **CHAPTER 6.1**

##### **AG, AGRICULTURAL DISTRICT**

Section 6.1.1.	Purpose and Intent
Section 6.1.2.	Applicability
Section 6.1.3.	Permitted and Conditional Uses
Section 6.1.4.	Dimensional Requirements
Section 6.1.5.	Improvement Requirements
Section 6.1.6.	District Regulations

##### **Section 6.1.1. Purpose and Intent**

The Agricultural District is intended to accommodate rural and agricultural areas on tracts of eight (8) acres or more which are devoted predominantly to agricultural production, and which may include moderately intensive livestock raising. Livestock raising and animal quarters are permitted. The agricultural operations permitted in this zoning district may result in odors, dust, noise, or other effects which will not be incompatible with and will not challenge moderately intensive farming operations, and which are more less subordinate to farming operations. The subdivision of land is not permitted, except by intra-family land transfers, and then only according to restrictions that will maintain the district's primary use for agriculture. Intra-family transfers must be approved and are only allowed if the remaining parcel is a minimum of 5 acres. Additionally, if after the intra-family transfer, the original parcel is less than minimum eight acres required for agricultural zoning that parcel will be rezoned to AG-R (Agricultural-Residential). Parcels transferred by intra-family means must be rezoned to an appropriate residential type.

##### **Section 6.1.2. Applicability**

The Agricultural District can be applied in the Town of Maysville, although it may not necessarily be mapped the Town of Maysville.

##### **Section 6.1.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 6.1.l of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1. l of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 6.1.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Agricultural Zoning Districts."

#### **Section 6.1.5. Improvement Requirements**

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

#### **Section 6.1.6. District Regulations**

Land within the Agricultural District shall not be subdivided, except as may be approved by intrafamily land transfer.

#### **Section 6.1.7. Livestock Limited**

In the Agricultural District, horses, cows, and other animals as provided below shall be permitted in quantities based on the total area of land of the lot or property. No acre of land shall be counted toward meeting more than one livestock type.

<b>Livestock Type</b>	<b>Maximum Number of Livestock (Head) Per Acre:</b>
Horses	1 per two acres
Cows	1 per acre
Pigs more than 55 pounds	1 per acre
Sheep	5 per acre
Geese, ducks	5 per acre
Turkeys	5 per acre
Chickens	10 per acre

## **CHAPTER 6.2**

### **AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT**

Section 6.2.1.	Purpose and Intent
Section 6.2.2.	Applicability
Section 6.2.3.	Permitted and Conditional Uses
Section 6.2.4.	Dimensional Requirements
Section 6.2.5.	Improvement Requirements
Section 6.2.6	Livestock Limited

#### **Section 6.2.1. Purpose and Intent**

The Agriculture-Residential District is neither exclusively agricultural nor exclusively residential. The minimum lot size of five (5) acres is the least amount of land that is considered necessary to sustain viable agricultural operations. Because of the mixture of farmland and rural residences, intensive agriculture including livestock raising is not permitted. The agricultural operations permitted in this zoning district are those that do not result in substantial objectional odors, dust, noise, or other effects which can be incompatible with single-lot residential development. A minimum of five acre-lot in this district, however, can be used for farming and the keeping of a limited number of livestock as further specified in this Chapter. Agricultural-Residential districts are appropriate as a transition between Planned Commercial Farm or Agricultural zoning districts and Rural Residential zoning districts. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Residential dwellings are limited to site-built homes and class "A" manufactured homes.

Subdivision of these districts into five-acre lots is permitted, and over the long-term future, some agricultural-residential districts may transition to rural residential or low-density, predominantly residential neighborhoods. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character. The subdivision of land less than 10 acres is not permitted, except by approved intra-family land transfers, and then only according to restrictions that will maintain the districts primary use for agriculture. Intra-family land transfers are only allowed if the original parcel will still have the minimum five acres required for agricultural-residential zoning. The parcel transferred by intra-family means must be rezoned to an appropriate-residential type.

#### **Section 6.2.2. Applicability**

The Agricultural-Residential District can be applied in the Town of Maysville, although it may not necessarily be mapped in the Town of Maysville.

#### **Section 6.2.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts." Also see Section 6.2.6.
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 6.2.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.



#### **Section 6.2.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Agricultural Zoning Districts."

#### **Section 6.2.5. Improvement Requirements**

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

#### **Section 6.2.6. Livestock Limited**

In the Agricultural-Residential District, horses, cows, and other animals as provided below shall be permitted in quantities based on the total area of land of the lot or property. No acre of land shall be counted toward meeting more than one livestock type.

<b>Livestock Table</b>	<b>Maximum Number of Livestock (Head) Per Acre:</b>
Horses	1 per two acres
Cows	1 per acre
Pigs more than 55 pounds	1 per acre
Sheep	5 per acre
Geese, ducks	5 per acre
Turkeys	5 per acre
Chickens	10 per acre

**TABLE 6.1**  
**PERMITTED AND CONDITIONAL USES FOR AGRICULTURAL DISTRICTS**  
**P = Permitted C = Conditional Use X = Not Permitted**

Use	AG	AG-R	See also Section:
<b>ACCESSORY USES</b>			
Accessory uses and structures not otherwise listed in this table, Determined by the Zoning Administrator to be normally Incidental to one or more permitted principal uses	P	P	11.1
Accessory apartment, attached	P	P	11.3.2
Accessory apartment, detached	P	P	11.3.2
Carport	P	P	11.1
Construction field office	P	P	1.8.1
Family day care home	P	P	11.4
Home occupation	P	P	11.4
Tower, amateur radio	P	P	
Roadside stand	P	P	11.10.4
Wireless telecommunication facility and equipment	C	C	11.9
Yard Sale	P	P	11.3.8
<b>AGRICULTURAL USES</b>			
Agriculture	P	P	
Livestock, limited	P	P	6.2.6
Biomass production and storage	X	X	
Forestry	C	C	
Greenhouse	C	C	
Stockyard	X	X	
<b>RESIDENTIAL USES</b>			
Dwelling, single-family detached, fee-simple	P	P	11.2.2 11.2.3
Dwelling, farm tenant	C	X	11.2.2 11.2.3
Dwelling, farm tenant (to exceed specified limits)	X	X	
Dwelling for medical hardship	P	P	11.3.3
Intra-family land transfer, up to two lots (Table 6.2)	C	C	Art 26
Manufactured Home, class "A"	P	P	11.2.3
Manufactured home while single-family dwelling is constructed (no longer than 12 months)	P	P	11.3.5
Relocated residential structure	C	C	11.2.3

**Table continued next page**

USE	AG	AG-R	See also Section:
<b>INSTITUTIONAL USES</b>			
Cemetery	C	C	
Church, temple, synagogue, or place of worship	P	P	11.5.1
<b>COMMERCIAL, INDUSTRIAL, OTHER USES</b>			
Bed and breakfast inn	C	C	11.6.2
Botanical garden	C	C	
Camp or campground	X	X	
Composting Facility	X	X	
Country Club	X	X	
Landscaping Company	C	C	
Public Use, including public school	P	P	
Retreat center	X	X	
Riding academy or equestrian center	C	X	
Riding stable	X	X	
Semi-public use	P	P	
Special event facility	C	C	

