

LAND USE MANAGEMENT CODE OF MAYSVILLE, GEORGIA

**Adopted by Town of Maysville Mayor and Council,
June 4, 2007**

Ordinance No. 2007-006

AN ORDINANCE ADOPTING A COMPREHENSIVE LAND USE MANAGEMENT CODE FOR THE TOWN OF MAYSVILLE, GEORGIA AND ADOPTING AN ENTIRELY NEW ZONING MAP FOR THE TOWN; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**MAYSVILLE LAND USE MANAGEMENT CODE
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**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.

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:

Baubara Thomas
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 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.

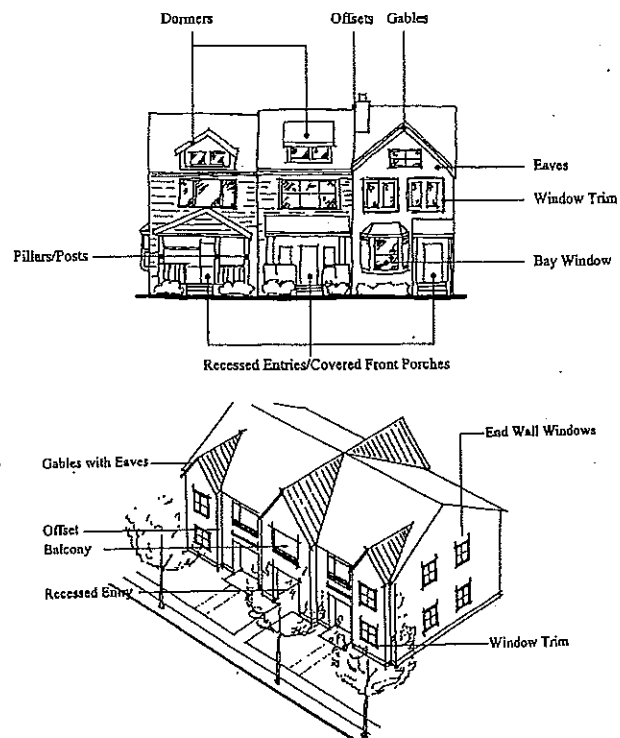
Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special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



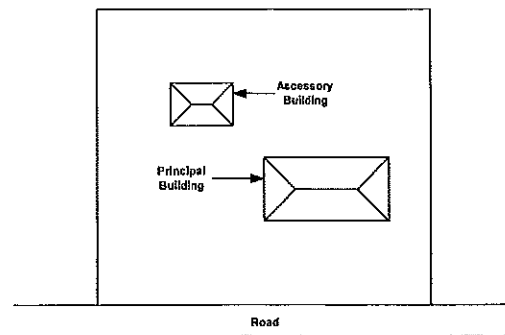
Basement: That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

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 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, Accessory and Principal

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 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 top soil.

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.

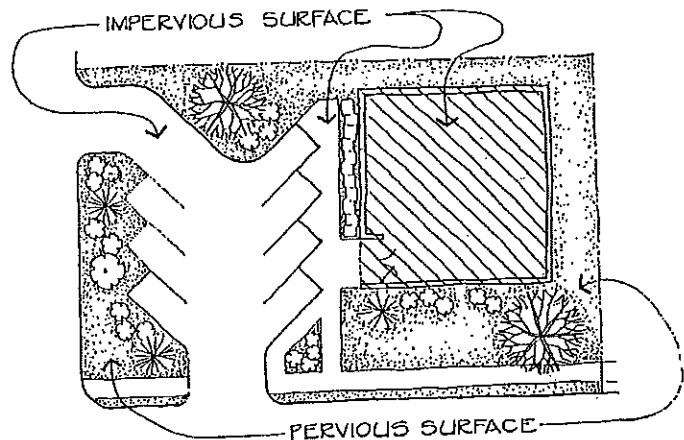
Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

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: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 126).

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.

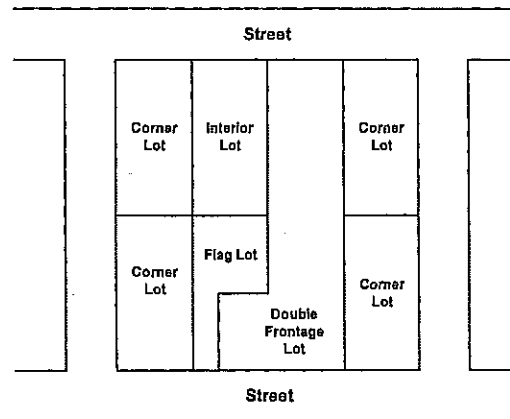
Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. Also called a panhandle lot.

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-ways but inclusive of easements.

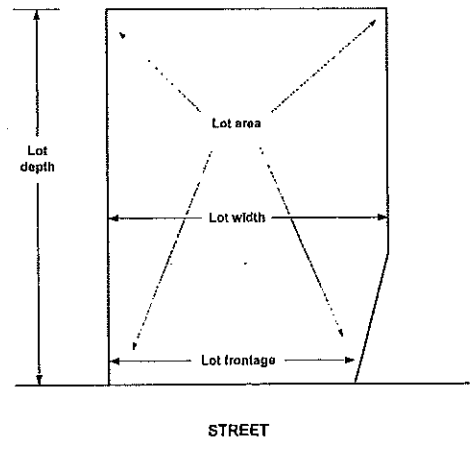
Lot depth: The mean horizontal distance between front and rear lot lines.

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 rights-of-way.

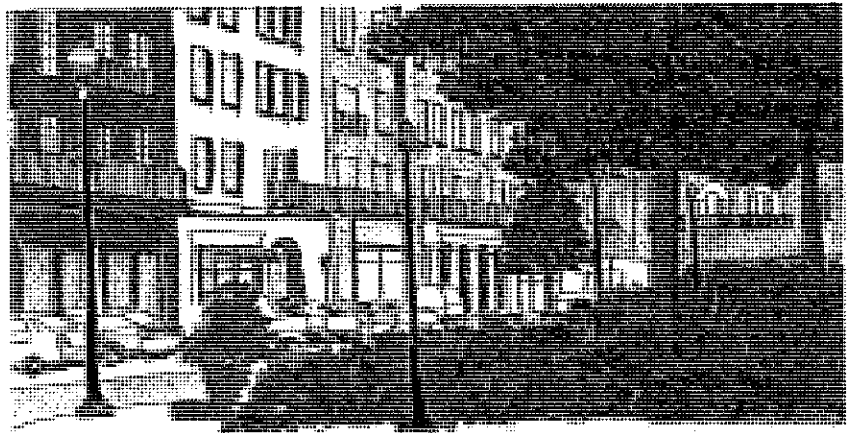
Maysville Planning Commission: A body established by the Town of Maysville as recognized in this code that serves as the planning commission for the Town of Maysville.

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 Deiss, Jerry Weitz & 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.

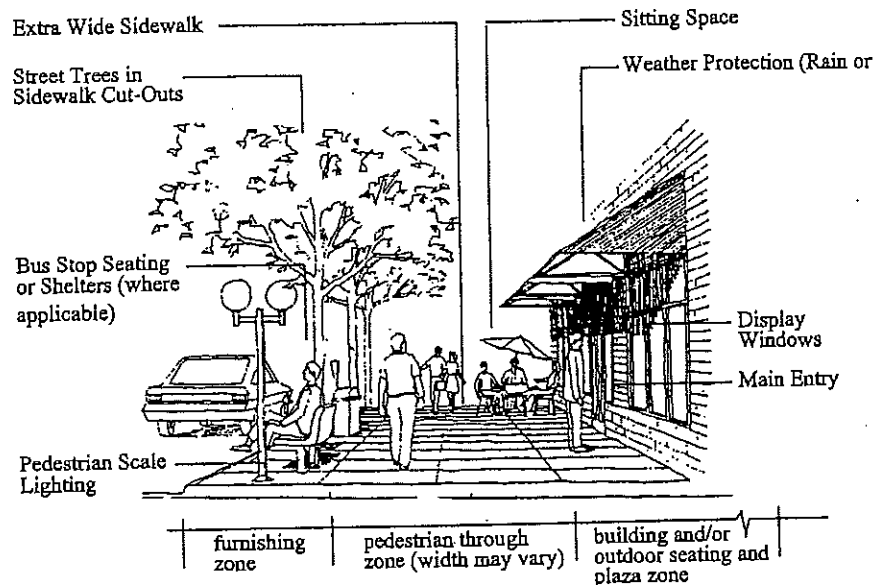
Parking space: An area having dimensions of not less than three hundred (300) square feet, including driveway and maneuvering area, to be used as a temporary storage space for a motor vehicle.

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:

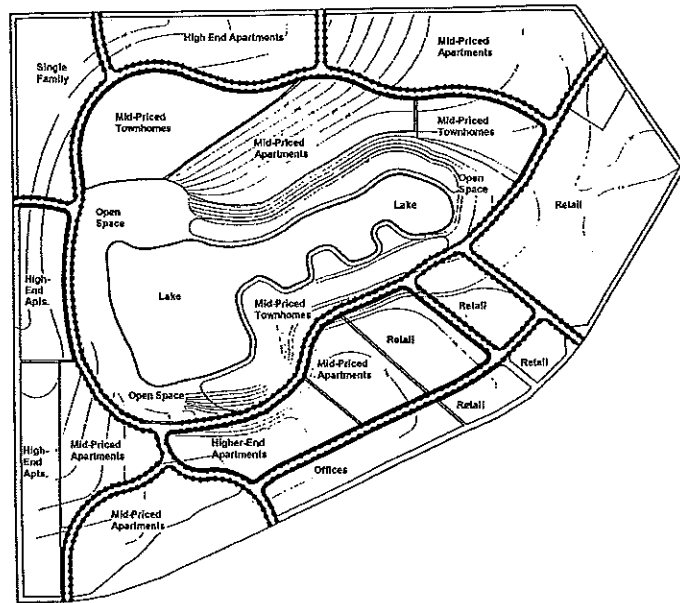
Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows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

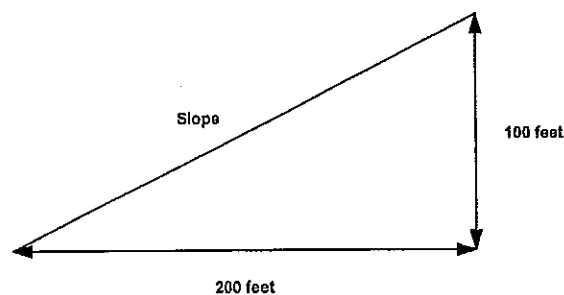
Shall: The word "shall" is mandatory, not discretionary.

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.



100 feet of elevation change over a horizontal distance
of 200 feet = $100/200 = 0.5 = 50$ percent
(also expressed as 200:100 = 2:1)

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 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.

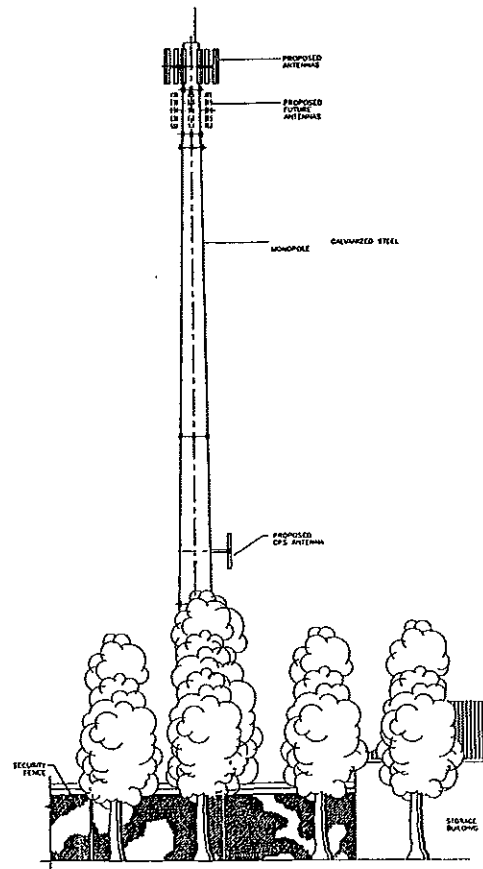
Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

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 lands 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.

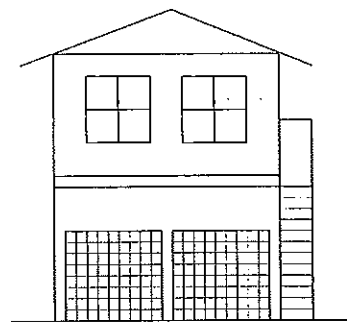
Roadside stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself, and which does 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.

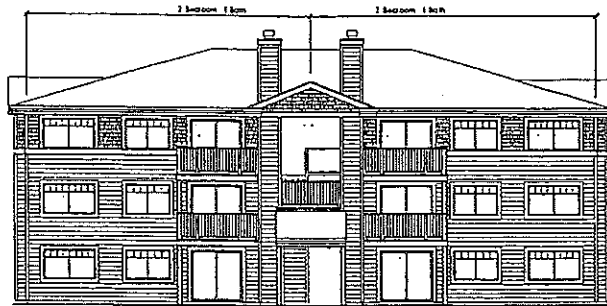
Accessory apartment, attached: A second dwelling unit that is added to the structure of an existing site-built single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling and shall have the same set back 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 purpose of this code an apartment building shall also be considered a "multi-family" dwelling.



Carport: An 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.

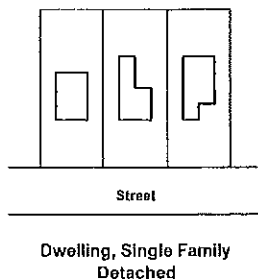
Cooperative building: A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

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.

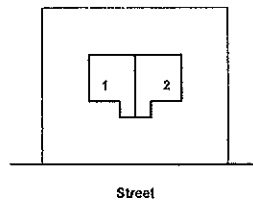
Dwelling, single-family detached, fee-simple:

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.

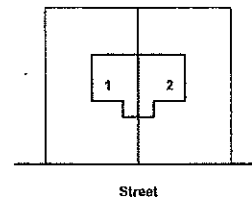


Source: John Matusik and Daniel Deible, "Grading and Earthwork," Figure 24.23 in *Land Development Handbook*, 2nd ed. New York: McGraw-Hill, 2002, p. 562.

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



Dwelling, Two Family (Duplex)
on One Lot



Dwelling, Two Family (Duplex)
Zero Lot Line, Fee Simple

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.

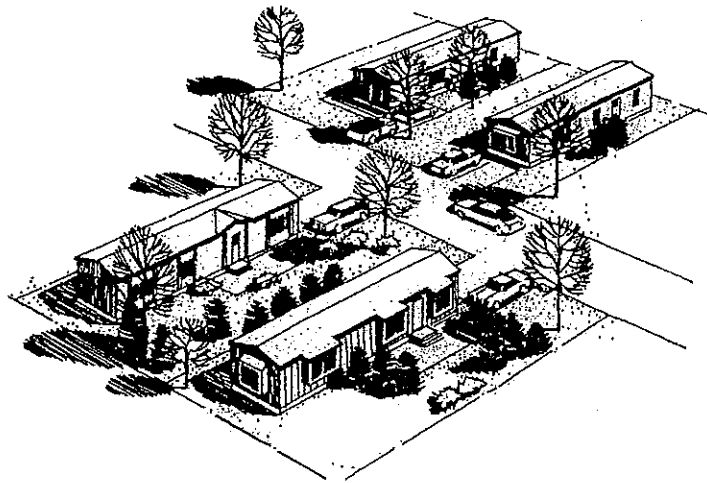
Family day care home: A private residence in which a business, registered by the State of Georgia, is operated by any person who receives therein (for pay) for supervision and care for fewer than twenty-four (24) hours per day, three (3) to not more than six (6) children under eighteen (18) years of 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).

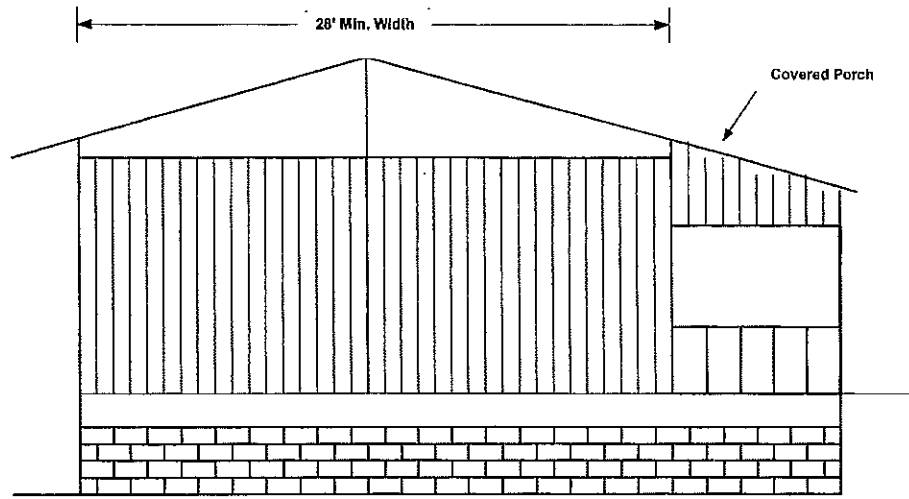


Source: *Time-Saver Standards for Housing and Residential Development*. 2nd Ed. Joseph De Chiara, Julius Panero, and Martin Zelnik, Editors. New York: McGraw-Hill Professional, 1995. Chapter 11, Figure 17, p. 977.

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.



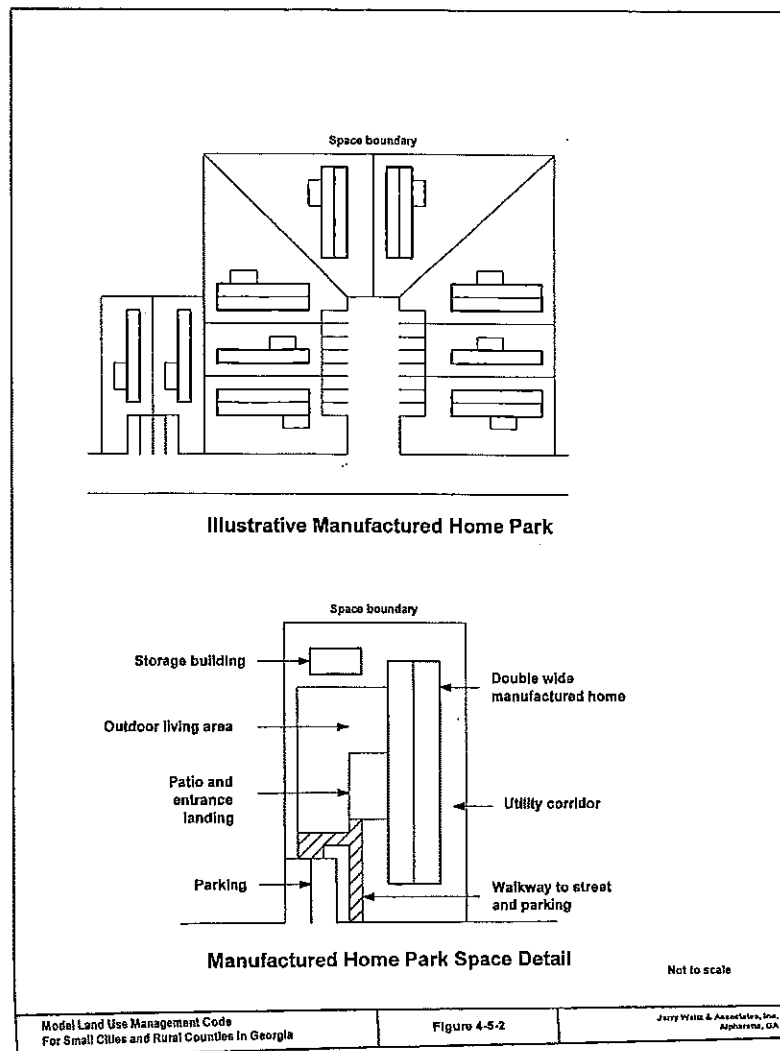
Illustrative "Class A" Manufactured Home

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.

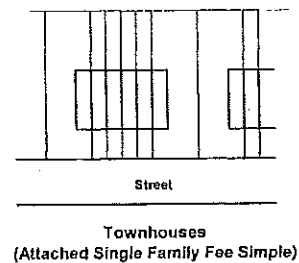
Modular home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed 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.

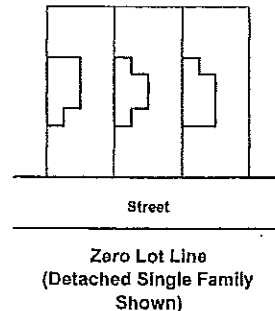


Source: John Matusik and Daniel Delble. "Grading and Earthwork." Figure 24.30 In *Land Development Handbook*, 2nd ed. New York: McGraw-Hill, 2002, p. 571.

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 12th 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, amphitheaters, 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 bungi 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 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 hand-made 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 timbers, 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 accommodations, 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, statuary 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 cafés.

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.

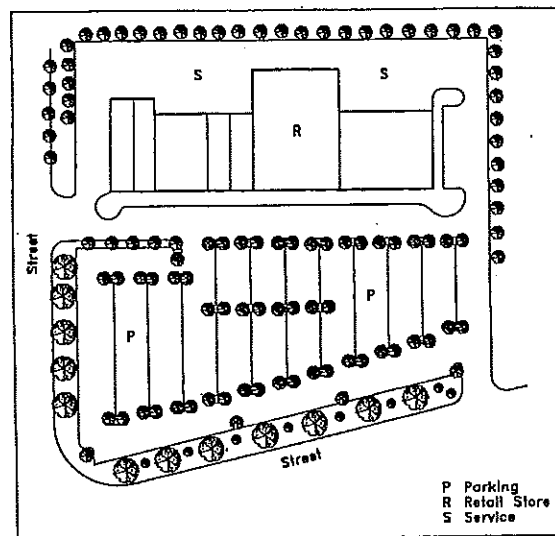
Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during 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: Couture, Dennis. 2002 "Development Patterns and Principles." Figure 12.20 in *Land Development Handbook*, 2nd ed. The Dewberry Companies. New York, McGraw-Hill.

Single-room occupancy facility: A lodging service that offers shelter accommodations 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 accommodations, 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, beers, 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 off-site 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 use, distribute 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 timber 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 qualifying 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: Maysville, Ohio, Jerry White & 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 (I) 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
R-4, Medium-High Density Residential District
MFR, Multiple-Family Residential District
PCD, Planned Community Development District
O-I, 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-of-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 river beds, 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.

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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.

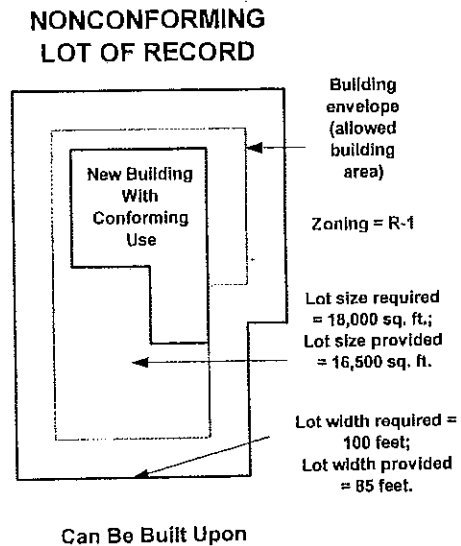
Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum building coverage for the zoning district in which said building or structure 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.

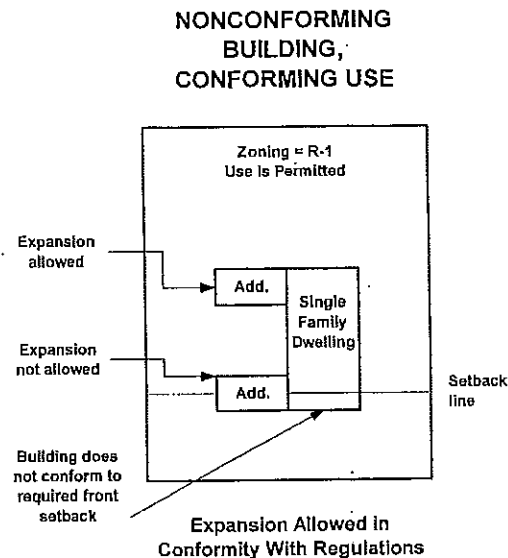


CHAPTER 4.3 NONCONFORMING BUILDINGS AND STRUCTURES

- 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 nonconforming 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.

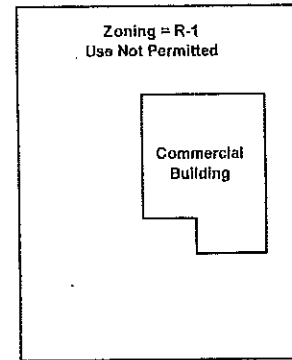
Section 4.4.4. Expansion.

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 nonconforming setbacks are maintained.

**NONCONFORMING
USE**



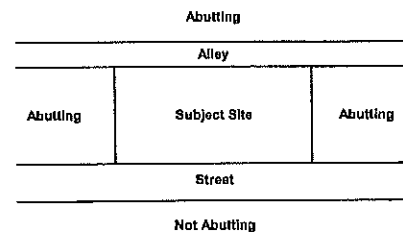
Cannot Be Expanded

ARTICLE 5 GENERAL PROVISIONS

CHAPTER 5.1	DEFINITIONS
CHAPTER 5.2	GENERAL PROVISIONS
CHAPTER 5.3	GENERAL DIMENSIONAL PROVISIONS

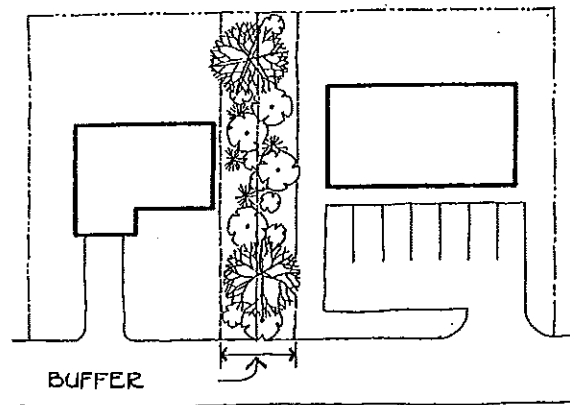
CHAPTER 5.1 DEFINITIONS

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.

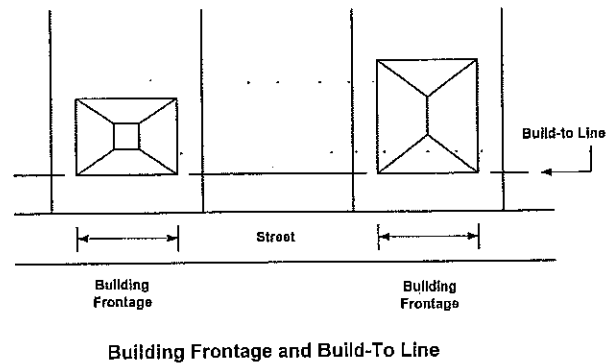


Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 50).

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.

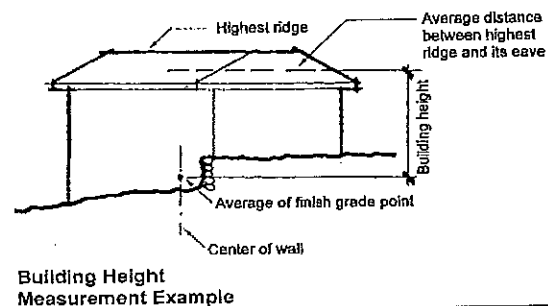
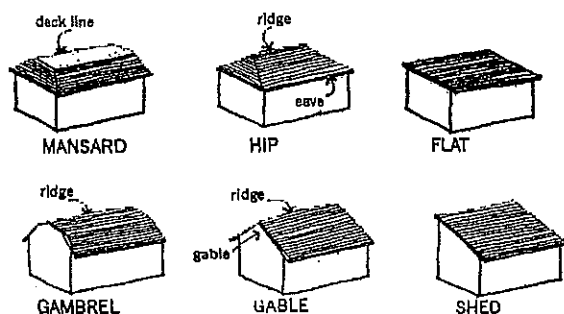
Build-to-line: A front building setback line applied to a principal building on a particular property so that a continuous and consistent building setback will be achieved considering the front building setbacks of buildings on abutting and/or adjacent lots on the same side of the street or right-of-way.



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.



Roof Types

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.

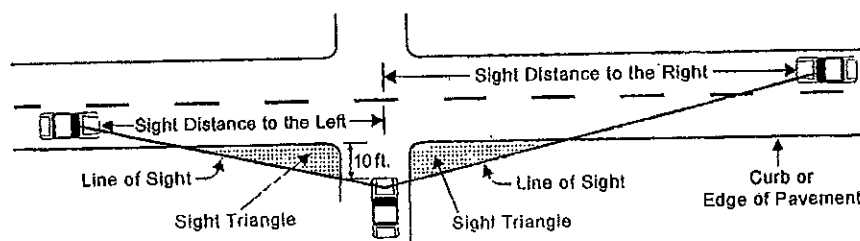
Density: The quantity of building per unit of area; for example, the number of dwellings per area (gross square foot or per acre).

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* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 5-13, p. 5-31.

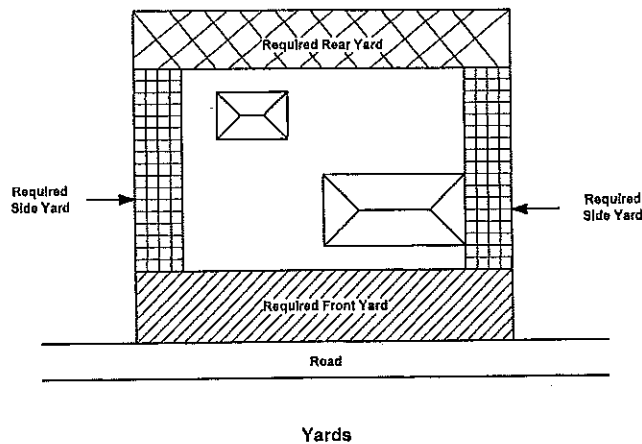
Story: That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy (other than a one-story basement).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

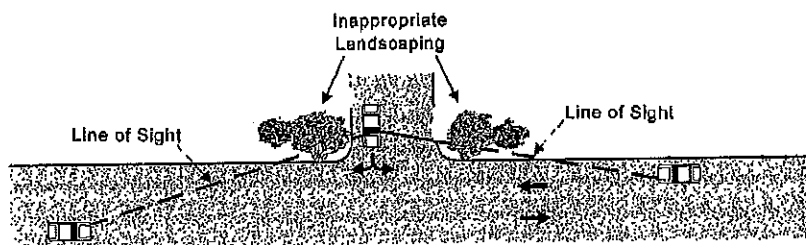
If not otherwise stated, any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided under Articles 6, 7, and 8 of this Land Use Management Code shall be prohibited in that zoning district.

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.



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 use 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, non-

commercial 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	AG, 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 can be incompatible with single-lot residential development. Residential uses are restricted to those which will not be incompatible with and will not challenge moderately intensive farming operations, and which are more or 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. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

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.

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts."

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 intra-family 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.

Livestock Type	Maximum Number of Livestock (Head) Per Acre:
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 Agricultural-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 objectionable odors, dust, noise, or other effects which can be incompatible with single-lot residential development. A minimum 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 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.

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.

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.

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.

Livestock Type	Maximum Number of Livestock (Head) Per Acre:
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:
ACCESSORY USES			
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	11.8.1
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
AGRICULTURAL USES			
Agriculture	P	P	
Livestock, limited	N/A	P	6.2.6
Biomass production and storage	X	X	
Forestry	C	C	
Greenhouse	C	C	
Stockyard	X	X	
RESIDENTIAL USES			
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)	P	P	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
INSTITUTIONAL USES			
Cemetery	C	C	
USE	AG	AG-R	See also Section:
Church, temple, synagogue, or place of worship	P	P	11.5.1

COMMERCIAL, INDUSTRIAL, OTHER USES			
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

DIMENSIONAL REQUIREMENT	AG	AG-R
Minimum acreage to rezone to district (acres)	8	5
AGRICULTURAL INTENSITY		
Livestock raising and animal quarters intensity (equivalent animal units per acre)	(see Section 6.2.6)	(see Section 6.2.6)
RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS		
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
BUILDING HEIGHT REQUIREMENTS		
Maximum height (feet)	35	35
Maximum height (number of stories)	3	3
ANIMAL QUARTERS REQUIREMENTS		
Minimum building setback, all property lines (feet)	100	75
Minimum building setback abutting AG-R or any residential zoning district (feet)	150	150
Minimum natural buffer abutting AG-R or any residential zoning district (feet)	75	75
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED BUILDINGS		
Front (feet)	50	40
Side (feet)	40	30
Rear (feet)	40	30
MINIMUM FLOOR AREA PER DWELLING UNIT (square feet)	1,250	1,250

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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 7.3	R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT
CHAPTER 7.4	R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT
CHAPTER 7.5	R-3, TWO-FAMILY RESIDENTIAL DISTRICT
CHAPTER 7.6	R-4, MEDIUM-HIGH DENSITY 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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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
R-4, MEDIUM-HIGH DENSITY 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.

This district is intended to apply to smaller, urban-sized lots of ¼ acre or more in the Town. Yards are minimal because of the small size of the lots. Development in these districts necessitates sanitary sewer and public water service.

Section 7.7.2. Applicability.

The R-4 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.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

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."

CHAPTER 7.8 MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 7.8.1.	Purpose and Intent.
Section 7.8.2.	Applicability.
Section 7.8.3.	Permitted and Conditional Uses.
Section 7.8.4.	Dimensional Requirements.
Section 7.8.5.	Improvement Requirements.

Section 7.8.1. 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 7.8.2. Applicability.

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

Section 7.8.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."

Section 7.8.4. Dimensional Requirements.

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

Section 7.8.5. Improvement Requirements.

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

P = Permitted C = Conditional Use X = Not Permitted

[illegible]

[illegible]

TABLE 7.2
DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

DIMENSIONAL REQUIREMENT	RR-1	RR-2	RR-3	R-1	R-2	R-3	R-4	MFR
RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS								
Maximum residential density (acres per dwelling unit)	2	1.5	1.0	0.75	0.5	0.5	0.25	0.125
Maximum residential density (dwelling units per acre)	0.5	0.667	1.0	1.333	2.0	2.0	4.0	8.0
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (acres)	2	1.5	1.0	0.75	0.5	0.5	0.25	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	10,890	21,780
Minimum lot size, two-family dwelling (square feet)	NP	NP	NP	NP	NP	21,780	NP	21,780
Minimum lot size for other permitted uses (square feet)	87,120	65,340	43,560	32,670	21,780	21,780	10,890	21,780
Minimum lot width, all uses (feet)	150	125	100	100	85	85	75	75
BUILDING AND SITE REQUIREMENTS								
Maximum building coverage (percent)	10	15	20	20	25	25	30	30
Minimum landscaped open space for non-single-family residential use if permitted (percent)	20	20	20	20	20	20	20	25
BUILDING HEIGHT REQUIREMENTS								
Maximum height (feet)	35	35	35	35	35	35	35	40
Maximum height (number of stories)	3	3	3	3	3	3	3	3
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS								
Front (feet)	85	70	60	50	30	30	25	30
Side (feet)	30	25	20	15	10	10	10	20
Rear (feet)	70	50	40	35	30	30	20	30
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES								
Front (feet)	NP	NP	NP	NP	NP	NP	NP	NP
Side (feet)	20	15	10	10	5	5	5	5
Rear (feet)	30	25	15	10	10	10	5	10
SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS								
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	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	N/A	20
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	10	10	10	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use	5	5	5	5	5	5	5	5
MINIMUM FLOOR AREA PER DWELLING UNIT (square feet)	1,500	1,250	Note 1	Note 1	Note 1	1,000	850	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 7.9 PCD, PLANNED COMMUNITY DEVELOPMENT DISTRICT

Section 7.9.1.	Purpose and Intent.
Section 7.9.2.	Applicability.
Section 7.9.3.	Permitted Uses.
Section 7.9.4.	Dimensional Requirements.
Section 7.9.5.	Improvement Requirements.
Section 7.9.6.	Minimum Areas Required for Rezoning and Development.
Section 7.9.7.	Minimum Open Space Required.
Section 7.9.8.	General Principles for Land Use Mix and Design.
Section 7.9.9.	Neotraditional Development Principles.
Section 7.9.10.	Rural/Exurban Development Principles.
Section 7.9.11.	Application Requirements.
Section 7.9.12.	Approval Procedures.

Section 7.9.1. 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 7.9.2. 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 7.9.3. 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 7.9.4. 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 7.9.5. 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 7.9.6. 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.

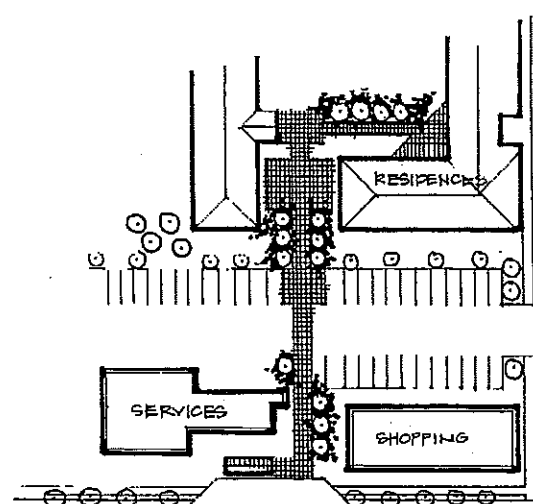
Section 7.9.7. Minimum Open Space Required.

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 7.9.8. 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 use 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.

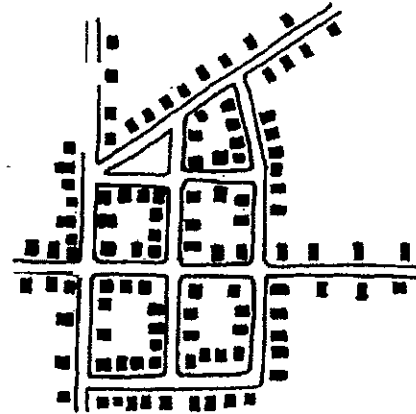


Source: Morris, Marya, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 3-1, p. 28. Chicago: American Planning Association.

Section 7.9.9. Neotraditional Development Principles.