**TABLE 6.2**  
**DIMENSIONAL REQUIREMENTS FOR AGRICULTURAL ZONING DISTRICTS**

<b>DIMENSIONAL REQUIREMENT</b>	<b>AG</b>	<b>AG-R</b>
Minimum acreage to rezone to district (acres)	8	5
<b>AGRICULTURAL INTENSITY</b>		
Livestock raising and animal quarters intensity (equivalent animal units per acre)	(see Section 6.2.6)	(see Section 6.2.6)
<b>RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS</b>		
Maximum residential density, detached single-family Dwellings or manufactured home (acres per dwelling unit)	8	5
Maximum residential density, farm tenant dwellings, (acres per dwelling unit) (Note: in calculating this density limit, land devoted to agricultural operations can be counted but land counted toward meeting density limits for dwellings, single-family detached, fee simple or class "A" manufactured homes shall not be included in the calculation.	Not permitted	Not permitted
Maximum number of farm tenant dwellings, regardless of acreage available (units)	Not permitted	Not permitted
Intra-family land transfer, number of lots permitted (lots)	2	2
Minimum lot size for lot created by intra-family land transfer /acres)	1	1
Maximum lot size for lot created by intra-family land transfer (acres)	2	2
Minimum lot width for lot created by intra-family transfer (feet)	300	300
Minimum lot width, new subdivided lot (feet)	Not permitted	200
<b>BUILDING HEIGHT REQUIREMENTS</b>		
Maximum height (feet)	35	35
Maximum height /number of stories)	3	3
<b>ANIMAL QUARTERS REQUIREMENTS</b>		
Minimum building setback, all property lines (feet)	100	75
Minimum building setback abutting AG-R or any residential zoning district (feet)	150	150
Minimum building setback abutting AG-R or any residential zoning district (feet)	75	75
<b>BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED BUILDINGS</b>		
Front (feet)	50	40
Side (feet)	40	30
Rear (feet)	40	30
<b>MINIMUM FLOOR AREA PER DWELLING UNIT</b> (square feet)	1,250	1,250

## **ARTICLE 7**

### **RESIDENTIAL ZONING DISTRICTS**

Chapter 7.1	RR-1, Restricted Rural Residential District
Chapter 7.2	RR-2, Rural Residential District
Chapter 7.3	RR-3, Rural Residential District
Chapter 7.4	R-1, Single-Family Residential District
Chapter 7.5	R-2, Medium-Density Residential District
Chapter 7.6	R-3, Two-Family Residential District
Chapter 7.7	MFR, Multiple-Family Residential District
Chapter 7.8	PCD, Planned Community Development District

### **CHAPTER 7.1**

#### **RR-1, RESTRICTED RURAL RESIDENTIAL DISTRICT**

Section 7.1.1.	Purpose and Intent
Section 7.1.2.	Applicability
Section 7.1.3.	Permitted and Conditional Uses
Section 7.1.4.	Dimensional Requirements
Section 7.1.5.	Improvement Requirements

##### **Section 7.1.1. Purpose and Intent**

The RR-1 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per two acres (0.5 unit per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Uses in the RR-1 zoning district are more restricted than any other residential zoning district. Development in the RR-1 district does not necessitate sanitary sewer service but may be served by public water.

##### **Section 7.1.2. Applicability**

This residential district can be applied in the Town, although it may not necessarily be mapped in the Town.

### **Section 7.1.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7 .1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 7.1.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1. 1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

### **Section 7.1.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

### **Section 7.1.5. Improvement Requirements**

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

## **CHAPTER 7.2**

### **RR-2, RURAL RESIDENTIAL DISTRICT**

Section 7.2.1.	Purpose and Intent
Section 7.2.2.	Applicability
Section 7.2.3.	Permitted and Conditional Uses
Section 7.2.4.	Dimensional Requirements
Section 7.2.5.	Improvement Requirements

#### **Section 7.2.1. Purpose and Intent**

The RR-2 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per 1.5 acres (0.667 unit per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership and class "A" manufactured homes. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Development in the RR-2 district does not necessitate sanitary sewer service but may be served by public water.

#### **Section 7.2.2. Applicability**

This residential district can be applied in the Town, although it may not necessarily be mapped in the Town.

#### **Section 7.2.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.2.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 7.2.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

#### **Section 7.2.5. Improvement Requirements**

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

## **CHAPTER 7.3**

### **RR-3, RURAL RESIDENTIAL DISTRICT**

#### **Section 7.3.1. Purpose and Intent**

The RR-3 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per acre. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Site-built dwellings and Class "A" manufactured homes are permitted. Development in the RR-3 district does not necessitate sanitary sewer service but may be served by public water.

#### **Section 7.3.2. Applicability**

This residential district can be applied in the Town, although it may not necessarily be mapped in the Town.

#### **Section 7.3.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 7.3.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 7.3.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

#### **Section 7.3.5. Improvement Requirements**

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."



## **CHAPTER 7.4**

### **R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

Section 7.4.1.	Purpose and Intent
Section 7.4.2.	Applicability
Section 7.4.3.	Permitted and Conditional Uses
Section 7.4.4.	Dimensional Requirements
Section 7.4.5.	Improvement Requirements

#### **Section 7.4.1. Purpose and Intent**

The R-1 zoning district is intended to provide for residential areas with low densities of one dwelling unit per 0.75 acre (1.333 units per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Development in the R-1 district does not necessitate sanitary sewer service but is usually served by public water.

#### **Section 7.4.2. Applicability**

This residential district can be applied in the Town, although it may not necessarily be mapped in the Town.

#### **Section 7.4.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7 .1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.4.1. of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 7.4.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

#### **Section 7.4.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 7.5**

### **R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT**

Section 7.5.1.	Purpose and Intent
Section 7.5.2.	Applicability
Section 7.5.3.	Permitted and Conditional Uses
Section 7.5.4.	Dimensional Requirements
Section 7.5.5.	Improvement Requirements

#### **Section 7.5.1. Purpose and Intent**

The R-2 zoning district is intended to provide for residential areas with medium densities of one dwelling unit per 0.5 acre (2 units per acre). Residential uses are restricted to detached, single family dwellings in fee-simple ownership. Development in the R-2 district typically requires sanitary sewer service and is served by public water.

#### **Section 7.5.2. Applicability**

The R-2 zoning district can be applied in the Town although it may not necessarily be mapped in the Town.

#### **Section 7.5.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 7.5.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 7.5.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

#### **Section 7.5.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 7.6**

### **R-3, TWO-FAMILY RESIDENTIAL DISTRICT**

Section 7.6.1.	Purpose and Intent
Section 7.6.2.	Applicability
Section 7.6.3.	Permitted and Conditional Uses
Section 7.6.4.	Dimensional Requirements
Section 7.6.5.	Improvement Requirements

#### **Section 7.6.1. Purpose and Intent**

The R-3 zoning district is intended to provide for residential areas with medium densities of one dwelling unit per 0.5 acre (2 units per acre). This district allows for detached, single-family dwellings in fee-simple ownership and two-family dwellings (duplexes) as permitted uses, and detached, single-family condominiums are conditional uses. Development in the R-3 district typically requires sanitary sewer service and is served by public water.

#### **Section 7.6.2. Applicability**

The R-3 zoning district can be applied in the Town although it may not necessarily be mapped in the Town.

#### **Section 7.6.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.6.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 7.6.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

#### **Section 7.6.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 7.7**

### **MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

Section 7.7.1.	Purpose and Intent
Section 7.7.2.	Applicability
Section 7.7.3.	Permitted and Conditional Uses
Section 7.7.4.	Dimensional Requirements
Section 7.7.5.	Improvement Requirements

#### **Section 7.7.1. Purpose and Intent**

The MFR zoning district is intended to provide for multiple-family residential areas with urban densities of up to eight (8) units per acre. This district also allows for detached, single-family dwellings in fee-simple or condominium ownership and two-family dwellings (duplexes) but at densities of two (2) units per acre. Development in the MFR district necessitates sanitary sewer and public water service.

#### **Section 7.7.2. Applicability**

The MFR zoning district can be applied in the Town although it may not necessarily be mapped in the Town.

#### **Section 7.7.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 7 .1, "Permitted and Conditional Uses for Residential Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 7. 8 .1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 7.7.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Residential Zoning Districts."

#### **Section 7.7.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

**TABLE 7.1**  
**PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL ZONING DISTRICTS**  
**P = Permitted C = Conditional Use X = Not Permitted**

<b>USES</b>	<b>RR-1</b>	<b>RR-2</b>	<b>RR-3</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MFR</b>	<b>See also Section</b>
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses.	P	P	P	P	P	P	P	11.1
Accessory apartment, attached	P	P	P	P	P	X	X	11.3.2
Accessory apartment, detached	P	P	P	P	C	X	X	11.3.2
Carport	P	P	P	P	P	P	P	11.1
Construction field office (1 year max)	P	P	P	P	P	P	P	11.8.1
Family day care home	P	P	P	P	X	X	X	11.4
Home occupation	P	P	P	P	C	C	C	11.4
Tower, Amateur radio	P	P	P	P	C	C	X	
Yard sale	P	P	P	P	P	P	X	11.3.8
<b>AGRICULTURAL USES</b>								
Agricultural	P	P	P	C	C	C	X	
Greenhouse	C	C	C	X	X	X	X	
Animal quarters for horses only, with an allowable intensity of one horse per two acres	C	C	C	X	X	X	X	
<b>RESIDENTIAL USES</b>								
Dwelling, single-family detached, fee-simple	P	P	P	P	P	P	P	11.2.2 11.2.3
Dwelling, two-family detached, condominium	X	X	X	X	X	C	P	11.2.2 11.2.3
Dwelling, two-family (duplex)	X	X	X	X	X	P	P	1.2.2 11.2.5
Dwelling, single-family attached (townhouse)	X	X	X	X	X	X	P	11.2.2 11.2.4
Dwelling, multiple-family, including apartments, condominiums, and cooperatives	X	X	X	X	X	X	P	11.2.2 11.2.7
Manufactured home, class "A"	X	P	P	X	X	X	X	11.2.2 11.2.3
Manufactured home, class "B"	X	X	X	X	X	X	X	11.2.2 11.2.3
Manufactured home park	X	X	X	X	X	X	X	
Model home	P	P	P	P	P	P	P	11.8.2
Relocated residential structure	C	C	C	C	C	C	C	

**Table continued next page**

<b>USES</b>	<b>RR-1</b>	<b>RR-2</b>	<b>RR-2</b>	<b>RR-3</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MFR</b>	<b>See also Section</b>
<b>INSTITUTIONAL USES</b>									
Cemetery	X	X	X	X	X	X	X	X	
Church, temple, synagogue, or place of worship	X	C	X	X	X	X	X	X	11.5.1
Club or lodge, nonprofit	X	X	X	X	X	X	X	X	
Continuing care retiring community	X	X	X	X	X	X	X	C	
Institutionalized residential living and care facilities, serving less than six (6) persons or less	X	X	X	X	X	X	X	C	11.5.3
Rooming House	X	X	X	X	X	X	X	C	
<b>RECREATIONAL USES</b>									
Common area and greenspace	P	P	P	P	P	P	P	P	
Community recreation	P	P	P	P	P	P	P	P	11.2.1
Conservation area	P	P	P	P	P	P	P	P	
Golf course as part of residential subdivision	P	P	P	P	P	P	P	P	
<b>OTHER USES</b>									
Public use, including public school	P	P	P	P	P	P	P	P	
Semi-public use	C	C	C	C	C	C	C	C	

**TABLE 7.2**  
**DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS**

<b>DIMENSIONAL REQUIREMENT</b>	<b>RR-1</b>	<b>RR-2</b>	<b>RR-3</b>	<b>R-1</b>	<b>R-2</b>	<b>RR-3</b>	<b>MFR</b>
<b>RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS</b>							
Maximum residential density (acres per dwelling unit)	2	1.5	1.0	0.75	0.5	0.5	0.125
Maximum residential density (dwelling units per acre)	0.5	0.667	1.0	1.333	2.0	2.0	8.0
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (square feet)	2	1.5	1.0	0.75	0.5	0.5	0.5
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (square feet)	87,120	65,340	43,560	32,670	21,780	21,780	21,780
Minimum lot size, two-family dwelling (square feet)	NP	NP	NP	NP	NP	21,780	21,780
Minimum lot size for other permitted uses (square feet)	87,120	65,340	43,560	32,670	21,780	21,780	21,780
Minimum lot width, all uses (feet)	150	125	100	100	85	85	75
<b>BUILDING AND SITE REQUIREMENTS</b>							
Maximum building coverage (percent)	10	15	20	20	25	25	30
Minimum landscaped open space for non-single-family residential use if permitted (percent)	20	20	20	20	20	20	25
<b>BUILDING HEIGHT REQUIREMENTS</b>							
Maximum height (feet)	35	35	35	35	35	35	40
Maximum height (number of stories)	3	3	3	3	3	3	3
<b>BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS</b>							
Front (feet)	85	70	60	50	30	30	30
Side (feet)	30	25	20	15	10	10	20
Rear (feet)	70	50	40	35	30	30	30
<b>BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES</b>							
Front (feet)	NP	NP	NP	NP	NP	NP	NP
Side (feet)	20	15	10	10	5	5	5
Rear (feet)	30	25	15	10	10	10	10

Table continued on next page

<b>DIMENSIONAL REQUIREMENT</b>	<b>RR-1</b>	<b>RR-2</b>	<b>RR-3</b>	<b>R-1</b>	<b>R-2</b>	<b>RR-3</b>	<b>MFR</b>
<b>SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS</b>							
Minimum principal or accessory building setback abutting any Residential Zoning District other than MFR (feet)	N/A	N/A	N/A	N/A	N/A	N/A	30
Minimum natural buffer abutting any Residential Zoning District other than MFR (feet)	N/A	N/A	N/A	N/A	N/A	N/A	20
Minimum landscape strip required along rights-of-way for any non-single-family residential use (width in feet)	10	10	10	10	10	10	10
Minimum landscape strip required alongside property lines for any non-single family residential use	5	5	5	5	5	5	5
<b>MINIMUM FLOOR AREA PER DWELLING UNIT</b> (square feet)	1,500	1,250	Note 1	Note 1	Note 1	1,000	700

Note 1: 1,600 square feet for one-story; 1,800 for two or more stories.

NP= Not Permitted    N/A = Not Applicable



## **CHAPTER 7.8**

### **PCD, PLANNED COMMUNITY DEVELOPMENT DISTRICT**

Section 7.8.1.	Purpose and Intent
Section 7.8.2.	Applicability
Section 7.8.3.	Permitted Uses
Section 7.8.4.	Dimensional Requirements
Section 7.8.5.	Improvement Requirements
Section 7.8.6.	Minimum Areas Required for Rezoning and Development
Section 7.8.7.	Minimum Open Space Required
Section 7.8.8.	General Principles for Land Use Mix and Design
Section 7.8.9.	Neotraditional Development Principles
Section 7.8.10.	Rural/Exurban Development Principles
Section 7.8.11.	Application Requirements
Section 7.8.12.	Approval Procedures

#### **Section 7.8.1. Purpose and Intent**

The Planned Community Development District is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional zoning requirements.
- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Design of detached single-family neighborhoods and residential communities in the PCD district may follow principles of conventional suburban subdivision design which typically include curvilinear streets with some cul-de-sacs. However, PCD districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. In addition, neotraditional development design principles are particularly encouraged when this district is applied to suburban/urban areas.

#### **Section 7.8.2. Applicability**

The PCD district can be applied in the Town upon application if approved by the Governing Body. This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

#### **Section 7.8.3. Permitted Uses**

Permitted uses shall be proposed by an applicant for rezoning to PCD and shall be limited to those uses approved by the Governing Body; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as residential on the adopted future land use map of the Town:

- (a) Retail, service, office, and civic and institutional residential uses shall not exceed thirty (30) percent of the total site area of the district when built according to urban/suburban design and improvement requirements nor twenty (20) percent of the total site area of the district when built according to exurban/rural design and improvement requirements.
- (b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district and such area shall be counted within the twenty (20) percent limit for uses specified in paragraph (a) of this section.
- (c) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

#### **Section 7.8.4. Dimensional Requirements**

Lot sizes, setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PCD and as may be approved by the Governing Body. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Governing Body. In no case should a PCD application be approved that contains a residential density more than twenty-five (25) percent greater than the residential density recommended for the property as may be shown on in the comprehensive plan of the Town.

### Section 7.8.5. Improvement Requirements

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements," unless the PCD is proposed to be located within and compatible with an exurban/rural area, in which case the applicant may petition for and the Governing Body may grant approval to apply the development design and improvement requirements of Article 27, "Exurban/Rural Design and Improvement Requirements;" provided, however, that the applicant may propose waivers to design and improvement requirements if considered necessary or desirable to achieve an innovative site design, and if approved by the Governing Body the PCD may be constructed according to such alternative improvement requirements. Departure from the requirements of Article 27 or 28, whichever set is initially applicable as determined by the Zoning Administrator, is a privilege not a right, and shall only be proposed and approved when there are tangible benefits in the form of provisions for open space, amenities, superior design, etc. that will result from the deviation from adopted improvement requirements.