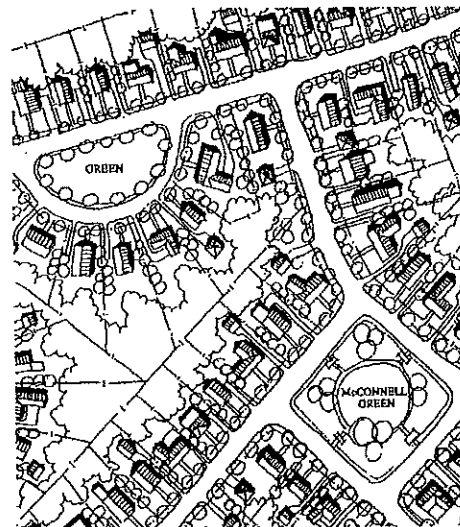
The following design principles are not required for every planned unit development and are appropriate only in urban/suburban areas. However, when an applicant proposes a planned unit development in an urban/ suburban area that will follow non-conventional residential subdivision designs, the applicant, 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.



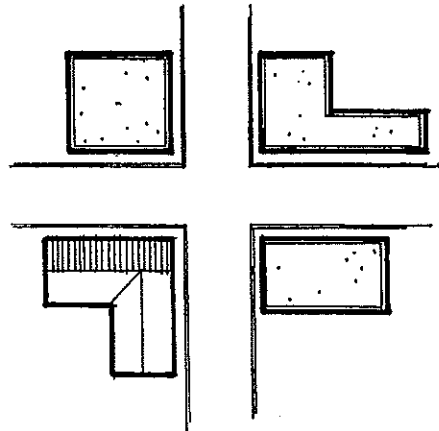
Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*. PAS Report No. 487/488, Figure 90, p. 58. Chicago: American Planning Association.

- (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) Building 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, Marya, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 1-9, p. 10. Chicago: American Planning Association.

- (d) Storefront commercial/non-residential 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 Plattus, 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.

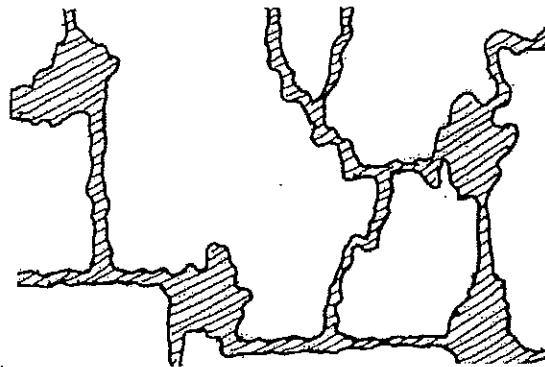
Section 7.9.10. Rural/Exurban Development Principles.

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.

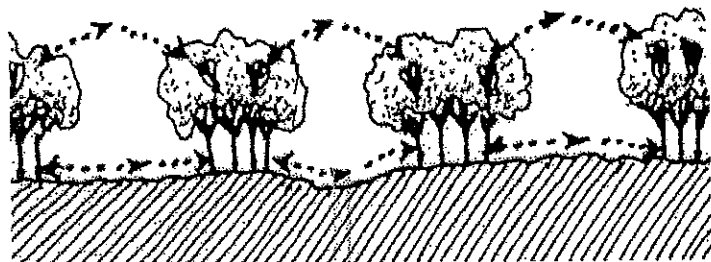
- (a) **Site clearing and grading.** Developments should be designed to fit the existing contours and landform of the site and to minimize the amount of earthwork. Excavation and earthwork should be kept to a minimum to reduce visual impacts and erosion. Existing vegetation should be retained to the 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.



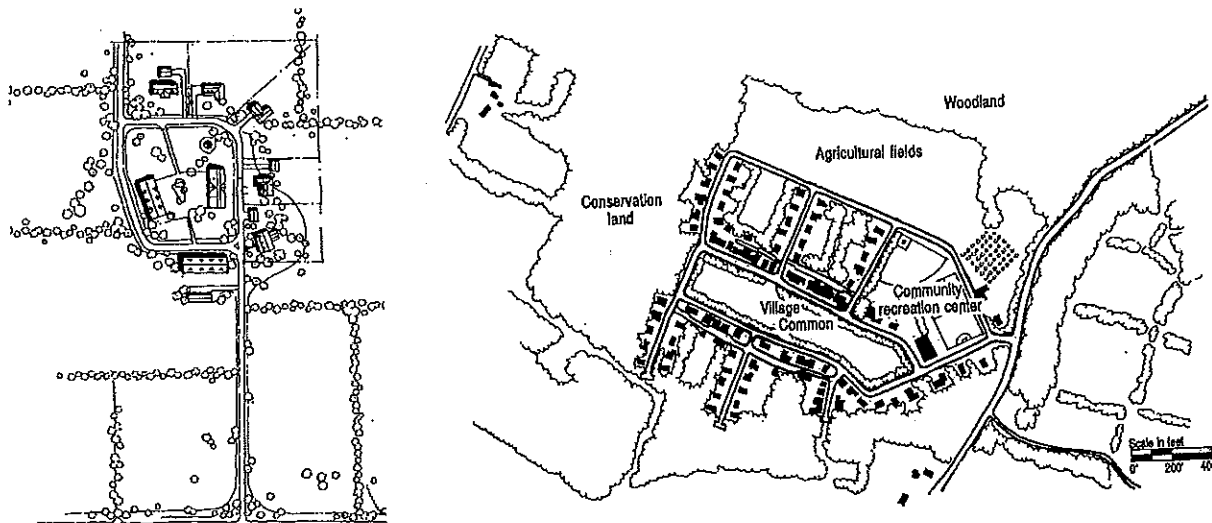
Habitat Patch Preservation and Connection



Stepping Stones

Source: Dramstad, Wenche, James Olson, and Richard Forman. 1996. *Landscape Ecology Principles in Landscape Architecture and Land Use Planning*. Washington, DC: Island Press. Figure M6, page 43.(top) and Figure C6, 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).

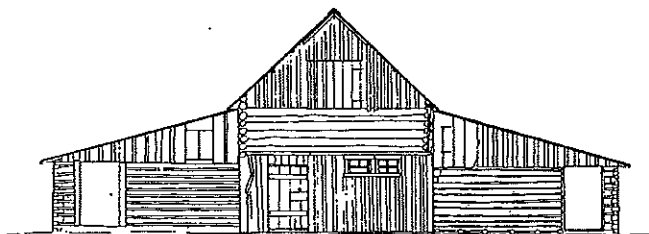


Source: Arendt, Randall, et al. 1994. *Rural By Design*. Chicago: Planners Press. Pages 201 and 160.

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 7.9.11. 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 home owners 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 7.9.12. 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	O-I, 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 O-I, 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 O-I district may be appropriate as a transition between commercial and residential zoning districts.

Section 8.1.2. Applicability.

The O-I district can be applied in the Town, although it may not necessarily be mapped in the Town. The O-I 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.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

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 be 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.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

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 be 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 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.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

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.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

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 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.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

Section 8.5.4. Dimensional Requirements.

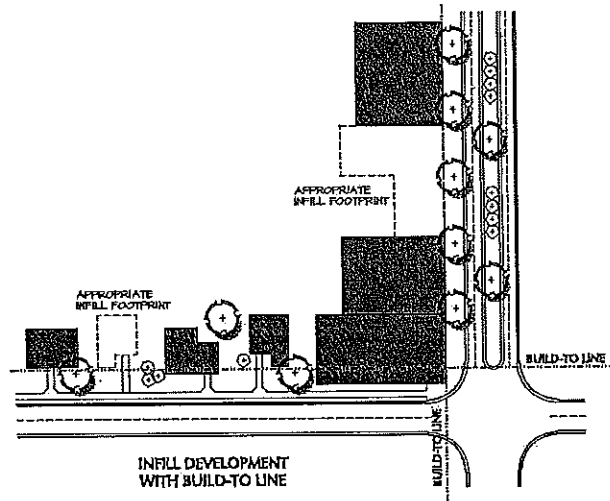
Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

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 locating 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.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

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
USES ACCESSORY TO DETACHED, SINGLE-FAMILY RESIDENCES AND OTHER DWELLINGS						
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
USES ACCESSORY TO NONRESIDENTIAL USES						
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
AGRICULTURAL USES						
Agriculture	P	P	P	X	P	P
Forestry	X	X	X	X	X	P
Greenhouse	X	X	P	C	X	P
RESIDENTIAL USES						
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
INSTITUTIONAL USES						
Aircraft landing area	X	X	X	X	X	X
Cemetery	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
USE	O-I	C-1	C-2	CBD	TC	I
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
RECREATIONAL USES						
Common area and greenspace	P	P	P	P	P	P
Conservation area	P	P	P	P	P	P
COMMERCIAL USES						
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 gross floor area	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	C	P	P	C	C
Camp or campground	X	X	C	X	X	X
Carnival	X	X	C	X	X	C
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 bank, 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 bank, more than 2,500 square feet of gross 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
USE	O-I	C-1	C-2	CBD	TC	I
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 gross floor area per establishment	C	P	P	P	P	C
Personal service establishment, more than 2,500 square feet of gross 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
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
INDUSTRIAL USES						
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
Day 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 plant, 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
USE	O-I	C-1	C-2	CBD	TC	LI
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
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
Resource extraction, including mining, quarrying	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
OTHER USES						
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

DIMENSIONAL REQUIREMENT	O-I	C-1	C-2	CBD	TC	I
Minimum site area to rezone to this district (acres)	0.5	0.5	1	None	None	2.0
RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS						
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	N/P	900	1250	700
BUILDING HEIGHT REQUIREMENTS						
Maximum height (feet)	40	40	50	60	40	60
Maximum height (number of stories)	3	2	3	4	3	4
BUILDING AND SITE REQUIREMENTS						
Maximum building coverage (percent)	25	30	35	75	60	40
Minimum landscaped open space (percent)	20	20	15	None	10	20
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS						
Front (feet)	20	15	30	None	None	40
Side (feet)	10	10	10	None	None	30
Rear (feet)	15	15	20	None	None	40
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES						
Front (feet)	NP	NP	NP	NP	NP	NP
Side (feet)	10	10	5	None	None	20
Rear (feet)	10	10	None	None	None	30
SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS						
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 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-ways for any non-single-family residential use (width in feet)	10	10	10	None	None	20
Minimum landscape strip required along side property lines for any non-single-family residential use	5	5	5	None	None	10

NP = Not Permitted N/A = Not Applicable

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ARTICLE 9 GENERAL DEVELOPMENT REGULATIONS

CHAPTER 9.1	PURPOSE AND GENERAL PROVISIONS
CHAPTER 9.2	ACCESS
CHAPTER 9.3	GENERAL ARCHITECTURAL BUILDING REQUIREMENTS
CHAPTER 9.4	OUTDOOR LIGHTING
CHAPTER 9.5	NOISE

CHAPTER 9.1 PURPOSE AND GENERAL PROVISIONS

Section 9.1.1.	Purpose and Intent.
Section 9.1.2.	Applicability.
Section 9.1.3.	Inventory of Site Features.

Section 9.1.1. Purpose and Intent.

It is the intent of this Article to ensure that building and site designs of new developments achieve high quality standards and appearances which will enhance the character of the surrounding area. This Article is intended to guide the site planning and design of projects. Development proposals are required, through the site plan review process, to carefully address the potential undesirable impacts on adjoining land uses. Impacts may include traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.

Section 9.1.2. Applicability.

This Article shall apply to all development except for detached, single-family dwellings on individual lots and two-family dwellings on individual lots, except as otherwise specifically provided or exempted in this Article.

Section 9.1.3. Inventory of Site Features.

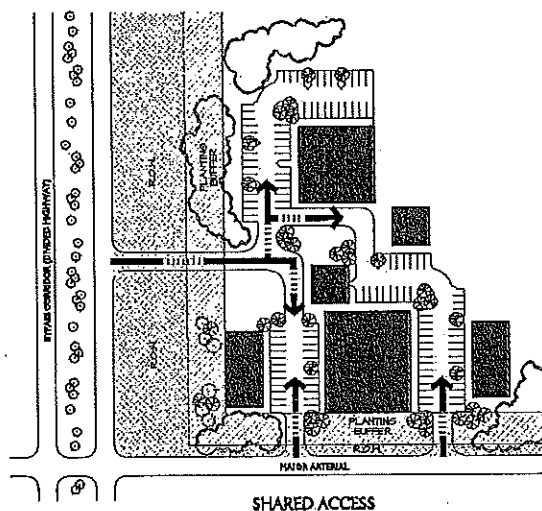
Significant site features such as natural ground forms, large rock outcroppings, water and significant view corridors shall be identified on an existing conditions map and to the extent practicable should be incorporated into the site plan or plans for development. The Zoning Administrator may exempt development proposals on properties with two acres or less in area from this requirement if through a site visit or other information presented the requirement for a site conditions analysis can be satisfied with other data and enforcing this requirement would be onerous given the development proposed.

CHAPTER 9.2 ACCESS

Section 9.2.1.	Principal Access.
Section 9.2.2.	Inter-parcel Access.
Section 9.2.3.	Service Functions.
Section 9.2.4.	Driveway Permit Required.
Section 9.2.5.	Driveway and Curb Cut Specifications.
Section 9.2.6.	Minimum Driveway Throat Lengths.
Section 9.2.7.	On-Site Access Requirements.
Section 9.2.8.	Pedestrian Facilities.

Section 9.2.1. Principal Access.

The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans. Shared driveways between two parcels along the common property line may be required by the Zoning Administrator. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles across the site.



Section 9.2.2. Inter-parcel Access.

Abutting properties which do not provide interconnecting access to one another make it difficult and dangerous, if not impossible, for motorists to travel between those properties. This Section shall apply to all new office, commercial, institutional, and industrial developments and major building renovations and repaving projects of office, commercial, institutional, and industrial developments. Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between adjacent and nearby developments as an alternative to forcing all movement onto abutting highways and public roads, unless the Zoning Administrator determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among two or more existing or proposed uses on abutting or nearby sites. Where opportunities for shared access have been identified by the Zoning Administrator, developments must provide shared access with adjoining

properties to facilitate frontage roads and connections between parcels. The property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site.

The location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access may be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of an inter-parcel connection, the Zoning Administrator will determine the location of the inter-parcel connection to be constructed by property owners.

Section 9.2.3. Service Functions.

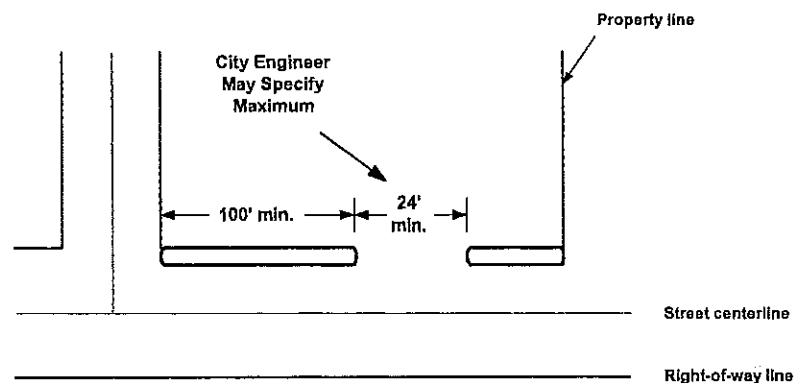
Service functions (e.g., deliveries, maintenance activities), when present or required as part of a development, shall be integrated into the circulation pattern in a manner which minimizes conflicts with vehicles and pedestrians. Office, institutional, commercial, and industrial developments on tracts of five acres or more shall have access to service and loading areas separated from main circulation and customer parking areas. Loading areas shall be located in accordance with Section 12.5.3 of this Land Use Management Code.

Section 9.2.4. Driveway Permit Required.

This Section shall apply to all development, including single-family detached dwellings. No driveway shall be connected to a public street, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access without a driveway permit issued by the zoning administrator, which may require a storm drainage culvert of a size specified by the zoning administrator.

Section 9.2.5. Driveway and Curb Cut Specifications.

Except for driveways serving individual single-family detached dwellings, no curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway. Except for driveways serving individual residences or one-way traffic, curb cuts or access driveways shall be no narrower than twenty-four (24) feet from back of curb to back of curb.



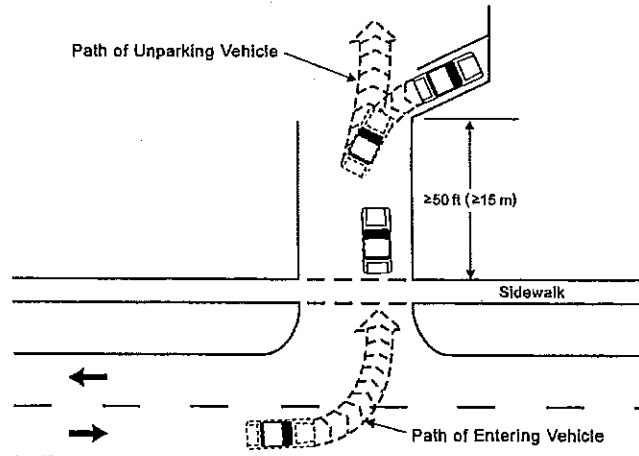
Curb Cuts and Access Specifications

Strict adherence to these requirements may not be practical in all instances as determined by the zoning administrator. The zoning administrator may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

Section 9.2.6. Minimum Driveway Throat Lengths.

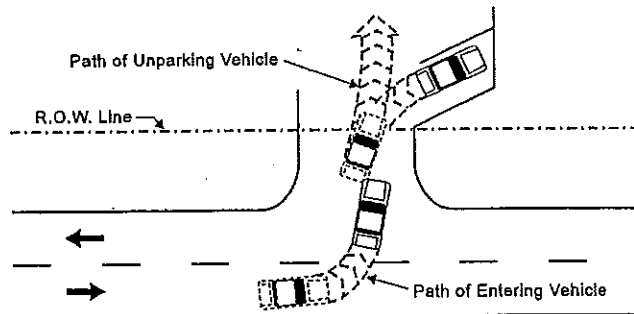
When located on a collector or arterial street and serving parking of five spaces or more and/or a loading area, the driveway entry "throat" shall provide at least fifty (50) feet of clear zone before a turning movement occurs, to provide sufficient queuing room for cars and/or delivery vehicles entering off the collector or arterial street.

Minimum Throat Length Required



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-22, p. 7-31.

Inadequate Throat Length Prohibited

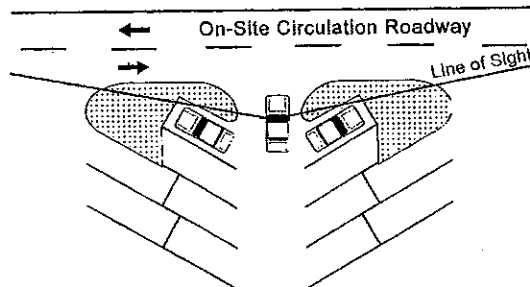


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-21, p. 7-30.

Section 9.2.7. On-Site Access Requirements.

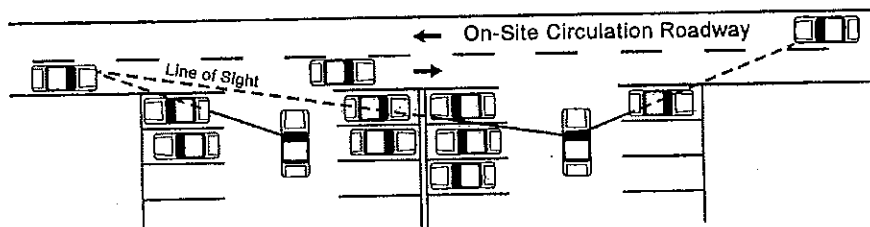
The intersection of parking aisles with a ring road or other on-site roadways or driveways shall provide adequate intersection sight distance. Landscaping at the end islands of parking aisles shall not encroach on sight distance as determined by the Zoning Administrator. Parking aisle end islands shall be curbed unless that requirement is waived for water quality purposes or in a rural/exurban area; painted end islands are ineffective and are generally not permitted.

End Islands Preserve Sight Distance



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-15, p. 8-25.

Inadequate Sight Distance Due To No Parking Aisle End Islands

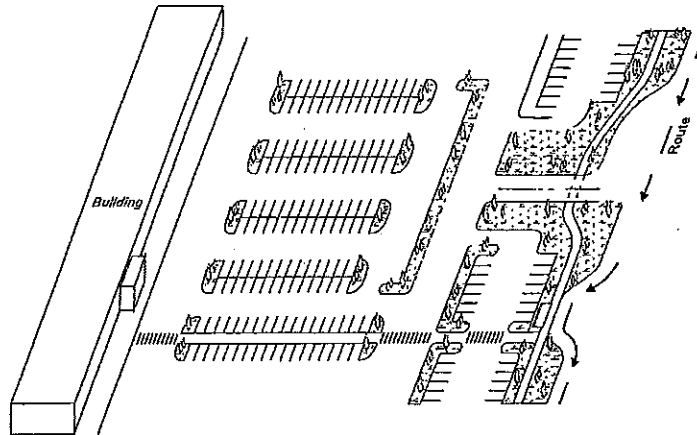


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-14, p. 8-24.

Section 9.2.8. Pedestrian Facilities.

On any particular development site subject to this Chapter, where pedestrian circulation crosses vehicular routes, a change in grade, materials, textures or colors, or appropriate striping or demarcation, shall be provided to emphasize the point of intersection between pedestrians and vehicles and improve its visibility and safety. For instance, brick pavers and other special paving materials can help to distinguish pedestrian walkway surfaces from vehicular access ways.

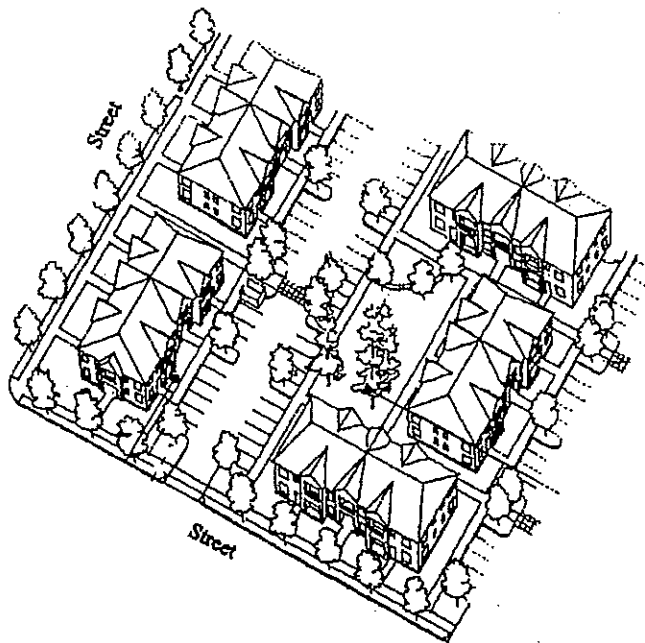
Except for detached, single-family dwellings, pedestrian access must be provided to individual developments and each establishment within the development. Pedestrian ways shall be well defined, take as direct a path as possible, and they should be separated where practical from automobile access ways. Parking aisle dividers are appropriate locations for pedestrian access facilities.



Direct Pedestrian Travel from Street to Store Front

Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-28, p. 8-35.

When multiple buildings are proposed, they shall be linked with on-site pedestrian walkways. Sidewalks on individual properties must connect to the sidewalk system within public road right-of-way, where such system exists or is planned, and to adjacent parcels when determined to be compatible and required by the Zoning Administrator.



Illustrative Direct Pedestrian Connections From Buildings to Streets

CHAPTER 9.3 GENERAL ARCHITECTURAL BUILDING REQUIREMENTS

Section 9.3.1.	Definitions.
Section 9.3.2.	Primary Building Materials.
Section 9.3.3.	Prohibitions.
Section 9.3.4.	Awnings and Canopies.
Section 9.3.5.	Building Façades.
Section 9.3.6.	Building Accessories.
Section 9.3.7.	Retaining Walls.
Section 9.3.8.	Decorative Walls.
Section 9.3.9.	Fencing.
Section 9.3.10.	Utility Undergrounding.

Section 9.3.1. Definitions.

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

Architectural recesses: Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass, designed and intended for the protection from the weather or as a decorative embellishment, and which projects from the wall or roof of a structure over a window, walk, door, or the like. Awnings may be retractable but are most often fixed with a rigid frame.

Cornice: Any molded projection which crowns or finishes the edge of a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance which faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Fenestration. The organization of windows on a building wall.

Massing. The overall visual impact of a structure's volume; a combination of height and width and the relationship of the heights and widths of the building's components.

Section 9.3.2. Primary Building Materials.

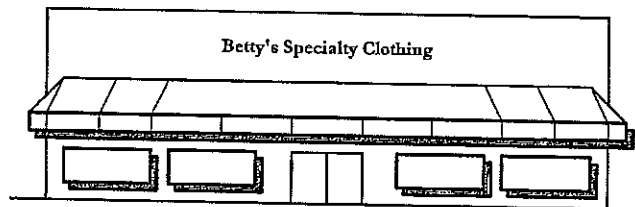
This section shall apply only to office, institutional, and commercial developments. On front façades or other building side visible from a public right-of-way, exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

Section 9.3.3. Prohibitions.

The following types of external building materials are prohibited: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks. This provision also applies to accessory buildings and other structures, including signs.

Section 9.3.4. Awnings and Canopies.

The use of awnings on buildings are recommend but not required, so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior. Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they shall be designed to coordinate with the design of the building and any other awnings along the same building façade.



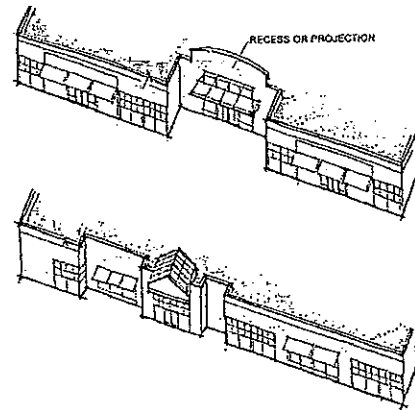
**Encouraged:
Shops Facing Street
With Awnings and Storefront Windows
Help Define Streetscape**

Section 9.3.5. Building Façades.

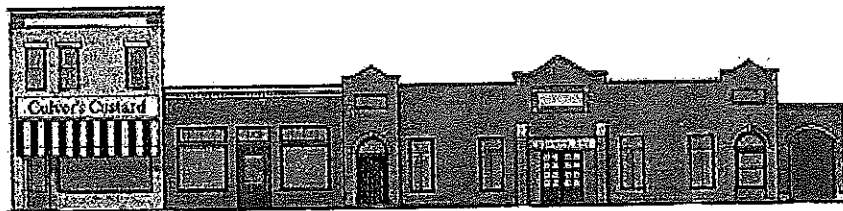
Lengthy, featureless façades and building walls must be avoided. Large, flat, blank expanses on a façade are not acceptable and shall not be permitted. The walls of buildings for office, institutional, commercial, and industrial use shall not extend more than 200 linear feet parallel to a street unless the front façade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

- (a) Façade modulation: stepping back or extending forward a portion of the façade.
- (b) Providing bay windows or repeating window patterns at regular intervals.
- (c) Providing a porch, patio, deck, covered entry to portions of the façade at the ground level, or in the case of buildings containing two or more story, balconies.
- (d) Changing the roofline by alternating dormers, or using stepped roofs, gables, or other roof elements.
- (e) Changing materials with the change in building plane.

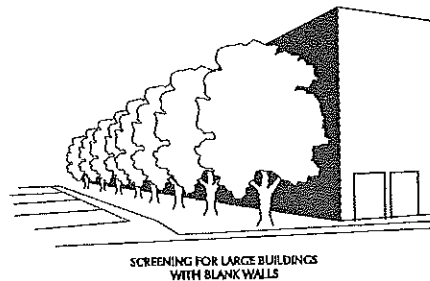
Façade Modulation: Recesses and Projections



Changes in Rooflines



- (f) Large, monotonous building walls should be screened with vegetation.



Section 9.3.6. Building Accessories.

This section shall apply to all office, institutional, commercial, and industrial developments. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless they are being used expressly as a trim or accent element.

Project elements such as storage areas, transformers, generators and similar features shall be sited in areas which are not visible from abutting public rights-of-ways or must be screened from such view.

Section 9.3.7. Retaining Walls.

When retaining walls are required and will be visible from a public right-of-way, the height and length of said retaining walls shall be minimized and screened with appropriate landscaping. Tall, smooth faced concrete retaining walls are prohibited, and walls visible from the right-of-way shall be faced with wood, brick, stone, or other architectural treatment. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.8. Decorative Walls.

All walls or fences fifty (50) feet in length and located within a front yard shall be designed to minimize visual monotony through changes in plane, height, material or material texture, or through significant landscape massing. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.9. Fencing.

Perimeter fencing, security fencing, or gateways shall be constructed of materials which are compatible with the design and materials used throughout the development project. Wood fences, razor wire or electric fencing are prohibited and chain link fencing is prohibited except vinyl coated. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.10. Utility Undergrounding.

All individual utilities serving commercial and industrial developments shall be installed underground.

CHAPTER 9.4 OUTDOOR LIGHTING

Section 9.4.1.	Findings, Purpose, and Intent.
Section 9.4.2.	Definitions.
Section 9.4.3.	Applicability.
Section 9.4.4.	Exemptions.
Section 9.4.5.	Cut-off Fixtures Required.
Section 9.4.6.	Glare.
Section 9.4.7.	Intensity Specifications.
Section 9.4.8.	Prohibitions.
Section 9.4.9.	Lighting of Signs.
Section 9.4.10.	Lighting Plans.

Section 9.4.1. Findings, Purpose, and Intent.

It is in the public interest to provide a quality night time environment. Careless use of outdoor lighting damages the aesthetics of the night time environment. If not regulated, outdoor lighting can decrease security or safety or create hazards through glare, light trespass, and distraction. Inappropriately shielded lights and overlighting can compromise the public's visibility. For instance, service station canopies and convenience store lighting can approach 25 or more footcandles, which is considered to be more than necessary to provide acceptable illumination and avoid liability risks. The naturally dark, star-filled sky is an important part of the natural environment that should not be degraded by improper or inappropriate outdoor lighting. Regulating outdoor lighting brings substantial public benefits. Eliminating glare improves visibility. Elimination of wasted light saves money, energy, and resources.

This Chapter is intended to reduce the problems created by improperly designed and installed outdoor lighting. The regulations of this Chapter are intended to eliminate problems of glare, minimize light trespass with provisions designed to avoid unnecessary direct light from shining onto abutting properties or streets, enhance visibility and safety (especially for the aging eye), protect the natural nighttime sky, conserve energy, and to avoid light encroachment on wildlife habitat.

Section 9.4.2. Definitions.

Direct light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Footcandle: A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. One footcandle (FC) is the equivalent of 10.76 Lux (1 Lux = 0.0929 FC).

Full cutoff luminaire: Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture at angles above the horizontal plane.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.

Illuminance: The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or footcandles.

Isofootcandle plan: A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

Light trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.

Outdoor lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Safety lighting: Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.

Security lighting. Exterior lighting installed solely to enhance the security of people and property.

Wallpack: A wall-mounted luminaire.

Section 9.4.3. Applicability.

All public and private outdoor lighting installed in the Town shall be in conformance with the requirements established by this Chapter.

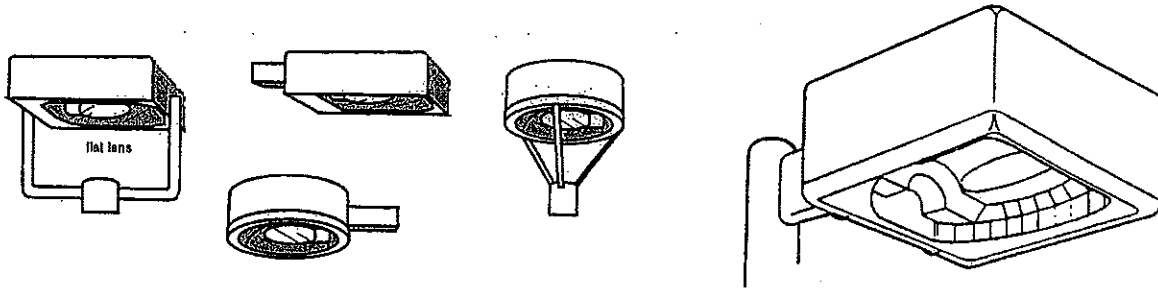
Section 9.4.4. Exemptions.

The following shall be exempt from the provisions of this Chapter:

- (a) All temporary emergency lighting needed by police or fire departments or other emergency services.
- (b) All hazard warning luminaires required by federal regulatory agencies.
- (c) All vehicular luminaires.
- (d) Safety lighting, as defined in this Chapter.
- (e) All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.
- (f) Holiday lights and decorations using typical unshielded low-wattage incandescent lamps, provided that they are removed within 30 days following the holiday season to which they pertain.

Section 9.4.5. Cut-off Fixtures Required.

All luminaires not exempted from this Chapter installed for outdoor lighting shall be full cutoff luminaires, as defined by this Chapter, or another luminaire which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. This provision shall not apply to internally illuminated signs where permitted (see Chapter 17.2 for definition).



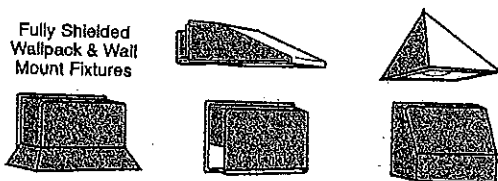
Cut-Off Fixtures

Security lighting, as defined in this Chapter, unless activated by motion sensor devices, shall also meet this requirement.



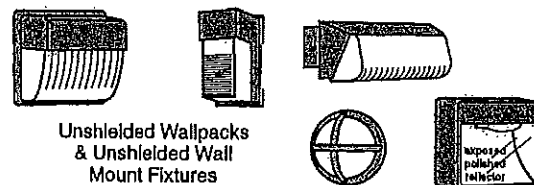
Security Lighting

Wallpacks, as defined in this Chapter, are not permitted unless fully shielded.



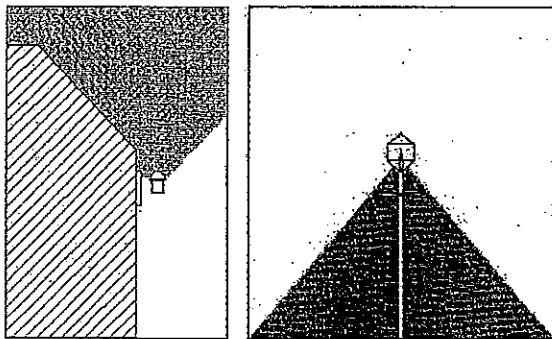
**Fully Shielded
Wallpack & Wall
Mount Fixtures**

Shielded Wallpacks Permitted

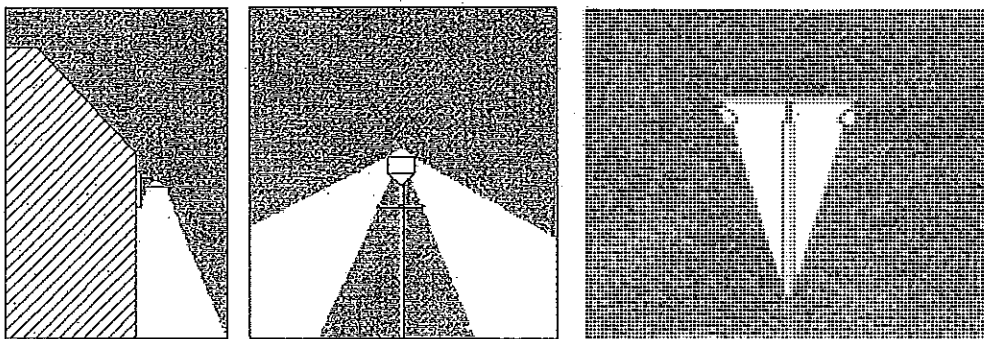


**Unshielded Wallpacks
& Unshielded Wall
Mount Fixtures**

Unshielded Wallpacks Prohibited



NOT ALLOWED



REQUIRED
(Cut-off above horizontal plane)

Section 9.4.6. Glare.

Any luminaire that is aimed, directed, or focused so that the lamp is visible, or in a way that causes direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or that creates glare perceptible to persons operating motor vehicles on public ways, shall be redirected or its light output controlled as necessary to eliminate such conditions.

Section 9.4.7. Intensity Specifications.

Illuminance levels for outdoor lighting fixtures shall comply in design and upon installation with the standards in Table 9.4.1, measured at three feet above the ground or finished grade. Lighting for athletic fields in urban/suburban areas shall be exempt from this Section.

TABLE 9.4.1
OUTDOOR LIGHTING REGULATIONS

At Property Lines Including Rights-of-Way	Minimum Footcandles	Maximum Footcandles
At property line abutting a residential use	None	0.5
At property line abutting an office or institutional use	None	1.0
At property line abutting a commercial or light industrial use	None	1.5

Off-Street Parking Lots	Minimum Footcandles	Average Footcandles	Maximum Footcandles
Residential areas	0.5	2	4
Office-institutional areas	1.0	3	6
Commercial areas	2.0	6	12
Light industrial areas	1.0	4	8

Section 9.4.8. Prohibitions.

Strobe lights, and laser lights or searchlight beams projected into the sky, shall be prohibited.

Section 9.4.9. Lighting of Signs.

See Section 17.5.2 of this Land Use Management Code for electrical permit requirements. See Section 17.6.8 of this Land Use Management Code for additional regulations on the lighting of signs.

Section 9.4.10. Lighting Plans.

See Section 11.2.1 of this Land Use Management Code, which provides that the Zoning Administrator may require a lighting plan for community recreational facilities. See Section 11.6.5 of this Land Use Management Code regarding lighting of golf driving ranges. Also see Sections 11.6.1 and Section 11.6.3 of this Land Use Management Code regarding lighting of automobile service establishments and outdoor commercial recreation facilities, respectively.

CHAPTER 9.5 NOISE

Section 9.5.1.	Applicability.
Section 9.5.2.	Definitions.
Section 9.5.3.	Noise Disturbance Prohibited.
Section 9.5.4.	Measurement of Sound.
Section 9.5.5.	Noise Performance Standards.
Section 9.5.6.	Exemptions.

Section 9.5.1. Applicability.

This chapter shall apply to all development and areas of the Town.

Section 9.5.2. Definitions.

Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance: Any sound which endangers or injures the safety or health of humans, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Sound level: The intensity of sound, measured in decibels, produced by an operation or use.

Sound level meter: An instrument designed to measure sound pressure levels and constructed in accordance with the requirements for General Purpose Sound Level Meters published by the American National Standards Institute.

Section 9.5.3. Noise Disturbance Prohibited.

No person shall unnecessarily make, continue, or cause to be made or continued any noise disturbance.

Section 9.5.4. Measurement of Sound.

Sound levels shall be measured with a sound level meter. Noises capable of being measured shall be those that cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels.

Section 9.5.5. Noise Performance Standards.

At no point on the boundary of property shall the sound pressure level of any operation exceed the decibel levels shown in Table 9.5.1 below:

TABLE 9.5.1
NOISE PERFORMANCE STANDARDS

Receiving Land Use Category	Noise Level (dB A)	
	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.
All residential	45	60
Commercial	60	65
Industry	70	70

Section 9.5.6. Exemptions.

The following activities or sources are exempt from the noise standards of this Chapter

- (a) Emergency signaling devices, domestic power tools, air conditioning equipment, operating motor vehicles, and refuse collection vehicles.
- (b) The unamplified human voice.
- (c) Railway locomotives and cars.
- (d) Normal sounds of reasonably cared for agricultural or domestic animals, and the sounds of necessary farming equipment for a bona fide agricultural operation.
- (e) Bells or chimes of churches or other places of worship.

ARTICLE 10 OVERLAY DISTRICT REGULATIONS

CHAPTER 10.1 HISTORIC DISTRICTS

CHAPTER 10.1 HISTORIC DISTRICT

Section 10.1.1.	Purpose and Intent.
Section 10.1.2.	Definitions.
Section 10.1.3.	Historic Districts.
Section 10.1.4.	Boundaries of Historic Districts.
Section 10.1.5.	Amendments to Historic District Boundaries.
Section 10.1.6.	Criteria for Establishing Historic Districts.
Section 10.1.7.	Criteria for Designation of Historic Properties.
Section 10.1.8.	Certificate of Appropriateness Required.
Section 10.1.9.	Incorporation Clause.

Section 10.1.1. Purpose and Intent.

The historical, architectural, cultural, and aesthetic heritage of Maysville is among the Town's most valued and important assets. Protection of that heritage is essential to the promotion of the health, prosperity, and general welfare of the Town, county, region, state, and nation.

The purpose of the historic district and accompanying regulations is to safeguard the heritage of Maysville by preserving the Town's historic and architecturally worthy properties, areas, buildings, structures, monuments, streetscapes, squares, landscapes, archaeology, and neighborhoods. This Chapter requires certificates of appropriateness so that these purposes can be achieved.

Section 10.1.2. Definitions.

Certificate of Appropriateness: A document evidencing approval by the Maysville Governing Body of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Historic district: A geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Governing Body of the Town.

Historic property: An individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Governing Body with jurisdiction.

Section 10.1.3. Historic Districts.

The historic districts shall be designated by ordinance adopted by Maysville's Governing Body pursuant to the provisions of O.C.G.A. Section 44-10-26 (the Georgia Historic Preservation Act - Acts 1980, pages 1723-1729) Additional historic districts may be designated pursuant to this Chapter. Existing historic districts may be amended pursuant to this Chapter.

Section 10.1.4. Boundaries of Historic Districts.

The boundaries of the various historic districts shall include those properties approved Maysville Historic Preservation Commission and designated by ordinance adopted by Maysville's Governing Body pursuant to the provisions of O.C.G.A. Section 44-10-26 (the Georgia Historic Preservation Act - Acts 1980, pages 1723-1729). The boundaries of the historic districts shall be shown on the Official Zoning Map or if more expedient, on a separate map or maps of the Town referenced and adopted in Chapter 3.3 of this ordinance.

Section 10.1.5. Amendments to Historic District Boundaries.

The Historic Districts shall not be created or amended, except in conformance with the provisions of this section and O.C.G.A. Section 44-10-26 as applicable. No ordinance amending the boundaries of a historic district shall be adopted until the following procedural steps have been taken:

- (a) The Historic Preservation Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, district, site, building, structure, or work of art proposed for inclusion in the historic district. This report shall be submitted to the Office or Division of Historic Preservation of the Georgia Department of Natural Resources or its successor which will be allowed thirty (30) days to prepare written comments concerning the report;
- (b) The Historic Preservation Commission and the Town's Governing Body shall hold a public hearing on the proposed historic properties overlay district. Notice of the hearing shall be published at least three times in the principal newspaper of general circulation within the city, and written notice of the hearing shall be mailed by the Historic Preservation Commission to all owners and occupants of such properties. All the notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing;
- (c) Following the public hearing, the Governing Body may adopt the District as prepared, adopt it with changes it deems necessary, or reject it;
- (d) Within thirty (30) days immediately following the adoption of to the historic district or amendment, the owners and occupants of each property and the owners and occupants of each structure, site, or work of art located within the area added to the historic district shall be given written notification of such inclusion within the historic district, which notice shall apprise said owners and occupants of the necessity for obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property included within the historic district.

Section 10.1.6. Criteria for Establishing Historic Districts.

The Historic Preservation Commission may recommend as a historic district any geographically definable area which contains structures, sites, works of art, or a combination thereof, which:

- (a) Has special character or special historic/aesthetic value or interest;

- (b) Represents one or more periods or styles of architecture typical of one or more eras in the history of the Town, Jackson or Banks County, state or region; or
- (c) Causes such area, by reason of such factors, to constitute a visibly perceptible section of the Town or either county.

Section 10.1.7. Criteria for Designation of Historic Properties.

The Historic Preservation Commission may recommend and the Governing Body may designate through ordinance adoption as a historic property any structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the Town, the counties, the State of Georgia, or local region, for one or more of the following reasons:

- (a) It is an outstanding example of a structure representative of its era;
- (b) It is one of the few remaining examples of past architectural style;
- (c) It is a place or structure associated with an event or person of historic or cultural significance to the Town, the counties, the State of Georgia, or the region.

Section 10.1.8. Certificate of Appropriateness Required.

After the designation by ordinance of an historic property or of an historic district, no material change in the appearance of such historic property, or of a structure, site, or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission in accordance with Article 19 of this Land Use Management Code. This provision shall also be required for signs regulated pursuant to Article 17, "Signs," of this Land Use Management Code.

Section 10.1.9. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq., which Act is incorporated by reference in its entirety into this Chapter. Where any provision of this Chapter is in conflict with any provision of the Act, the Act shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

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**ARTICLE 11
SPECIFIC USE PROVISIONS**

CHAPTER 11.1	GENERAL ACCESSORY USE REGULATIONS
CHAPTER 11.2	PRINCIPAL RESIDENTIAL USES
CHAPTER 11.3	ACCESSORY RESIDENTIAL USES
CHAPTER 11.4	HOME OCCUPATIONS
CHAPTER 11.5	INSTITUTIONAL USES
CHAPTER 11.6	PRINCIPAL COMMERCIAL USES
CHAPTER 11.7	ACCESSORY COMMERCIAL USES
CHAPTER 11.8	TEMPORARY USES
CHAPTER 11.9	TOWERS AND WIRELESS SERVICE FACILITIES
CHAPTER 11.10	OTHER USES
CHAPTER 11.11	ADULT BUSINESSES

**CHAPTER 11.1
GENERAL ACCESSORY USE REGULATIONS**

Section 11.1.1.	Accessory Use or Structure.
Section 11.1.2.	Fences and Walls.
Section 11.1.3.	Junked Vehicle or Material.
Section 11.1.4.	Accessory Uses of Parking Lots and Loading Areas.

Section 11.1.1. Accessory Use or Structure.

- (a) Accessory uses shall be located in a rear yard or side yard.
- (b) No accessory building, structure, or use shall be erected on a lot until construction of the principal building or establishment of principal use has commenced. Accessory buildings and structures must be constructed in conjunction with, or after, a building permit for the principal building is lawfully approved or use is established.
- (c) When an accessory building is attached to a principal building by a breezeway, passageway, or similar means, the accessory building shall be considered part of the principal building and shall comply with the yard requirements for a principal building.

Section 11.1.2. Fences and Walls.

- (a) Height. If a fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court is to be placed in a required yard, it shall be no more than eight (8) feet in height. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed four (4) feet in height; provided, however, that this shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, which shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height.
- (b) Composition. Walls composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted. In all residential zoning districts,

fences or walls erected within the required front yard shall be decorative and constructed of brick, stone, wood, stucco, wrought iron, or split rail; provided, however, that this shall not preclude wire fences (e.g., chain link, or barbed wire) within a required front yard, when a residential property contains a minimum of two (2) acres.

- (c) Location. No fence or wall shall be constructed within one (1) foot of a public right-of-way.

These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security or safety or code compliance reasons. All such temporary fencing shall be approved by the Building Inspector upon issuance of a building permit and shall be removed upon completion of construction. See also Section 9.3.10 of this Land Use Management Code for provisions regulating fencing.

Section 11.1.3. Junked Vehicle or Material.

Except for junk/salvage yards and wrecked motor vehicle compounds as may be permitted by this Land Use Management Code, it shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles without current tags, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. No such storage shall be allowed in front yards. Appropriate screening as determined by the Zoning Administrator, based upon the elevations and uses of surrounding properties, may be used to comply with this provision in side and rear yards.

Section 11.1.4. Accessory Uses of Parking Lots and Loading Areas.

- (a) Parking and loading areas shall not be used for the repair or dismantling of any vehicle, equipment, materials, or supplies.
- (b) Parking and loading areas shall not be used to store vehicles for sale, except in cases where the property owner owns the vehicle(s), provided auto sales is a permitted use in the district in which the property is located. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle located in a private residential driveway and which licensed vehicle, boat, or other vehicle is owned by an occupant of said private residence.
- (c) An attendant's shelter building which does not contain more than fifty (50) square feet of gross floor area and which is set a distance of not less than twenty (20) feet from any boundary of the parking lot may be permitted.
- (d) See also Chapter 12.2 of this Land Use Management Code for additional restrictions.

CHAPTER 11.2 PRINCIPAL RESIDENTIAL USES

Section 11.2.1.	Community Recreation as Principal Use.
Section 11.2.2.	Dwelling Occupancy Generally.
Section 11.2.3.	Dwellings, Single-Family and Two-Family, and Manufactured Homes.
Section 11.2.4.	Dwelling, Single-Family Attached (Townhouses).
Section 11.2.5.	Dwelling, Two-Family (Duplex).
Section 11.2.6.	Mobile Home.
Section 11.2.7.	Multi-Family Development.

Section 11.2.1. Community Recreation as Principal Use.

Within a residential subdivision or multiple-family residential development, community recreation as defined by this Land Use Management Code shall be subject to the following:

- (a) Exterior lighting. If lighted, exterior lighting proposed for a building, swimming pool, tennis courts, or other structure or use shall comply with Chapter 9.4, "Outdoor Lighting," of this Land Use Management Code. The Zoning Administrator may require a lighting plan be submitted and approved prior to the installation of outdoor lighting to ensure compliance with said paragraph and Chapter 9.4.
- (b) Swimming pools and tennis courts. Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along any side or rear property line of said tract.
- (c) Buildings. Buildings shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract.
- (d) Parking. Parking shall be provided per the requirements of Article 12 of this Land Use Management Code.

Section 11.2.2. Dwelling Occupancy Generally.

No dwelling unit shall be occupied that does not have at least 300 square feet of gross floor area per adult occupant.

Section 11.2.3. Dwellings, Single-Family and Two-Family, and Manufactured Homes.

This Section establishes requirements for detached single-family dwellings, including site-built, modular, industrialized housing, duplexes, and manufactured homes.

- (a) Foundation. The building shall be attached to a permanent foundation constructed in accordance with the Building Code or state and federal regulations, as applicable. The area beneath the ground floor of the dwelling shall be either a slab foundation or enclosed around the exterior of the building with a foundation wall or non-load-bearing wall constructed of masonry (stone or brick), cast in place concrete, or

- concrete block finished with stucco or similar architectural treatment, penetrated by openings only for ventilation and access.
- (b) Tie-Downs. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the manufacturer and the regulations of the Georgia Safety Fire Commissioner.
 - (c) Code Compliance. The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by or as applies in the Town, or in accordance with the standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), or in accordance with state law and regulations for industrialized buildings, whichever applies.
 - (d) Age of manufactured home. No manufactured home shall be installed, established, or occupied that is more than ten (10) years old on the date of its installation in the Town.

Section 11.2.4. Dwelling, Single-Family Attached (Townhouses).

In zoning districts where permitted, fee simple townhouses shall meet the following requirements:

- (a) Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards of the Town.
- (b) The minimum lot size shall be 2,000 square feet.
- (c) Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the roof of each attached unit distinct from the other through separation or offsets in roof design.
- (e) Each townhouse development or phase thereof shall require subdivision plat approval in accordance with Article 26, "Subdivisions and Land Development," of this Land Use Management Code.

Section 11.2.5. Dwelling, Two-Family (Duplex).

Property containing a two-family dwelling may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units, subject to compliance with applicable building codes and subject to compliance with Article 26, "Subdivisions and Land Development," of this Land Use Management Code.

Section 11.2.6. Mobile Home.

A mobile home as defined in this Land Use Management Code (i.e., manufactured prior to June 15, 1976) is not permitted in any zoning district.

Section 11.2.7. Multi-Family Development.

Any development containing one or more multi-family dwellings shall comply with the following provisions:

- (a) Condominiums. If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
 - (b) Amenities. All developments containing fifty (50) or more dwelling units shall have a clubhouse, swimming pool, and tennis court(s). The size of the swimming pool shall be a minimum of 800 square feet of water surface.
 - (c) Laundry facilities. On-site principal or accessory laundry facilities are permitted accessory uses for developments with 25 or more units provided they are not visible from a public road or any adjoining property.
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CHAPTER 11.3 ACCESSORY RESIDENTIAL USES

Section 11.3.1.	Generally.
Section 11.3.2.	Accessory Apartment, Detached or Attached.
Section 11.3.3.	Manufactured Home While Principal Use is Constructed.
Section 11.3.5.	Parking or Storage of Recreational Vehicles.
Section 11.3.6.	Swimming Pool.
Section 11.3.7.	Yard Sales.

Section 11.3.1. Generally.

Customary residential accessory buildings and uses are permitted in residential zoning districts, subject to permitted use provisions for the zoning district in which the property is located, and provided they meet the following requirements:

- (a) Accessory uses, buildings, and structures shall be located in a rear yard or side yard.
- (b) Accessory buildings shall not exceed two stories or twenty-four (24) feet in height.
- (c) Accessory buildings other than those occupied as dwellings shall be located a minimum of one (1) foot from any side or rear property line. Accessory structures other than buildings shall also be located a minimum of one (1) foot from any side or rear property line. Any accessory building occupied as a dwelling shall meet the principal building set back requirements for the applicable district.
- (d) In no case shall an accessory building or structure exceed the square footage of the principal building or structure to which it is accessory.
- (e) Accessory buildings, structures, and uses are subject to the provisions of Section 11.1.1 of this Article.

Section 11.3.2. Accessory Apartment, Detached or Attached.

In zoning districts where permitted, accessory apartments shall meet the following requirements:

- (a) Only one accessory apartment shall be permitted on a lot.
- (b) One additional off-street parking space is required and shall be provided, which must be located in a side or rear yard.
- (c) At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory apartment shall be at least 300 square feet and shall not exceed 900 square feet or the size of the principal dwelling, whichever is less.
- (d) The entrance to an accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (e) Accessory apartments, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (f) The applicable County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.

- (g) Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

Section 11.3.3. Manufactured Home While Single-Family Dwelling is Constructed.

Upon application, a manufactured home may be installed on a lot where a building permit has been issued for a detached single-family dwelling, subject to the following requirements:

- (a) Approval by Planning Commission. The application is approved by the Town Planning Commission.
- (b) Approved Septic System. The manufactured home shall be connected to a public sanitary sewer or septic system with capacity available as approved by the applicable County Health Department.
- (c) Setbacks. The manufactured home meets the minimum required setbacks for principal buildings for the zoning district in which it is located.
- (d) Removal. The manufactured home shall be temporary, not to exceed one (1) year. It shall be unlawful for another person to occupy a manufactured home pursuant to this Section except as approved under the original terms of approval. The manufactured home shall not be rented. The Zoning Administrator shall order the removal of the manufactured home upon issuance of a certificate of occupancy for the permanent dwelling, and the owner of real property shall remove the manufactured home from the lot prior to the issuance of a certificate of occupancy.

Section 11.3.4. Parking or Storage of Recreational Vehicles.

In residential zoning districts, recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in established areas in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. Parking or storage of such recreational equipment or vehicles shall not take place on any vacant residential lot.

Section 11.3.5. Swimming Pool.

All swimming pools shall be located at least twenty-five (25) feet from all property lines. Swimming pools must be enclosed by a fence or wall at least four (4) feet in height.

Section 11.3.6. Yard Sales.

Yard sales, where permitted, shall not exceed seventy-two (72) hours for each yard sale. A yard sale on a particular property shall not occur more frequently than two per month. All items shall be taken indoors at the end of each day.

CHAPTER 11.4 HOME OCCUPATIONS

Section 11.4.1.	General Provisions.
Section 11.4.2.	Alterations to the Dwelling.
Section 11.4.3.	Vehicles and Parking.
Section 11.4.4.	Equipment, Off-site Impacts, and Nuisances.
Section 11.4.5.	Signs Restricted.
Section 11.4.6.	Employees and Licenses.
Section 11.4.7.	Display, Stock-in-Trade, Sales, and Storage.
Section 11.4.8.	Uses Specifically Prohibited.
Section 11.4.9.	Approval.
Section 11.4.10.	Modifications by Conditional Use Permit.

Section 11.4.1. General Provisions.

Home occupations may be established in a dwelling as provided in permitted uses requirements for the zoning districts established by this Land Use Management Code. No more than one home occupation may be established in a single dwelling. In districts where permitted, the following regulations shall apply to home occupations. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration.

Section 11.4.2. Alterations to the Dwelling.

The exterior appearance of the dwelling must remain that of a dwelling. No internal or external alterations inconsistent with the residential use of the building may be permitted.

Section 11.4.3. Vehicles and Parking.

Vehicles kept on site in association with the home occupation shall be used by residents only, except for the parking of employees as may be permitted by this Chapter. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking. The transporting of goods by truck in connection with a home occupation is prohibited.

Section 11.4.4. Equipment, Off-site Impacts, and Nuisances.

No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

Section 11.4.5. Signs Restricted.

There shall be no signs permitted in conjunction with a home occupation larger than twelve square feet, although this shall not preclude the property owner from erecting signs permitted on the lot pursuant to other provisions of this Land Use Management Code.

Section 11.4.6. Employees and Licenses.

Only occupants of the dwelling and one (1) additional full-time employee or two (2) part-time employees shall be authorized to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by state or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted to the Zoning Administrator prior to the issuance of a business registration.

Section 11.4.7. Display, Stock-in-Trade, Sales, and Storage.

There shall not be any activity associated with the home occupation visible outside the dwelling other than deliveries and shipments.

Section 11.4.8. Uses Specifically Prohibited.

The following uses are specifically prohibited as home occupations: auto sales or auto repair; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; machine shops; and lodging services.

Section 11.4.9. Approval.

All home occupations shall be subject to the Zoning Administrator's approval. The applicant for a business registration shall file for approval from the Zoning Administrator on forms provided by the Zoning Administrator. Additional information, including a plot plan of the lot on which a home occupation is proposed, may be required by the Zoning Administrator, along with information describing the nature of the home occupation.

Section 11.4.10. Modifications by Conditional Use Permit.

The provisions of this Chapter may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in Chapter 21.2 of this Land Use Management Code.

CHAPTER 11.5 INSTITUTIONAL USES

- Section 11.5.1. Church.
Section 11.5.2. Continuing Care Retirement Community.
Section 11.5.3. Institutional Residential Living and Care Facilities.

Section 11.5.1. Church.

In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any property line, and within the fifty foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer shall be provided.

Acceptable accessory uses include but are not limited to, a residence for the housing of the pastor, priest, minister, rabbi, etc., school buildings and temporary classrooms, gymnasiums, and community meeting rooms. In commercial districts, a community food or housing shelter may be operated as an accessory use to a church.

When located in a residential zoning district, no church shall be permitted to establish a day care center, or provide lighted outdoor recreation facilities, without a conditional use permit approved by the Governing Body.

Section 11.5.2. Continuing Care Retirement Community.

In districts where permitted, continuing care retirement communities shall be subject to the following restrictions:

- (a) The facility may have on site as a part of its development the following accessory uses for use of residents and their guests only: Full-service kitchen for meals, exercise facilities, swimming pools, tubs and spas, administrative offices, hospital-width corridors and doors, nursing stations, treatment rooms, emergency paging systems, indoor and outdoor recreational facilities, handicap-assisted restrooms, hair salons, computer facilities, game and card rooms, chapel, movie theaters, wellness centers, billiard rooms, restaurant facilities, common areas, libraries, dining rooms, mail rooms, housekeeping and storage areas, laundry facilities, and gift shops.
- (b) Independent living units shall contain a minimum of 650 square feet of area.
- (c) Maximum building coverage shall be limited to forty (40) percent.
- (d) The minimum lot size for a development shall be five (5) acres.
- (e) All principal and accessory buildings shall be setback a minimum of fifty (50) feet from all side and rear property lines and a 25 foot wide natural buffer shall be provided.
- (f) The facility shall meet all applicable requirements of the State of Georgia applicable fire codes.

Section 11.5.3. Institutional Residential Living and Care Facilities.

In districts where permitted, institutional residential living and care facilities shall meet the requirements of the State Board of Health and applicable rules of the State Department of Human Resources. Plans for any such facilities must receive approval from the applicable county health department and state fire marshal's office prior to issuance of a permit for construction and operation. Proof of compliance with such requirements shall be required to be on file with the town prior to business registration approval.

**CHAPTER 11.6
PRINCIPAL COMMERCIAL USES**

Section 11.6.1.	Automobile Sales Establishment.
Section 11.6.2.	Bed and Breakfast Inn.
Section 11.6.3.	Commercial Recreational Facility, Outdoor.
Section 11.6.4.	Day Care Center.
Section 11.6.5.	Golf Driving Range.
Section 11.6.6.	Outparcel Development.
Section 11.6.7.	Self-Service Storage Facility (Mini-Warehouses).
Section 11.6.8.	Service and Fuel Filling Station.
Section 11.6.9.	Truck Stop.

Section 11.6.1. Automobile Sales Establishment.

Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers. It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas. Outside loudspeakers shall not be permitted when abutting a residential zoning district (see also Chapter 9.5 of this Land Use Management Code).

When abutting a residential zoning district, automobile sales establishments require submittal and approval by the Zoning Administrator of a photometric plan for lighting demonstrating compliance with the requirements of Chapter 9.4, "Outdoor Lighting" of this Land Use Management Code. Establishments that will not operate during darkness shall not be required to submit a photometric plan.

Section 11.6.2. Bed and Breakfast Inn.

In districts where permitted, bed and breakfast inns shall be limited to a maximum of six (6) guest rooms.

Section 11.6.3. Commercial Recreation Facility, Outdoor.

Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts. Such uses require a minimum lot area of two acres, a minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable

the evaluation of impacts from illumination (see Chapter 9.4 of this Land Use Management Code). A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums and amphitheaters; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are required for stadiums and amphitheaters.

Section 11.6.4. Day Care Center.

In districts where permitted, day care centers shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a fence with a minimum height of four (4) feet. Adequate and safe areas for the drop-off and pick-up of patrons shall be provided.

Section 11.6.5. Golf Driving Range.

- (a) The minimum lot area shall be ten acres or one acre per tee, whichever is greater.
- (b) Vehicular access shall be derived only from a collector or arterial street.
- (c) Loudspeakers/paging systems are prohibited when residential use or a residential zoning district abuts a driving range.
- (d) The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (e) The depth of a driving range along the driving area shall be at least 350 yards measured from the location of the tees, and the width shall be not less than 200 yards at a distance of 350 yards from the tees.
- (f) If proposed to be lit, a lighting plan demonstrating compliance with Chapter 9.4, "Outdoor Lighting" of this Land Use Management Code shall be required to be submitted to the Zoning Administrator for approval.

Section 11.6.6. Outparcel Development.

In districts where permitted, when property is subdivided and used as a separate commercial, institutional, industrial, or other non-residential use, development on such outparcels shall meet the following requirements: Access to and from all outparcels shall be from internal driveways or frontage roads with no direct access to the public right-of-way it abuts; and each outparcel shall have a minimum width of 200 feet abutting a public right-of-way.

Section 11.6.7. Self-Service Storage Facilities (Mini-Warehouse).

- (a) Minimum and maximum development size. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.
- (b) Size and use of storage units. Individual storage units shall not exceed eight hundred (800) square feet in area and shall not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited.
- (c) Maximum building length. No individual mini-warehouse building shall be more than two hundred (200) feet long.
- (d) Fencing. Fencing adjacent to a public right-of-way shall be required in the form of an architecturally finished wall or solid, opaque fence. Fences placed on the remainder of the site may be chain-link. Also see Chapter 9.3 and Section 11.1.2 of this Land Use Management Code.

- (e) Hours of operation. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.
- (f) No business shall be operated out of a mini-warehouse.

Section 11.6.8. Service and Fuel Filling Station.

In zoning districts where permitted, service and fuel filling stations must have all fuel pumps located at least twenty-five (25) feet from any public right-of-way or lot line, and all buildings and accessory structures must be located at least one hundred (100) feet from any residential zoning district boundary. All fuel must be stored underground outside of any public right-of-way.

CHAPTER 11.7 ACCESSORY COMMERCIAL USES

Section 11.7.1.	Drive-Through Facilities.
Section 11.7.2.	Manufacturing and Fabrication
Section 11.7.3.	Retail and Restaurant Uses Accessory to Office, Institution, or Lodging.
Section 11.7.4.	Special Outdoor Event.
Section 11.7.5.	Swimming Pools.

Section 11.7.1. Drive-Through Facilities.

When a drive-through operation is located adjacent to a residential zoning district or residential use and it involves an exterior loud speaker, volumes must be monitored and controlled so as to minimize audible sound from the loud speaker at the property line. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the Zoning Administrator may require noise attenuation to be installed on the site with the exterior loudspeaker, if volumes cannot be reduced below those audible at the property line, or if buffers are inadequate to mitigate noise from the exterior loud speaker.

Section 11.7.2. Manufacturing and Fabrication.

If undertaken as an accessory use to a permitted retail use, manufacturing or fabrication activity is permitted, provided that it occupies no more than twenty-five (25) percent of the gross floor area devoted to the establishment, or 1,000 square feet, whichever is less. All products manufactured or fabricated on the premises must be sold on the premises when conducted accessory to a permitted retail use.

Section 11.7.3. Retail and Restaurant Uses Accessory to Office, Institution, or Lodging.

It is the intent of this Section to permit small-scale, accessory retail uses in office complexes and other uses with gross floor areas of 10,000 square feet or more, including without limitation, barber shops, beauty shops, dry cleaning, drug stores, book stores, florists, gift shops, convenience food stores, news stands, and cafeterias, sandwich shops, and restaurants, subject to the requirements of this Section. Retail sales and services accessory to the operation of an office complex, institutional use, or lodging facility with 10,000 or more gross square feet of floor area are permitted where otherwise not listed as a permitted use, subject to the requirements of this Section:

- (a) The activity must be conducted wholly within the building in which the principal use is located and shall be limited to 15 percent of total gross floor area of the building. No merchandise shall be stored or displayed outside the structure in which the principal use is located.
- (b) The public entrance or entrances to the activity shall be from a lobby, hallway, or other interior portion of the structure in which the principal use is located, except for restaurants located within an office building or hotel which shall be permitted one exterior public entrance.

Section 11.7.4. Special Outdoor Event.

A special outdoor event may be authorized subject to permit approved by the Governing Body Administrator and in compliance with the following:

- (a) The duration of the event does not exceed 7 consecutive days.
- (b) Special outdoor events shall not take place more frequently than four (4) times in any calendar year on the same premise. Any two special outdoor events on the same premises must be separated by at least 30 consecutive days.

Section 11.7.5. Swimming Pools.

Swimming pools which are operated as an accessory use to hotels, motels, or other permitted commercial uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

CHAPTER 11.8 TEMPORARY USES

- Section 11.8.1. Construction Field Office.
Section 11.8.2. Model Home or Temporary Sales Office for Subdivision.
Section 11.8.3. Temporary Classroom.

Section 11.8.1. Construction Field Office.

Manufactured homes or other temporary buildings or structures shall not be occupied as a permanent office or for any other use in any district; provided, however that such manufactured homes or other temporary buildings or structures may be used for a temporary office or other permitted non-residential use, subject to the following:

- (a) Approval by the Zoning Administrator and issuance of a permit by the Building Inspector.
- (b) Said permit shall be temporary but renewable once after a period of six (6) months;
- (c) Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property;
- (d) Adequate water and sewage disposal for the structure(s) is approved by the County Health Department; and
- (e) Said manufactured home(s) or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

Section 11.8.2. Model Home or Temporary Sales Office for Subdivision.

An applicant for final subdivision approval as required by Article 26 of this Land Use Management Code may apply for a building permit and may after securing a building permit erect a dwelling or install a temporary manufactured home to serve as a temporary sales office for the subdivision. If the building is developed as a model home (site-built dwelling), it shall be established on a lot shown on an approved preliminary plat and shall meet zoning district requirements for lot size, setbacks, etc. Upon completion of its use as a model home or temporary sales office, said dwelling can be converted to a dwelling upon issuance of a certificate of occupancy. If the temporary sales office is a manufactured home, it shall be installed to meet the applicable requirements of this Land Use Management Code as approved by the Zoning Administrator, and it shall be removed within thirty (30) days of the cessation of lot or house sales in the subject subdivision.

Section 11.8.3. Temporary Classroom.

On sites where educational or religious facilities are permitted, one or more temporary classrooms, which may be manufactured homes, may be permitted as temporary uses by the Zoning Administrator, upon application and after the issuance of a building permit, for a public school, private school, or church. The Zoning Administrator may attach reasonable conditions on the issuance of such permit to ensure compatibility and public safety. The duration of such temporary use and building permit shall not exceed one (1) year, unless an extension is granted by the Governing Body.

CHAPTER 11.9 TOWERS AND WIRELESS SERVICE FACILITIES

Section 11.9.1	Purpose and Intent.
Section 11.9.2.	Applicability.
Section 11.9.3.	Performance and Construction Standards.
Section 11.9.4.	Application Requirements.
Section 11.9.5.	Application Processing.
Section 11.9.6.	Criteria to Consider in Acting Upon Applications.

Section 11.9.1. Purpose and Intent.

The purpose of this chapter is to establish guidelines for the siting of all wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennae. The regulations and requirements of this Chapter are adopted for the following purposes:

- (a) To provide for the location of communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of communication towers, poles, and antennas by restricting them in accordance with the restrictions of this Chapter.
- (b) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.
- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
- (f) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.

It is also the intent of this ordinance to limit the siting of telecommunications facilities and towers where they will have the least adverse impact on the community and still comply with the requirements of the Telecommunications Act of 1996 (Public Law No. 104-104, 47 U.S.C. Section 332(c)(7)). These intentions are accomplished with restriction of locations and by enacting controls on height, setbacks, screening, color, and materials in order to minimize visibility and promote public safety and welfare. The regulations in this Chapter are reasonably related to the valid public purposes described in this Section.

It is not the intent of the Governing Body to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the provision of wireless

services in the Town. It is also the intent of the Town that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

Section 11.9.2. Applicability.

All new communication towers, poles, and communication antennas shall be subject to this Chapter, except that this Chapter shall not govern the following:

- (a) Any tower, or the installation of any antenna, that is fifty (50) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or ham radio operator from the operator's residence.
- (b) Antennae or towers located on property owned, leased, or otherwise controlled by the Town or a County, or a School Board, provided that a license or lease authorizing such antenna or tower has been Town.
- (c) Monopole towers 100 feet or less in height located within electrical substations and antennae attached to existing transmission towers.

Section 11.9.3. Performance and Construction Standards.

- (a) Structural Design. New communication towers or poles and antennae, and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with applicable federal, state and local regulations.
- (b) Placement Restrictions. Towers occupying a lot as a principal use shall at minimum meet the minimum lot size and setback requirements for the zoning district in which the lot is located. In addition, communication towers shall be setback from residential zoning district boundaries a minimum of one foot for each foot of tower or antenna height. All towers shall be located at least one-third of their height in feet from any public right-of-way. When the tower is on property leased, the setbacks shall apply to the lot of record, not the lease boundaries.
- (c) Fencing. A chain link fence or wall not less than six (6) feet in height from finished grade shall be provided around each communication tower or pole. Access to the tower or pole shall be through a locked gate. The tower or pole shall be equipped with an appropriate anti-climbing device, unless the Zoning Administrator waives this requirement for alternative tower structures.
- (d) Landscaping. The visual impacts of a communication tower at the ground level shall be mitigated by landscaping. Where adequate vegetation is not present, tower facilities shall be landscaped with a minimum ten (10) foot wide landscape strip or buffer which effectively screens the view of the tower compound at ground level. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used to meet this landscaping requirement. See Chapter 16.4 of this Land Use Management Code for additional specifications.
- (e) Height. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed 100 feet in height from ground level; provided, however, that a variance application may be filed concurrently with the conditional use application and heard by the Governing Body to exceed this height limitation. To prevail, the applicant must successfully demonstrate why the prescribed maximum height is insufficient to provide adequate service, or that a taller tower will be in the community's interest by avoiding the construction of one or more additional towers at a new location.

- (f) Illumination. Communication towers, poles, or antennae shall not be lighted except to assure human safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction.
- (g) Color and Material. Towers clustered at the same site shall be of similar height and design. Communication towers not required to be painted or marked by the Federal Aviation Administration shall have either galvanized steel finish or be painted a non-contrasting color approved by the Governing Body to minimize the equipment's visibility. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (h) Signs and advertising. No advertising is permitted on a tower or antenna. However, towers shall have mounted in a conspicuous place a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency.
- (i) Co-location. Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 160 feet shall accommodate at least three users, and towers over 160 feet shall accommodate at least five users.
- (j) Noninterference. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

Section 11.9.4. Application Requirements.

In addition to and in conjunction with the information required for conditional use applications generally, as provided in Chapter 21.2 of this Land Use Management Code, each application shall include the following:

- (a) A site plan with topographical information.
- (b) An elevation view, perspective drawing, or simulated photograph of how the proposed telecommunication tower will look from public rights-of-way and surrounding residential streets from which it will be visible once constructed.
- (c) Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.

Section 11.9.5. Application Processing.

Decisions on applications for wireless service facilities shall be made within a reasonable period of time, which shall mean generally that such decisions shall be processed in roughly the same amount of time required for other conditional use applications; provided, however, that the Planning Commission and Governing Body shall each table an application for conditional use for a wireless service facility no more than once before making a recommendation and decision, respectively, unless the applicant does not object to additional continuances.

Section 11.9.6. Criteria to Consider in Acting Upon Applications.

In addition to the criteria for determining whether to approve or deny conditional uses, as specified in Chapter 21.2 of this Land Use Management Code, when an application for wireless telecommunication facilities or equipment is considered, the Planning Commission and the Governing Body shall consider the following without limitation:

- (a) Impacts on surrounding properties with regard to aesthetics and fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (b) Whether impacts on surrounding properties on aesthetics can be mitigated by a monopole tower, or by a camouflaged tower (e.g., disguised as a pine tree), or by using stealth technology (i.e., making the tower resemble common features such as church steeples, bell towers, clock towers, grain silos, gateway elements, and monuments), or by requiring greater setback from impacted properties.
- (c) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.
- (d) The appropriateness of the location of existing towers, poles, and buildings, including electric transmission towers, that might serve as alternative locations to construction of a new tower or pole or placement on a building in a new location. It is the intent that new antennae where possible shall be co-located on existing towers and poles, placed on existing buildings, or be within a concealed support structure (e.g., camouflaged as an artificial pine tree, church steeple, clock tower, grain silo, flagpole, etc.), prior to authorizing the installation of a new non-camouflaged pole or tower. The failure to consider or unwillingness to accept viable options as described in this paragraph may be grounds for denial of a conditional use application for a new tower or pole.
- (e) Whether the application demonstrates compliance with the regulations established in this chapter.
- (f) Whether the tower would be engineered and constructed to accommodate additional communication service providers (i.e., whether the application provides for co-location as required by this Chapter).
- (g) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

In addition, the Governing Body shall make its decision on the application based on substantial evidence and sufficient to allow a reviewing court to understand the reasoning behind the decision and whether that reason comports with the evidence presented. To this end, for each application for wireless service facilities, the Governing Body shall rely on findings of fact in making a decision on said application. Such findings may be part of the recommendation and report of the Zoning Administrator, the recommendation of the Planning Commission, the application and supporting materials submitted by the applicant, testimony from interested individuals, professionals, and the applicant, and any additional findings of fact the Governing Body may itself determine. Generalized community concerns, unaccompanied by supporting documentation, do not constitute substantial evidence under Section 704 of the Telecommunication Act of 1996 or this Chapter.

CHAPTER 11.10 OTHER USES

Section 11.10.1. Roadside Produce Stand.

Section 11.10.1. Roadside Produce Stand.

A produce stand not greater than 500 square feet of gross floor area for the purpose of seasonal sales of products grown or produced on the premises on which it is located is allowed as an accessory structure in a front yard of a lot containing a farm or agricultural use, provided that there is adequate egress and two on-site parking spaces available. A produce stand larger than 500 square feet of gross floor area, or the resale of imported agricultural produce or products on a farm or agricultural use, may be permitted with conditional use approval.

CHAPTER 11.11 ADULT BUSINESSES

Section 11.11.1.	Findings.
Section 11.11.2.	Definitions.
Section 11.11.3.	Adult Businesses are Principal Uses.
Section 11.11.4.	Prohibited Establishments.
Section 11.11.5.	Exempt Businesses.
Section 11.11.6.	Location and Separation Restrictions.
Section 11.11.7.	Licensing Requirements for Adult Businesses.
Section 11.11.8.	License Required.
Section 11.11.9.	License Processing.
Section 11.11.10.	Conditions of License.
Section 11.11.11.	License Fee.
Section 11.11.12.	Operational Requirements for Adult Businesses.
Section 11.11.13.	Unlawful Operation Declared a Public Nuisance.
Section 11.11.14.	Application of Other Municipal Ordinances.