### Section 7.8.6. Minimum Areas Required for Rezoning and Development

There shall be a minimum development area size of ten (10) acres for a PCD district when built according to urban/suburban design and improvement requirements. There shall be a minimum development area size of thirty-five (35) acres for a PCD district when built according to exurban/rural design and improvement requirements. No rezoning application for a PCD zoning district shall be accepted unless it meets the minimum area for development.

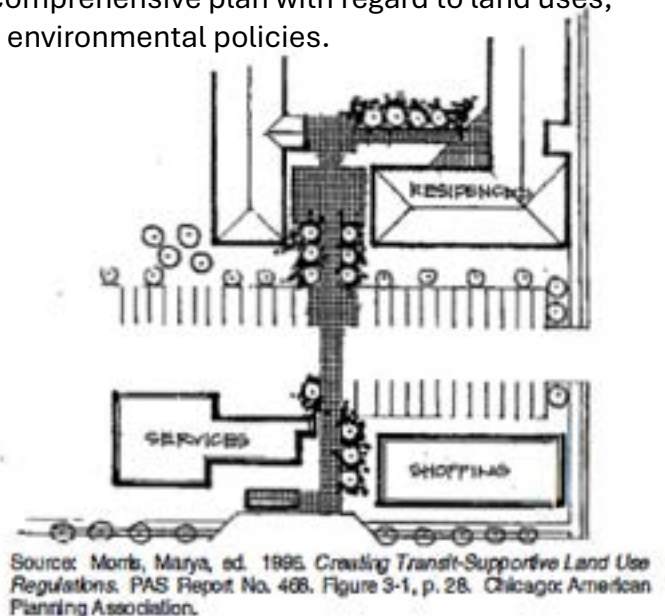
### Section 7.8.7. Minimum Open Space Required

A minimum of twenty (20) percent of the total site area of the district development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof

### Section 7.8.8. General Principles for Land Use Mix and Design

The following principles shall be adhered to in all planned unit developments and substantial conformity to them shall be expected. Significant departures from these principles may provide a sufficient basis for denial of the application.

- (a) **Comprehensive plan** - Uses within the PCD shall be predominantly in accordance with the recommendations and policies of the comprehensive plan with regard to land uses, densities, and development, land use, and environmental policies.
- (b) **Civic and institutional uses** - Sites for churches, schools, community or club buildings, and similar public or semi-public facilities are encouraged to be provided, where appropriate.
- (c) **Interconnectivity**- PCDS shall provide pedestrian access and vehicular and pedestrian interconnections between and among land uses within the development. Interconnectivity should be provided between PCDs when possible.



### Section 7.8.9. Neotraditional Development Principles

The following design principles are not required for every planned unit development and are appropriate only in urban/suburban areas. However, when an applicant proposes a planned unit development in an urban/ suburban area that will follow non-conventional residential subdivision designs, the applicant, Zoning Administrator, Planning Commission, and Governing Body should consider the extent to which the planned unit development meets the principles contained in this section. Substantial deviations from these principles for PCDs proposed in urban/suburban areas may provide a sufficient basis for denial of the application.

- (a) **Residential areas** - Residential areas should be designed in a grid like pattern of blocks and interconnecting streets. Central residential areas should be designed in a grid-like pattern of blocks and interconnecting streets (alleys may be included), and block length should not exceed 500 feet.



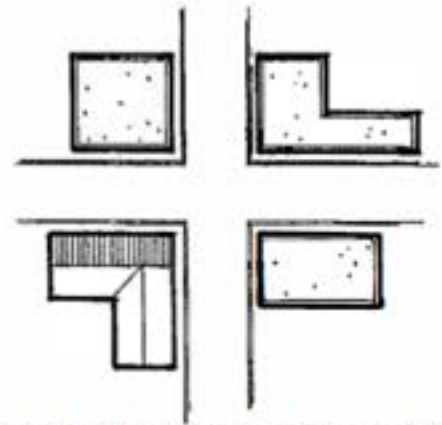
Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*. PAS Report No. 487/488, Figure 90, p. 58. Chicago: American Planning Association.

- (b) **Open spaces** - Open spaces, such as town greens and public squares, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square or park. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PCDs are developed next to each other, there should be contiguous open space between the two PCDs.



Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*. PAS Report No. 487/488, Figure 109, p. 67. Chicago: American Planning Association.

- (c) **Buildings Placement** - Buildings should be placed close to (with little if any setback from) streets internal to the development, or along public streets abutting the development area, as determined in the site plan review and approval process. When a single building occupies a lot, said building should be setback from the right-of-way no more than fifteen (15) feet.



Source: Morris, Marys, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 1-9, p. 10. Chicago: American Planning Association.

- (d) **Storefront commercial/nonresidential areas-** Enclosed retail trade establishments, personal service establishments, and related non-residential uses, if proposed and permitted, should be located in careful relation to other land uses within and outside of the development. The storefront area should provide for an appropriate mixture of retail uses, professional offices, personal or professional services, and civic-institutional uses.



Source: Calthorpe, Peter. "The Regional City." in *Time-Saver Standards for Urban Design*, edited by Donald Watson, Alan Parris, and Robert Shibley. New York: McGraw-Hill, p. 1.5-6.

Buildings in the storefront area should contain some residential units, usually on an upper story (i.e., vertical mixed use development). Preferably, storefront buildings fronting the same street and located on the same block should be attached on the sides, except as necessary to accommodate pedestrian ways.

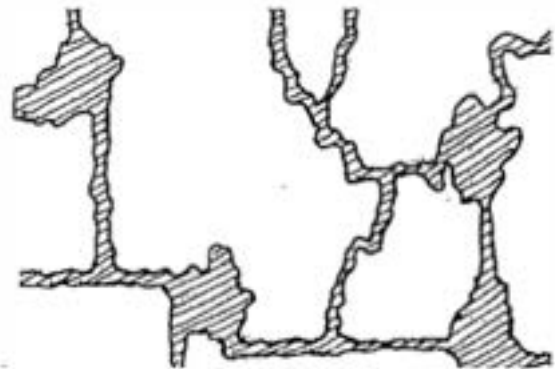
Storefront commercial/non-residential uses should be scaled to the pedestrian and to the district itself, so that they predominantly if not exclusively serve the occupants of the district. However, the Planning Commission may recommend and the Governing Body may approve commercial/non-residential uses to be of a greater scale and size and serving patrons and occupants outside the PCD, if such larger scale and/or size is needed to support the market threshold of the use proposed (i.e., the use would not be possible in the PCD without market support outside the PCD). The Planning Commission and Governing Body shall not approve such increased scale or size of said storefront commercial/non-residential development unless it is determined to be consistent with commercial land use and economic development policies of the comprehensive plan. Evidence of need must be provided for increasing the scale or size of storefront commercial/non-residential use, and the absence of such evidence is grounds to deny any request to increase the scale or size of such development.



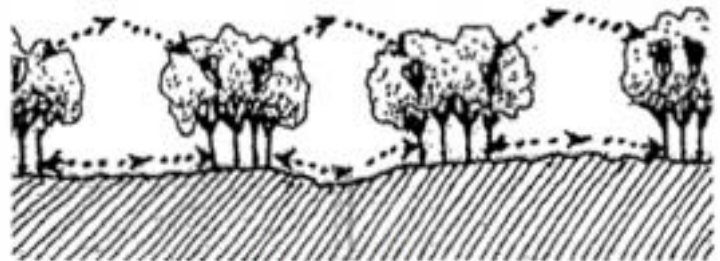
## Section 7.8.10. Rural/Exurban Development Principles

The following design principles are not required for every planned unit development and are appropriate only in rural/exurban areas. However, when an applicant proposes a planned unit development in a rural/exurban that will follow non-conventional residential subdivision designs, the applicant, Zoning Administrator, Planning Commission, and Governing Body should consider the extent to which the planned unit development meets the principles contained in this Section. Substantial deviations from these principles for PCDs proposed in rural/exurban areas may provide a sufficient basis for denial of the application.

- (a) **Site clearing and grading** - Developments should be designed to fit the existing contours and landform of the site and to minimize the amount of earthwork. Excavation and earthwork should be kept to a minimum to reduce visual impacts and erosion. Existing vegetation should be retained to the maximum extent possible. Clearing of native vegetation should be limited to that required for the provision of essential purposes (i.e., access, building, septic tank drainfields, etc.). Where cut and fill is required, balancing the cut and fill is highly encouraged. Abrupt or unnatural-appearing grading is strongly discouraged. Avoid the creation of harsh, easily eroded banks and cuts. Existing native vegetation should be enhanced where necessary with plantings of the same variety.
- (b) **Greenspace** - Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.
- (c) **Drainage** - Natural on-site drainage patterns should be used where practicable. Detain runoff with open, natural drainage systems where possible. Man-made lakes and stormwater ponds should be designed for maximum habitat value.



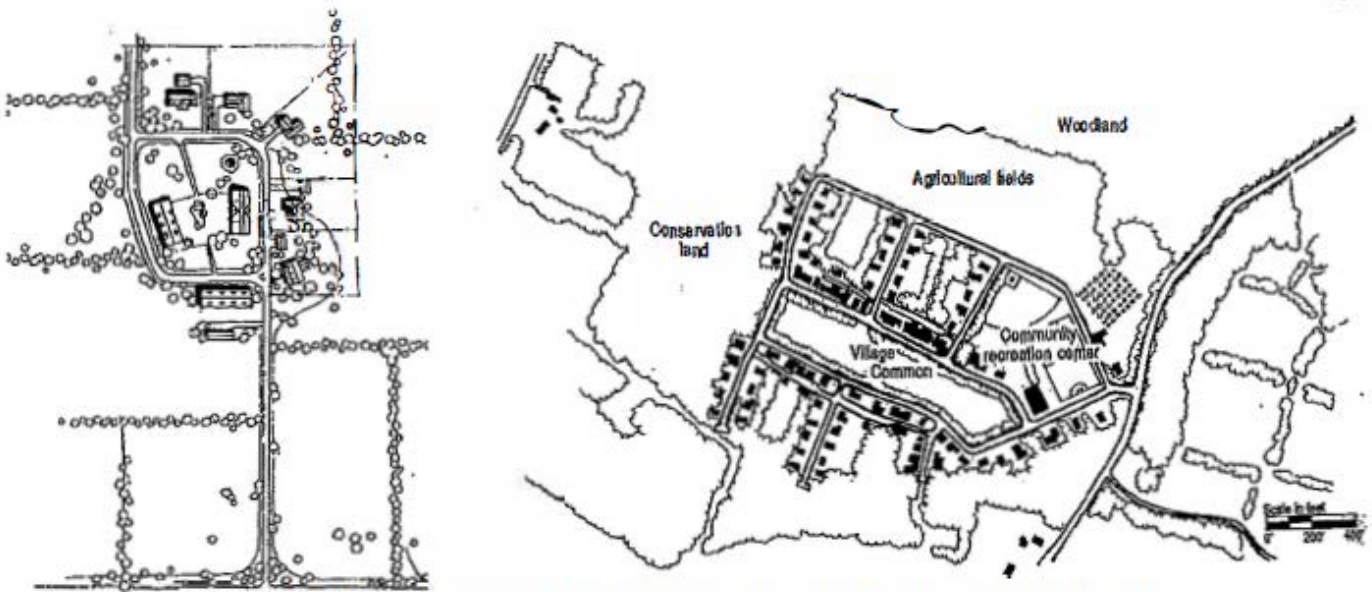
Habitat Patch Preservation and Connection



Stepping Stones

Source: Dramstad, Wenche, James Olson, and Richard Forman. 1986. *Landscape Ecology Principles in Landscape Architecture and Land Use Planning*. Washington, DC: Island Press. Figure M6, page 43.(top) and Figure C8, page 37 (bottom)

- (d) **Residential development** - Residential development should be designed using clustering techniques and rural village and hamlet designs. Also see principles for conservation subdivision design (Article 29 of this Land Use Management Code).



Source: Arendt, Randall, et al. 1994. *Rural By Design*. Chicago: Planners Press. Pages 201 and 160.

**Rural Cluster Detail**

**Village Design Concept**

- (e) **Agricultural Uses** - Agricultural uses that are compatible with residential villages and hamlets should be retained where possible. Barns and agricultural outbuildings in good condition should be retained.



Source: Stokes, Samuel, et al. 1989. *Saving America's Countryside: A Guide To Rural Conservation*. Baltimore: Johns Hopkins Press. Page 62.

**Retain Barns and Agricultural Outbuildings**

- (f) **Storefront commercial/non-residential areas** - Enclosed retail trade establishments, personal service establishments, and related non-residential uses, will not normally be permitted in rural/exurban areas unless the size and proximity of residential uses in the rural/exurban PCD will create reasonable market demand for the storefront commercial/non-residential use or uses. The Planning Commission and Governing Body shall not approve storefront commercial/non-residential development within rural/exurban PCDs unless it is determined to be consistent with commercial land use and economic development policies of the comprehensive plan. Evidence of need must be provided for proposing storefront commercial uses, and the absence of such evidence is grounds to deny their inclusion within PCDs in rural/exurban areas. If proposed and permitted, such uses should be located in careful relation to other land uses within and outside of the development.

### Section 7.8.11. Application Requirements

In addition to the requirements for rezoning applications specified in Chapter 21.2 of this Land Use Management Code, an application for PCD rezoning/development approval shall include the following:

- (a) **Development Plan** - Applications shall include a development plan, as defined, which unless specifically stated otherwise shall be a condition of PCD approval and must be followed.
- (b) **Architectural Elevations** - Applications shall include perspective front, side, and rear elevation drawings of representative building types, except for detached single-family dwellings and their accessory buildings. These drawings shall indicate general architectural characteristics. If the PCD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval. If the PCD involves only detached single-family dwellings, architectural elevations shall not be required.
- (c) **Land Uses and Development Summary** - The application shall include a list of all land uses proposed to be included in the PCD, the total land area devoted to each of the land uses proposed, the percentage of the total land area within the PCD devoted to each proposed land use, the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.
- (d) **Dimensional Requirements** - The application shall contain all minimum dimensional requirements that are proposed to apply within the PCD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear yards and building setbacks, and maximum heights. Such proposed dimensional requirements shall be presented in a table on the development plan or in the written text accompanying the application.
- (e) **Improvement Requirements Comparison** - The application shall contain descriptions of improvements to be constructed within the PCD, such as but not limited to street types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table on the development plan or in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PCD.
- (f) **Private Restrictions** - PCDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the Town's attorney and the Zoning Administrator. The developer of a PCD involving commonly owned facilities and space shall submit, along with the development plan application, a declaration of covenants, conditions, and restrictions and articles of incorporation and by-laws for the property owners or homeowners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners, and provide for maintenance assessments, among other things.



- (g) **Community Benefit Statement** - The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PCD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PCD proposal merits approval and how it will serve the community better than a conventional development.

### **Section 7.8.12. Approval Procedures**

In addition to the requirements for rezoning applications specified in Chapter 21.2 of this Land Use Management Code, approval proceedings for PCD rezoning/development approval shall include the following:

- (a) **Preapplication Conference** - Prior to filing a formal application for a PCD, the applicant is required to confer with the Zoning Administrator and Town Attorney in order to *review* the general character of the plan and to obtain information on the nature and extent of the proposed development.
- (b) **Criteria for Approval** - In considering and acting upon applications for PCDs, the Planning Commission and the Governing Body shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:
  - (1) consistency with the comprehensive plan of the Town;
  - (2) The character, location, and appropriateness of the proposed mix of land uses;
  - (3) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; and
  - (4) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.
- (c) **Revisions** - Amendments to approved PCDs shall be permitted but governed by the procedures and provisions for changing the official zoning map as specified in Chapter 21.2 of this Land Use Management Code.
- (d) **Construction Plans** - Upon approval of a PCD application by the Governing Body, the developer may apply for construction plan approval.
- (e) **Permits and Certificates** - 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, for any PCD that has not been approved in accordance with the provisions of this Chapter. The Zoning Administrator shall authorize the issuance of building permits for buildings and structures in the area *covered* by the approved PCD if they are in substantial conformity with the approved PCD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The Zoning Administrator shall authorize the issuance of a certificate of occupancy for any completed building, structure, or use located in the area covered by the PCD if it conforms to the requirements of the approved PCD and all other applicable regulations. After completion of a PCD, the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area covered by the PCD shall continue to be regulated by the approved development plan for the PCD.