Section 11.11.1. Findings.

The Governing Body of the Town finds and declares that adult businesses, by their nature, generate secondary effects unless regulated. This finding is based on the experiences of other communities and municipalities and on studies, reports and findings of other communities. Among the acts identified with such establishments are disorderly conduct, prostitution, drug trafficking and drug use. Experience in other cities has shown that where adult businesses are concentrated, neighborhoods deteriorate and the areas become less desirable places in which to work and live. Accordingly, the purpose of this Chapter is to regulate certain types of businesses so that many types of criminal activities frequently engendered by such businesses will be curtailed.

This Chapter is intended to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores, adult businesses, and erotic dance establishments. The Governing Body of the Town finds that restricting adult businesses to industrially zoned areas and imposing development standards can legitimately regulate adult businesses by establishing zones where adult businesses are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult business uses and other uses so as to afford adequate protection to residential uses.

Public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior described above, and acceleration of community blight by the concentration of such establishments in particular areas. Furthermore, other forms of adult

entertainment, including but not limited to, adult bookstores, peep shows, adult theaters, and massage parlors have a deleterious effect upon the quality of life in neighborhoods, commercial districts, and urban life in general. The limitation of adult business to certain areas and distances from other land uses is in the public welfare, and it is a matter of substantial governmental interest to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which provide or establish adult entertainment or adult uses.

This Chapter represents a balancing of interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and adult businesses versus the protected rights of such businesses and their patrons. It is not the intent, in enacting this Chapter, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books, or other materials. Further, the Governing Body of the Town does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States or Georgia Constitutions, nor do they intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials.

Section 11.11.2. Definitions.

Adult bookstore: A bookstore having ten (10) percent or more of the gross public floor area or ten (10) percent or more of its display shelf capacity, which ever is less, devoted to or containing publications, books, magazines, periodicals, videotapes, and other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This term includes adult video stores.

Adult business: Any business or establishment where employees or patrons expose specified anatomical areas or engage in specified sexual activities for the purpose of sexual gratification or any business which offers its patrons goods, services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas. This term specifically includes any nightclub, theater or other establishment which features live performances by topless or bottomless dancers, go-go dancers, strippers or similar entertainers, which such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas. This term also includes sexually oriented escort bureaus and adult video viewing booths.

Adult gift shop: Any commercial establishment that has in its stock articles or merchandise more than ten percent (10%) of which is characterized or distinguished by emphasis on matter depicting, describing or used to simulate specified sexual activities or specified anatomical areas, or such commercial establishment where such stock occupies more than ten percent of the gross public floor area of the establishment.

Adult video viewing booth: Private or semi-private booths or cubicles for viewing materials, films, videos, or other reproductions depicting nudity, specified anatomical areas, and/or specified sexual activities.

Good moral character: A person is of good moral character according to this Chapter if that person has not been convicted of a felony or any crime not a felony if it involves moral turpitude,

in the past five (5) years. The city with jurisdiction may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere.

Gross public floor area: The total area of the building accessible or visible to the public.

Mainstream performance house: A theater, concert hall, auditorium, museum or a similar establishment which regularly features live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description or featuring of specified anatomical areas and where such depiction, if any, is only incidental to the primary purpose of any performance.

Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity therefore.

Massage establishment: Any commercial establishment having a source of income or compensation derived from the practice of massage, as defined in this section, and which has fixed a place of business where any person, firm, association, or corporation engages in or carries on any of the activities defined as "massage."

Massage therapist: Any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

Minor: For the purposes of this Chapter, minor means any person who has not attained the age of eighteen (18) years.

Service-oriented escort bureau: An escort bureau which maintains an open office at an established place of business; does not use an escort bureau runner; does not advertise, offer, solicit, agree to, or provide sexual conduct to a patron; and employs or provides only escorts who possess escort identification cards.

Specified anatomical areas: Shall include any of the following: (a) Less than completely and opaquely covered human genitals or pubic region; buttock, or female breast below a point immediately above the top of the areola; or (b) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Shall include any of the following: (a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, cunnilingus, fellatio, necrophilia, pedophilia; or (b) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or (c) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or (d) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or (e) Masochism, erotic or sexually oriented torture, beating or the infliction of

pain; or (f) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or (g) Human excretion, urination, menstruation, vaginal or anal irrigation.

Section 11.11.3. Adult Businesses are Principal Uses.

Adult bookstores, adult businesses and adult gift shops are hereby defined as principal uses. No such uses shall be considered an accessory use for purposes of this Land Use Management Code.

Section 11.11.4. Prohibited Establishments.

Adult Video Viewing Booths, as defined by this Chapter, are prohibited.

Section 11.11.5. Exempt Businesses.

This Chapter shall not be construed to apply to any of the following:

- (a) Bookstores and video rental establishments that do not meet the definition of "adult bookstore" in this Chapter.
- (b) Therapeutic massage establishments and massage therapists.
- (c) Mainstream performance houses.
- (d) Service-oriented escort bureaus.

Section 11.11.6. Location and Separation Restrictions.

No adult bookstore, adult business, or adult gift store shall be located:

- (a) Within seven hundred fifty (750) feet of any parcel of land which is either zoned or used for residential uses or purposes.
- (b) Within seven hundred fifty (750) feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located.
- (c) Within seven hundred fifty (750) feet of any parcel of land upon which another establishment regulated by this Chapter is located.
- (d) Within seven hundred fifty (750) feet of any parcel of land upon which any establishment selling alcoholic beverages is located.
- (e) On less than one (1) acre of land or on property that contains less than one hundred fifty (150) feet of public road frontage.
- (f) In any district other than one that is zoned for and meets all requirements of the Industrial zoning district and has received conditional use approval.
- (g) In any building which has within the past 18 months been used for purposes of or in the commission of solicitation, prostitution, or other illicit acts.

For the purposes of this Section, distance shall be from property line to property line along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary.

Section 11.11.7. Licensing Requirements for Adult Businesses.

It shall be unlawful for any person to operate an adult business unless such business shall have a valid current license. Unless the Governing Body of the Town has adopted an ordinance more specifically addressing the licensing requirements for adult business uses and that conflict with these provisions, the application for license shall comply with this Chapter.

Section 11.11.8. License Required.

Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct or carry on any adult business shall make application to the Governing Body. Prior to submitting such application, a nonrefundable fee of five hundred dollars (\$500.00) shall be paid to the Town with jurisdiction to defray, in part, the cost of investigation and report required by this Chapter.

Section 11.11.9. License Processing.

The Town shall have thirty (30) days to investigate the application and the background of the applicant. If the city police chief, city clerk, or other responsible city official, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this Chapter, said official shall, within ten (10) days, notify the applicant of such denial.

Section 11.11.10. Conditions of License.

- (a) No such license may be sold, transferred, or assigned by a licensee.
- (b) No licensee shall operate, conduct, manage, engage in or carry on an adult business under any name other than the person's name and the name of the business as specified on the approved license.
- (c) No license shall be granted to any person who is not of good moral character.
- (d) It shall be unlawful for an adult business to admit or permit the admission of minors on the premises or that portion of a premise devoted to adult business uses.
- (e) The Town may pose additional reasonable restrictions on the issuance of a license which have a clear rationale with regard to upholding the public safety, health, morals, and general welfare of the community.

Section 11.11.11. License Fee.

There shall be an annual license fee of five thousand dollars (\$5,000.00) for an adult business. There shall be no prorating of license fees, and the license fee for any partial calendar year shall be the same as the fee for a full calendar year.

Section 11.11.12. Operational Requirements for Adult Businesses.

Adult businesses may be open between the hours of 7:00 p.m. and 1:00 a.m. Monday through Friday, and Saturday from 5:00 p.m. until 12:00 midnight. No licensee shall permit the place of business to be open on Sundays.

If dancing or performances are involved in the operation, all such activities shall occur on a platform intended for that purpose which is raised at least eighteen (18) inches from the level of

the floor. No such activities shall occur closer than four (4) feet to any patron. No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.

Section 11.11.13. Unlawful Operation Declared a Public Nuisance.

Any adult bookstore, adult business, or adult gift shop operated, conducted or maintained contrary to the provisions of this Chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The Town may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult use and restrain and enjoin any person from operating, conducting or maintaining said adult use contrary to the provisions of this Chapter. In addition, violation of the provisions of this Chapter shall be per se grounds for suspension or revocation of a license granted hereunder.

Section 11.11.14. Application of Other Municipal Ordinances.

Where the Town has adopted an ordinance relating to the siting, operation, or licensing of adult businesses, said ordinance shall apply in addition to the requirements of this Chapter. In cases where such other municipal ordinance is more restrictive, the more restrictive requirement shall apply.

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ARTICLE 12 PARKING AND LOADING

CHAPTER 12.1	GENERAL PROVISIONS
CHAPTER 12.2	CIRCULATION
CHAPTER 12.3	OFF-STREET PARKING
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CHAPTER 12.5	OFF-STREET LOADING

CHAPTER 12.1 GENERAL PROVISIONS

Section 12.1.1.	Findings.
Section 12.1.2.	Purpose and Intent.
Section 12.1.3.	Applicability.
Section 12.1.4.	Interpretations.

Section 12.1.1. Findings.

- (a) Generally. Poor design of parking lots can lead to damage to the environment and may require the community to subsidize the interests of a commercial enterprise at the expense of the community's environment. It is reasonable to require that development prevent environmental damage through good design of parking lots. Possible negative effects of parking and loading areas include creation of heat islands and changes to microclimate, isolation of pedestrians, increased stormwater runoff, and reduced stormwater infiltration into the ground.
- (b) Heat islands. Large parking lots can create heat islands where pavement absorbs solar radiation during the day and remains warm well into the night. When heat islands exist, cooling costs are higher than normal. Strategies can be used to reduce heat islands and their effects.
- (c) Lack of safe pedestrian mobility. Large areas of paving are necessary to accommodate automobiles, but they can be unfriendly to pedestrians without specific regulations requiring that designers accommodate pedestrians. Large, open parking areas are conducive to high speeds and random maneuvers which can endanger pedestrians. Wide driveway aisles and access roads also increase speeds and discourage pedestrian travel. Street and parking lot design is moving away from automobile-centered standards toward a more balanced approach that includes pedestrians.
- (d) Stormwater management. Parking lots can be seas of asphalt contributing to the degradation of local water quality. Parking lots can be more compatible environmentally if environmental protection measures are incorporated into design standards and regulations. Porous pavement and grass pavers reduce runoff by allowing it to pass through the paved surface and infiltrate back into the soil and groundwater. Utilizing porous pavements and grass pavers also reduces or eliminates land dedicated to surface storm water management facilities. Porous pavement designs and grass pavers are appropriate in some instances. Other types

- of stormwater management facilities are also more environmentally compatible, such as vegetative swales and bioretention.
- (e) Overbuilding of parking lots. Past off-street parking requirements have called for huge, expanses of parking around shopping centers and malls, some or much of which remains unused for most of the year. The risk of lost retail sales because of insufficient customer parking, as well as parking requirements for commercial loans, have led in part to the overbuilding of parking lots. This has worked to the benefit of retailers but has been shown to have undesirable environmental impacts, and those costs have been borne by communities. Certain parking areas are used only a few days of the year, yet the impacts of excess pavement continue every day, regardless of whether the parking is used or not. Studies have shown that at least one-half of the parking spaces in shopping centers are vacant at least 40 percent of the time (Urban Land Institute 1982, as cited in "An Opportunity to Reduce Minimum Parking Requirements," by Donald Shoup, *Journal of the American Planning Association*, Winter 1995, 14-28). Parking lot construction is a considerable factor in the cost of development. Reducing parking areas reduces development costs. Therefore, reductions in the size of paved parking and flexibility in the types of pavement and parking designs are beneficial to all concerned.

Section 12.1.2. Purpose and Intent.

The multiple purposes of this Article are summarized as follows:

- (a) Establish requirements for multi-modal access to development sites, including vehicular, truck service, pedestrian, as appropriate;
- (b) Establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access;
- (c) Establish minimum off-street parking and loading areas in proportion to the need created by each use, but considering reductions for the provision of alternative modes of travel;
- (d) Reduce congestion in the streets and ensure that uses and functions of public rights-of-ways are not interrupted;
- (e) Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for exceeding maximums when a demonstrated need exists. Parking requirements should be based on actual average parking demands, rather than to accommodate the highest hourly parking at a site as in conventional parking requirements.
- (f) Provide for alternative pavement materials, such as porous asphalt, turf block, gravel, wood mulch, and cobbles which have higher degrees of water quality effectiveness than conventional asphalt and pervious concrete;
- (g) Promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, smaller spaces for compact cars, and unimproved or pervious pavement overflow or spillover parking areas;
- (h) Establish design and improvement specifications for the development of parking lots, loading areas, access aisles, and connections of parking lots to public streets;
- (i) Ensure that parking areas will be compatible with abutting residential zoning districts.

Section 12.1.3. Applicability.

This Article shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures. This Article shall not be construed so as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this Article for the new use.

Section 12.1.4. Interpretations.

- (a) Fractions. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- (b) Parking space requirement not specified. Where the parking requirement for a particular use is not described in this Article, and where no similar use is listed, the Zoning Administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. At the discretion of a development applicant, a parking generation study prepared by a qualified professional may be submitted to aid the Zoning Administrator in making such a determination; if submitted, it shall be considered by the Zoning Administrator prior to making a determination.
- (c) Computations for multiple floor uses within a building. In cases where a building contains some combination of office space, retail or wholesale sales area, and/or bulk storage area, the Zoning Administrator may authorize that the building space be divided in to such floor space use areas and combined computations of floor areas (e.g., warehousing, retail, and/or office) in meeting the off-street parking or loading space requirements of this Article.

CHAPTER 12.2 CIRCULATION

- Section 12.2.1. Pedestrian Facilities Internal to Site Required.
Section 12.2.3. General Circulation.
Section 12.2.4. Vehicular Circulation.

Section 12.2.1. Pedestrian Facilities Internal to Site Required.

Internal to each building site, non-single-family residential developments shall provide safe routes of pedestrian access between points of departure and destinations. All walkways internal to the site shall be a minimum of four (4) feet wide. Pedestrians shall have the right-of-way over automobile travel. The internal sidewalk system shall connect to the public sidewalk system along streets and highways, where it exists or is planned. Where a transit stop exists, the internal sidewalk system shall provide as direct a link as possible from the buildings on site to the transit stop. The internal sidewalk system shall also connect to any sidewalk systems on abutting private properties or provide for such connections in their absence. See also Section 9.2.8, "Pedestrian Facilities" of this Land Use Management Code.

Section 12.2.2. General Circulation.

- (a) All parking shall be provided with vehicular access to a street. Loading areas shall be provided with access to a street or alley. Parking or loading areas shall not thereafter be encroached upon or altered without approval of the Zoning Administrator.
- (b) Except for single-family and duplex dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way.
- (c) There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity. The Zoning Administrator may require that construction contractors make special provisions for maintaining safe passage along public sidewalks during construction.

Section 12.2.3. Vehicular Circulation.

Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas). Interior vehicular circulation shall be provided by: (1) visually orienting the driver with a regular, logical system of interior driveways and roadways; (2) identifying entrance drives with small entry signs (see Section 17.3.3.1); and (3) preventing vehicles from driving across or through designated parking areas by placing raised landscaped dividers or walkways between parking aisles.

CHAPTER 12.3 OFF-STREET PARKING

Section 12.3.1.	Off-Street Parking Required.
Section 12.3.2.	Location of Off-Street Parking Areas.
Section 12.3.3.	Parking Plan Required.
Section 12.3.4.	Minimum Design Requirements.
Section 12.3.5.	Minimum Number of Parking Spaces Required.
Section 12.3.6.	Number of Handicapped Parking Spaces Required.
Section 12.3.7.	Administrative Variances.
Section 12.3.8.	Parking Space and Isle Design Specifications.
Section 12.3.9.	Compact Parking Spaces.
Section 12.3.10.	Angled Parking.
Section 12.3.11.	Stacking Spaces for Drive-Through Facilities.
Section 12.3.12.	Improvement Requirements.
Section 12.3.13.	Stormwater Requirements for Large Parking Lots.

Section 12.3.1. Off-Street Parking Required.

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all zoning districts, except as otherwise specifically exempted by this Article. Required parking spaces shall be available for the temporary parking of passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

When a parking lot of 75 spaces or an area of ½ acre or more is proposed, the applicant shall be required by the Zoning Administrator to divide and designate the parking lot into distinct use areas as follows.

- (a) Prime customer parking. This type of parking should be located within 200 to 300 feet of buildings and near building entrances, because these spaces are used more frequently (i.e., high turnover).
- (b) Overflow customer parking. This type of parking is used to meet peak parking demands. Spaces are used less frequently.
- (c) Employee parking areas. This type of parking is provided at the fringe of the site and areas not readily associated with major building entrances, with low turnover.

Section 12.3.2. Location of Off-Street Parking Areas.

All parking spaces required by this Article shall be provided on the same lot with the main building or use which it serves. Upon demonstration that the parking spaces required by this Article are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the Zoning Administrator may permit some or all of the required parking spaces to be provided on any lot, a substantial portion of which is within eight hundred (800) feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this Article.

Section 12.3.3. Parking Plan Required.

Before any building permit is issued, the parking lot layout and area must be found by the Zoning Administrator to be in compliance with all requirements of this Article. The Building Inspector shall not allow occupancy or use of a building until advised by the Zoning Administrator that parking facilities meet the requirements of this Article.

No permit shall be issued for any parking area, except those for detached, single-family residences, until the plans and specifications have been submitted for review by the Zoning Administrator. Such plans and specifications shall include the number of spaces provided and required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, and provisions for drainage.

Section 12.3.4. Minimum Design Requirements.

- (a) Dead-end parking areas shall be prohibited unless design conditions prevent a connected design, and they can only be used if 90 degree parking design is used.
- (b) Parking aisle length shall not exceed 500 feet without a break for circulation.
- (c) One landscaped divider (i.e., planted area within in between and separating the vehicle parking spaces fronting one another) with a minimum width of ten (10) feet shall be provided for every fifth parking aisle in a parking lot; provided, however, that the Zoning Administrator may vary this requirement in cases of short parking aisles or where alternative designs prevent random maneuvers which can endanger pedestrians.
- (d) Light poles should be located in landscaped planter strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.
- (e) Parking lots shall meet the requirements for parking lot landscaping as specified in Chapter 16.4 of this Land Use Management Code.

Section 12.3.5. Minimum and Maximum Onsite Parking Spaces.

Unless specifically provided otherwise in this Article, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum (and not to exceed the maximum) amounts in Table 12.1.

No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces, or increased to more than the maximum permitted number of spaces, or altered in design or function to less than the minimum standards, unless specifically provided for in this Article.

This Section shall not be construed as requiring compliance of parking lots which lawfully existed on the effective date of this Article; provided, however, that the Zoning Administrator shall ensure parking lots that do not comply with this Article meet the requirements of this Article or substantially comply when a new development permit is required or a building permit is required to add additional building space on the site. If substantial redesign of the parking lot is required to comply with this Article in such cases of new development or building additions, the Zoning Administrator may accept substantial rather than complete compliance when the strict application of a requirement of this Article would pose substantial practical difficulty.

TABLE 12.1
MINIMUM AND MAXIMUM NUMBER OF
OFF-STREET PARKING SPACES REQUIRED

Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
COMMERCIAL USES		
Animal hospital; kennel	One per 400 square feet	One per 250 square feet
Appliance sales and repair	One per 500 square feet	One per 300 square feet
Art gallery	One per 400 square feet	One per 300 square feet
Automated teller machine, no drive-through	Two per machine	Three per machine
Auto parts store	One per 500 square feet	One per 300 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office	One per 150 square feet of repair space plus one per 300 square feet of showroom/office
Automobile service and repair	One per 250 square feet	One per 200 square feet
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through facilities)	One per 200 square feet (also see stacking requirements for drive-through facilities)
Barber shop or beauty parlor	One per 300 square feet	One per 250 square feet
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom	Two for the owner-operator plus one per guest bedroom
Carpet or floor covering store	One per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area	One per 250 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
Car wash, staffed or automated	Two stacking spaces for each car wash lane plus two drying spaces per lane	Three stacking spaces for each car wash lane plus two drying spaces per lane
Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage	One per 250 square feet of office space and one per 1,500 square feet of lot outdoor storage
Convenience store	One per 200 square feet	One per 150 square feet
Dance hall	One per 125 square feet	One per 75 square feet
Day care center	One per 500 square feet	One per 375 square feet
Funeral home or mortuary	One per four seats in largest chapel	One per three seats in largest chapel

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Furniture and home furnishing store	One per 600 square feet	One per 300 square feet
Grocery store	One per 300 square feet	One per 250 square feet
Hardware store	One per 400 square feet	One per 300 square feet
Health or fitness club	One per 200 square feet	One per 150 square feet
Hotel, extended stay	1.5 per unit lodging unit	Two per lodging unit
Hotel or motel	One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area	1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	One for each three washer/dryer combinations	One for each two washer/dryer combinations
Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales or display area	One per 250 square feet plus one per 1,000 square feet outdoor sales or display area
Office	One per 300 square feet	One per 250 square feet
Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales	One per 200 square feet of indoor floor space plus one per 500 square feet of outdoor sales
Personal service establishment	One per 250 square feet	One per 200 square feet
Photofinishing laboratory	One per 250 square feet	One per 200 square feet
Photographic studio	One per 300 square feet	One per 250 square feet
Restaurant, bar, or tavern	One per 125 square feet	One per 75 square feet
Retail store	One per 275 square feet	One per 250 square feet
Self storage facility (mini-warehouse)	One per 40 storage units	One per 25 storage units
Service station	One per 250 square feet of office space plus two per service bay	One per 200 square feet of office space plus three per service bay
Shopping center	One per 275 square feet	One per 225 square feet
INDUSTRIAL USES		
Manufacturing, processing, assembling	One per 1,300 square feet	One per 1,000 square feet
Warehouse	One per 2,000 square feet	One per 1,500 square feet
Wholesale	One per 1,000 square feet	One per 600 square feet
GOVERNMENT – INSTITUTIONAL USES		
Assembly hall; auditorium; nonprofit club or lodge	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating
Government office	One per 300 square feet	One per 250 square feet
Hospital	1.5 per bed	Two per bed
Library	One per 400 square feet	One per 300 square feet
Museum	One per 500 square feet	One per 300 square feet
Nursing home	One per four beds	One per three beds
Post office	One per 200 square feet	One per 150 square feet
School	One per 300 square feet	One per 200 square feet
School for the arts	One per 300 square feet	One per 200 square feet
School, trade or business	One per 200 square feet	One per 150 square feet
RESIDENTIAL USES		
Apartment, one bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
Apartment, two bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
Apartment, three bedroom	2 per unit plus 0.2 per unit for guest space	Three per unit plus 0.2 per unit for guest space
Home occupation	(see provisions for home occupations)	
Residence within building containing a non-residential use	One per unit	1.5 per unit
Single family detached or attached	Two per unit	Four per unit
Two family dwelling	Two per unit	Three per unit
RECREATIONAL FACILITIES		
Athletic field	20 spaces per field	25 spaces per field
Billiard hall/amusement arcade	One per 200 square feet	One per 150 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/amusement arcade, if provided)	Three per each bowling lane (add parking for billiard hall/amusement arcade, if provided)
Community center	One per 300 square feet	One per 250 square feet
Golf course	2.5 per hole	Three per hole
Golf driving range, principal use	0.75 per tee	1 per tee
Ice or roller skating rink	One per 200 square feet	One per 150 square feet
Miniature golf	Two per hole	Three per hole
Stadium or sport arena	One per twelve feet of bench seating	One per ten feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area	One per 100 square feet of surface water area

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Swimming pool – public	One per 125 square feet of surface water area	One per 75 square feet of surface water area
Tennis or racquet ball court	Two per court	Three per court
Theater, cinema	One per four fixed seats	One per three fixed seats

Retail facilities with over 250 parking stalls shall require a minimum of one standard size stall clearly marked in yellow on pavement "EMERGENCY PARKING ONLY." The location of the parking stall shall be as close as possible to major building entries.

Section 12.3.6. Number of Handicapped Parking Spaces Required.

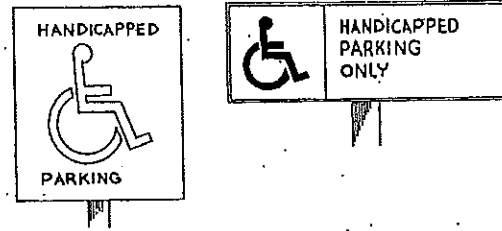
Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute. The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 12.2. Said spaces shall count toward the requirements for off-street parking as specified in Table 12.1. In addition, handicapped van spaces are required at a rate of one van space for each eight (8) handicapped spaces required, with a minimum of one.

**TABLE 12.2
HANDICAPPED PARKING REQUIREMENTS**

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

- (a) **Locations.** Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- (b) **Dimensions.** Accessible parking spaces shall be at least nine (9) feet wide with a minimum five (5) foot-wide access aisle. For van spaces, the width of the parking space shall be at least eleven (11) feet wide with a minimum five (5) foot wide access aisle. Parking access aisles shall be part of an accessible route to the building or facility entrance; two accessible parking spaces may share a common access aisle.

- (c) Signs. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.222, p. 679. New York: McGraw-Hill.

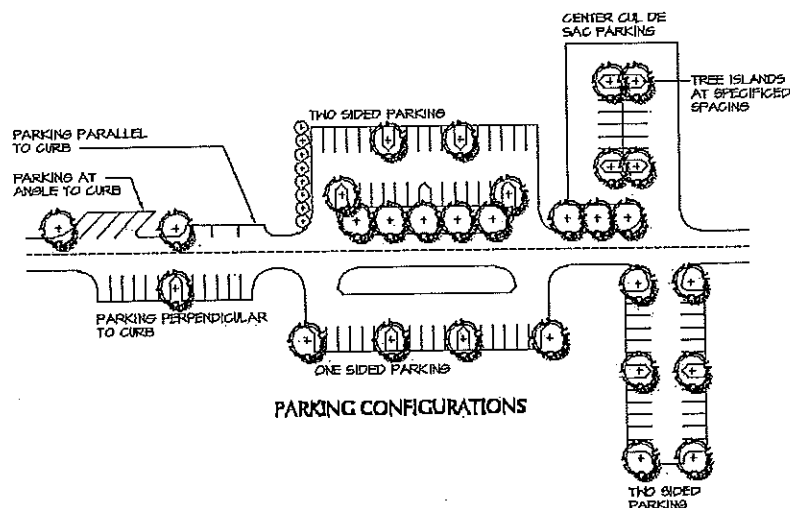
Section 12.3.7. Administrative Variances.

The Zoning Administrator may allow parking at a rate of up to ten percent (10%) above the maximum permitted number of spaces, or at a rate of no more than 20 percent (20%) below the minimum required, on a case-by-case basis based upon the scale and impacts of the request, for good cause shown. The applicant shall make said request in writing which shall include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a qualified professional that documents parking requirements.

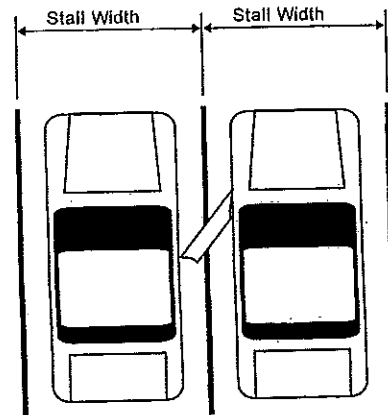
In approving administrative variances to the parking requirements in Table 12. 1, the Zoning Administrator may as a condition of approval, if applicable, require an area to be reserved or set-aside for additional parking area for future use if needed.

Section 12.3.8. Parking Space and Aisle Design Specifications.

Designers are permitted flexibility with regard to parking lot designs, subject to the requirements of this Section and other applicable provisions of this Article.



- (a) Parking space width. When fewer than 75 parking spaces are proposed or provided, off-street parking spaces shall be a minimum of nine (9) feet in width and twenty (20) feet in length, with wider (10 foot) spaces encouraged in high-turnover areas. When 75 or more parking spaces are proposed or provided, off-street parking spaces shall meet the widths specified in Table 12. 3.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-13, p. 9-24.

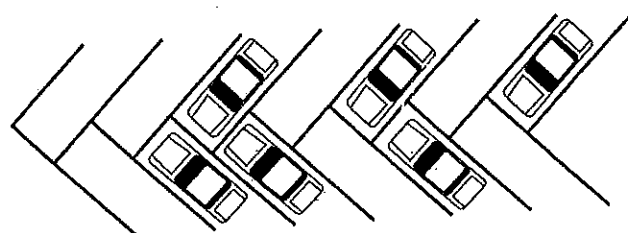
TABLE 12. 3
REQUIRED PARKING STALL WIDTHS

Type of Parking Area	Width in Feet Standard Midsize	Width in Feet Compact (Where Permitted)
Prime customer	9.0	8.0
Overflow customer	8.5	7.5
Employee	8.0	7.0

- (b) Parking space length. Parking space length shall be twenty (20) feet, except where compact parking is authorized by the Zoning Administrator, in which case parking space lengths can be reduced to sixteen (16) feet.

- (c) Interlocking design.
An interlocking or "herringbone" parking design is not permitted, as it exposes the side of one vehicle to the front of another, which can result in substantial damage if the vehicle rolls forward (see figure).

Interlocking Parking Space Design Prohibited



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-6, p. 9-15.

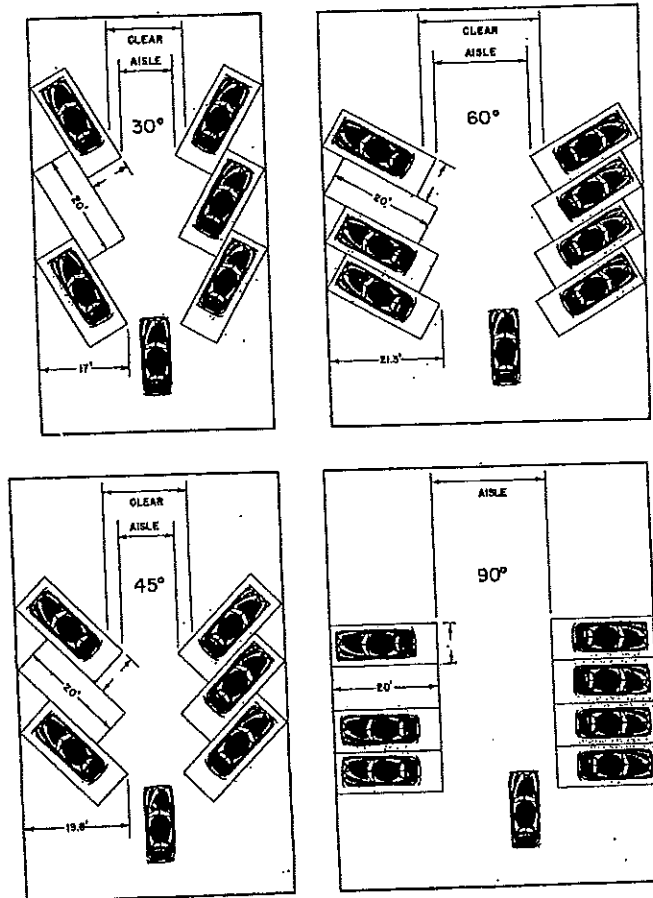
- (d) Aisle widths. Parking driveway maneuvering aisle width requirements vary according to the width and length of parking spaces and the angle of parking. For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90) degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty-two (62) feet (i.e., curb to curb) for nine (9) foot-wide spaces and sixty (60) feet (i.e., curb to curb) for ten (10) foot-wide spaces.

Section 12.3.9. Compact Parking Spaces.

Compact parking spaces may be used in parking areas when more than twenty (20) parking spaces are required, provided that the areas for compact parking are clearly marked and not more than twenty (20) percent of the number of parking spaces provided in the entire parking area is designated compact auto parking. In parking lots of 75 or more spaces, employee and overflow customer parking may be designed with compact parking spaces at a rate of fifty (50) percent of the number of parking spaces provided in the portion of the parking lot devoted to such parking areas.

Section 12.3.10. Angled Parking.

The Zoning Administrator may authorize parking lot designs that utilize 75, 60, and 45 degree-angled parking spaces with one-way or two-way aisles. If such angled parking is used, parking lots shall comply with acceptable parking dimensional standards for aisle widths as specified by the Institute of Transportation Engineers or other reputable source approved by the Zoning Administrator.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.205, p. 663. New York: McGraw-Hill.

Section 12.3.11. Stacking Spaces for Drive-Through Facilities.

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with this Section. Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first encountered by the vehicle user. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through photo finishing booths, drive-through coffee sales facilities, and any other uses with drive-through facilities shall provide three (3) stacking spaces for each window or drive-through service facility. Restaurants with drive-through facilities shall at least provide

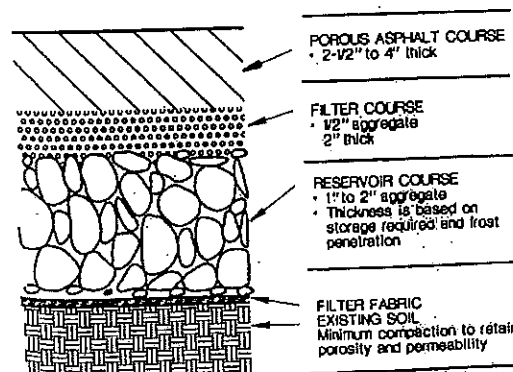
five (5) stacking spaces for each window or drive-through service facility, free and clear of access easements if any and drives required for on-site circulation.

The following general standards shall apply to all stacking spaces and drive-through facilities:

- (a) Stacking spaces and lanes for drive-through stations shall not impede on and off site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- (b) Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
- (c) All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.

Section 12.3.12. Improvement Requirements.

- (a) **Drainage.** Parking and loading areas shall be properly graded if necessary but in all cases drained so as to prevent damage to abutting properties or public streets. Water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements.
- (b) **Surfacing.** Parking and loading areas shall be surfaced with concrete, asphaltic concrete, asphalt (see details in illustrations in this Section) or other dust-free surface; provided, however, that porous pavement parking spaces and grass pavers may be substituted for standard dust free pavements subject to the approval of the Zoning Administrator. Aggregate (gravel) surface may be considered appropriate in exurban and rural areas. Water quality effectiveness and character of the zoning district shall be considered in determining surfacing requirements.

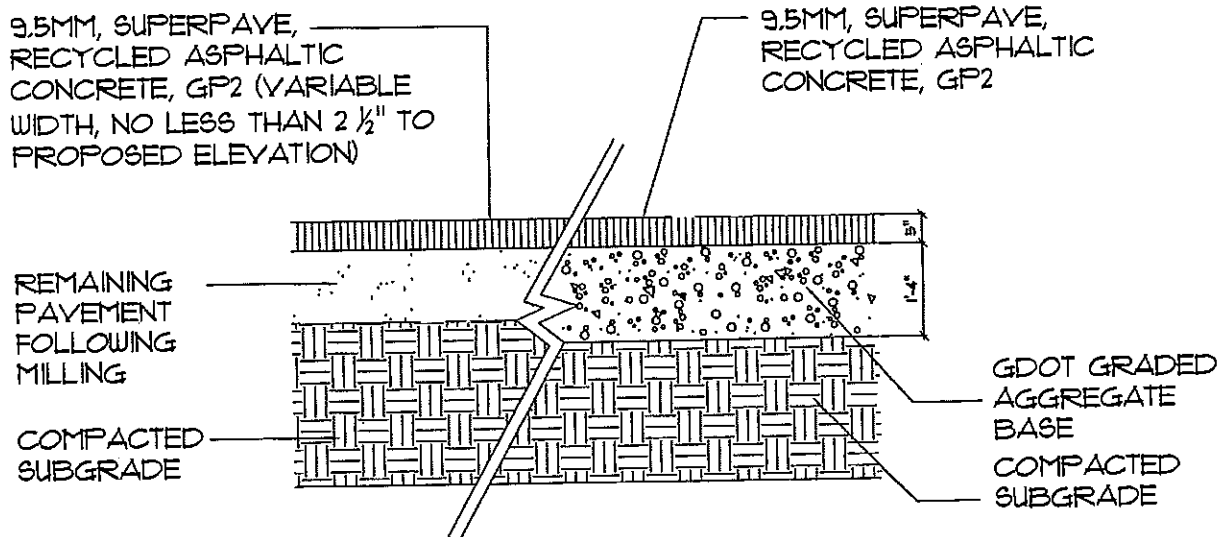


Typical Porous Paving Section

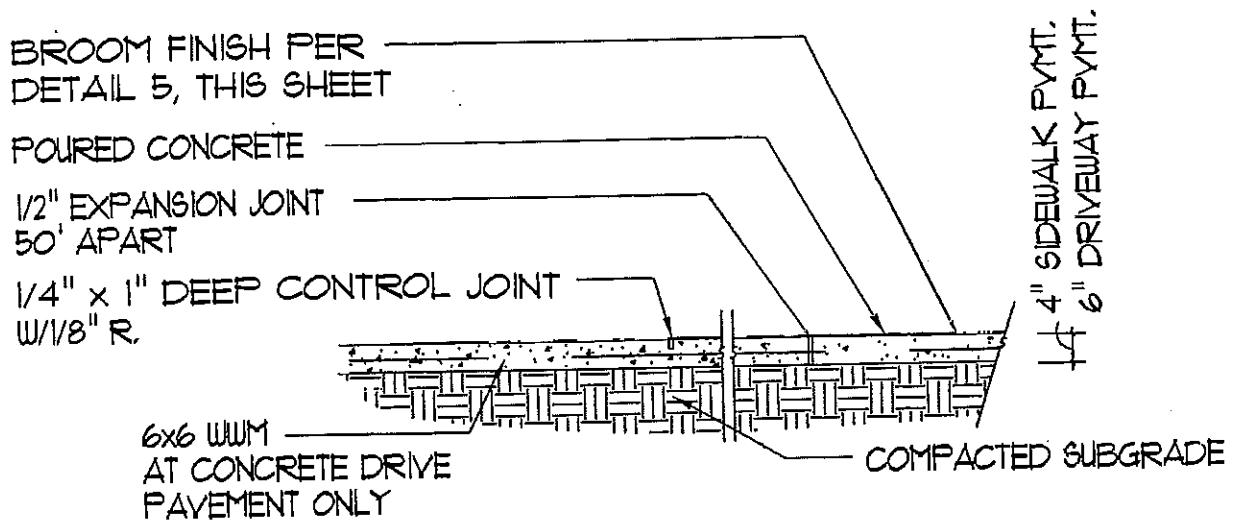
Source: Parker, Dave, et al. 2002. "Design of Stormwater Management Facilities." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 22.37, p. 525. New York: McGraw-Hill.