## **ARTICLE 8**

### **COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

Chapter 8.1	0-1, OFFICE-INSTITUTIONAL DISTRICT
Chapter 8.2	C-1, NEIGHBORHOOD COMMERCIAL DISTRICT
Chapter 8.3	C-2, HIGHWAY COMMERCIAL DISTRICT
Chapter 8.4	CBD, CENTRAL BUSINESS DISTRICT
Chapter 8.5	TC, TOWN CENTER MIXED-USE DISTRICT
Chapter 8.6	I, INDUSTRIAL DISTRICT

#### **CHAPTER 8.1**

##### **0-1, OFFICE-INSTITUTIONAL DISTRICT**

Section 8.1.1.	Purpose and Intent
Section 8.1.2.	Applicability
Section 8.1.3.	Permitted and Conditional Uses
Section 8.1.4.	Dimensional Requirements
Section 8.1.5.	Improvement Requirements

##### **Section 8.1.1. Purpose and Intent**

The Office-Institutional zoning district is intended to provide suitable areas for professional, medical, and general offices on individual lots and in office parks, institutions on individual lots or in campus environments, institutionalized living and care facilities, and certain related activities. In some cases, the 0-1 district may be appropriate as a transition between commercial and residential zoning districts.

##### **Section 8.1.2. Applicability**

The 0-1 district can be applied in the Town, although it may not necessarily be mapped in the Town. The 0-1 district is considered appropriate in areas designated as "commercial" and may be considered appropriate in areas designated as "public-institutional" on the future land use map of the Town's comprehensive plan.

##### **Section 8.1.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 8.1.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 8.1.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

#### **Section 8.1.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 8.2**

### **C-1, NEIGHBORHOOD COMMERCIAL DISTRICT**

Section 8.2.1	Purpose and Intent
Section 8.2.2.	Applicability
Section 8.2.3.	Permitted and Conditional Uses
Section 8.2.4.	Dimensional Requirements
Section 8.2.5.	Improvement Requirements

#### **Section 8.2.1. Purpose and Intent**

The C-1, neighborhood commercial, zoning district is intended to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Individual establishments are small (5,000 square feet or less) so as not to impact the residential character of the area these neighborhood commercial districts serve. This zoning district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways. Most of the uses permitted in this zoning district are not auto oriented in nature, and the overall character of neighborhood commercial districts is such that access by both vehicles and pedestrians is possible.

#### **Section 8.2.2. Applicability**

The C-1 district can be applied in the Town, although it may not necessarily be mapped in the Town. The C-1 district is considered appropriate in areas designated as "commercial" on the future land use map of the Town's comprehensive plan and is most appropriately located at and limited to the intersections of collector and arterial streets.

#### **Section 8.2.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.2.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 8.2.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

#### **Section 8.2.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 8.3**

### **C-2, HIGHWAY COMMERCIAL DISTRICT**

Section 8.3.1.	Purpose and Intent
Section 8.3.2.	Applicability
Section 8.3.3.	Permitted and Conditional Uses
Section 8.3.4.	Dimensional Requirements
Section 8.3.5.	Improvement Requirements

#### **Section 8.3.1. Purpose and Intent**

The C-2, highway commercial, district is intended to provide suitable areas for those business and commercial uses which primarily serve the public traveling by automobile and which benefit from direct access to highways. Such districts are generally designed so that the automobile has precedence over the pedestrian, although pedestrian access is required.

#### **Section 8.3.2. Applicability**

The C-2 district can be applied in the Town, although it may not necessarily be mapped in the Town. The C-2 district may be appropriate in areas designated as "commercial" on the future land use map of the Town's comprehensive plan, but it is especially appropriate at intersections of arterial and collector streets with state and federal interstates and highways. Generally, highway commercial districts are considered unsuitable abutting single-family residential zoning districts, because of the off-site impacts associated with uses permitted in the district.

#### **Section 8.3.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 8.3.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 8.3.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

#### **Section 8.3.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 8.4**

### **CBD, CENTRAL BUSINESS DISTRICT**

Section 8.4.1.	Purpose and Intent
Section 8.4.2.	Applicability
Section 8.4.3.	Permitted and Conditional Uses
Section 8.4.4.	Dimensional Requirements
Section 8.4.5.	Improvement Requirements

#### **Section 8.4.1. Purpose and Intent**

The CBD zoning district is intended to concentrate commercial stores within mixed-use centers. This district is unique in that the existing development pattern consists of buildings covering very large percentages of the lot, little if any building setbacks on front, side, and rear property lines, and a lack of off-street parking sufficient to meet the requirements of other commercial zoning districts. This district is distinguished from other commercial zoning districts in that greater building coverage is permitted and yard requirements are minimal. Permitted uses are those that contribute to a pedestrian-friendly central business district. Automobile-related facilities and services are not appropriate to this character and are therefore not permitted in the CBD zoning district.

#### **Section 8.4.2. Applicability**

Rezoning to the CBD district is generally not appropriate in the Town except as may be needed to expand the existing area of commercial stores and mixed uses, or to create new districts with similar character and development characteristics in appropriately designated locations.

#### **Section 8.4.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 8.4.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 8.4.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

#### **Section 8.4.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

## **CHAPTER 8.5**

### **TC, TOWN CENTER MIXED-USE DISTRICT**

Section 8.5.1.	Purpose and Intent
Section 8.5.2.	Applicability
Section 8.5.3.	Permitted and Conditional Uses
Section 8.5.4.	Dimensional Requirements
Section 8.5.5.	Build-to Line Required
Section 8.5.6.	Improvement Requirements

#### **Section 8.5.1. Purpose and Intent**

The TC, Town Center, zoning district is intended to provide for and encourage areas within which businesses, services, civic and educational institutions, and residences can congregate in a compact development pattern with development characteristics that are pedestrian friendly. In TC districts, the pedestrian takes precedence over the automobile. Permitted uses are those that contribute to a pedestrian-friendly town center district, and automobile-related facilities and services are not appropriate to this character and not permitted in TC zoning districts. Yard requirements are minimal, and this district establishes "build-to" lines to maintain the small town, "Main Street" character and to ensure repetition and extension of existing town development patterns.

#### **Section 8.5.2. Applicability**

The TC zoning district is intended to apply to the central "downtown" area of the Town of Maysville. The TC district may be appropriate in areas designated as "commercial," "mixed use," and "town center" as may be designated on the future land use map of the Town's comprehensive plan.

#### **Section 8.5.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 8.5.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

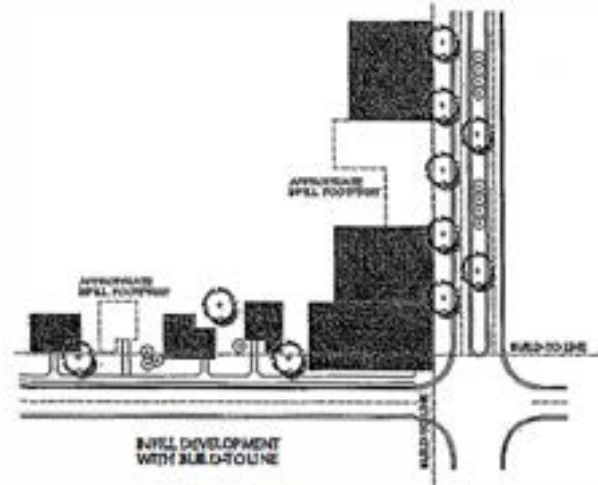
#### **Section 8.5.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

### Section 8.5.5. Build-to Line Required

In lieu of a front building setback (yard requirement) for a principal building, there shall be a "build-to" front building line required for principal buildings in this zoning district. The intent of a build-to line is to ensure that new residences or other principal buildings constructed in the zoning district are placed in a manner that is compatible and consistent with the placement characteristics of existing dwellings and principal buildings and to maintain a consistent street edge. If existing residences or principal buildings are close to the street with shallow front yards, so too shall be the proposed building on abutting, adjacent, and nearby building lots.