PAVING OVER MILLED SURFACE

PAVING OVER SOIL

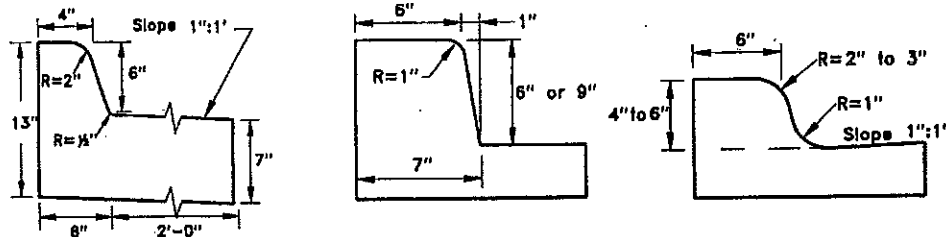


ASPHALT PAVING DETAIL



CONCRETE PAVING DETAIL

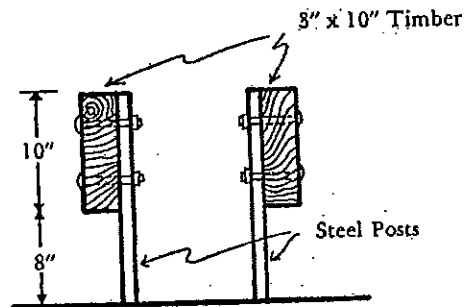
- (c) Curbs or stops. Curbing shall be installed as required by the Zoning Administrator when considered necessary for drainage, although water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements.



Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 20.10, p. 370. New York: McGraw-Hill.

Vertical Curb Details

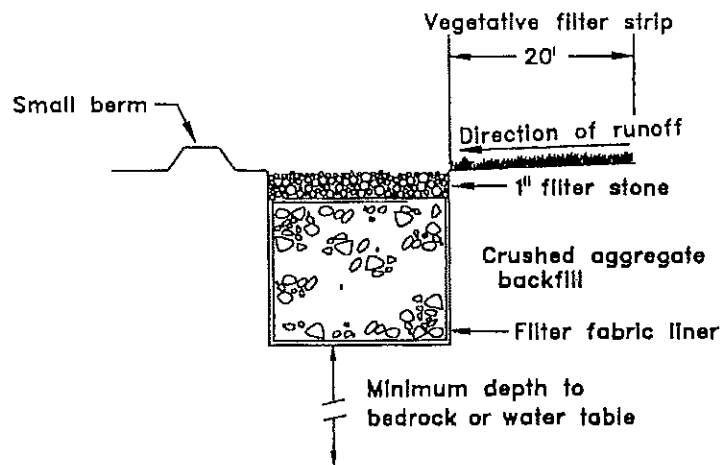
- (d) Barriers. Parking space bumpers made of timber on steel posts may be used (see figure) in exurban and rural areas to maintain character of the zoning district. The height should be set to meet car bumpers.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.215, p. 673. New York: McGraw-Hill.

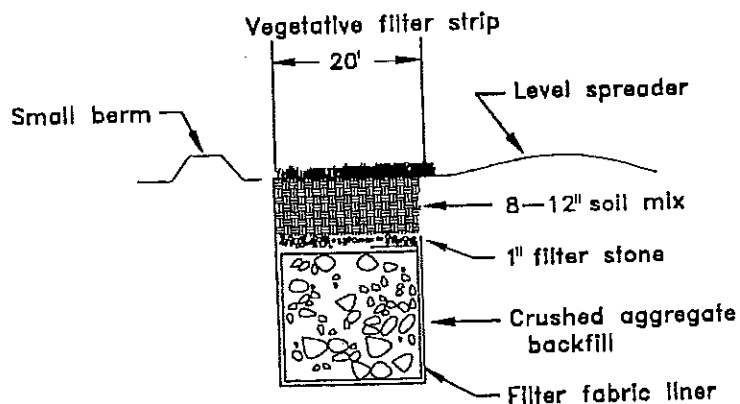
Section 12.3.13. Stormwater Requirements for Large Parking Lots.

Parking lots covering area of one-half (1/2) acre or more shall not be permitted to divert all stormwater to a retention or detention basin and shall be required by the Zoning Administrator to incorporate one or more of the techniques illustrated in this Section, or other approved alternative, to increase infiltration (provide opportunity for groundwater recharge) and to filter the stormwater collected from parking lots.

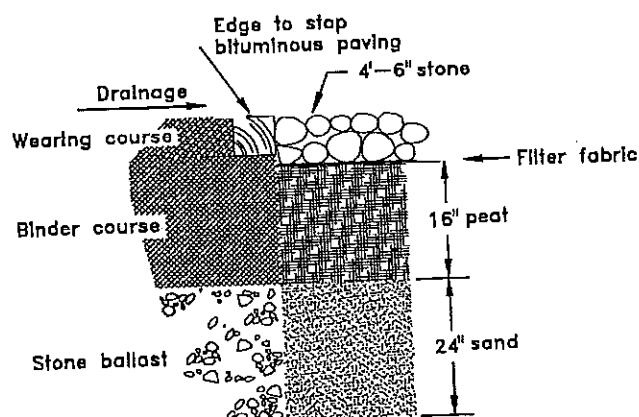


Source: Russ, Thomas. 2002. *Site Planning and Design Handbook*. Figure 6-11, p. 228 and Figure 6-14, p. 230. New York: McGraw-Hill.

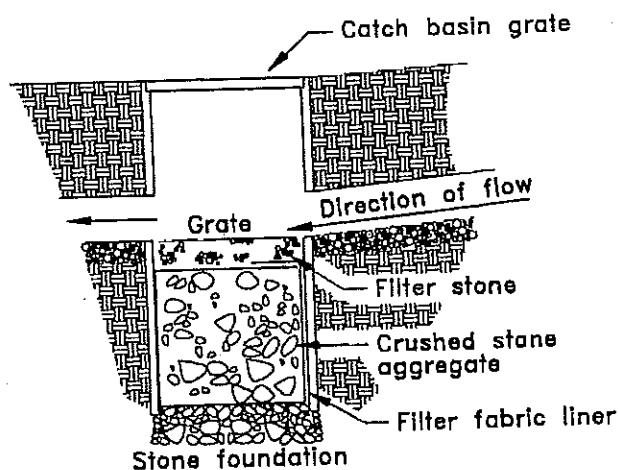
Infiltration Recharge Basin Detail



Vegetative Filter Strip Detail



Sand Filter Strip Detail



Catch Basin Infiltrator Detail

Source: Russ, Thomas. 2002. *Site Planning and Design Handbook*.
Figure 6-14, p. 230, Figure 6-13, p. 229, and Figure 6-10, p. 227. New York: McGraw-Hill.

CHAPTER 12.4 OFF-STREET PARKING REDUCTION

Section 12.4.1.	Reduction for Off-Site Arrangements.
Section 12.4.2.	Reduction for Mixed or Joint Use of Parking Spaces.
Section 12.4.3.	Reduction for Demand Management.
Section 12.4.4.	Reduction for On-Street Parking.

Section 12.4.1. Reduction for Off-Site Arrangements.

Off-site parking may be used in combination to meet minimum parking space requirements; a reduction of required off-street parking spaces on a given site may be permitted by the Zoning Administrator in cases where additional off-street, off-site, parking area in sufficient quantity and availability in conformity with this Article compensates for the reduction, subject to the following:

- (a) The property is under one ownership, or a valid agreement exists between the two property owners for use of the parking area.
- (b) Off-site parking shall not exceed fifty (50) percent of the required parking for a building or buildings, except in the CBD zoning district, where 100 percent is permitted.
- (c) Off-site parking shall be located within eight hundred (800) feet of the building or buildings in which it is leased to serve, or 1500 feet in the CBD zoning district.
- (d) Lease agreements, as applicable, must be of sufficient duration to serve the use or uses proposed to be partially served by the off-site leased parking.
- (e) Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

Section 12.4.2. Reduction for Mixed or Joint Use of Parking Spaces.

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Zoning Administrator may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

Section 12.4.4. Reduction for Demand Management.

The Zoning Administrator may in individual cases administratively authorize a proportional reduction in the required minimum number of parking spaces for office, institutional, industrial, and public uses with 50 or more employee parking spaces, if a formal carpool or van pool program is instituted. For purposes of this Section, carpool is defined as two or more persons per car, and vanpool is defined as five or more persons per van. Any carpool or vanpool

program shall provide at least five (5) spaces reserved for carpool or vanpool vehicles and shall be clearly marked "Reserved – Carpool/Vanpool Only" through signage or pavement markings. Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped parking spaces provided. The applicant must agree that the parking preferences will be enforced.

Section 12.4.4 Reduction for On-Street Parking

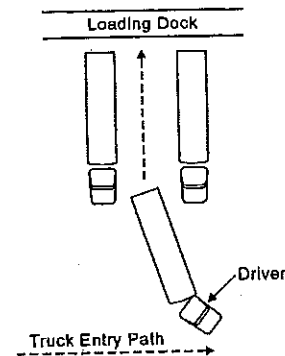
The Zoning Administrator may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by on-street parking.

CHAPTER 12.5 OFF-STREET LOADING

- Section 12.5.1. Off-Street Loading Required.
Section 12.5.2. Loading Area Specifications.
Section 12.5.3. Loading Area Locations.
Section 12.5.4. Minimum Number of Off-Street Loading Spaces Required.

Section 12.5.1. Off-Street Loading Required.

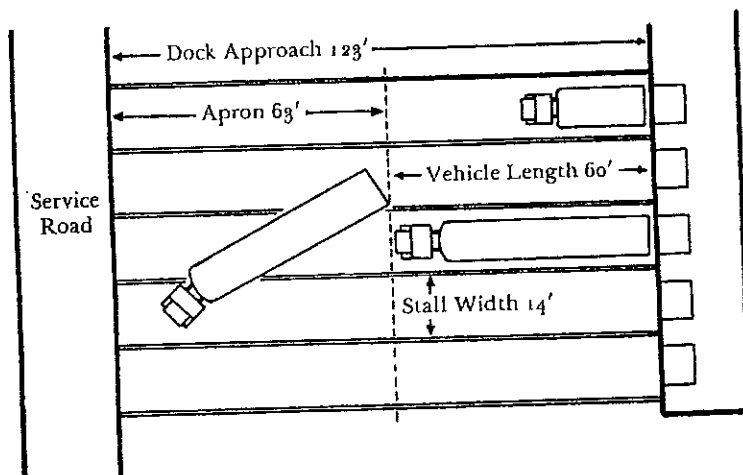
On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of streets, alleys, and private or public parking areas.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 10-5, p. 10-9.

Section 12.5.2. Loading Area Specifications.

Unless otherwise approved by the Zoning Administrator, loading spaces shall be a minimum of fourteen (14) feet wide, forty (40) feet long, with fourteen (14) feet of height clearance. When the development requires loading and unloading by full-size tractor-trailers, loading spaces shall be sixty (60) feet long with a sixty-three (63) foot apron, for a total approach zone of 123 feet.



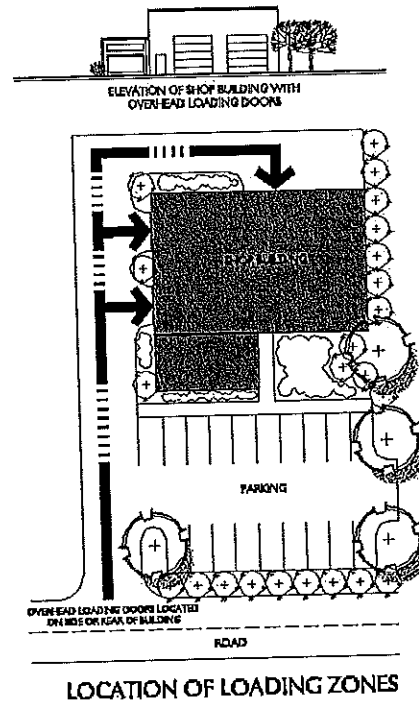
Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.188, p. 652. New York: McGraw-Hill.

Section 12.5.3. Loading Area Locations.

Loading areas shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building. Loading areas shall not be permitted within front yards.

Section 12.5.4. Minimum Number of Off-Street Loading Spaces Required.

One off-street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet for retail or other non-industrial use.



ARTICLE 13 SOIL EROSION AND SEDIMENTATION CONTROL

CHAPTER 13.1	DEFINITIONS
CHAPTER 13.2	GENERAL PROVISIONS
CHAPTER 13.3	MINIMUM REQUIREMENTS AND BEST MANAGEMENT PRACTICES
CHAPTER 13.4	APPLICATION AND PERMIT PROCESS
CHAPTER 13.5	INSPECTION, ENFORCEMENT, VIOLATION, PENALTIES

CHAPTER 13.1 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Article, unless otherwise specifically stated:

Best Management Practices (BMPs): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Commission: The State Soil & Water Conservation Commission.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources.

Director: The Director of the Environmental Protection Division of the Department of Natural Resources.

District: The Soil and Water Conservation District with jurisdiction.

Division: The Environmental Protection Division of the Department of Natural Resources.

Drainage structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Elevation: The vertical height or heights above a datum plane which for purposes of this Chapter shall be the Mean Sea Level datum of the United States Coast and Geodetic Survey of 1929 or other customarily accepted source.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan".

Existing grade: The elevation of the ground surface at any given point prior to cutting or filling.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in this Article.

Larger common plan of development or sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The Town of Maysville.

Natural drainage: Channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

Operator: The party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a

person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Qualified personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District approved plan: An erosion and sedimentation control plan approved in writing by the soil and water conservation district with jurisdiction.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion and sedimentation control practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent

excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with: (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or (b) Temporary seeding, producing short-term vegetative cover; or (c) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water 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. Wetlands generally include swamps, marshes, bogs, and similar areas.

CHAPTER 13.2 GENERAL PROVISIONS

- Section 13.2.1. Exemptions.
Section 13.2.2. General Provisions.
Section 13.2.3. Time Penalty for Development after Exemption.

Section 13.2.1. Exemptions.

This Chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) Surface mining. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
- (b) Quarrying. Granite quarrying and land clearing for such quarrying;
- (c) Minor activities. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion;
- (d) Single-family residences. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this Section; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in this Article. The minimum requirements of this Article and the buffer zones provided by this Section shall be enforced by the local issuing authority;
- (e) Agricultural operations. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (f) Forestry. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in this Article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (g) Federally sponsored projects. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (h) Projects less than one acre. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after

- rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by this Section;
- (i) State projects. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
 - (j) Electrical utilities. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
 - (k) Public reservoirs. Any public water system reservoir.

Section 13.2.2. General Provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of this Article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities, and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

Section 13.2.3. Time Penalty for Development After Exemption.

- (a) Finding. The Town finds that there is potential for abuse of the agricultural and forestry exemptions provided in this Chapter. Property owners, in order to avoid the development permit and soil erosion and sedimentation control requirements of this Article and other provisions of this Land Use Management Code, may attempt to undertake clearcutting of the property under the agricultural or forestry exemption of this Chapter and then immediately or within a short period of time thereafter file for development approval which would have required detailed plans for the grading.
- (b) Time limit established for certain development after exemption. To guard against such abuse, when the owner of property clears or grades land pursuant to an agricultural or forestry exemption as provided in this Chapter, no residential subdivision involving the installation of streets and no development other than that associated with agriculture, forestry, or a single dwelling shall be permitted for a period of three (3) years from the date such exempted clearing or grading took place, as determined by the Zoning Administrator.
- (c) Development applications refused. The Zoning Administrator shall not be authorized to process and shall not accept an application for residential subdivision development involving the installation of streets or any application for development other than that associated with agriculture, forestry, or a single dwelling, until the expiration of said three-year period, and to this end shall withhold development or building permit approval for said developments. Development subsequent to clearing or grading completed under an agricultural or forestry exemption under the terms of this Chapter shall require compliance with all applicable provisions of this Article prior to issuing a development permit or building permit for such specified development.

CHAPTER 13.3

MINIMUM REQUIREMENTS AND BEST MANAGEMENT PRACTICES

Section 13.3.1.	Permit Required.
Section 13.3.2.	Best Management Practices Required.
Section 13.3.3.	Reference to Erosion Control Manual.
Section 13.3.4.	General Regulations.
Section 13.3.5.	Additional Grading Specifications.
Section 13.3.6.	Requirements for Fill Material.
Section 13.3.7.	Education and Certification.

Section 13.3.1. Permit Required.

No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the local issuing authority without first obtaining a development permit from local issuing authority, if required, to perform such activity.

An application for a development permit, when required, shall be made to the Zoning Administrator in accordance with Chapter 23.1 of this Land Use Management Code. The grading plans shall be prepared by, or under the direction of, a registered civil engineer for all applications where the total amount of materials graded is more than 2,500 cubic yards. Grading plans shall show existing and proposed contour lines at an interval of no more than five (5) feet. Grading plans shall outline the areas which are required to remain undisturbed (i.e., tree protection areas, buffers, etc.) and shall indicate all protective measures such as fencing or staking to be placed surrounding such areas. The Zoning Administrator may require additional information pertaining to the specific site and any other relevant information needed in order to assess potential hazards associated with the proposed grading activities and to determine whether a development permit or approval should be issued. Grading shall be done in accordance with the lines and grades shown on the approved grading plan.

Section 13.3.2. Best Management Practices Required.

Best management practices as set forth in this Article or referred to herein shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director of the Environmental Protection Division of the Georgia Department of Natural Resources or to any other allegation of noncompliance with this Article or Chapter or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this Chapter, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the *Manual for Erosion and Sediment Control in Georgia* specified in O.C.G.A. 12-7-6 subsection (b).

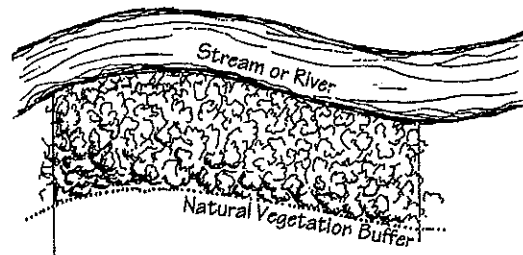
Section 13.3.3. Reference to Erosion Control Manual.

The regulations in this Article require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are

consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Section 13.3.4. General Regulations.

- (a) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- (b) Cut-fill operations must be kept to a minimum;
- (c) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (d) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (f) Disturbed soil shall be stabilized as quickly as practicable;
- (g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (h) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (i) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
- (j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (k) Cuts and fills may not endanger adjoining property;
- (l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (m) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (n) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this ordinance;
- (o) Except as otherwise specifically provided in this Chapter or where more restrictive requirements exist in this Land Use Management Code, there is established a minimum fifty (50) foot wide buffer along the banks (both sides) of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow. The required 50-foot wide buffer along the banks of all state waters may be reduced through local variance procedures



through proper application and for good cause shown.

No buffer required by this Chapter and Section shall be reduced below 25 feet in width, unless the Director of the Georgia Environmental Protection Division determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented. The following requirements shall apply to any such buffer: No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and the buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.

- (p) Nothing contained in this Chapter shall prevent a local issuing authority from adopting and enforcing regulations which require stream buffers that exceed the minimum requirements in this Article.
- (q) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

Section 13.3.5. Additional Grading Specifications.

- (a) Abrupt or unnatural-appearing grading design shall not be allowed.
- (b) Grading on new project sites shall blend with the contours of adjacent properties with minimum alteration of the natural topography necessary to accomplish the development.
- (c) If grading is done for development that will not occur immediately, then the site shall be grassed within thirty (30) days of completion of grading.
- (d) Final graded slopes shall be no steeper than is safe for the intended use. The maximum slopes for cut or fill shall be 2:1 (two feet of horizontal run for each foot of rise or fall), except as approved by the Zoning Administrator.
- (e) When a cut is made in rock that requires blasting, the slope may be steeper if presplitting is employed and upon submission of a geotechnical report which substantiates the integrity of the rock in the steeper condition, subject to the review and approval of the Zoning Administrator. No blasting shall occur without a valid permit issued by the Fire Marshal.

- (f) Grading shall not create or contribute to flooding, erosion, or increased turbidity, siltation or other forms of pollution in a watercourse.
- (g) All grading shall occur entirely within the site unless encroachment on adjoining property is shown on grading plans and the applicant provides proof of ownership, an easement authorizing the encroachment, or a letter signed by the owner of the adjoining property which authorizes such temporary encroachments during construction on the adjoining property.
- (h) Construction and development plans calling for excessive cutting and filling may be refused a development permit by the Zoning Administrator if it is determined that the proposed land use can be supported with less alteration of the natural terrain.

Section 13.3.6. Requirements for Fill Material.

Materials used in fills shall comply with the following requirements:

- (a) Material used in filling shall be appropriate to the site and the intended use of that portion of the site.
- (b) Fill shall be composed of earth materials. Any rock or other similar irreducible material used in a fill shall be of a maximum diameter of 12 inches and shall compose not more than 20 percent of the total fill material.
- (c) Topsoil shall not be used as a fill material except that the upper 12 inches of a fill site may be covered with topsoil.
- (d) No frozen or thawing material shall be used in a fill.
- (e) No solid waste, hazardous waste or hazardous material may be used in a fill.
- (f) No organic material shall be used in a fill unless approved by the Zoning Administrator.

Section 13.3.7. Education and Certification.

All persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the State Soil & Water Conservation Commission in consultation with the State Environmental Protection Division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

CHAPTER 13.4 APPLICATION AND PERMIT PROCESS

Section 13.4.1.	Responsibilities.
Section 13.4.2.	Permit Application Requirements.
Section 13.4.3.	General Plan Compliance Requirements.
Section 13.4.4.	Data Required for Site Plan.
Section 13.4.5.	Permits.

Section 13.4.1. Responsibilities.

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the local issuing authority that affect the tract to be developed and the area surrounding it. They shall review this Article and other Articles of this Land Use Management Code which regulate the development of land within the jurisdictional boundaries of the local issuing authority.

Section 13.4.2. Permit Application Requirements.

- (a) Submission. The application for a permit shall be submitted to the local issuing authority and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary.
- (b) Minimum requirements. Said plans shall include, as a minimum, the data specified in this Article. Soil erosion and sedimentation control plans shall conform to the provisions of this Article.
- (c) Copies of plans. Applications for a permit will not be accepted unless accompanied by the local issuing authority's specified number of copies of the applicant's soil erosion and sedimentation control plans.
- (d) Certification by preparer of plan. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Board of Natural Resources.
- (e) Local fee. A fee, in the amount of \$ 100.00 shall be charged for each acre or fraction thereof in the project area.
- (f) Additional fee. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development.
- (g) Payment of fee. All applicable fees shall be paid prior to issuance of the development permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority.
- (h) District review and approval required. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to

the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the District, and any variances required and bonding, if required as per this Article, have been obtained. Such review will not be required if the local issuing authority and the District have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the District.

- (i) Denial for prior violations by permit applicant. If a permit applicant has had two or more violations of previous permits, this Article or its predecessor regulations, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.
- (j) Bond. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit.
- (k) Call of bond for non-compliance. If the applicant does not comply with this Article or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply until after a hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

Section 13.4.3. General Plan Compliance Requirements.

Plans shall comply with the following requirements:

- (a) Manual Adopted by Reference. Plans must be prepared to meet the minimum requirements as contained in this Article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this Article.
- (b) Interrelationships. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances including this Land Use Management Code, and State laws.

Section 13.4.4. Data Required for Site Plan.

The following information shall be shown on site plans required by this Article:

- (a) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- (b) Description of existing land use at project site and description of proposed project.
- (c) Name, address, and phone number of the property owner.
- (d) Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
- (e) Size of project, or phase under construction, in acres.
- (f) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
- (g) Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
- (h) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
- (i) Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.
- (j) Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."
- (k) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. All persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the Commission pursuant to O.C.G.A. 12-7-20.
- (l) Graphic scale and north point or arrow indicating magnetic north.
- (m) Vicinity maps showing location of project and existing streets.
- (n) Boundary line survey.
- (o) Delineation of disturbed areas within project boundary.
- (p) Scale shall be 1 inch = 100 ft. or larger scale.
- (q) Existing and planned contours, with an interval in accordance with the following:

Ground Slope	Contour Interval (Feet)
Flat 0-2%	0.5 or 1
Rolling 2-8%	1 or 2
Steep 8% +	2, 5 or 10

- (r) Adjacent areas and feature areas such as streams, lakes, wetlands, floodplains, residential areas, etc. which might be affected should be indicated on the plan.
- (s) Proposed structures or additions to existing structures and paved areas.
- (t) Delineate the 25-foot and 50-foot horizontal buffer adjacent to state waters.
- (u) Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.
- (v) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

Section 13.4.5. Permits.

- (a) Time frame. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary.
- (b) District approval, variances, and bonding. No development permit shall be issued by the local issuing authority unless the erosion and sedimentation control plan has been approved by the District (except as otherwise provided by this Article) and the local issuing authority has affirmatively determined that the plan is in compliance with this Article and the Land Use Management Code generally, any variances required by this Article or Land Use Management Code generally are obtained, bonding requirements, if necessary are met, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (c) Separate permit for phases. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (d) Suspension, revocation, or modification. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Article or the Land Use Management Code.
- (e) Notification to successor. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

CHAPTER 13.5 INSPECTION, ENFORCEMENT, VIOLATIONS, PENALTIES

Section 13.5.1.	Periodic Inspection.
Section 13.5.2.	Responsibilities of Permittees.
Section 13.5.3.	Notice for Failure to Comply.
Section 13.5.4.	Violation for Failure to Comply.
Section 13.5.5.	Authority to Conduct Investigations
Section 13.5.6.	Division Review and Revocation of Certification.
Section 13.5.7.	Director's Remedies.
Section 13.5.8.	Failure to Obtain a Permit for Land-Disturbing Activity.
Section 13.5.9.	Stop Work Orders.
Section 13.5.10.	Bond Forfeiture.
Section 13.5.11.	Monetary Penalties.
Section 13.5.12.	Administration Remedies.
Section 13.5.13.	Judicial Review.
Section 13.5.14.	Liability.

Section 13.5.1. Periodic Inspection.

The local issuing authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit.

Section 13.5.2. Responsibilities of Permittees.

Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.

Section 13.5.3. Notice for Failure to Comply.

If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed.

Section 13.5.4. Violation for Failure to Comply.

If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of

any development permit issued by a local issuing authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director of the Environmental Protection Division. This Section shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres. Failure to properly design, install, or maintain best management practices shall constitute a violation of any development permit issued by a local issuing authority or of any state general permit issued by the State Environmental Protection Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

Section 13.5.5. Authority to Conduct Investigations.

The local issuing authority shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Section 13.5.6. Division Review and Revocation of Certification.

If the local issuing authority is notified in writing by the Division after a periodic review of regulations and practices that the local issuing authority has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the local issuing authority shall have 30 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the local issuing authority does not take necessary corrective action within 30 days after notification by the Division, the Division may revoke the certification as a local issuing authority.

Section 13.5.7. Director's Remedies.

The Director of the Georgia Environmental Protection Division may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

Section 13.5.8. Failure to Obtain a Permit for Land-Disturbing Activity.

If any person commences any land-disturbing activity requiring a development permit as prescribed in this Article without first obtaining said permit, the person shall be subject to revocation of his or her business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

Section 13.5.9. Stop Work Orders.

- (a) For the first and second violations of the provisions of this article , the Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;
- (b) For a third and each subsequent violation, the Director or the local issuing authority shall issue an immediate stop-work order;
- (c) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (d) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

Section 13.5.10. Bond Forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article and, in addition to other penalties, shall be deemed to have forfeited his or her performance bond, if required to post one under the provisions of this Article. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Section 13.5.11. Monetary Penalties.

Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Article, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 13.5.12. Administrative Remedies.

The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the local issuing authority within thirty (30) days after receipt by the local issuing authority of written notice of appeal.

Section 13.5.13. Judicial Review.

Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his or her administrative remedies, shall have the right to appeal de novo to the Superior Court of the County having jurisdiction.

Section 13.5.14. Liability.

Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or District for damage to any person or property. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit. No provision of this Article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby and this Article.

ARTICLE 14 FLOOD DAMAGE PREVENTION

CHAPTER 14.1	GENERAL PROVISIONS
CHAPTER 14.2	DEVELOPMENT REGULATIONS
CHAPTER 14.3	ADDITIONAL REQUIREMENTS
CHAPTER 14.4	VARIANCES
CHAPTER 14.5	ADMINISTRATION AND LEGAL STATUS PROVISIONS

CHAPTER 14.1 GENERAL PROVISIONS

Section 14.1.1.	Short Title.
Section 14.1.2.	Findings.
Section 14.1.3.	Purposes.
Section 14.1.4.	Objectives.
Section 14.1.5.	Definitions.
Section 14.1.6.	Applicability.
Section 14.1.7.	Adoption of Maps and Studies by Reference.
Section 14.1.8.	Interpretation of Map Boundaries.

Section 14.1.1. Short Title.

This Article shall be known and may be cited as the Flood Damage Prevention Ordinance.

Section 14.1.2. Findings.

The flood hazard areas in the local jurisdictions are subject to periodic inundation which potentially results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section 14.1.3. Purposes.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosions or in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be prevented from locating within flood plains and/or protected against flood damage at the time of initial construction;

- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 14.1.4. Objectives.

The objectives of this Article are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (g) To insure that potential home buyers are notified that property is in a flood area.

Section 14.1.5. Definitions.

Unless specifically defined below or otherwise in this Article, words or phrases used herein shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Addition to an existing building: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal: A request for a review of the Zoning Administrator's interpretation of any provision of this Article.

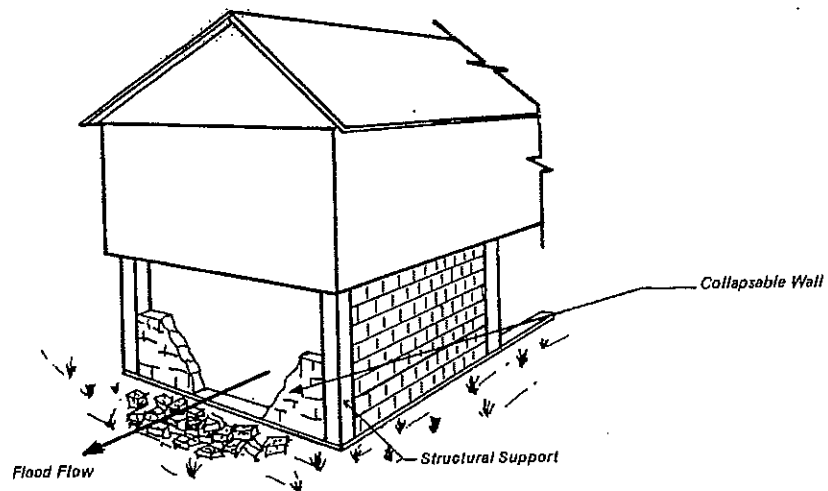
Area of shallow flooding: A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

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

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

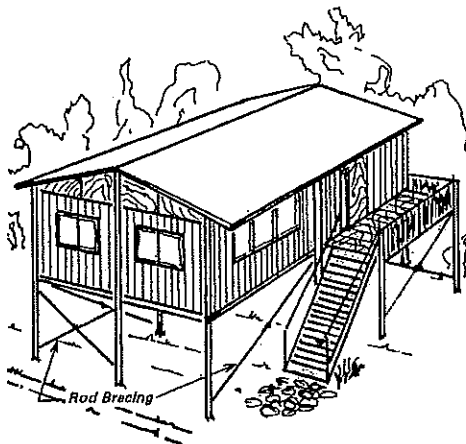


Source: U.S. Department of Housing and Urban Development, Federal Insurance Administration, National Flood Insurance Program. 1977. *Elevated Residential Foundations. Reducing Flood Damage Through Building Design: A Guide Manual.*

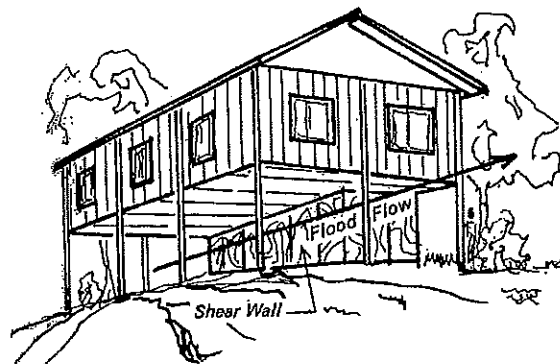
Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

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.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (posts and piers), shear walls, or breakaway walls.



Rod-Braced Post House



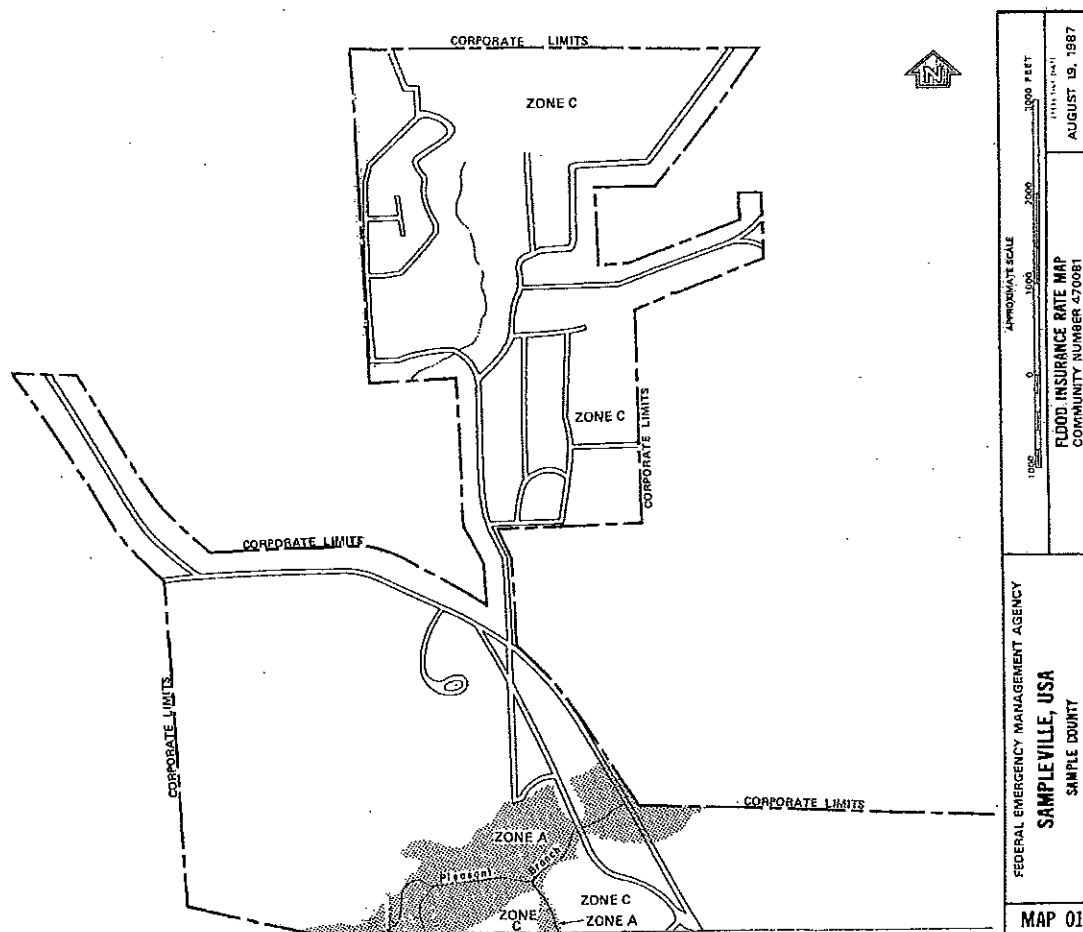
Sheer Wall-Braced Post House

Source: U.S. Department of Housing and Urban Development, Federal Insurance Administration, National Flood Insurance Program. 1977. *Elevated Residential Foundations. Reducing Flood Damage Through Building Design: A Guide Manual.*

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

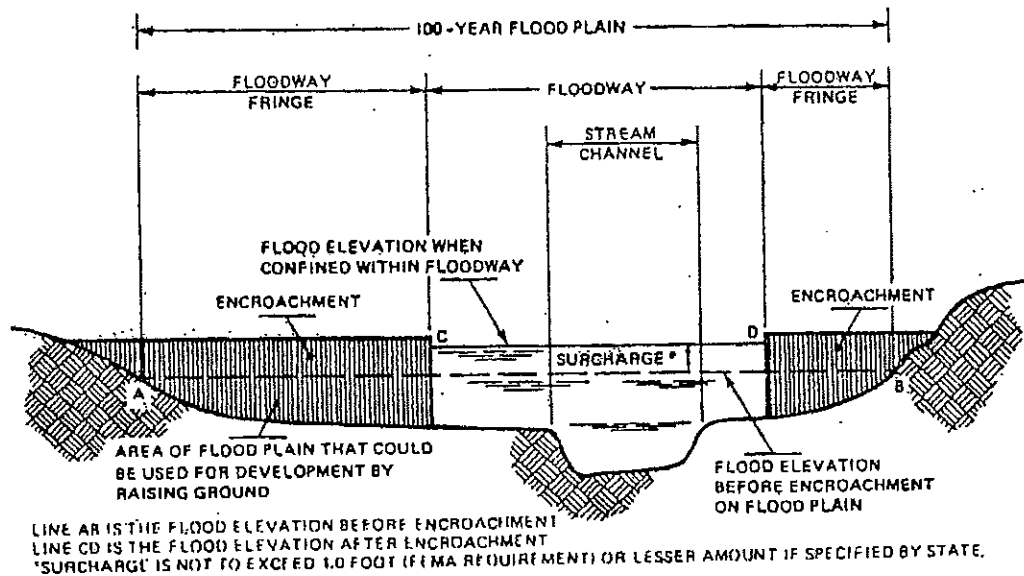


Illustrative Flood Insurance Rate Map

Source: Federal Emergency Management Agency. May 1988. Guide to Flood Insurance Rate Maps. Washington, DC: FEMA.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. Floodways are identified on floodway maps for areas where such mapping has been completed. Floodways are extremely hazardous areas due to the velocity of floodwaters, the carrying of debris, and the capacity for severe erosion potential.



Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic-Vertical-Datum (NGVD): As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: A building for which the "start of construction" commenced on or after the effective date of this Land Use Management Code.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was

within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure. Also see definition of Structure in Article 2 of this Land Use Management Code.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building in which the cumulative cost equals or exceeds twenty percent (20%) of the market value of the building. The market value of the building should be the appraised value of the building prior to the start of the initial repair or improvement, or in the case of damage, the value of the building prior to the damage occurring. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Variance: A grant of relief from the requirements of this Article which permits construction in a matter otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship.

Section 14.1.6. Applicability.

This Article shall apply to all areas of special flood hazard as defined by this Chapter, as may be identified on the Flood Hazard Boundary Map, Flood Insurance Rate Map, or in the Flood Insurance Study as appropriate within the participating municipalities.

Section 14.1.7. Adoption of Maps and Studies by Reference.

The areas of special flood hazards within participating municipalities identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Maps, Flood Insurance Rate Maps, or in one or more Flood Insurance Studies, as appropriate, with accompanying maps and other supporting data, and any revision thereto, are hereby adopted by reference and declared to be a part of this Article. When base flood elevation data or floodway data are not available, then the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this Article.

Section 14.1.8. Interpretation of Map Boundaries.

Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation although the Zoning Administrator may require an applicant to submit best available data prior to making such a determination. Any person who desires to contest the interpretation by the

Zoning Administrator of the location of any such boundary may appeal the interpretation of the Zoning Administrator as provided in Chapter 22.2 of this Land Use Management Code.

CHAPTER 14.2 DEVELOPMENT REGULATIONS

Section 14.2.1.	Permit Required.
Section 14.2.2.	Compliance.
Section 14.2.3.	Application Requirements for Development.
Section 14.2.4.	Application Requirements for New Construction.
Section 14.2.5.	Elevation Certificate Required Prior to Building Occupancy.
Section 14.2.6.	Floodways.
Section 14.2.7.	General Regulations for Construction.
Section 14.2.8.	Requirements for Elevating Residential Buildings.
Section 14.2.9.	Requirements for Elevating Non-residential Buildings.
Section 14.2.10.	Requirements for Fully Enclosed Areas Below the Base Flood Elevation.

Section 14.2.1. Permit Required.

No development activity shall commence within an area regulated by this Article until and unless a development permit or building permit, or both if required, shall have been approved by the Zoning Administrator. No development activity shall be approved unless it conforms with the provisions of this Article prior to the commencement of any development activities. No building or structure shall be constructed within an area regulated by this Article until and unless a development permit or building permit, or both if required shall have been approved by the Zoning Administrator. No building or structure shall be approved unless it conforms with the provisions of this Article prior to the construction of said building or structure.

Section 14.2.2. Compliance.

No structure shall hereafter be located, extended, converted, or structurally altered, and no land shall be developed or occupied, unless it complies fully with the terms of this Article and other applicable regulations.

Section 14.2.3. Application Requirements for Development.

Applications for approval of any development within an area regulated by this Article shall be made to the Zoning Administrator on forms furnished by him or her. Said application shall include plans drawn to scale showing the nature, location, dimensions, and elevations of the land, existing or proposed buildings or structures if any, proposed fill, and storage of materials, and drainage facilities. For additional requirements for site plans, see Section 13.4.4 of this Land Use Management Code, which shall apply unless one or more submission requirements is waived by the Zoning Administrator.

Section 14.2.4. Application Requirements for New Construction.

Applications for approval of any building or structure within an area regulated by this Article shall be made to the Zoning Administrator on forms furnished by him or her. At a minimum, the application shall include the following:

- (a) Elevations. If permitted within a flood plain, the elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
- (b) Flood-proofing certificate. In the case of a building that is required to be flood-proofed by this Article, a certificate from a registered professional engineer or architect that the building to be flood-proofed will meet the flood-proofing requirements of this Article.

Section 14.2.5. Elevation Certificate Required Prior to Building Occupancy.

No building shall be occupied until the requirements of this Section are met. After the lowest floor of a building is completed, after placement of the horizontal structural members of the lowest floor, or upon placement of the lowest floor to be flood-proofed, whichever is applicable, it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the as-built elevation in relation to mean sea level of the lowest floor, the elevation of the lowest portion of the horizontal structural members of the lowest floor, or a flood-proofed elevation, whichever is applicable. Said certificate shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Upon submittal of any required elevation certificate, the Zoning Administrator shall review the floor elevation certificate for compliance with this Article. The permit holder immediately and prior to authorization to proceed with further work shall correct any deficiencies detected by such review. Failure to submit the elevation certificate or failure to make any corrections required by the Zoning Administrator shall be cause for issuing a stop-work order on the project.

Section 14.2.6. Floodways.

Encroachments, including fill, new construction, substantial improvements, or any other development, structure, or building, shall be prohibited.

Section 14.2.7. General Regulations for Construction.

New habitable buildings or structures and related development or facilities in all areas of special flood hazard shall be prohibited. In all areas of special flood hazard, any alteration, repair, reconstruction, or improvements to an existing building in an area of special flood hazard shall meet the requirements of this Section.

- (a) They shall be anchored to prevent floatation, collapse or lateral movement of the structure.
- (b) They shall be constructed with materials and utility equipment resistant to flood damage, and by methods and practices that minimize flood damage.
- (c) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. On-site waste disposal systems for new dwellings shall be prohibited in all areas of special flood hazard.

Section 14.2.8. Requirements for Elevating Residential Buildings.

In all areas of special flood hazard where base flood elevation data have been provided, substantial improvements of any residential building which existed in an area of special flood hazard at the time of adoption of this Article shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. If solid foundation perimeter walls are used to elevate a residential building (substantial improvement), openings sufficient to facilitate the unimpeded movements of flood water shall be provided as required by this Article.

Section 14.2.9. Requirements for Elevating Non-residential Buildings.

In all areas of special flood hazard where base flood elevation data have been provided, substantial improvements of any institutional, commercial, industrial, or other non-residential building which existed in an area of special flood hazard at the time of adoption of this Article shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Substantial improvement of existing buildings located in all A-zones may be flood-proofed in lieu of being elevated as required by this Section, provided that all areas of the substantial improvement below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this Section are satisfied. Such certification shall be provided to the Zoning Administrator.

Section 14.2.10. Requirements for Fully Enclosed Areas Below the Base Flood Elevation.

Substantial improvements of elevated buildings which existed in an area of special flood hazard at the time of adoption of this Article that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall not be designed or used as finished space. In addition, said fully enclosed areas shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls, in accordance with the following requirements:

- (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one (1) foot above grade.
- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (d) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (f) A professional engineer or architect shall certify that the designs of substantial improvements regulated by this Chapter, which includes fully enclosed area formed by foundation and other exterior walls below the base flood elevation, complies with the requirements of this Section, prior to occupancy of the substantial improvement.

CHAPTER 14.3 ADDITIONAL REQUIREMENTS

- Section 14.3.1. Requirements for Streams Without Established Base Flood Elevation and/or Floodways.
- Section 14.3.2. Requirements for Areas of Shallow Flooding (AO Zones).

Section 14.3.1. Requirements for Streams Without Established Base Flood Elevation and/or Floodways.

There are certain areas of special flood hazard where small streams exist but where no base flood data have been provided or where no floodways have been provided. In such areas, a determination shall be made by a registered professional engineer of the best available estimate of the flood elevation.

No encroachments shall be allowed except for substantial improvements of existing buildings and structures which existed in said area of special flood hazard on the effective date of this Article. Approval for substantial improvements to existing buildings and structures which existed in said area of special flood hazard on the effective date of this Article shall only be permitted if certification by a registered professional engineer is provided and approved by the Zoning Administrator, demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Substantial improvements of buildings which existed on the effective date of this Article within such areas shall be elevated or flood-proofed to elevations established by this Chapter.

Section 14.3.2. Requirements for Areas of Shallow Flooding (AO Zones).

Located within the areas of special flood hazard are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In such areas the following regulations shall apply:

- (a) Residential buildings. No encroachments shall be allowed except for substantial improvements of existing buildings and structures which existed in said area of shallow flooding on the effective date of this Article. All substantial improvements of residential buildings which existed in said area of shallow flooding on the effective date of this Article shall have the lowest floor, including basement, elevated to a height of one (1) foot above the elevation of shallow flooding.
- (b) Nonresidential buildings. No encroachments shall be allowed except for substantial improvements of existing buildings and structures which existed in said area of shallow flooding on the effective date of this Article. Substantial improvements of non-residential buildings which existed in said area of shallow flooding on the effective date of this Article shall have the lowest floor, including basement, elevated to a height of one (1) foot above the elevation of shallow flooding. In addition, any attendant utility and sanitary facilities shall be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

CHAPTER 14.4 VARIANCES

- Section 14.4.1. Variances Authorized.
- Section 14.4.2. Criteria for Approving Variances.
- Section 14.4.3. Additional Limitations on Variances.
- Section 14.4.4. Requirements When Variances are Granted.

Section 14.4.1. Variances Authorized.

The Governing Authority shall have authority to hear and decide any requests for variances from the requirements of this Article. Upon consideration of the criteria for approving variances as provided by this Article, the Governing Authority may approve or deny applications for variances. The Governing Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Article.

Section 14.4.2. Criteria for Approving Variances.

In ruling on applications for variances, the Governing Authority shall consider all technical evaluations, all relevant factors, all regulations specified in this Article, and the following criteria:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected height, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Section 14.4.3. Additional Limitations on Variances.

- (a) Variances shall not be issued for building, structures, or other encroachment within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance

- of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (c) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Section 14.4.4. Requirements When Variances are Granted.

Any applicant to whom a variance is granted shall be given written notice by the Zoning Administrator specifying the exact provisions of this Article varied along with a determination of the difference between the base flood elevation and the elevation to which the building or substantial improvement is to be built, and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation if applicable. The Zoning Administrator shall maintain the records of all variances and submit them to the Federal Emergency Management Agency upon request.

CHAPTER 14.5 ADMINISTRATION AND LEGAL STATUS PROVISIONS

- Section 14.5.1. Administration and Duties of the Zoning Administrator.
Section 14.5.2. Warning and Disclaimer of Liability.

Section 14.5.1. Administration and Duties of the Zoning Administrator.

This Article shall be administered by the Zoning Administrator. The Zoning Administrator shall have the following duties in connection with the administration of this Article:

- (a) Review all permit applications to assure that the permit requirements of this Article have been satisfied.
- (b) Advise applicants that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the locally approved permit.
- (c) Notify adjacent affected communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (e) Receive and review elevation certificates and floodproofing certificates for all new or substantially improved buildings, for compliance with this Article.
- (f) Interpret the provisions of this Article. In the interpretation and application of this Article all provisions shall be considered as minimum requirements. They shall be liberally construed in favor of the governing body with jurisdiction, and the provisions of this Article shall not be deemed to limit or repeal any other powers granted under state statutes.
- (g) Maintain all records pertaining to the provisions of this Article, which shall be open for public inspection.

Section 14.5.2. Warning and Disclaimer of Liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the participating municipalities or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made under its terms.

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ARTICLE 17 SIGN REGULATIONS

CHAPTER 17.1	FINDINGS AND OBJECTIVES
CHAPTER 17.2	DEFINITIONS
CHAPTER 17.3	GENERAL PROVISIONS
CHAPTER 17.4	NONCONFORMING SIGNS
CHAPTER 17.5	PERMITTING OF SIGNS
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CHAPTER 17.1 FINDINGS AND OBJECTIVES

Section 17.1.1.	Signs Perform Several Beneficial Functions.
Section 17.1.2.	Signs are an Economic Investment.
Section 17.1.3.	Sign Regulations Promote Public Safety.
Section 17.1.4.	Sign Regulations Promote Public Health.
Section 17.1.5.	Sign Regulations Promote the Public Welfare.
Section 17.1.6.	Sign Regulations Promote Fair Competition Among Businesses.
Section 17.1.7.	Sign Regulations Advance Community Aesthetics.
Section 17.1.8.	Objectives.

Section 17.1.1. Signs Perform Several Beneficial Functions.

Signs provide directional and informational messages in aid of safe wayfinding. Signs provide a visual, place-based medium by which to express messages. Signs are an effective, easily available, and cost-efficient way to inform consumers and aid their decision-making. Signs are an effective and cost-efficient way to express opinion or support of political candidates and referenda.

Section 17.1.2. Signs are an Economic Investment.

Signs represent an economic investment that brings economic value to businesses. They provide a point-of-purchase means for attracting consumers who are not otherwise familiar with the geographic area. They provide assistance in making consumer selections among alternative choices. Signs help certain locations work from a profitability standpoint that otherwise might fail without adequate signage. Signs that are designed with proper size, height, placement, and lighting with appropriate legibility do not hinder traffic safety.

Section 17.1.3. Sign Regulations Promote Public Safety.

Sign regulations achieve public safety rationales not achieved by the standard building code. Without a sign ordinance, signs can pose a clear danger to public safety. It has long been recognized that sign controls are needed to promote traffic safety and avoid traffic accidents.

Signs too close to the road can impair visibility and cause traffic accidents. The placement of signs can interfere with the sight of motorists trying to exit a driveway onto a public road. Without regulation, signs can be placed dangerously close to rights-of-ways in locations where they might be struck by an oncoming vehicle using the road or having to veer off the road. These sign regulations contain location and other time, place, and manner restrictions that serve substantial public purposes of traffic safety.

Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. To the extent that signs capture sight and attention, they distract motorists. The regulation of signs is needed to ensure that signs can be read for their many beneficial public purposes but in a way that does not impair visibility and cause traffic accidents. Location, height, size, type, and other regulations contribute toward these substantial public purposes of promoting public safety.

Signs, if unregulated, can confuse motorists by mimicking traffic safety signals and signs. Motorists might confuse signs that contain flashing or blinking red, green, or yellow lights with roadway traffic signals. Signs constructed of shapes like an octagonal "stop" sign might also impair public safety by confusing the motorist. Therefore, there is a substantial public purpose served in prohibiting signs that mimic or would be confused with traffic safety signals and signs. Unregulated sign can also degrade the utility and reduce the visibility and effectiveness of public safety signs.

Limitations on window signs can increase visibility from outside a building and may help deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on window signs can provide for an appropriate minimum of exterior visibility and may increase public safety of commercial areas through a reduction in crime potential.

Section 17.1.4. Sign Regulations Promote Public Health.

Characteristics of the roadside landscape may influence the stress levels of motorists. Commercial signage contributes to the experiences of motorists. A study has shown that roadside blight can contribute to high stress levels of motorists (Meg Maguire, Ray Foote, and Frank Vespe. 1997. "Beauty As Well As Bread." *Journal of the American Planning Association* 63, 3: 317-328). Unregulated signage can contribute to the clutter and lack of organization in the wayfinding system of a community and thereby negatively influences the stress levels of motorists. Height, size, place, and other sign regulations serve substantial public purposes of bringing order to the wayfinding system that may help to avoid undue stress levels of motorists.

Section 17.1.5. Sign Regulations Promote the Public Welfare.

Signs can degrade property values. A principal purpose of land use regulations, including sign controls, is to protect and preserve property values. As planner Fred Bair notes, "There is no question that signs may affect the character of districts and the value of buildings, or that they are not appropriate in different parts of a town" (Bair Jr., Frederick H. 1979. *Planning Cities*. Chicago: American Planning Association, pp. 244-254).

The size, height, construction materials, location, condition, and attributes of signs can have an impact on surrounding and nearby land uses. For instance, if signs were unregulated, large, tall signs could be erected in single-family residential districts. Such signs, if erected, would be out of character with residential neighborhoods and could result in the lowering of property values

for residential use. As another example, blighted signs and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can contribute to an overall image of blight and a reduction of property values in declining areas, if not regulated by sign controls. Regulations are needed to ensure that signs compatible with their surroundings and do not take away from the character of particular districts.

Signage is a form of advertising. All other advertising mediums are regulated. There is little in the way of federal and state regulation of signs, despite a significant presence by the federal government in the regulation of other forms of communication. Signage is a type of advertising that cannot be turned off or rejected by the consumer, like other forms of communication. For instance, radio and televisions advertisements can be avoided by turning off the radio or television. With regard to signs, however, motorists must keep eyes open to drive and cannot block out signs from their peripheral vision. Absent federal and significant state regulation, it is in the public interest for local governments to control signage.

Signs derive their value in part from public improvements. Businesses exist and prosper in part because consumers have access to their locations via public rights-of-ways. Businesses locate, and signs are constructed, because of the access the community provides to business locations. The public way creates much of the value for the person erecting the sign, and visibility from the public way is what creates the problems which give rise to the need for sign controls. Because the public way contributes to value, the public therefore has a right, and indeed an obligation, to control the problems that arise from creating that value.

Unregulated signs adversely impact public investments. Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize streetscape investments.

Section 17.1.6. Sign Regulations Promote Fair Competition Among Businesses.

Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses because business owners often feel compelled to erect larger and more costly signs to outdo their neighboring businesses. Such competition for visibility among business can result in too many signs, to a point of diminishing returns where individual business signs are not adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message, usually a commercial one. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business in the sea of advertising devices.

Section 17.1.7. Sign Regulations Advance Community Aesthetics.

Sign regulations promote and ensure the aesthetics of the community. The concept of public welfare is broad and inclusive, and the values it represents are spiritual as well as physical, aesthetic as well as monetary. Sign regulations serve the substantial public purposes of ensuring that the community is beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully controlled (Berman v Parker 348 U.S. 26, 75 S. Ct. 98, 99 L. Ed. 27 1954).

Sign regulations help maintain and protect the unique character of the community. The appearance of the community, which is substantially influenced by signs, is essential to the city's long-term economic viability and helps determine how residents and visitors alike perceive

it. Sign controls, including regulations that go beyond simple size, height, location, and manner restrictions, are necessary to improve the visual character and quality of life of the community.

Section 17.1.8. Objectives.

The objectives of this Article include but are not limited to the following:

1. Provide a reasonable balance between the right of an individual to identify his or her business or express their thoughts and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and advertising devices.
2. Guard against an excess of large, aesthetically unappealing, intense signs which cause visual blight on the appearance of the community. Visual blight adversely affects the aesthetic quality of life and traffic safety in the community for residents, businesses, pedestrians, and persons in vehicles.
3. Protect the public health, safety and general welfare while protecting the rights of sign owners to expression and identification.
4. Provide regulations that vary the sign area based on the type of land use and zoning district, and based on need which is determined in part by the type of road frontage to which signage is directed.
5. Provide regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. Any sign permitted pursuant to this Article may contain commercial or non-commercial content. Sign allowances in this Article take into account the needs for off-premise signs and signs carrying messages of a non-commercial character.
6. Protect property values by minimizing the possible adverse effects and visual blight caused by signs.
7. Insure that signs are compatible with adjacent land uses and with the total visual environment of the community.
8. Eliminate excessive and confusing sign displays.
9. Preserve and improve the appearance of the community as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade.

CHAPTER 17.2 DEFINITIONS

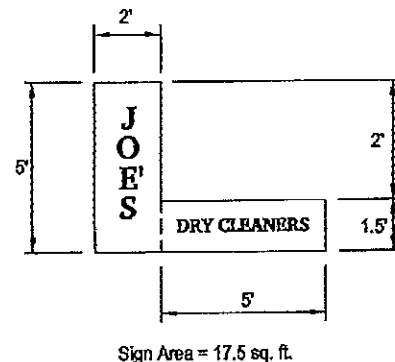
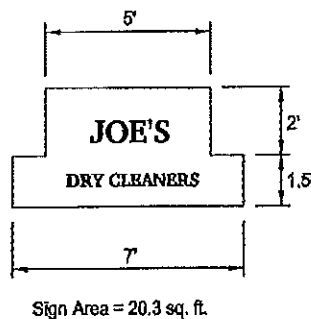
For the purposes of this Article, certain terms and words are hereby defined. As used in this Article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandoned sign: A permanent principal use sign on property containing a building or activity that has ceased operations. Permanent principal use signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a six-month period.

Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this Article, an advertising device is a "sign."

Animated sign: A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a "swinging sign" or "multiple message sign" as defined by this Article.

Area of sign: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed.



SIGN AREA MEASUREMENT

For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

Awning: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this Article, "awning signs" shall be considered "wall signs."

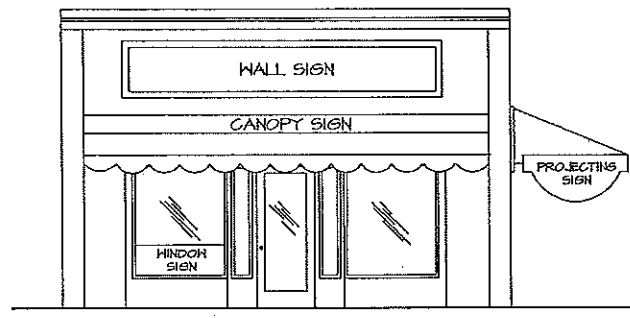
Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this Article, a "banner" is a "sign."

Building marker: Any sign cut into a masonry surface or made of bronze or other permanent material and which relates to its construction.

Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered "wall signs" for the purposes of this Article.

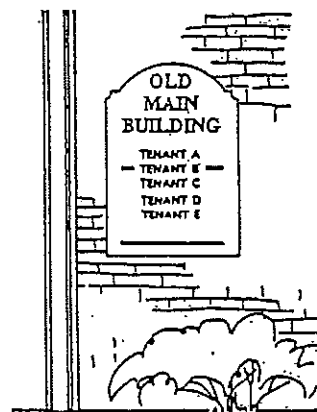
Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered "wall signs" for the purposes of this Article.

Canopy sign: A sign on a canopy.
For purposes of this Article, a sign on a canopy is a "wall sign" (see figure, "Types of Attached Signs").



TYPES OF ATTACHED SIGNS

Directory sign: A sign which is allowed on a premise with more than one tenant or occupants of a building. It may be freestanding or attached (wall).



Wall Directory Sign

Double-faced sign: A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure.

Flag: For purposes of this Article, except as otherwise provided herein, a "flag" is a "sign."

Frontage, building: The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage, road: The distance in linear feet of each lot where it abuts the right-of-way of any public street.

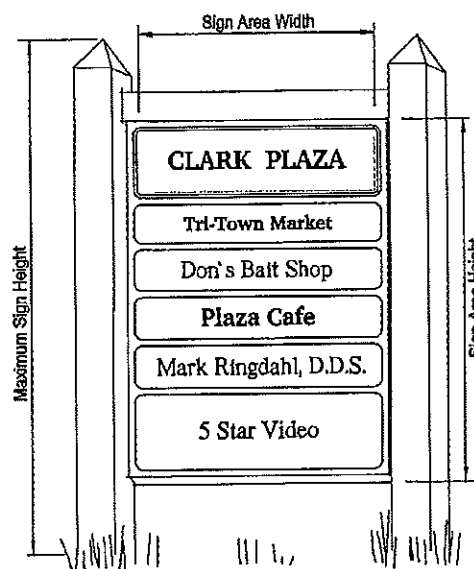
Ground sign: A permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

Height of sign: The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

Holiday decorations: Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a translucent panel.

Inflatable sign: Any sign that is or can be filled with three (3) cubic feet or more of air or gas.



Marquee: A roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of a building.

Marquee sign: A sign painted on, attached to, or hung from a marquee. For purposes of this Article, marquee signs shall be considered "wall signs."

Monument sign: A sign where the structural part of the sign below the sign face encompasses an area at least forty (40) percent of the area of the sign face but no more than 1.5 times the area of the sign face, and which is composed of brick, stone, or other material approved by the Zoning Administrator.

Multiple message sign: A sign, display, or device which changes the message or copy on the sign electronically by movement or rotation of panels or slats.

Nonconforming sign: Any sign which lawfully existed on the effective date of this Article but which does not conform to the provisions of this Article, or which does not comply with this Article due to amendments to this Article since the date of erection of the sign.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Article, pennants are "signs."

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

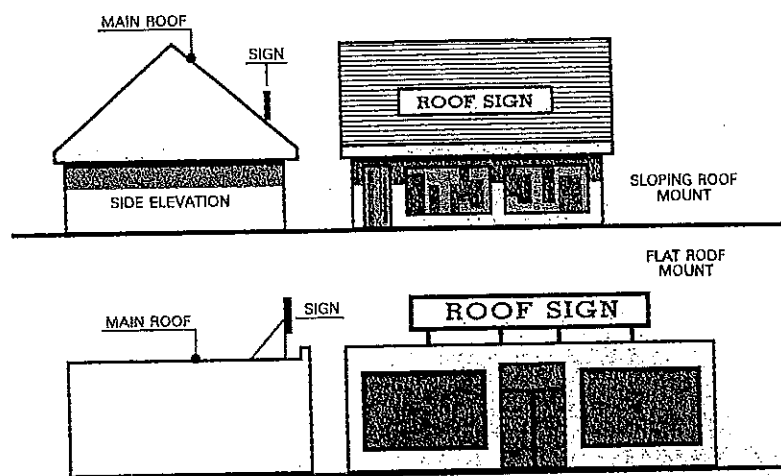
Portico: A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered "wall signs" for purposes of this Article.

Principal use sign: Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this Article.

Projecting sign: A sign projecting more than fourteen (14) inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located (see also figure, "Types of Attached Signs").

Roof sign: A sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Sidewalk sign: A movable sign not secured or attached to the ground or surface upon which it is located.



Source: United States Sign Council. 2001. *Guideline Code for Regulation of On-Premise Signs*.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the

term “sign” includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Signable area: In the case of a wall sign, signable area shall be the building face on which the sign is proposed. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

Sign face: That part of a sign that is or can be used for advertising purposes.

Streamers: See “Pennants.”

Subdivision or multi-use sign: A freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or light industries or combination thereof.

Swinging sign: A sign other than an animated sign as defined by this Article, where the sign copy area is attached to a sign structure in a way that can be set in motion with pressure, and where the sign structure is attached to a building at a height above normal eye level. This term does not include any freestanding signs. A swinging sign may be considered in lieu of permitted wall signage.

Temporary sign: A sign of a nonpermanent nature and erected for a limited duration.

Visible: Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall or portico and does not project more than fourteen (14) inches from the outside wall of such building or structure, or if on an awning or canopy, is flush with the material of said awning or canopy (see also figure, “Types of Attached Signs”).

Windblown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this Article, windblown devices are “signs.”

Window sign: A sign installed on or within two (2) feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two (2) feet from an exterior window or door shall not be classified as window signs (see also figure, “Types of Attached Signs”).

CHAPTER 17.3 GENERAL PROVISIONS

Section 17.3.1	Authority and Scope.
Section 17.3.2.	Applicability.
Section 17.3.3.	Exemptions.
Section 17.3.4.	Noncommercial Messages.
Section 17.3.5.	Prohibited Signs.
Section 17.3.6.	Maintenance.
Section 17.3.7.	Abandoned Signs.
Section 17.3.8.	Display of Property Addresses Required.

Section 17.3.1 Authority and Scope.

This Article is adopted pursuant to authority vested in the Town pursuant to its city charter and home rule powers. This Article is adopted to serve substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs, as described in Chapter 17.1 of this Article. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this Article. It is not the intent of this Article to regulate the content of signs, but only their composition, type, location, distance from right-of-way, height, size, illumination, and in some cases the duration they may be displayed, or other non-content based restrictions implied in this Article. It is not the intent of this Article to foreclose important and distinct mediums of expression for political, religious, or personal messages, on any sign permitted to be erected by this Article. These regulations shall not be construed as limiting the message content of any sign.

Section 17.3.2. Applicability.

No sign may be erected, placed, established, painted, created, or maintained except in conformance with this Article.

Section 17.3.3. Exemptions.

The following types of signs are specifically exempted from compliance with this Article.

1. Flags, other than in residential districts, as many as three per lot, when designed and displayed in a way that allows for routine, daily raising and lowering of the flags, not exceeding forty (40) square feet. Poles for such flags shall not exceed twenty-five (25) feet in height, and shall not be more than twenty-five (25) feet from the main building entrance.
2. Street address identifiers and building identification numbers on multi-tenant buildings which are essential to the location of such buildings.
3. Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property. Signs or stickers which are designed to be read only from close range (i.e., five feet), attached to a device or structure more than twenty-five (25) feet from the right-of-way of a road, not to exceed one (1) square feet each sign or sticker; provided, however, that drive-through lanes may have display boards not exceeding six (6) feet in height or thirty-six (36) square feet in area.

4. Signs erected more than two (2) feet inside a building.
5. Building markers and integral decorative or architectural features or works of art such as murals, so long as such features do not contain moving parts or lights.
6. Traffic safety and traffic directional signs, installed within the right-of-way of a public street under the authority of the Town, the State of Georgia or the Federal Government.
7. Traffic safety and traffic directional signs along private streets and driveways, and in off-street parking lots which do not exceed four (4) square feet each.
8. Directory signs, as defined by this Article, which do not exceed four (4) square feet each nor six (6) feet in height.
9. Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety signs, memorial plaques, signs of historical interest, and temporary banners pertaining to community festivals.
10. Holiday lights and decorations, provided that they are removed within 30 days following the holiday season to which they pertain.
11. Handicapped parking signs, when required per state law or Section 12.3.6. of this Land Use Management Code.

In any case where a sign of a certain size is exempted by this Section, and an applicant desires to erect a larger size sign than the area of sign exempted but said sign is not allowed in the zoning district in which it is located, said sign shall only be permitted only upon approval of a variance in accordance with the provisions of this Article.

Section 17.3.4. Noncommercial Messages.

Any sign allowed by this Article may contain a lawful noncommercial message. Noncommercial messages shall be regulated by this Article only as to the size, height, location, design, or other non-content based consideration.

Section 17.3.5. Prohibited Signs.

The following types of signs or advertising devices are prohibited in all zoning districts of the Town, except as otherwise specifically provided by this Article:

1. Abandoned signs.
2. Animated signs.
3. Hand-held signs.
4. Inflatable signs, except as specifically permitted under special event sign permit.
5. Portable signs remaining longer than 60 days.
6. Sidewalk signs except where★
8. Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties, or which reasonably creates a hazard to operators of motor vehicles.
9. Pennants, except as specifically permitted under special event sign permit.
10. Streamers and wind-blown devices.
11. Signs which imitate an official traffic sign or signal. This includes signs with colored lights and with shapes similar to those for traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs.

*erected by public officials to deal
with temporary public safety
issues.

12. Signs within the right-of-way, including those attached to traffic signs, utility poles, or guy wires, except for those signs exempted by this Article and signs erected with permission of the Governing Body for a public purpose.
12. Signs attached to, drawn, or painted upon trees, rocks, or other natural features.
13. Advertising displayed on benches, trash cans, telephone booths, and similar devices.
14. Strobe, laser, and search lights (also prohibited by Chapter 9.4 of this Land Use Management Code).
15. Any sign placed in such a manner that it obstructs the vision of pedestrians or traffic in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.
16. Any sign located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
17. Any sign not specifically permitted in a zoning district as provided in this Article shall be prohibited in that district, unless specifically otherwise provided under this Article.
18. Any sign erected without the permission of the property owner.
19. Any sign with colors, shapes, lettering or other characteristic which are incompatible with the character of the area where the sign is located.

Section 17.3.6. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the Zoning Administrator shall cause a citation to be issued. The Zoning Administrator may cause to be removed after notice pursuant to this Section any sign which shows gross neglect, is dilapidated, or in the opinion of the Building Inspector poses an imminent threat to public safety. It shall be unlawful, after being notified pursuant to this Section and after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the Zoning Administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Section 17.3.7. Abandoned Signs.

If the principal use or activity on a property has ceased operation, any permanent ground signs including supports, and wall signs, permitted in connection with said principal use or activity shall be removed within ninety (90) days of the discontinuance of said principal use or activity. No new sign shall be permitted to be erected on the same property until the discontinued sign, including its supports, has been removed or is converted to a lawfully conforming sign.

If an accessory use or activity on a property has ceased operation, any permanent ground signs, including supports, and wall signs permitted in connection with said accessory use or activity shall be removed within forty-five (45) days of the discontinuance of said accessory use or activity. No new sign shall be permitted to be erected on the same property until the discontinued sign including supports has been removed or is converted to a lawfully conforming sign. Upon the expiration of the applicable time period provided in this Section for the removal of discontinued signs and sign supports, said signs shall be deemed unlawful abandoned signs.

If a discontinued principal use monument sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another principal use is established and a sign permit issued for a new principal use sign. If a discontinued principal use monument sign contains a sign copy area that is not removable without disassembling the monument, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign permit is applied for and granted and approved sign copy is affixed on the sign copy area of said monument.

Section 17.3.8. Display of Property Addresses Required.

It is of the utmost importance that public safety personnel, mail carriers, and the general public be able to conveniently locate buildings, institutions, businesses, and establishments by their property address. Therefore, to ensure this essential public purpose is served, establishments other than single-family dwellings shall display the street address of the property on either a principal use ground sign if permitted or on the building facade. Within a commercial center where multiple addresses exist, the highest and lowest street address numbers shall be identified. If no building, structure or ground sign exists on site, no address display shall be required.

Street address numbers shall be of a color that contrasts against the background. Numbers shall be a minimum of four (4) inches in height on local and state roads and eight (8) inches in height on federal highways. Numbers shall be visible from both directions of travel along the street. This provision shall not apply to limited-access or interstate highways.

CHAPTER 17.4 NONCONFORMING SIGNS

Section 17.4.1.	Replacement.
Section 17.4.2.	Repairs and Maintenance.
Section 17.4.3.	Duration and Continuance.

Section 17.4.1. Replacement.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.

Section 17.4.2. Repairs and Maintenance.

No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted.

Section 17.4.3. Duration and Continuance.

Signs which did not meet all requirements of this Article when enacted, or which do not meet provisions of this Article at the time of its amendment, may stay in place until one of the following conditions occurs:

- (a) In the case of principal and accessory use signs, the business, entity, or activity in which the sign is permitted in connection therewith ceases at that location;
- (b) The deterioration of the sign or damage to the sign makes it a hazard;
- (c) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value are required to restore the sign.
- (d) No conforming principal use or accessory use ground or wall sign shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

CHAPTER 17.5 PERMITTING OF SIGNS

Section 17.5.1.	Building Permit Required.
Section 17.5.2.	Electrical Permit Required for Illuminated Signs.
Section 17.5.3.	Sign Permit Required.
Section 17.5.4.	Exemptions from Sign Permit.
Section 17.5.5.	Sign Permit Application.
Section 17.5.6.	Sign Permit Fees.
Section 17.5.7.	Process for Issuing Sign Permits.
Section 17.5.8.	Sign Permit in Historic Districts.
Section 17.5.9.	Variances.

Section 17.5.1. Building Permit Required.

It shall be unlawful for any person to post, display, substantially change, or erect a sign in the Town without first having obtained a building permit. The applicant for a building permit shall submit application materials as specified by the Building Inspector, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with requirements of the Building Code.

Section 17.5.2. Electrical Permit Required for Illuminated Signs.

For any sign involving illumination, it shall be unlawful for any person to connect a sign to electrical power without first having obtained an electrical permit. The applicant for an electrical permit shall submit application materials as specified by the Building Inspector.

Section 17.5.3. Sign Permit Required.

Except as specifically excluded or exempted from the provisions of this Article, it shall be unlawful for any person to post, display, or erect a sign or advertising device without first having obtained a sign permit. For purposes of this Article, an application for a sign permit and a building permit shall be made simultaneously, and unless otherwise specified on the sign permit, approval of a building permit for a sign shall constitute issuance of any required sign permit for said sign.

Section 17.5.4. Exemptions from Sign Permit.

Any sign which is specifically exempted from the requirements of this Article shall be exempt from the requirement to obtain a sign permit. In addition, window signs and all signs twelve (12) square feet or less in area shall be exempt from a sign permit. Exemption from the requirement of a sign permit shall not be construed to exempt such sign from compliance with other applicable provisions of this Article.

Section 17.5.5. Sign Permit Application.

Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Zoning Administrator upon forms furnished by said office. The application shall describe and set forth the following:

- (a) The type and purpose of the sign as defined in this Article.
- (b) A drawing of the sign or other information which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign.
- (c) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable.
- (d) A boundary survey or tax plat of the property on which the sign will be located which shows where thereon the sign will be located and, in the case of ground signs, the distance from the property lines and the street right-of-way and street pavement.
- (e) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face. The application must also show the location and number of existing signs and their locations on the subject property.
- (f) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof.
- (g) Name, address, phone number and business license number of the sign contractor.
- (h) The Zoning Administrator may require additional information as a part of the application to insure compliance with this Article.

Section 17.5.6. Sign Permit Fees.

No sign permit shall be issued until a sign permit fee, if required, has been paid.

Section 17.5.7. Process for Issuing Sign Permits.

The Zoning Administrator shall be authorized to issue sign permits in accordance with the provisions of this Article. The Zoning Administrator shall process all sign permit applications as quickly as possible but in no case more than ten (10) working days after receipt of a complete sign permit application and a sign permit fee if required. For purposes of this Section only, the term "process" shall mean to make a decision on sign permit applications which can be administratively approved or denied. This section shall not pertain to sign permits in the Historic Properties Overlay District, which are subject to requirements for certificates of appropriateness.

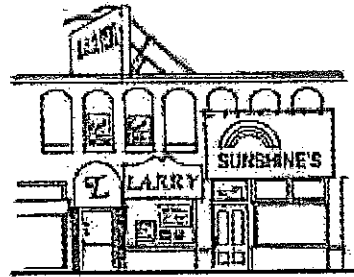
Section 17.5.8. Sign Permit in Historic Districts.

Within the Historic Districts, no sign requiring a sign permit shall be erected, and no sign permit shall be issued for a sign that requires a sign permit, until or unless the application for sign permit has been approved by the Historic Preservation Commission after application for a certificate of appropriateness in accordance with Chapter 21.5 of this Land Use Management Code. In acting on applications for sign permits, the Commission shall consider the criteria established for the issuance of certificates of appropriateness, and any adopted design guidelines for signs in the Historic Districts.

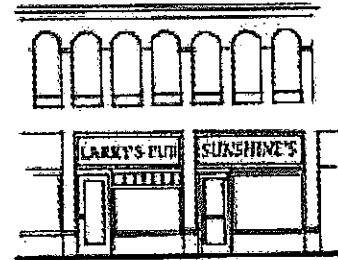
The Historic Preservation Commission shall consider the following, which shall not be limiting, in issuing certificates of appropriateness for signs and may use these criteria in determining whether to approve, deny, or modify said signs:

- (a) The sign makes a positive contribution to the general appearance of the street and area in which it is located.
- (b) The scale, size, and shape of the sign are proportional to the building on which they are placed or to which it pertains and the area in which it is located. To this end, the Historic Preservation Commission may find that a sign is out of character with the area or not proportional to the building, activity or use and may work with the sign permit applicant to reduce the scale, size or shape or placement of the sign or signs. However, the commission shall not have authority to limit the area of a sign to less than the maximum permitted by this Article, without agreement by the sign permit applicant.

- (c) The sign does not obscure architectural features of the building, and the design of the sign is integrated with the design of the building.



These signs block building elements and create a chaotic image

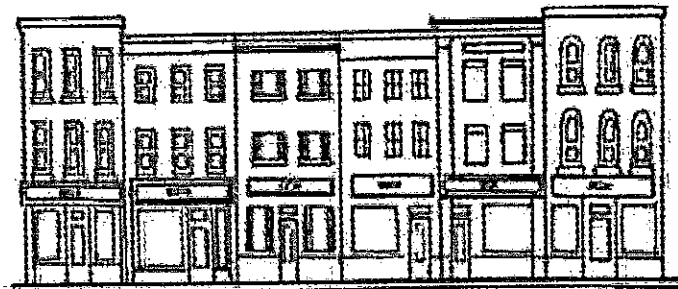


These signs complement the building form and create a more orderly appearance

- (d) The sign is designed for and directed toward pedestrians rather than to vehicular traffic so that it can be easily and comfortably read standing adjacent to the business, activity, or use.

- (e) If the sign proposed is a wall sign, it establishes an appropriate rhythm to the façade.

- (f) The proposed sign is composed of materials that are compatible with the materials of the face of the building façade where it is placed or to which it pertains.



Wall signs of consistent size and placement establish facade rhythm.

- (g) Design, lettering, and composition of the sign are compatible with the building.

Section 17.5.9. Variances.

The Governing Body shall have authority to grant variances to this Article, subject to compliance with applicable provisions of Chapter 22.1 of this Land Use Management Code; provided, however, that when the sign is proposed to be located within the Historic Districts, the

Governing Body shall provide an opportunity for the Historic Preservation Commission to comment on the proposed variance to this Article, prior to acting upon said application.

The Governing Body shall have the authority to grant concurrent variances to this Article, upon application, subject to compliance with applicable provisions of Chapter 21.2 of this Land Use Management Code relative to concurrent variances; provided, however, that when the sign is proposed to be located within the Historic Districts, the Governing Body shall provide an opportunity for the Historic Preservation Commission to comment on the proposed variance to this Article, prior to acting upon said application.

**CHAPTER 17.6
SIGNS PERMITTED BY ZONING DISTRICT
AND DIMENSIONAL REQUIREMENTS**

Section 17.6.1.	Height of Ground Signs.
Section 17.6.2.	Increase in Height of Ground Signs.
Section 17.6.3.	Height of Wall Signs.
Section 17.6.4.	Sign Setback.
Section 17.6.5.	Types of Signs Permitted.
Section 17.6.6.	Number of Signs Limited.
Section 17.6.7.	Maximum Area of Sign.
Section 17.6.8.	Illumination.
Section 17.6.10.	Sign Structures.

Section 17.6.1. Height of Ground Signs.

The maximum height of any ground sign regulated by this Article shall be ten (10) feet in all commercial and industrial zoning districts (Article 8 of this Land Use Management Code) except O-I, TC, and CBD which shall be a maximum height of eight (8) feet, and four (4) feet maximum height in agricultural and residential zoning districts (Articles 6 and 7 of this Land Use Management Code). This provision shall not apply to subdivision identification monuments, which shall not exceed eight (8) feet in height.

Section 17.6.2. Increase in Height of Ground Signs.

The maximum height established for the zoning district in which the sign is located shall apply to any sign, except that for properties situated below road grade, if the maximum height permitted would prevent adequate visibility, ground sign height may increase by up to 10 feet above the grade of the road to which said sign is directed. This Section shall not be applicable in TC and CBD zoning districts.

Section 17.6.3. Height of Wall Signs.

No wall sign shall exceed the height of the building or structure on which it is placed.

Section 17.6.4. Sign Setback.

There is no established minimum required setback for signs, except that temporary signs shall be erected no closer than fifteen (15) feet from a city, county, state, or federal road right-of-way.

Section 17.6.5. Types of Signs Permitted.

In addition to the general provisions regulating signs established in this Article, sign permits shall be based on the zoning district, the types of signs permitted, as provided for by land use according to Tables 17.1, 17.2, and 17.3 in this Chapter.

Section 17.6.6. Number of Signs Limited.

Unless specifically provided otherwise in Tables 17.1, 17.2, and 17.3, a property shall be limited to only one (1) sign of the type permitted. No sign shall be erected to exceed the maximum number of signs as specified in Tables 17.1, 17.2, and 17.3 of this Chapter.

With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this Chapter.

Section 17.6.7. Maximum Area of Sign.

The maximum area of signs permitted shall be as provided in Tables 17.1, 17.2, and 17.3. No sign shall be erected to exceed the maximum area of a sign as specified in Tables 17.1, 17.2, and 17.3. When this Chapter permits one sign for each road frontage, the sign area allotted to one road frontage shall not be transferred to another road frontage.

Section 17.6.8. Illumination.

- (a) Signs in residential zoning districts shall not be internally illuminated.
- (b) Except in C-2 zoning districts, the following shall apply: awnings may be illuminated only with direct lighting mounted on the surface of the ground, and not with any form of backlighting or internal illumination.
- (c) Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky.
- (d) All illuminated signs shall conform to all applicable electrical codes.

Section 17.6.9. Special Event Signage.

Temporary signs and advertising devices may be permitted in commercial and industrial zoning districts subject to the issuance of a special event sign permit by the Zoning Administrator. Such temporary signs and advertising devices shall conform to the following:

- (a) Only one special event sign permit shall be issued on the same property in any calendar year.
- (b) No special event sign permit shall be valid for more than twenty-one (21) days.
- (c) One banner shall be permitted per lot, which shall not exceed thirty-two (32) square feet in or fifteen (15) feet in height. Such banner may be temporarily placed or attached to a building wall, window, or ground sign, or it may be freestanding between two poles or stakes.
- (d) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of fifteen (15) feet.
- (e) Pennants, streamers, and other wind-blown devices shall not be permitted as part of a special event sign permit.

TABLE 17.1
SIGN AREA PERMITTED IN AGRICULTURAL ZONING DISTRICTS

X = Not Permitted. Numbers provided are maximum square feet per sign.

Type of Sign/Use (Number if More than One Permitted)		AG	AG-R
Principal use ground sign, lot containing a non-residential principal permitted use (1 per road frontage)		16	16
Accessory ground sign, dwelling (1 per road frontage)	X	4	4
Accessory ground sign, lot containing a non-residential or permitted principal use only (2 per lot permitted)	X	4	4
Wall sign, dwelling		X	X
Wall sign, on building containing a non-residential permitted principal use	X	4	4
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage)	X	4	4
Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction		2	2
Subdivision ground sign (2 per entrance to subdivision)		X	16
Window sign		X	X

TABLE 17.2
SIGN AREA PERMITTED IN RESIDENTIAL ZONING DISTRICTS

X = Not Permitted. Numbers provided are maximum square feet per sign.

Type of Sign/Use (Number if More than One Permitted)	RR-Districts	R-Districts	MFR	PUD
Principal use ground sign, lot containing a non-residential principal permitted use (1 per road frontage)	12	12	32	32
Accessory ground sign, dwelling (1 per road frontage)	4	4	4	4
Accessory ground sign, lot containing a non-residential or permitted principal use only (2 per lot permitted)	4	4	4	4
Wall sign, dwelling	X	X	2	2
Wall sign, on building containing a non-residential permitted principal use	4	4	4	4
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage)	4	4	4	4
Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	2	2	4	4
Subdivision ground sign (2 per entrance to subdivision)	X	X	32	32
Window sign, building containing a non-residential or permitted principal use only	X	X	50% of window area	50% of window area

TABLE 17.3
SIGN AREA PERMITTED IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

X = Not Permitted. Numbers provided are maximum square feet per sign.

Type of Sign/Use (Number if More than One Permitted)	O-I, CBD, and TC	C-1	C-2	I
Principal use ground sign, lot containing a single non-residential principal permitted use, when fronting on a <i>local road</i> (1 per road frontage)	24	32	48	64
Principal use ground sign, lot containing a single non-residential principal permitted use, when fronting on a <i>2 or 3-lane state highway</i> (1 per road frontage)	24	32	64	72
Principal use ground sign, lot containing a single non-residential principal permitted use, when fronting on a <i>4-lane state highway or interstate highway</i> (1 per road frontage)	24	48	96	96
Accessory ground sign, dwelling (1 per road frontage)	4	4	4	4
Accessory ground sign, lot containing a single non-residential or permitted principal use only, when located on a <i>local road</i> (2 per road frontage)	4	8	16	16
Accessory ground sign, lot containing a single non-residential or permitted principal use only, when located on a <i>2 or 3-lane state highway</i> (2 per road frontage)	8	12	24	24
Accessory ground sign, lot containing a single non-residential or permitted principal use only, when located on a <i>4-lane state highway or interstate highway</i> (2 per road frontage)	16	24	32	40
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction when fronting on a <i>local road</i> (1 per road frontage)	8	12	16	16
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction when fronting on a <i>2 or 3-lane state highway</i> (1 per road frontage)	12	16	24	24
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction when fronting on a <i>4-lane state highway or interstate highway</i> (1 per road frontage)	16	24	36	36
Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, when fronting on <i>local road</i> (1 per frontage)	36	48	64	64

Type of Sign/Use (Number if More than One Permitted)	O-I, CBD, and TC	C-1	C-2	I
Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, when fronting on a 2 or 3-lane state highway (1 per frontage)	48	64	72	72
Wall sign, dwelling	2	2	2	2
Wall sign, on building containing a single non-residential permitted principal use	20% of signable area	25% of signable area	40% of signable area	10% of signable area
Window sign, building containing a single non-residential or permitted principal use only	20% of window area	20% of window area	25% of window area	10% of window area
Wall sign on freestanding canopy (1 per canopy wall)	10% of signable area	15% of signable area	20% of signable area	15% of signable area
Wall sign, on building containing a multiple tenants (non-residential permitted principal use only)	40% of signable area of leased building frontage	50% of signable area of leased building frontage	60% of signable area of leased building frontage	20% of signable area of leased building frontage

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**ARTICLE 18
MAYSVILLE PLANNING COMMISSION**

CHAPTER 18.1 ESTABLISHMENT, COMPOSITION, AND PURPOSE
CHAPTER 18.2 PURPOSES, POWERS, AND DUTIES

**CHAPTER 18.1
ESTABLISHMENT AND COMPOSITION**

Section 18.1.1. Composition, Appointment, and Quorum.
Section 18.1.2. Officers.
Section 18.1.3. Duties of Officers.
Section 18.1.4. Absences and Declaration of Vacancy.
Section 18.1.5. Conflicts of Interest.
Section 18.1.6. Meetings and Records.

Section 18.1.1. Composition, Appointment, and Quorum.

Membership of the Planning Commission shall be established as follows. There shall be a total of six (6) members. All appointments to the Planning Commission shall be made by the Governing Body of the Town. Members to fill expired or unexpired terms shall be for three years. A quorum shall be required to be present for the Planning Commission to function and decide matters that come before it. A quorum shall consist of a majority of the members of the Commission.

Section 18.1.2. Officers.

The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson, elected by the members of the Planning Commission. The terms of office for the Chairperson and Vice-Chairperson shall be one year. An officer that has served a full one year term may succeed himself/herself one time. In the event of the resignation or removal of the Chairperson or Vice-Chairperson, the members shall elect an individual from the Commission to fill the remainder of the unexpired term.

Section 18.1.3. Duties of Officers.

The Chairperson shall preside at meetings of the Planning Commission, decide all points of order and procedure, represent the Planning Commission at official functions, appoint committees to investigate and report on matters which may come before the Commission, and be responsible for carrying out policy decisions. In the absence of the Chairperson, those duties shall be vested in the Vice-Chairperson. The Secretary, or his/her designated agent, shall maintain the records of the Planning Commission.

Section 18.1.4. Absences and Declaration of Vacancy.

Any member of the Planning Commission that fails to attend three (3) consecutive regular meetings of the Commission or misses at least six (6) meetings in any twelve (12) month period is subject to dismissal without any other valid reason. When such absences are found, the Secretary shall provide written notice to the governing body recommending that a vacancy be declared and requesting that the vacated position be filled.

Section 18.1.5. Conflicts of Interest.

Should any member of the Planning Commission have a financial interest in any issue that comes before the Commission, said member shall disqualify himself from participating or considering the issue and shall not sit with the Commission during deliberations. A member may raise the question of perceived conflict or actual financial conflict of interest of any other member regarding a specific issue that is before the Commission. If perceived or actual conflict is alleged, a majority vote of those without such alleged conflict shall determine if such perceived or actual financial conflict exists and whether the member with an alleged conflict should be allowed to participate. If the majority vote is a determination that the member has an actual financial conflict of interest, said member with the financial conflict of interest shall disqualify himself from participating or considering the issue and shall not sit with the Commission during deliberations. If it is determined by majority vote of members present that a perceived conflict of interest exists, but the conflict is one that does not rise to the level of financial interest, the individual member with perceived conflict shall have discretion as to whether he or she will vote on the matter in question, though the other members may make a recommendation to said member.

Section 18.1.6. Meetings and Records.

All meetings of the Planning Commission shall be open to the public and all records of the Planning Commission shall be public record. The Planning Commission may adopt bylaws which establish regular meeting dates, procedures for calling special meetings, and other meeting matters. Unless otherwise specified by the Planning Commission, regular meetings of the Planning Commission shall be held on the fourth Monday of each month at 7 p.m. The Planning Commission shall hold regular meetings unless it is notified by the Secretary that there is no business to conduct, in which case the Chairperson may cancel the regular meeting. No meeting shall be held unless forty-eight (48) hours notice thereof has been provided to each member. If special meetings are called by the Chairperson, the purpose(s) of the special meeting shall be stated and no other business may be conducted at such special meeting.

CHAPTER 18.2 PURPOSES, POWERS AND DUTIES

Section 18.2.1.	Purpose of the Planning Commission.
Section 18.2.2.	Powers and Duties.
Section 18.2.3.	Training.

Section 18.2.1. Purpose of Planning Commission.

The general purpose of the Maysville Planning Commission shall be to develop, promote, and assist in establishing coordinated and comprehensive planning in the Town, and to serve in an advisory capacity to the City Council of the Town in the implementation of adopted plans and ordinances.

Section 18.2.2. Powers and Duties.

The Planning Commission shall have all those duties necessary and reasonably implied as being necessary to carry out its duties as specified in this Land Use Management Code. Said powers and duties shall specifically include without limitation, the following:

- (a) To adopt and amend bylaws, without the need to amend this Article.
- (b) Cooperate with the Federal, State, or local, public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with said agencies, individuals, or corporations.
- (c) Prepare or cause to be prepared a comprehensive plan or parts thereof, for the development of the local jurisdictions or parts thereof, which shall be subject to the approval of each governing body with jurisdiction in accordance with the Georgia Planning Act of 1989.
- (d) Prepare or cause to be prepared, and recommend for adoption by the Governing Body zoning ordinances, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the Town.
- (e) To administer zoning and other land use regulations in whatever role is delegated to it by the Governing Body or as provided in this Land Use Management Code. The Planning Commission shall have authority and responsibility to review applications for zoning map amendments or applications for conditional use approval and other related applications and provide a recommendation to the Governing Body.
- (f) To review and approve subdivision plats; provided, however, that if the Planning Commission is given authority to grant approval of final plats, said approval shall not constitute acceptance of public improvements which is a power reserved by the local governing body with jurisdiction over the subdivision plat.
- (g) To prepare and recommend for adoption to the Governing Body a plat or plats, or a corridor map or maps, showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the jurisdiction or a specified portion thereof.
- (h) To make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of the Town to public officials and agencies,

- public utility companies, civic, educational, professional, and other organizations and citizens.
- (i) To recommend to the Governing Body or its executive, programs for capital improvements and the financing thereof.
 - (j) To delegate certain of its functions to a hearing examiner, as specified and established in Article 20 of this Land Use Management Code.
 - (k) To exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of the Town.

Section 18.2.3. Training.

The Governing Body of the Town finds that it is in the best interests of their citizens to strongly encourage newly appointed members of the Maysville Planning Commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of Planning Commissions.

It shall be the responsibility of the Zoning Administrator to periodically notify members of the Planning Commission of appropriate education and training opportunities encouraged in this Section. The following organizations and institutions among others are determined to be appropriate:

1. Training programs and seminars by the University of Georgia's Carl Vinson Institute of Government, the Georgia Institute of Technology graduate city and regional planning program, Georgia State University, or any other institution of higher learning in the state.
2. Training programs by the Northeast Georgia Regional Development Center.
3. Conferences of the Georgia Association of Zoning Administrators.
4. Conferences of the Georgia Chapter of the American Planning Association or the American Planning Association.
5. Training programs organized by the Zoning Administrator specifically for Planning Commission members.

ARTICLE 19
HISTORIC PRESERVATION COMMISSION

CHAPTER 19.1	CREATION AND COMPOSITION
CHAPTER 19.2	DEFINITIONS
CHAPTER 19.3	POWERS AND DUTIES
CHAPTER 19.4	DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS

CHAPTER 19.1
CREATION AND COMPOSITION

Section 19.1.1.	Authority.
Section 19.1.2.	Creation and Continuance.
Section 19.1.3.	Appointment and Terms.
Section 19.1.4.	Qualifications of Members.
Section 19.1.5.	Compensation.

Section 19.1.1. Authority.

This Article is adopted pursuant to the authority granted in O.C.G.A. Section 44-10-26 (The Georgia Historic Preservation Act - Acts 1980, pages 1723-1729).

Section 19.1.2. Creation and Continuance.

A Historic Preservation Commission shall be established by ordinance of the City Council of the Town of Maysville.

Section 19.1.3. Appointment and Terms.

Commission members shall be appointed by the Governing Body of the Town. The Historic Preservation Commission shall consist of five (5) members. Appointments shall be for two (2) years.

Section 19.1.4. Qualifications of Members.

All members shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the Town, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.

Section 19.1.5. Compensation.

Members of the Historic Preservation Commission shall not receive a salary, although they may be reimbursed for expenses.

CHAPTER 19.2 DEFINITIONS

Certificate of appropriateness: A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features: All those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district: A geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Town Council.

Historic property: An individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Town Council.

Material change in appearance: A change that will affect either the exterior architectural or environmental features of an historic property or any structure, site or work of art within an historic district, and may include any on or more of the following: A reconstruction or alteration of the size, shape, or façade of an historic property, including any of its architectural elements or details; demolition of an historic structure; commencement of excavation for construction purposes; a change in the location of advertising visible from the public right-of-way; the erection, alteration, restoration, or removal of any building or other structure within an historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

CHAPTER 19.3 POWERS AND DUTIES

Section 19.3.1.	Duties and Responsibilities.
Section 19.3.2.	Rules of Procedure and Transaction of Business.
Section 19.3.3.	Authority to Receive Funding from Various Sources.
Section 19.3.4.	Records of Commission Meetings.
Section 19.3.5.	Administration of the Commission's Duties.
Section 19.3.6.	Training.

Section 19.3.1. Duties and Responsibilities.

The Historic Preservation Commission shall be authorized to:

- (a) Prepare an inventory of all property in the Town having the potential for designation as historic property;
- (b) Recommend to the City Council specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
- (c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Land Use Management Code;
- (d) Recommend to the City Council the designation of any place, district, site, building, structure, or work of art as an historic property or as an historic district, or recommend that any such place, district, site, building, structure, or work of art be revoked or removed from its status as a historic property or historic district;
- (e) Restore or preserve any historic properties acquired by the Town;
- (f) Promote the acquisition by the Town of façade easements and conservation easements in accordance with the provisions of the "Façade and Conservation Easements Act of 1976" (Georgia Laws 1976, p. 1181);
- (g) Conduct an educational program on historic properties located within its historic preservation jurisdiction;
- (h) Make such investigations and studies of matters relating to historic preservation as the City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (i) Seek out state and federal funds for historic preservation, and make recommendations to the Town concerning the most appropriate uses of any funds acquired;
- (j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;
- (k) Perform historic preservation activities as the official agency of the Town historic preservation program;
- (l) Employ persons, if necessary, to carry out the responsibilities of the Commission;
- (m) Receive donations, grants, funds, or gifts of historic property, and to acquire and sell historic properties. The Commission shall not obligate the Town without prior consent;
- (n) Review, make comments, and recommend to the State Historic Preservation Office the nomination of properties within its jurisdiction to the National Register of Historic Places.

- (o) Prepare and recommend design guidelines for development within the various historic districts of the Town, which if adopted by the Town Council shall be used by the Historic Preservation Commission in considering and acting upon certificates of appropriateness.
- (p) Provide education, outreach, and coordination with the Town's Better Hometown Program, if applicable.

Section 19.3.2. Rules of Procedure and Transaction of Business.

The Historic Preservation Commission shall adopt rules for the transaction of its business and consideration of applications. It shall provide for the time and place of regular meetings and for the calling of special meetings. The Historic Preservation Commission shall have the flexibility to adopt rules of procedure without amendment to this Article. A quorum shall consist of a majority of the members. The latest edition of "Robert's Rules of Order" shall determine the order of business at all meetings.

Section 19.3.3. Authority to Receive Funding from Various Sources.

The Commission shall have the authority to accept donations.

Section 19.3.4. Records of Commission Meetings.

Public records shall be kept of the Historic Preservation Commission's resolutions, proceedings, and actions.

Section 19.3.5. Administration of the Commission's Duties.

Historic Preservation Commission shall be considered a part of the planning functions of the Town and shall be administered by the Zoning Administrator.

Section 19.3.6. Training.

The Mayor and Town Council find that it is in the best interests of the citizens to strongly encourage newly appointed members of the Historic Preservation Commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of Historic Preservation Commissions.

It shall be the responsibility of the Zoning Administrator to periodically notify members of the Commission of appropriate education and training opportunities encouraged in this Section. The following organizations and institutions among others are determined to be appropriate:

1. Training programs and seminars by the University of Georgia, the Georgia Institute of Technology graduate city and regional planning program, Georgia State University, or any other institution of higher learning in the state.
2. Training programs by the Northeast Georgia Regional Development Center.
3. Conferences of the Georgia Trust for Historic Preservation.
4. Conferences of the Georgia Chapter of the American Planning Association or the American Planning Association.
5. Training programs organized by the Zoning Administrator specifically for Historic Preservation Commission members.

CHAPTER 19.4 DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS

Section 19.4.1.	Preliminary Research by the Commission.
Section 19.4.2.	Criteria for Designation of Historic Districts.
Section 19.4.3.	Boundaries of Historic Districts.
Section 19.4.4.	Classification of Properties within Historic Districts.
Section 19.4.5.	Designation of Landmarks.
Section 19.4.6.	Application for Designation of Historic District or Landmark.
Section 19.4.7.	Required Public Hearings and Notice.
Section 19.4.8.	Ordinance Requirements.
Section 19.4.9.	Notification of Adoption of Ordinance for Designation.
Section 19.4.10.	Moratorium While Ordinance for Designation is Pending.

Section 19.4.1. Preliminary Research by the Commission.

The Commission shall have the authority to compile and collect information and conduct surveys of historic resources within the Town. The Commission shall present to the Town Council nominations for historic districts and local landmarks. The Commission shall prepare formal reports when nominating historic districts or local landmarks. These reports shall be used to educate the community and to provide a permanent record of the designation. The report may follow guidelines for nominating structures to the National Register of Historic Places (National Preservation Act of 1966). The report shall consist of two (2) parts: a physical description and a description of historic significance. This report will be submitted to the Historic Preservation Section of the Georgia Department of Natural Resources.

Section 19.4.2. Criteria for Selection of Historic Districts.

An Historic District is a geographically definable area, which contains structures, sites, works of art, or a combination thereof, which: a) have special character or special historic/aesthetic value or interest; b) represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, state, or region; c) cause such area, by reason of such factors, to constitute a visibly perceptible section of the Town.

Section 19.4.3. Boundaries of Historic Districts.

Boundaries of historic districts when proposed shall be specified on tax maps and the boundaries of historic districts shall be included in the local ordinance designating historic districts. Boundaries specified in legal notices shall coincide with the boundaries finally designated. Districts shall be shown on the Official Zoning Map or as provided in Chapter 3.3 of this Land Use Management Code.

Section 19.4.4. Classification of Properties within Historic Districts.

Individual properties within historic districts shall be classified as "Contributing" or "Noncontributing."

A contributing building, site, structure, or object adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because (a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or (b) it independently meets the National Register criteria.

A noncontributing building, site, structure, or object does not add to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because (a) it was not present during the period of significance, (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or (c) it does not independently meet the National Register criteria.

Section 19.4.5. Designation of Landmarks.

An historic landmark is a structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the Town, State of Georgia, or local region, for one or more of the following reasons: a) it is an outstanding example of a structure representative of its era; b) it is one of the few remaining examples of past architectural style; c) it is a place or structure associated with an event or person of historic or cultural significance to the Town, State of Georgia, or the region. Boundaries of designated landmarks shall be clearly defined for individual properties on tax maps and located on the Official Zoning Map or as provided in Chapter 3.3 of this Land Use Management Code.

Section 19.4.6. Application for Designation of Historic District or Landmark.

An historical society, neighborhood association, or group of property owners may apply for designation of historic districts. An historical society or property owner may apply for designation of landmark structures.

Section 19.4.7. Required Public Hearings and Notice.

The Historic Preservation Commission and the Town Council shall hold a public hearing on the proposed ordinance for designation. Notice of the hearing shall be published in at least three (3) consecutive issues in the legal organ of the Town, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to date set for the public hearing. A letter sent via the United States Mail to the last-known owner of the property shall constitute legal notification under this Chapter.

Section 19.4.8. Ordinance Requirements.

Any ordinance designating any property or district as Historic shall describe each property to be designated, set forth the name(s) of the owner(s) of the designated property or properties, and require that a Certificate of Appropriateness be obtained from the Historic Preservation Commission prior to any material change in appearance of the designated property.

Any ordinance designating any property or district as Historic shall require that the designated property or district be shown on the Official Zoning Map or as provided in Chapter 3.3 of this Land Use Management Code and kept as a public record to provide notice of such designation.

Prior to designating any property or district as Historic, the Commission must submit a report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building/structure, or work of art, to the Historic Preservation Section of the Department of Natural Resources and it will be allowed thirty (30) days to prepare written comments. A decision by the Town Council to accept or deny the ordinance for designation shall be made within fifteen (15) days following the public hearing, and shall be in the form of an ordinance of the Town.

Section 19.4.9. Notification of Adoption of Ordinance for Designation.

Within thirty (30) days following the adoption of the ordinance for designation, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the Town Council which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. All necessary agencies within the Town shall also be notified of the ordinance for designation, including the local historical organization.

Section 19.4.10. Moratorium While Ordinance for Designation is Pending.

Once an ordinance for designation has been publicly advertised, the Zoning Administrator shall not approve development and the Building Official shall not issue a building permit within the boundaries of property proposed to be designated historic that would, upon adoption of the ordinance for designation so advertised, require a certificate of appropriateness as required in Chapter 21.5 of this Land Use Management Code, until the Town Council has acted upon the ordinance for designation.

If the ordinance for designation is denied, the Zoning Administrator shall issue the development permit and the Building Inspector shall issue the building permit, subject to compliance with all applicable regulations of this Land Use Management Code and applicable building codes.

If the ordinance for designation is approved, no development permit or building permit shall be issued and it shall be unlawful to commence any activity or make any improvement that requires a certificate of appropriateness until or unless an application for certification of appropriateness is filed with and approved by the Historic Preservation Commission in accordance with Chapter 21.5 of this Land Use Management Code.

ARTICLE 20 HEARING EXAMINER

CHAPTER 20.1 PURPOSE AND AUTHORITY
CHAPTER 20.2 HEARING EXAMINER

CHAPTER 20.1 PURPOSE AND AUTHORITY

Section 20.1.1. Purpose.
Section 20.1.2. Authority to Establish.

Section 20.1.1. Purpose.

Additional growth and development in the Town may eventually lead to an increasing number of development applications under the jurisdictional review of the Planning Commission, which include but are not limited to rezoning requests, conditional use applications, variances, appeals, approval of subdivision plats, and other reviews and decisions on applications as provided in this Land Use Management Code. Such applications may eventually overtax the capacity of the Planning Commission to act upon multiple actions under its authority.

The purpose of this Article is to authorize the Planning Commission to establish and appoint a professional hearing examiner position and delegate certain specific responsibilities within the decision-making authority of the Planning Commission to such an appointed Hearing Examiner. This Article establishes the parameters under which such an appointment is acceptable to the Governing Body.

Of the many applications for which the Planning Commission has review and recommendation and/or approval/disapproval jurisdiction, the appeal of an administrative decision and the variance application are two which require the most time-consuming and careful consideration. Appeals of administrative decisions and stand-alone (versus concurrent) variance applications require the hearing body to examine facts and apply the law in a quasi-judicial manner, a procedure that is significantly different from the recommendations made by the Planning Commission on applications that are ultimately legislative matters (i.e., rezoning requests). Such appeal and variance applications can benefit from consistent principles of review and quasi-judicial decision-making which may be better afforded by a professional Hearing Examiner. In addition, the Planning Commission may find a need or have the desire to obtain recommendations from the Hearing Examiner in matters within its jurisdiction.

Section 20.1.2. Authority to Establish.

The Planning Commission shall have the authority to appoint by resolution a Hearing Examiner. The Planning Commission shall also have authority to establish application fees for applications which are reviewed by the Hearing Examiner in order to recover the costs of the Hearing Examiner.

CHAPTER 20.2 HEARING EXAMINER

Section 20.2.1.	Appointment.
Section 20.2.2.	Term of Appointment.
Section 20.2.3.	Compensation.
Section 20.2.4.	Meetings.
Section 20.2.5.	Qualifications; Application for Appointment.
Section 20.2.6.	Removal.
Section 20.2.7.	Delegation of Authority.
Section 20.2.8.	Appeal of Hearing Examiner's Decision.

Section 20.2.1. Appointment.

If it elects to appoint a Hearing Examiner, the Planning Commission shall appoint the hearing examiner by resolution which shall require approval by a majority of the Planning Commission membership.

Section 20.2.2. Term of Appointment.

Any Hearing Examiner appointed pursuant to this Article shall be for a fixed term as specified in the appointment resolution, which may be renewed at the discretion of the Planning Commission.

Section 20.2.3. Compensation.

The resolution appointing the Hearing Examiner shall fix the compensation of the Hearing Examiner which may be on a per application, per meeting, or hourly basis. In connection with such appointment, the Planning Commission shall not be authorized to obligate funds of the Town unless specifically appropriated for said purpose. If appointed, the compensation of the Hearing Examiner shall be derived exclusively from application fees for the type or types of applications delegated by the Planning Commission and heard, recommended, or decided by the Hearing Examiner, unless other funds are specifically appropriated by the Governing Body. To this end, the Planning Commission is authorized to establish the application fees for applications subject to review by the Hearing Examiner and shall set such application fees to recover the costs of the Hearing Examiner.

Section 20.2.4. Meetings.

The Hearing Examiner shall meet at least once each month at the call of the Planning Commission or Zoning Administrator and at such other times as the Planning Commission may determine; provided, however, that this provision shall not be construed as requiring the Hearing Examiner to meet when he or she has no regular business to transact.

Section 20.2.5. Qualifications; Application for Appointment.

There shall be no specific qualifications for the Hearing Examiner. Prior to making an appointment, the Planning Commission shall broadly solicit and consider applications for the appointment and shall consider professional credentials that will qualify a person to serve as Hearing Examiner.

Section 20.2.6. Removal.

An appointment of the Hearing Examiner may be discontinued by resolution approved by a majority of the members of the Planning Commission, in which case the Planning Commission shall resume any duties assigned to the Hearing Examiner. A Hearing Examiner may be removed by the Planning Commission, with or without cause, subject to contractual provisions that may specifically apply to the appointment and removal of a Hearing Examiner as negotiated by the Planning Commission in its agreement with said Hearing Examiner.

Section 20.2.7. Delegation of Authority.

If established and assigned responsibility for reviewing and/or deciding upon a specific type of application, the Hearing Examiner shall be the sole body to hear the type of application assigned to it. If the review of a particular type of application is delegated to the Hearing Examiner, then all such applications of that type (e.g., appeals of administrative decisions or stand-alone variance requests, or both) shall be the jurisdiction of the Hearing Examiner.

When the Hearing Examiner is authorized by resolution of the Planning Commission to act upon a certain type of application, subject to the appeal provision of this Chapter, the Hearing Examiner shall make written findings of fact on the application with seven (7) calendar days of the close of the hearing or meeting on the matter. In connection with such application, the Hearing Examiner may impose conditions with respect to the location, construction, maintenance, or operation of any use or building associated with the application, as may be deemed necessary by the Hearing Examiner for the protection of adjacent properties and the public interest.

Section 20.2.8. Appeal of Hearing Examiner's Decision.

If authorized by resolution of the Planning Commission to make final determinations on certain applications, a decision of a Hearing Examiner shall be final; subject, however, to appeal to the Governing Body in the same manner prescribed for the application considered by the Hearing Examiner. To this end, upon application and after payment by the applicant of any fees specified the Governing Body, may overturn, modify, or affirm and accept the decision of the Hearing Examiner in the subject case. Such appeal of the Hearing Examiner's decision by a Governing Body shall be based on the facts presented and the record produced by the Hearing Examiner. If a Hearing Examiner is authorized only to determine facts and make a recommendation, this Section shall not apply.

**ARTICLE 21
ZONING AMENDMENTS, APPLICATIONS, AND PROCEDURES**

CHAPTER 21.1	TEXT AMENDMENTS
CHAPTER 21.2	REZONING, CONDITIONAL USE, AND CONCURRENT VARIANCE APPLICATIONS
CHAPTER 21.3	PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS
CHAPTER 21.4	DEVELOPMENT OF REGIONAL IMPACT
CHAPTER 21.5	CERTIFICATE OF APPROPRIATENESS

**CHAPTER 21.1
TEXT AMENDMENTS**

Section 21.1.1.	Intent.
Section 21.1.2.	Authority to Amend.
Section 21.1.3.	Authority to Initiate Text Amendments.
Section 21.1.5.	Application.
Section 21.1.6.	Distribution of Application.
Section 21.1.7.	Notice of Public Hearing.
Section 21.1.8.	Planning Commission Public Hearing and Recommendation.
Section 21.1.9.	Action by Governing Bodies.
Section 21.1.10.	Withdrawal of Application.

Section 21.1.1. Intent.

This chapter describes the process of amending this Land Use Management Code.

Section 21.1.2. Authority to Amend.

The Governing Body of the Town shall have the authority to amend any Article, Chapter, or Section of this Land Use Management Code, subject to compliance with the requirements of this Chapter.

Section 21.1.3. Authority to Initiate Text Amendments.

An application to amend the text of this Land Use Management Code may be initiated by the Governing Body or the Planning Commission.

In addition, any person, firm, corporation, or agency may initiate by application to the Zoning Administrator a proposal to amend the text of this Land Use Management Code, provided said individual, firm, corporation, or agency is the owner or owner's agent of property under the jurisdiction of this Land Use Management Code and the amendment sought pertains in some way to said property, and provided further that the applicant has attended a pre-application meeting with the Zoning Administrator to discuss the amendment proposal prior to filing.

Section 21.1.4. Application.

Applications to amend the text of this Land Use Management Code by anyone other than the Governing Body or the Planning Commission shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Zoning Administrator.

In cases where an applicant is proposing a text amendment to modify or create a new zoning district, and where the applicant also desires to rezone property to the new or modified zoning district, the two applications may be considered concurrently.

Section 21.1.5. Distribution of Application.

After acceptance of a complete application for a text amendment, the Zoning Administrator shall transmit a copy of the application or summary thereof to the Quad Cities Planning Commission and to the Governing Body of the Town.

Section 21.1.6. Notice of Public Hearing.

Upon receipt of a completed application for a text amendment or within a reasonable time thereafter, the Zoning Administrator shall prepare a notice of public hearing before the Planning Commission and of a public hearing before the Governing Body. At least 15 but not more than 45 days prior to the date of the public hearings, the Zoning Administrator on behalf of the Town shall cause to be published within a newspaper of general circulation within Jackson County and Banks County, Georgia, a notice of the public hearings. The notice shall state the time, place, and purpose of the public hearing.

Section 21.1.7. Planning Commission Public Hearing and Recommendation.

The Planning Commission will convene a public hearing on the text amendment as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the Town as required by O.C.G.A. 36-66-4 (Chapter 21.3 of this Land Use Management Code). After the public hearing the Planning Commission shall provide a recommendation on the application.

The Planning Commission's recommendation shall be submitted to the Governing Body and its recommendations and, if any, its report, shall be upon publication available upon request to the public. The Planning Commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on any Governing Body.

Section 21.1.8. Action by Governing Body.

The Governing Body shall hold a public hearing on the text amendment. In rendering a decision on any such text amendment, the Governing Body shall consider all information supplied by the Zoning Administrator and the Planning Commission, any information presented at the public

hearing of the Planning Commission and, if held, information at its own public hearing. The Governing Body may approve or disapprove the proposed text amendment as written.

Section 21.1.9. Withdrawal of Application.

Any application for an amendment to the text of this Land Use Management Code may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Zoning Administrator, up until the public hearing by the Planning Commission is closed.

When any application for a text amendment is initiated by a party other than the Town or the Planning Commission, no portion of a required application fee shall be refunded on any application withdrawn by an applicant after approval for initiation by the Zoning Administrator.