The build-to line in this district shall be as determined by the Governing Body pursuant to this intent and the guidance in this Section. Required build-to lines shall be determined by the Governing Body based on existing principal buildings within 1,000 feet of the property in question on the same side of the street in the zoning district.



If multiple principal buildings exist in the district on the same side of the street, the Governing Body shall average those building setbacks to determine the build-to line. If only one principal building exists in the district on the same side of the street, the building setback for that principal building shall establish the build-to line.

If no principal buildings are present on the same side of the street as the lot in question in the zoning district, and the opposite side of the street is also in the zoning district, then the build-to line shall be determined based on the prevailing (average) principal building line established for principal buildings on the opposite side of the street in the district using the same method as described in the preceding paragraph.

In the case of development on a corner lot, the prevailing principal building setbacks along the same side of the intersecting street in the zoning district shall be the basis for the Governing Body establishing the build-to line along the intersecting street, and the Governing Body shall use the same methods established in this section to establish the build-to line.

When more than one principal building on a lot is permitted and proposed, the building or buildings closest to the street right-of-way and within forty (40) feet of the street right-of-way shall observe the build-to line established by the Governing Body. When conformance with the build-to line for other principal buildings is not feasible given the proposed location of the building deeper into the lot, and one or more of the principal buildings on the lot meets the build to requirement, the build-to requirement may be waived as it applies to more than one principal building.

### Section 8.5.6. Improvement Requirements

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."



## **CHAPTER 8.6**

### **I, INDUSTRIAL DISTRICT**

Section 8.6.1.	Purpose and Intent
Section 8.6.2.	Applicability
Section 8.6.3.	Permitted and Conditional Uses
Section 8.6.4.	Dimensional Requirements
Section 8.6.5.	Improvement Requirements

#### **Section 8.6.1. Purpose and Intent**

The I, Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable due to generation of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions. The industries located in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas. Such industries are capable of operation in a manner so as to control the external effects of the manufacturing process through prevention or mitigation devices and conduct of operations within the confines of buildings.

Uses within the I zoning district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air, or water transportation. Such uses include manufacturing, wholesale trade, and distribution activities. Vehicular activities in I districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Certain commercial uses having an open storage characteristic, or which are most appropriately located adjacent to industrial uses, are also included within this zoning district. Light industrial districts, however, do not service the general public and most business uses generating vehicle traffic are generally not permitted.

#### **Section 8.6.2. Applicability**

The I district can be applied in the Town, although it may not necessarily be mapped in the Town. The I district is considered appropriate in areas designated as "industrial" on the future land use map of the Town's comprehensive plan.

#### **Section 8.6.3. Permitted and Conditional Uses**

- (a) Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- (b) In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in section 8.6.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code and are approved pursuant to the provisions of Section 21.2.27 of the Code.

#### **Section 8.6.4. Dimensional Requirements**

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

#### **Section 8.6.5. Improvement Requirements**

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

#### **Section 8.6.6. Sprinkler Requirements**

All new industrial buildings over 10,000 square feet shall have approved sprinkler systems.

**TABLE 8.1**  
**PERMITTED AND CONDITIONAL USES**  
**FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**  
**P = Permitted C = Conditional Use X = Not Permitted**

USE	O-I	C-1	C-2	CBD	TC	I
<b>USES ACCESSORY TO DETACHED, SINGLE FAMILY RESIDENCES AND OTHER DWELLINGS</b>						
Accessory uses and structures not otherwise listed in this table, determined by the Governing Body to be normally incidental to one or more permitted Principal uses	P	P	P	P	P	P
Accessory apartment, attached	P	P	C	P	P	X
Accessory apartment, detached	C	C	C	C	P	X
Carport	P	P	P	P	P	P
Family day care home	P	P	P	P	P	X
Guest house	P	P	P	P	P	X
Home occupation within a detached single-family dwelling	P	P	P	P	P	X
Tower, amateur radio	P	P	P	P	C	X
Yard sale accessory to a detached single-family dwelling	P	P	P	P	P	P
<b>USES ACCESSORY TO NONRESIDENTIAL USES</b>						
Accessory uses and structures not otherwise listed in this table, determined by the Governing Body to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P
Automated teller machine	P	P	P	P	P	P
Caretaker's residence	X	X	C	C	X	P
Construction field office	P	P	P	P	P	P
Roadside stand	X	X	P	X	P	X
Tower, amateur radio	P	P	P	P	P	P
Vehicle emission testing facility	X	X	P	X	X	P
<b>AGRICULTURAL USES</b>						
Agriculture	P	P	P	X	P	P
Forestry	X	X	X	X	X	P
Greenhouse	X	X	P	C	X	P
<b>RESIDENTIAL USES</b>						
Dwelling, single-family detached, fee-simple, existing on the effective date of these regulations	P	P	P	C	P	P
Dwelling, single-family detached. fee-simple	X	X	X	X	X	X
Dwelling, single-family attached (townhouse)	X	X	X	X	C	X
Dwelling, multiple-family, including apartments, condominiums, and cooperatives	X	X	X	X	C	X
Relocated residential structure	X	X	X	X	C	X

**Table continued on next page**

USE	O-I	C-1	C-2	CBD	TC	I
<b>INSTITUTIONAL USES</b>						
Aircraft landing area	X	X	X	X	X	X
Cemetery	P	C	C	C	C	P
Church	P	C	C	C	C	P
Club or lodge, nonprofit	P	P	P	P	P	X
College or university	C	X	P	C	C	X
Continuing care retirement community	C	X	P	C	C	X
Crisis center	C	X	P	C	C	X
Dormitory	C	X	P	C	C	X
Group home, serving less than eighteen (18) persons or less	P	C	P	C	X	X
Group home, serving eighteen (18) or more persons	X	X	C	X	X	X
Helicopter landing pad	X	X	C	X	X	C
Hospital	C	X	P	C	X	P
Institutionalized residential living and care facilities, serving less than eighteen (18) persons or less	P	C	P	C	C	X
Institutionalized residential living and care facilities, serving eighteen (18) or more persons	C	X	P	C	X	X
Riding academy or equestrian center	P	X	P	X	X	P
Rooming house	P	C	P	C	X	X
School for the arts	P	P	P	P	P	P
School, private, elementary, middle, or high	P	P	P	C	P	P
School, special	P	C	P	C	C	P
School, trade	X	X	P	C	X	P
Therapeutic camp	X	X	C	X	X	X
<b>RECREATIONAL USES</b>						
Common area and greenspace	P	P	P	P	P	P
Conservation area	P	P	P	P	P	P
<b>COMMERCIAL USES</b>						
Adaptive reuse of a detached single-family dwelling for an office	C	C	C	C	C	C
Adaptive reuse of a detached single-family dwelling for personal service establishment or enclosed retail establishment	C	P	P	P	P	X
Adult business	X	X	X	X	X	C
Animal hospital	X	X	P	C	C	C
Automobile sales or service establishment	X	X	P	C	X	C
Bed and breakfast inn	P	P	P	P	P	X
Broadcasting studio	C	X	P	C	X	P
Business service establishment, not exceeding 2,500 square feet of across floor area	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of across floor area	X	C	P	P	C	C
Camp or campground	X	X	C	X	X	X
Carnival	X	X	C	X	X	C

Table continued on next page

USE	O-I	C-1	C-2	CBD	TC	I
Clinic	P	P	P	P	P	X
Commercial recreational facility, indoor	X	C	P	C	P	C
Commercial recreational facility, outdoor	X	X	C	X	X	C
Contractor's establishment	X	X	P	C	X	P
Convenience store without gasoline pumps	X	P	P	P	P	X
Convenience store with gasoline pumps	X	C	P	C	C	X
Cottage industry	P	C	P	P	P	X
Country club	X	X	C	X	X	X
Day care center serving no more than 17 persons	C	P	P	C	P	C
Day care center serving 18 or more persons	C	C	P	C	C	X
Exterminator, pest control or disinfecting service	X	X	P	X	X	P
Fairgrounds	X	X	P	X	X	P
Finance, insurance, and real estate establishments, including banks, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	X
Finance, insurance, and real estate establishments, including banks, more than 2,500 square feet of across floor area per establishment	X	C	P	P	C	X
Funeral home, mortuary, or mausoleum	X	X	P	C	X	P
Health spa	X	X	P	P	X	P
Kennel	X	X	P	X	X	P
Landscaping company	X	X	P	C	X	P
Lodging services, excluding motels	X	X	P	P	P	C
Lodging services including motels	X	X	P	C	X	X
Lodging services, single-room occupancy	X	X	C	X	X	X
Marina	X	X	C	X	X	X
Mixed use building and mixed-use developments	X	X	X	P	P	X
Museum	P	P	P	P	P	P
Office	P	P	P	P	P	P
Open-air business	X	X	P	C	C	P
Parking lot, off-site	P	P	P	P	P	P
Parking structure	X	X	P	C	C	P
Personal service establishment, 2,500 square feet or less of across floor area per establishment	C	P	P	P	P	C
Personal service establishment, more than 2,500 square feet of across floor area per establishment	X	C	P	P	P	X
Recreational vehicle park	X	X	C	X	X	X
Restaurant without drive-through	X	P	P	P	P	C
Restaurant, including drive-through	X	X	P	C	C	X
Retail trade establishment, enclosed	X	P	P	P	P	X
Retreat center	C	X	P	C	C	C
Riding stable	X	X	P	X	X	X
Self-service storage facility (mini-warehouses)	X	C	C	C	X	P
Service and fuel filling stations	X	C	P	C	C	C
Special event facility	C	C	P	P	P	C

**Table continued on next page**

USE	O-I	C-1	C-2	CBD	TC	I
Taxi-cab or limousine service	X	X	P	C	X	P
Transportation, communication, or utility facility not elsewhere classified	X	X	X	X	X	C
Truck stop	X	X	C	X	X	P
Vehicle emission testing facility	X	C	P	C	X	P
Wireless telecommunication equipment and wireless telecommunication facilities	X	X	C	C	X	C
<b>INDUSTRIAL USES</b>						
Batching plant, including asphalt and concrete	X	X	X	X	X	X
Biomass production and storage	X	X	X	X	X	X
Borrow site	X	X	X	X	X	P
Bottling or canning plant	X	X	X	X	X	P
Brewery or distillery	X	X	X	X	X	C
Bulk storage	X	X	X	X	X	P
Cold storage plant or frozen food locker	X	X	X	X	X	P
Composting facility	X	X	X	X	X	X
Co-generation facility	X	X	X	X	X	X
Dav Spa, Tattoo Parlor, Massage Parlor	X	X	C	X	X	C
Distribution center including truck terminals	X	X	X	X	X	C
Dry cleaning plant	X	X	X	X	X	P
Explosives storage or manufacture	X	X	X	X	X	X
Food processing plants, including poultry and fish	X	X	X	X	X	C
Fuel oil distributor	X	X	C	X	X	P
Hazardous waste materials or volatile organic liquid handling and/or storage	X	X	X	X	X	X
Hazardous waste disposal	X	X	X	X	X	X
Incinerator	X	X	X	X	X	X
Landfill, construction and demolition	X	X	X	X	X	X
Landfill, sanitary	X	X	X	X	X	X
Manufacturing, apparel	X	X	X	X	X	P
Manufacturing ceramics	X	X	X	X	X	C
Manufacturing, chemicals, floor coverings, glass, or rubber	X	X	X	X	X	X
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	X
Manufacturing, cosmetics or toiletries	X	X	X	X	X	C
Manufacturing, electronics, camera, photographic, or optical good or communication equipment	X	X	X	X	X	P
Manufacturing, fiberglass insulation	X	X	X	X	X	C
Manufacturing, ice	X	X	X	X	X	C
Manufacturing, instrument assembly	X	X	X	C	X	P
Manufacturing, machines	X	X	X	X	X	P
Manufacturing, metal products	X	X	X	X	X	C
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P

**Table continued on next page**

<b>USE</b>	<b>O-I</b>	<b>C-1</b>	<b>C-2</b>	<b>CBD</b>	<b>TC</b>	<b>I</b>
Manufacturing, textiles	X	X	X	X	X	C
Manufacturing, wood products (including pulp mill)	X	X	X	X	X	C
Manufacturing not otherwise classified	X	X	X	X	X	X
Petroleum recycling	X	X	X	X	X	X
Research laboratory	X	X	C	C	X	P
<b>Resource extraction, including mining, quarrying</b>	X	X	X	X	X	C
Salvage yard	X	X	C	X	X	C
Sawmill	X	X	X	X	X	C
Showroom	X	X	X	X	X	P
Slaughterhouse	X	X	X	X	X	X
Solid waste transfer facility	X	X	X	X	X	X
Solvent metal cleaning	X	X	X	X	X	X
Stockyard	X	X	X	X	X	C
Tire retreading and recapping facilities	X	X	X	X	X	P
Warehouse or storage building	X	X	C	C	X	P
Wastewater treatment plant	X	X	X	X	X	X
Wholesale trade establishment	X	X	C	C	X	P
Wrecked motor vehicle compound	X	X	X	X	X	C
<b>OTHER USES</b>						
Mixed-use buildings and mixed-use developments	C	C	C	C	C	X
Public use including public school or park	P	P	P	P	P	C
Semi-public use	C	C	C	C	C	C
Temporary uses and structures approved by the Governing Body	C	C	C	C	C	C

**TABLE 8.2**  
**DIMENSIONAL REQUIREMENTS FOR**  
**COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

<b>DIMENSIONAL REQUIREMENT</b>	<b>O-I</b>	<b>C-1</b>	<b>C-2</b>	<b>CBD</b>	<b>TC</b>	<b>I</b>
Minimum site area to rezone to this district (acres)	0.5	0.5	1	None	None	2.0
<b>RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS</b>						
Maximum residential density (dwelling units per acre)	NP	NP	NP	4	2	NP
Minimum floor area per dwelling unit including caretaker's residence if permitted (square feet)	NP	NP	NP	900	1250	700
<b>BUILDING HEIGHT REQUIREMENTS</b>						
Maximum height (feet)	40	40	50	60	40	60
Maximum height (number of stories)	3	2	3	4	3	4
<b>BUILDING AND SITE REQUIREMENTS</b>						
Maximum building coverage (percent)	25	30	35	75	60	40
Minimum landscape open space (percent)	20	20	15	None	10	20
<b>BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS</b>						
Front (feet)	20	15	30	None	None	40
Side (feet)	10	10	10	None	None	30
Rear (feet)	15	15	20	None	None	40
<b>BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES</b>						
Front (feet)	NP	NP	NP	NP	NP	NP
Side (feet)	10	10	5	None	None	20
Rear (feet)	10	10	None	None	None	30
<b>SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS</b>						
Minimum principal or accessory building setback abutting any Residential Zoning District other than MFR (feet)	20	30	40	20	None	50
Minimum natural buffer abutting any Residential 20 Zoning District other than MFR (feet)	20	20	30	10	None	40
Minimum principal or accessory building setback abutting an MFR, AG, or AG-R district (feet)	None	20	30	10	None	40
Minimum natural buffer abutting an MFR, AG, or AG-R district (feet)	None	10	20	None	None	30
Minimum landscape strip required along right-of-way for any non-single-family residential use (width in feet)	10	10	10	None	None	20
Minimum landscape strip required alongside property lines for any non-single-family residential use	5	5	5	None	None	10

NP= Not Permitted    N/A = Not Applicable