**CHAPTER 21.2
REZONING, CONDITIONAL USE, AND
CONCURRENT VARIANCE APPLICATIONS**

Section 21.2.1.	Types of Applications.
Section 21.2.2.	Authority to Amend.
Section 21.2.3.	Initiation of Proposals for Map Amendments.
Section 21.2.4.	Certain Map Amendments Prohibited.
Section 21.2.5.	Application Compliance and Completeness.
Section 21.2.6.	Limitation on Applications Processed During One Cycle.
Section 21.2.7.	Application Requirements.
Section 21.2.8.	Plan Requirements.
Section 21.2.9.	Development Statistics Required.
Section 21.2.10.	Analysis Requirements for Map Amendments and Conditional Uses.
Section 21.2.11.	Administrative Processing of Applications.
Section 21.2.12.	Investigations and Recommendation.
Section 21.2.13.	Planning Commission Public Hearing Notice.
Section 21.2.14.	Special Notice Requirements.
Section 21.2.15.	Planning Commission Hearing and Recommendation.
Section 21.2.16.	Governing Body Public Notice and Public Hearing.
Section 21.2.17.	Action by Governing Body.
Section 21.2.18.	Conditional Approval Permitted.
Section 21.2.19.	Limitations on the Frequency of Filing Applications.
Section 31.2.20.	Site Plan Revisions.
Section 31.2.21.	Authority to Grant Concurrent Variances.
Section 21.2.22.	Regulations That Cannot Be Varied.
Section 21.2.23.	Application for Concurrent Variances.
Section 21.2.24.	Criteria to Consider for Concurrent Variances.
Section 21.2.25.	Incorporation Clause.

Section 21.2.1. Types of Applications.

The following types of applications are regulated by this Chapter:

- (a) Amendments to the official zoning map (i.e., “rezonings” or “zoning map amendments”), including changes to boundaries of overlay districts.
- (b) Applications for conditional use approval.
- (c) Applications for concurrent variances.

Section 21.2.2. Authority to Amend.

The Governing Body may from time to time amend the number, shape, boundary, or area of any zoning district or overlay district as established in this Land Use Management Code.

Section 21.2.3. Initiation of Proposals for Map Amendments.

An application to amend the official zoning map or an overlay district established by this Land Use Management Code may be initiated by the Governing Body or the Planning Commission. The Zoning Administrator shall waive the application fee required by this Chapter when an application is initiated by the Governing Body or the Planning Commission.

In addition, any person, firm, corporation or agency, may initiate by application to the Zoning Administrator a proposal to amend a zoning district or overlay district boundary, provided said individual, firm, corporation, or agency is the owner or owner's agent of property that is the subject of the proposed amendment.

Section 21.2.4. Certain Map Amendments Prohibited.

No amendment to the official zoning map shall be made, and no applications for such official zoning map amendments shall be accepted by the Zoning Administrator, involving a request to rezone to a zoning district that is specifically prohibited by this Land Use Management Code.

Section 21.2.5. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If an application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 21.2.6. Limitation on Applications Processed During One Cycle.

There are practical limits as to how many applications a review body can thoroughly review, consider, and act upon during any single public meeting. It is the intent of this Section to provide for a thorough examination of and adequate hearing time for each application filed pursuant to this Chapter. Accordingly, this Section provides for limitations on the number of applications that will be processed before a review body during any single public hearing.

The number of applications described in this Chapter that are scheduled for consideration by the Planning Commission shall be limited to five (5) such applications at any single public hearing. For purposes of this limitation, one application may include one or more companion applications (i.e., an application for a zoning map amendment, conditional use, and/or concurrent variance pertaining to the same parcel of property shall be counted as one application). Where in the opinion of the Zoning Administrator sufficient time will exist to adequately hear additional applications, the Zoning Administrator may decide to process a number of applications exceeding the maximum of five. Prior to exercising authority to exceed the number of applications to be heard at any given public hearing, the Zoning Administrator shall, where possible, consult with the Chairperson of the Planning Commission as to the appropriateness of considering additional applications.

For purposes of this Section, the Zoning Administrator shall consider applications on a first submitted and first complete, first processed basis. That is, applications shall be processed in the order in which they are received and determined complete, and any application determined complete but which would exceed the maximum of five at any single public hearing shall be scheduled for the next available public hearing. In cases where a complete application cannot

be processed and considered at the next available public hearing, due to the limit on applications specified by this Section, the Zoning Administrator shall promptly inform the applicant of the schedule for considering said application.

Section 21.2.7. Application Requirements.

No application specified in this Chapter shall be processed by the Zoning Administrator unless it meets the requirements of this Section, including the specific requirements of Table 21.2.1. In cases where more than one application (rezoning, conditional use, concurrent variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the Zoning Administrator may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

Section 21.2.8. Plan Requirements.

Applications required by this Chapter to include a site plan (see Table 21.2.1) shall at minimum include on the site plan information specified in Table 21.2.2. The Zoning Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 21.2.2 are not essential to the review process. The Zoning Administrator may request information in addition to that specified in Table 21.2.2 when considered necessary for review of the application by the Planning Commission or Zoning Administrator.

Section 21.2.9. Development Statistics Required.

Applications required by this Chapter to submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in Table 21.2.3. The Planning Commission may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 21.2.3 are not essential to the review process. The Planning Commission may request information in addition to that specified in Table 21.2.2 when considered necessary for review of the application by the Planning Commission.

Section 21.2.10. Analysis Requirements for Map Amendments and Conditional Uses.

On the application form supplied by the Zoning Administrator, or in a separate written document, applications to amend the official zoning map, including overlay district boundary amendments, and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in Table 21.2.4. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare. The analysis requirements may in individual cases be considered criteria relevant to staff and the Planning Commission in making recommendations and by the Governing Body in the decision-making process.

Each applicant for an amendment to the text of this ordinance, an amendment to the official zoning map, an application for conditional use or an application for a variance, and each person speaking at a public hearing on such a matter, except the Governing Body or Planning Commission, is responsible for complying with O.C.G.A. 36-67-1, "Conflict of Interest in Zoning Actions." The Zoning Administrator, Planning Commission, and Town assume no further

responsibility for enforcing state law or informing applicants or speakers of the need to comply with said state law; provided, however, that the Zoning Administrator may integrate notice of this state law requirement in various application forms and hearing procedural notices.

TABLE 21.2.1
APPLICATION REQUIREMENTS

Application Requirement	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
Application fee as established by resolution	Required	Required	Required
Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner	Required	Required	Required
Legal description of the property	Required	Required	Required
Survey plat of the property	Required	Required	Required
Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features and streams, wetlands, flood plains, and features to be retained, moved or altered	Required	Required	Required
Letter of intent describing the proposed use of the property or other action requested	Required	Required	Required
Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application	Required	Required	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements	Required except for rezoning applications to agricultural zoning districts	Required	Required
Statistics regarding the proposed development	Required	Required	Required
Description of any special conditions voluntarily made a part of the request	Required	Required	No
Other information required by the Zoning Administrator	Required	Required	Required

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**TABLE 21.2.2
PLAN REQUIREMENTS**

Site Plan Requirement	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
Existing and proposed buildings and structures	Required	Required	Required
Parking and internal circulation	Required	Required	Required
Wetlands, flood plains, streams and state waters	Required	Required	Required
Tree protection survey (lots 5 acres or larger; see Section 16.3.3)	Encouraged	Encouraged	Encouraged
Landscaping and buffers	Required	Required	Required
Preliminary grading and drainage (conceptual)	Required	Required	Required
Provisions for outdoor lighting (see Chapter 9.5)	Required	Required	Required
Other information as required by the Zoning Administrator	Required	Required	Required

**TABLE 21.2.3
DEVELOPMENT STATISTICS REQUIRED**

Development Statistics Required: (Note: Percent = Percentage of Total Site Area)	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
Provision of zoning ordinance requested to be varied, and amount of variance(s) if requested	No	No	Required
Maximum and proposed height of any structure	Required	Required	As determined to be appropriate by the Zoning Administrator
Maximum and proposed gross square footage of the building area (nonresidential only)	Required	Required	
Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)	Required	Required	
Maximum and proposed lot coverage of building area (square feet and percent)	Required	Required	
Minimum and proposed square footage of landscaped area (square feet and percent)	Required	Required	
Maximum and proposed impervious surface area (square feet and percent)	Required	Required	
Existing and proposed number of parking spaces	Required	Required	Required
Other information as required by the Zoning Administrator	Required	Required	

**TABLE 21.2.4
ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map	Application for Conditional Use
1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Required	Required
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property	Required	Required
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required	Required
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element	Required	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required	Required
7. Existing use(s) and zoning of subject property	Required	Required
8. Existing zoning of nearby property	Required	Required
9. Existing value of the property under the existing zoning and/or overlay district classification	Required	Required
10. Whether the property can be used in accordance with the existing regulations	Required	Required
11. Value of the property under the proposed zoning district and/or overlay district classification	Optional	Required
12. Extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification	Required	No
13. Suitability of the subject property under the existing zoning district and/or overlay district classification for the proposed use	Required	Required
14. Suitability of the subject property under the proposed zoning district and/or overlay district classification	Required	No
15. Length of time the property has been vacant or unused as currently zoned	Required	No
16. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification	Required	No

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map or Official Overlay Districts Map	Application for Conditional Use
17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts	Required	No
18. Possible effects of the change in zoning or overlay district map, or change in use, on the character of a zoning district or overlay district	Required	Required
19. Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations	Required	Required
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality	Required	Required
21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations	Required	Required
22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.	Required	Required
23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested	Required	No
24. The extent to which the proposed rezoning or conditional use will contribute to or detract from the community with regard to greenspace, architectural design, and landscaping.	Required	Required
25. In the case of rezoning to PCD, the consistency of the application with criteria specified in Section 7.8.12. of this Land Use Management Code.	Required	No

Section 21.2.11. Administrative Processing of Applications.

The Zoning Administrator is hereby authorized to establish administrative deadlines for the receipt of applications that require review in accordance with this Chapter. Upon a finding by the Zoning Administrator that an application is complete and complies with the requirements of this Chapter, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Section 21.2.12. Investigations and Recommendation.

Within a reasonable period of time after acceptance of a complete application, the Zoning Administrator may send the application or notice thereof out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the review bodies for consideration and any such comments shall become public records.

With respect to each rezoning or conditional use application, and any concurrent variances filed, the Zoning Administrator may investigate and make a recommendation regarding any or all of the relevant matters enumerated in Table 21.2.4, or in the case of a concurrent variance those matters enumerated in Section 21.2.24, Criteria for Approval of Concurrent Variances. Any such investigation and recommendation shall if in writing be made available to the applicant and planning commission prior to the public hearing held by the planning commission and shall become public records.

Copies of the Zoning Administrator's findings and recommendations shall be available upon request to the public by the time of the Planning Commission's public hearing on the matter.

Section 21.2.13. Public Hearing Notices.

Upon receipt of a completed application for an application for map amendment, conditional use, and/or concurrent variance, or within a reasonable time thereafter, the Zoning Administrator shall prepare a public notice of public hearings before the Planning Commission and Governing Body. At least 15 but not more than 45 days prior to the date of the public hearing before the Planning Commission, the Zoning Administrator on behalf of the Town shall cause to be published within newspapers of general circulation within the territorial boundaries of the Town a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearings.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the Governing Body or the Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the public hearing before the Planning Commission and which shall remain through the date of any public hearings advertised thereon.

Section 21.2.14. Special Notice Requirements.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a proposed zoning map amendment or conditional use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the Zoning Administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Section 21.2.15. Planning Commission Hearing and Recommendation.

The Planning Commission shall convene and hold a public hearing and provide a recommendation on all applications specified in this Chapter. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the Town as required by O.C.G.A. 36-66-4 (Chapter 21.3 of this Land Use Management Code).

The Planning Commission shall make a recommendation after careful study of the application criteria specified in Table 21.2.4 as appropriate, and after review of any investigations and recommendations supplied by the Zoning Administrator. The Planning Commission's recommendations shall be submitted to the Governing Body with jurisdiction, and its recommendations and, if any, its report, shall be available upon request to the interested members of the public at any meeting on the matter held by the Governing Body with jurisdiction. The Planning Commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body with jurisdiction.

Section 21.2.16. Governing Body Public Notice and Public Hearing.

The Governing Body shall hold a public hearing on the proposed application. At least 15 but not more than 45 days prior to the date of the public hearing before the Governing Body, the Zoning Administrator on behalf of the Town shall cause to be published within newspapers of general circulation within the territorial boundaries of the Town a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearings.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the Governing Body or the Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the public hearing before the Governing Body and which shall remain through the date of any public hearings advertised thereon.

Section 21.2.17. Action by Governing Body.

The Governing Body shall hold a public hearing on all applications specified in this Chapter. Within a period of sixty-five (65) calendar days from the date of the public hearing held by the

Governing Body on any such application(s), said Governing Body shall render a decision on the application(s). In rendering a decision on any such application, the Governing Body with jurisdiction shall consider all information supplied by the Zoning Administrator, the Planning Commission, and any information presented at its own public hearing or that of the Planning Commission. In addition, the Governing Body may but is not required to consider relevant application criteria specified in Table 21.2.4.

Section 21.2.18. Conditional Approval Permitted.

The Governing Body may attach conditions to its approval of any application regulated by this Chapter. Unless otherwise specified in the approval, any site plan submitted as a part of the application shall be considered "binding" on the applicant and must be followed.

Section 21.2.19. Limitations on the Frequency of Filing Applications.

Any application regulated by this Chapter may be withdrawn at the discretion of the person or agency initiating such a request, upon written notice to the Zoning Administrator, at any time prior to the closing of the public hearing before the Governing Body on the application. When any application is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one-half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Zoning Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator. Any application that is withdrawn by the applicant after a public hearing has been closed by the Planning Commission on the matter shall be withdrawn "with prejudice" and shall be subject to the limitations on the frequency of filing and consideration established in Section 21.2.20.

Section 21.2.20. Limitations on the Frequency of Filing Applications.

No application regulated by this Chapter and affecting the same or any portion of property which was denied by the Governing Body shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by Governing Body.

Section 21.2. 21. Site Plan Revisions.

For any application specified in this Chapter which requires a site plan, the site plan that is the subject of such application may be revised and resubmitted by the applicant, but in no event shall a revised site plan resubmitted by an applicant be accepted or considered less than ten (10) calendar days prior to the public hearing by the Governing Body; provided, however; said Governing Body may direct an applicant to submit a revised site plan to the Zoning Administrator for its consideration, in which case, the revised site plan shall be submitted to the Zoning Administrator at least fifteen (15) calendar days prior to any final action being taken on the proposed zoning amendment or conditional use by the Governing Body. At its discretion, the Governing Body may refer the site plan back to the Planning Commission for additional study and recommendation, subject to the time initiations established in this Chapter.

Section 21.2.22. Authority to Grant Concurrent Variances.

The intent of this Section is to permit the filing of an application for variance simultaneously with a rezoning or conditional use application, or both, and have both the concurrent variance and companion application(s) considered in the same cycle of review.

The Governing Body may consider and approve, approve with conditions, or deny an application for one or more variances when such application is made simultaneously (i.e., concurrent variance) with an application for a zoning map amendment, conditional use, and/or application to amend the overlay districts map. In such cases, the Planning Commission shall provide a recommendation on the concurrent variance in addition to the companion application(s). The Planning Commission shall recommend and the Governing Body shall act on any concurrent variance in a separate motion after recommending or acting, respectively, on the other companion application(s).

Any application for a variance not filed simultaneously with another application for discretionary approval shall be processed and considered in accordance with the provisions of Article 22.

Section 21.2.23. Regulations That Cannot Be Varied.

Concurrent variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district pertaining to the subject property.

Section 21.2.24. Application for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of the Land Use Management Code shall make application for said variance in accordance with the requirements of this Chapter.

Section 21.2.25. Criteria to Consider for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of this Land Use Management Code except variances to Articles 26, 27, 28, and 29, shall provide a written justification that one or more of the following condition(s) exist. The Governing Body shall not approve the concurrent variance application unless it shall have adopted findings that all of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 21.2.26. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 *et. seq.*, which Act is incorporated by reference in its entirety into this ordinance. Where any provision of this Chapter is in conflict with any provision of the Law, the Law shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Law, such provision of the Law, so as to meet the mandate of the Law, shall be fully complied with.

**CHAPTER 21.3
PROCEDURES FOR CALLING AND
CONDUCTING PUBLIC HEARINGS**

Section 21.3.1.	Applicability.
Section 21.3.2.	Presiding Officer.
Section 21.3.3.	Opening of Public Hearing.
Section 21.3.4.	Report of Zoning Administrator.
Section 21.3.5.	Applicant.
Section 21.3.6.	Public.
Section 21.3.7.	Applicant's Rebuttal.
Section 21.3.8.	Close of Hearing.
Section 21.3.9.	Decision.

Section 21.3.1. Applicability.

Any public hearing required by this Article except those pursuant to Chapter 21.4 of this Article shall be called and conducted in accordance with the procedures of this Chapter. For purposes of this Chapter, the term "hearing body" shall refer to the Governing Body and the Planning Commission. Nothing contained in this Chapter shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

Section 21.3.2. Presiding Officer.

The presiding officer shall preside over the public hearing. In the case of a Governing Body, the Mayor shall preside, or in the absence of the Mayor the Mayor Pro Tempore, or in the absence of both the Mayor and Mayor Pro Tempore, another member of the Governing Body shall be designated to preside over the public hearing. In the case of the Planning Commission, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson if designated, or if neither is present to preside, another member of the commission shall be designated to preside. Any presiding officer shall be authorized to have the City Attorney conduct any hearing.

Section 21.3.3. Opening of Public Hearing.

The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this Article, shall summarize the processes required by this Chapter, and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

Section 21.3.4. Report of Zoning Administrator.

Upon opening the public hearing, the presiding officer shall recognize the Zoning Administrator or designee, who shall provide a summary of the application and present any recommendations or results of investigations. In the case of public hearings before a Governing Body, unless a member of the Planning Commission is present and is authorized and willing to speak for the Planning Commission on the subject application, the Zoning Administrator shall also summarize the recommendations made by the Planning Commission. Any member of the hearing body upon recognition by the presiding officer may ask questions of the Zoning Administrator or designee or planning commission representative providing the report or recommendations.

Section 21.3.5. Applicant.

When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Following the report of the Zoning Administrator or designee, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application.

There shall be a minimum time period of ten (10) minutes per application at the public hearing for the proponents to present data, evidence, and opinions; the hearing body shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both.

Section 21.3.6. Public.

At the conclusion of the applicant's presentation, the presiding officer shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding officer may ask for a show of hands of those persons who wish to ask questions, make comments, and/or appear in opposition to the application. If it appears that the number of persons wishing to appear in opposition to the application, make comments, or ask questions, is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations and ask questions. There shall be a minimum time period of ten (10) minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions; the hearing body shall not be obligated to provide the full ten-minutes per application to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

The hearing body will consider the questions raised during the public portion of the hearing and may elect to answer questions following the speakers, or it may defer questions to the applicant to be answered during rebuttal.

Any member of the hearing body upon recognition by the presiding officer may ask questions of a member of the public giving testimony.

Section 21.3.7. Applicant's Rebuttal.

At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed a short opportunity for answer questions, rebut the testimony of the public, and provide final comments and remarks. The time devoted to any such rebuttal shall be counted toward the total ten (10) minutes allotted to the applicant under Section 21.3.5, if such a time limit is set by the presiding officer. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant, his or her agent, or both.

Section 21.3.8. Close of Hearing.

After the foregoing procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose.

Section 21.3.9. Decision.

After the public hearing is closed, the hearing body may either vote upon the application at a meeting immediately following the hearing or may delay its vote to a subsequent meeting, subject to the limitations of this Article, provided that notice of the time, date and location when such application will be further considered shall be announced at the close of the public hearing.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this Article for the application in question and other considerations and recommendations as may be considered appropriate. It will not be required that the hearing body consider every criterion specified in this Article as provided in Table 21.2.4 or as otherwise applicable. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented by the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the hearing body on its own initiative or as recommended by the Zoning Administrator or Planning Commission. Otherwise, such application shall be denied. In cases where one or more companion applications are submitted and the Governing Body attaches conditions to the application, such conditions shall unless otherwise specifically stated otherwise become conditions of approval for each companion application.

CHAPTER 21.4 DEVELOPMENT OF REGIONAL IMPACT

Section 21.4.1.	Definitions.
Section 21.4.2.	Applicability.
Section 21.4.3.	Jurisdiction.
Section 21.4.4.	Procedures.

Section 21.4.1. Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the appropriate Regional Development Center (RDC). This form notifies the RDC of a potential development of regional impact in order for the RDC to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the Regional Development Center (RDC), the submission of which serves as an official request that the DRI review process be started by the RDC.

Section 21.4.2. Applicability.

This chapter shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

Section 21.4.3. Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Section 21.4.4. Procedures.

The application procedures established in Chapter 21.3 will be modified by this Chapter in cases where a rezoning request or conditional use application fits the definition of a "development of regional impact." Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a "development of regional impact" according to the aforementioned Rules of the Georgia Department of Community Affairs, the local government with jurisdiction will follow the procedures identified in said administrative rules which are summarized here.

When an application for a development of regional impact is received, the Zoning Administrator on behalf of the Town will complete an "Initial DRI Information" form and a "DRI Review Initiation Request" form. Each of these two forms may be submitted to the Regional Development Center simultaneously, provided the Town has all necessary project-related information.

The Town shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001," as may be amended from time to time, is completed. The Town may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The Town shall not take any official action related to such a project until the DRI review process is completed and the Town has had adequate time to consider the DRI review comments.

After the DRI review process is completed, the Town may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.

If the project receives a negative public finding from the Regional Development Center and the Town approves said project or takes action to advance said project, the Town shall notify the Regional Development Center and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

CHAPTER 21.5 CERTIFICATE OF APPROPRIATENESS

Section 21.5.1.	Definitions.
Section 21.5.2.	Certificate of Appropriateness Required.
Section 21.5.3.	Pre-Application Conference.
Section 21.5.4.	Application Requirements.
Section 21.5.5.	Notice and Public Hearing.
Section 21.5.6.	Criteria for Acting on Certificates of Appropriateness.
Section 21.5.7.	Action.
Section 21.5.8.	Action on Demolitions.
Section 21.5.9.	Certificates Involving Relocations.
Section 21.5.10.	Rejection of Certificate.
Section 21.5.11.	Appeal.
Section 21.5.12.	Validity and Conformance after Certificate is Issued.
Section 21.5.13.	Enforcement.
Section 21.5.14.	Incorporation Clause.

Section 21.5.1. Definitions.

Certificate of appropriateness: A document evidencing approval by the Maysville Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property including landmark, or of a property located within a designated historic district.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features: All those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district: A geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Governing Body.

Historic property: An individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Governing Body.

Material change in appearance: A change that will affect either the exterior architectural features or exterior environmental features of an historic property or any structure, site or work of art within an historic district, and may include any on or more of the following: A reconstruction or alteration of the size, shape, or façade of an historic property, including any of its architectural elements or details; demolition of an historic structure; commencement of excavation for construction purposes; a change in the location of advertising visible from the public right-of-way; the erection, alteration, restoration, or removal of any building or other structure within an

historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Section 21.5.2. Certificate of Appropriateness Required.

Within Town Historic Districts as established in Section 3.3 of this Land Use Management Code, and after the designation by ordinance of any other historic district or property, no "material change in the appearance," as defined by this Chapter, of such historic property, or of a structure, site, or work of art within such historic district, or any individual historic property, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a certificate of appropriateness has been submitted to and approved by the Historic Preservation Commission. A certificate of appropriateness must be issued by the Zoning Administrator after approval by the Historic Preservation Commission, prior to any material change in appearance in such district or to any property.

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof, nor to prevent the property owner from making any use of his property not prohibited by other laws, ordinances, or regulations.

Section 21.5.3. Pre-Application Conference.

All applicants for a certificate of appropriateness are strongly encouraged but not required to schedule a pre-application conference with the Zoning Administrator or his or her designee. A pre-application conference is a time where applicants can familiarize themselves with the application requirements and processes and gain preliminary input from staff as to the suitability of the proposed material change in appearance. Typically, the Historic Preservation Commission is not represented at the pre-application conference, although this does not preclude one or less than a quorum of members of the commission from attending and participating in a pre-application conference.

Section 21.5.4. Application Requirements.

All applications for a certificate of appropriateness shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Elevation drawings and color and material samples. Every application or review involving the construction of a new building or structure and alterations and/or additions to existing structures in any historic district or within a property designated as a historic property shall be accompanied by exterior elevation drawings drawn to scale and signed by an architect, engineer, or other appropriate professional and submitted in sufficient number of copies as required by the Zoning Administrator. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. This requirement for drawings may be waived by the Zoning Administrator in cases of minor applications where photographs and descriptions will provide sufficient information for the Historic Preservation Commission to decide upon the change.

- (b) Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s), and landscape(s) affected, and of existing building(s), structure(s), and landscape(s) on adjoining properties. Applications for the demolition of structures shall be accompanied by photographs of all sides of the building under consideration for demolition and photographs showing contiguous properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the Zoning Administrator.
- (c) Site plan and landscaping plan. For every application relating to a subdivision, commercial or industrial use, a plot plan or site plan drawn to scale shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements. In the case of a building or structure demolition, the site plan and landscaping plan shall show how the foundation area is proposed to be restored.
- (d) Fee. A fee, as may be established by the Governing Body with jurisdiction shall be submitted for said application.
- (e) Additional information. Any additional information as may reasonably be required by the Zoning Administrator shall be submitted with the application.
- (f) Waiver. Where the requested change involves a minor change in the opinion of the Zoning Administrator, he/she may vary or waive any of the information requirements of this section for applications for a certificate of appropriateness.

Section 21.5.5. Notice and Public Hearing.

At least ten (10) days notice of the time and place of each public hearing and the address and applicant for the certificate of appropriateness shall be given by the Zoning Administrator as follows:

- (a) In writing to the applicant and abutting property owners.
- (b) By publication at least once in the form of an advertisement in newspapers of general circulation within the Town or the legal organs.
- (c) By sign posted on the premises of the building or structure proposed for demolition in a location clearly visible from a street.

When the application for Certificate of Appropriateness involves the demolition of a building or structure, notice shall be published in newspapers of general local circulation at least three times prior to the date of the hearing. The purpose of this subsection is to further the purposes of this Chapter by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the Town and to give the Town's interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

Section 21.5.6. Criteria for Acting on Certificates of Appropriateness.

In passing judgment on applications for certificates of appropriateness, the Historic Preservation Commission shall consider the appropriateness of any proposed material change in appearance in the context of the following criteria:

- (a) Consistency with the U.S. Secretary of the Interior's "Standards of Rehabilitation."

- (b) Consistency with any adopted design guidelines for historic districts or historic properties.
- (c) Expert advice, if any is sought on the matter.
- (d) The nature and character of the surrounding areas and the consistency of the proposed application with such nature and character.
- (e) The general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area and the site and landscaping.
- (f) The proposed material change (s) in appearance's overall effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.
- (g) The historical and architectural value and significance, architectural style, general design arrangement, texture, and material of the architectural features involved. The commission shall not consider interior arrangement or use having no effect on exterior architectural features.

Section 21.5.7. Action on Certificates.

The Historic Preservation Commission shall approve or reject an application for a certificate of appropriateness within forty-five (45) days after the filing of a complete application. Where a mutual agreement has been made by the applicant and the Commission for an extension of the time limit, additional time may be taken.

The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change (s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of historic property or the historic district.

The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change (s) in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. The Historic Preservation Commission may deny an application for a Certificate of Appropriateness when in the opinion of the Commission such proposed change would be detrimental to the interests of the historic district or historic property and the public. Among other grounds for considering a design inappropriate are the following defects: character foreign to the area, arresting and spectacular effects, violent contrasts of material, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, and the absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

Section 21.5.8. Certificates Involving Demolitions.

A decision by the Historic Preservation Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by the following criteria:

- (a) The historic, scenic or architectural significance of the building, structure, site, tree or object.

- (b) The importance of the building, structure, site, tree, or object to the ambiance of a district.
- (c) The difficulty or the impossibility of reproducing such a building, structure site, tree, or object because of its design, texture, material, detail, or unique location.
- (d) Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the Town.
- (e) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be. Where such plans or intentions are evident to the Historic Preservation Commission, it shall not grant permission to demolish a building or structure within its jurisdiction without reviewing at the same time the plans for the building or structure that would replace the building or structure proposed to be demolished.
- (f) Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.
- (g) Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.
- (h) Whether the structure is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark.

Section 21.5.9. Certificates Involving Relocations.

A decision by the Historic Preservation Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object from the historic property or district shall be guided by the following criteria:

- (a) The historic character and aesthetic interest the building, structure or object contributes to its present setting.
- (b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
- (c) Whether the building, structure or object can be moved without significant damage to its physical integrity.
- (d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

Section 21.5.10. Rejection of Certificate.

In the event the Historic Preservation Commission rejects an application for a certificate of appropriateness, it shall state its reasons for doing so and shall transmit a record of such action and the reasons there for, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. If he or she so desires, the applicant may make modifications to the plans and may resubmit the application at any time after doing so. The denial of an application for a certificate of appropriateness shall be binding on the Zoning Administrator and, in such a case of denial, no development permit shall be issued by the Zoning Administrator and no building permit shall be issued by the Building Inspector.

Section 21.5.11. Appeal.

Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Governing Body; the appeal must be applied for within fifteen (15) days after notification is sent. The Governing Body may approve, modify, or reject the determination made by the Commission, if the Governing Body finds that the Commission abused its discretion in reaching its decision. The Governing Body shall notify the Commission of any appeal of an application prior to the council meeting. Appeals from decisions of the Governing Body made pursuant to this Chapter may be taken to the Superior Court of the County having jurisdiction, in the manner provided by law, for appeals from conviction for municipal or county ordinance violations.

Section 21.5.12. Validity and Conformance after Certificate is Issued.

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall not be required to be renewed. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate.

Section 21.5.13. Enforcement.

In the event work is performed not in accordance with such certificate, the Zoning Administrator shall issue a cease and desist order and all work shall cease. The Zoning Administrator shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

Section 21.5.14. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq., which Act is incorporated by reference in its entirety into this Chapter. Where any provision of this Chapter is in conflict with any provision of the Act, the Act shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

ARTICLE 22 VARIANCES AND APPEALS

CHAPTER 22.1	VARIANCES
CHAPTER 22.2	APPEALS OF ADMINISTRATIVE DECISIONS

CHAPTER 22.1 VARIANCES

Section 22.1.1.	Applicant Orientation Meeting.
Section 22.1.2.	Application Compliance and Completeness.
Section 22.1.3.	Application Requirements.
Section 22.1.4.	Public Hearing and Procedures.
Section 22.1.5.	Advertised Notice of Public Hearing.
Section 22.1.6.	Public Notice Signs.
Section 22.1.7.	Criteria for Approval of Variances.
Section 22.1.8.	Action.
Section 22.1.9.	Regulations That Cannot Be Varied.
Section 22.1.10.	Notice of Action.
Section 22.1.11.	Appeal.
Section 22.1.12.	Administrative Variances.

Section 22.1.1. Applicant Orientation Meeting.

This Chapter describes stand-alone variance applications. For applications for variance made concurrently with an application for amendment to the official zoning map or a conditional use application, see Chapter 21.2. of this Land Use Management Code.

All applicants for a variance, except those that are filed as a concurrent variance pursuant to Chapter 21.2 of this Land Use Management Code, are required to schedule an applicant orientation meeting with the Zoning Administrator. An applicant orientation meeting is a time where applicants can seek a determination of the number and nature of variances required, familiarize themselves with the application requirements and processes, and gain preliminary input from staff as to the suitability of the proposed variances.

Section 22.1.2. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If a variance application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 22.1.3. Application Requirements.

All applications for a variance shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Application fee.
- (b) Application form furnished by the Zoning Administrator, which at minimum shall describe the requested variance and zoning district in which the subject property is located.
- (c) Survey plat of the property showing all property lines with metes and bounds and dimensions.
- (d) Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features, historic and archaeological sites, and features to be retained, moved or altered.
- (e) Written analysis of how the proposed development compares favorably with the criteria for granting variances as established in this Chapter.
- (f) Site plan of the subject property at an appropriate engineering scale showing the proposed use and relevant information regarding the proposed variance.
- (g) Other information as may be required by the Zoning Administrator.

Where in the opinion of the Zoning Administrator the requested variance involves a minor change, the Zoning Administrator may vary or waive any of the information requirements of this Section for variance applications.

Section 22.1.4. Public Hearing and Procedures.

The Governing Body, or Hearing Examiner if appointed and authorized pursuant to Article 20 of this Land Use Management Code, shall hold a public hearing on each application for variance submitted under the terms of this Chapter. Public hearings required by this Chapter shall be called and conducted in accordance with procedures established in Chapter 21.4 of this Land Use Management Code.

Section 22.1.5. Advertised Notice of Public Hearing.

For any variance application, a public notice shall be published in newspaper of general circulation in the Town at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing by the Governing Body or Hearing Examiner if appointed and authorized. Said public notice shall state the purpose, location, time and date of the hearing, location of the property being considered, the existing zoning classification of the property, and the provision(s) of the zoning ordinance requested to be varied.

Section 22.1.6. Public Notice Signs.

For all applications involving a variance, the Zoning Administrator shall cause to have posted in a conspicuous place on said property one (1) or more signs(s). Each public notice sign shall contain information as to the proposed action with the same content as specified for public notices required to be published in the newspaper.

Section 22.1.7. Criteria for Approval of Variances.

Any applicant requesting consideration of a variance to any provision of the Land Use Management Code shall provide a written justification that one or more of the following condition(s) exist. The Governing Body or Hearing Examiner if appointed and authorized, shall not approve the variance application unless it shall have adopted findings that all of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 22.1.8. Action.

The Governing Body, or Hearing Examiner if appointed and authorized, shall take final action on the variance application at the meeting said application is originally scheduled, unless the agenda item is continued at a later meeting either at the request of the applicant, because of failure of the applicant to be represented, or upon mutual agreement between the Hearing Body and applicant.

The Hearing Body shall take action by rendering one of the following decisions on the variance application:

- (a) Approval as submitted. The application is approved as submitted, and the applicant shall be authorized to file for appropriate development and building permits in accordance with approved plans.
- (b) Approval with conditions. The application is conditionally approved, and the applicant shall be authorized to file for appropriate development, building permit, and/or certificate of occupancy as appropriate, subject to compliance with approved conditions. Conditions imposed by the Hearing Body shall be limited to those that achieve public purposes yet still permit development as accorded similar properties within similar zoning or overlay districts.
- (c) Denial. The application for variance is denied, and the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy, as appropriate. The Hearing Body shall specify in writing to the applicant the reasons for denial.

Section 22.1.9. Regulations That Cannot Be Varied.

Variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

Section 22.1.10. Notice of Action.

The Zoning Administrator shall notify the applicant of the action taken by the Hearing Body on the variance application no later than five (5) working days from the date of such action on said application.

Section 22.1.11. Appeal.

Any person or persons, jointly or severally, aggrieved by any decision of the Governing Body with regard to a decision on a variance application under the terms of this Chapter may take an appeal to Jackson County Superior Court. Any person or persons, jointly or severally, aggrieved by any decision of a Hearing Examiner with regard to a decision on a variance application under the terms of this Chapter may take an appeal to the Governing Body following the same processes as that of the original appeal application.

Section 22.1.12. Administrative Variances.

In addition to authority to grant administrative variances to off-street parking requirements as specified in Section 12.3.7 of this Land Use Management Code, the Zoning Administrator is hereby authorized to, upon application and for due cause shown, consider and administratively vary any building or structure setback required by this Land Use Management Code, provided said administrative variance granted by the Zoning Administrator shall not be more than ten percent (10%) of the required setback, and in no case shall such administrative variance exceed four (4) feet. The Zoning Administrator shall provide the reasons for denial of an application for administrative variance in writing to the applicant.

CHAPTER 22.2 APPEALS OF ADMINISTRATIVE DECISIONS

Section 22.2.1.	Intent.
Section 22.2.2.	Who May Appeal.
Section 22.2.3.	Procedures.
Section 22.2.4.	Stay of Proceedings.
Section 22.2.5.	Fee.
Section 22.2.6.	Finality of Decision.

Section 22.2.1. Intent.

It is the intention of this Chapter that all questions arising in connection with the administration, interpretation, and enforcement of this Land Use Management Code shall be presented first to the Zoning Administrator, and that such questions if they cannot be resolved at the administrative level shall be presented to an appeals body on appeal from decision of an administrative official.

Section 22.2.2. Who May Appeal.

Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator, Building Inspector, City Engineer, or other administrative official in the administration, interpretation, or enforcement of this Land Use Management Code, may file an appeal with the Governing Body, or Hearing Examiner if appointed and authorized pursuant to Article 20 of this Land Use Management Code, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by any officer, department, or Board or Commission of the Town, affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of decision of the administrative official.

Section 22.2.3. Procedures.

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the Zoning Administrator to the Appeal Body. Such appeal shall be taken to the Appeal Body for hearing within thirty-five (35) days of receipt by the Zoning Administrator.

A reasonable time for the hearing of appeals shall be fixed, and there shall be at least fifteen (15) days public notice thereof and due notice to the parties in interest. Specifically, the appeal hearing shall follow public hearing procedures specified in Chapter 21.3 of this Land Use Management Code. At a hearing, any party may testify in person, or by agent or by attorney.

The Hearing Body shall make findings and render a decision in writing within thirty-two (32) days after the initial hearing on the administrative appeal. The Zoning Administrator shall notify the applicant, in writing, of its decision within five (5) working days after the Hearing Body has rendered its decision.

Section 22.2.4. Stay of Proceedings.

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Hearing Body after the notice of appeal shall have been filed with him, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

Section 22.2.5. Fee.

A fee shall be paid to the Town at the time the notice of appeal is filed, which fee shall be used to offset the costs of public notice and administering the appeal process.

Section 22.2.6. Appeal.

Decisions of the Governing Body or a Hearing Examiner if appointed and authorized shall be final.

**ARTICLE 23
PERMITS AND CERTIFICATES**

CHAPTER 23.1 DEVELOPMENT PERMIT
CHAPTER 23.2 BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

**CHAPTER 23.1
DEVELOPMENT PERMIT**

Section 23.1.1. Development Permit.
Section 23.1.2. Exemptions from Development Permit.
Section 23.1.3. Application for Development Permit.
Section 23.1.4. Review and Issuance of Development Permit.
Section 23.1.5. Duration of Validity of Development Permit.

Section 23.1.1. Development Permit.

A development permit shall be required for any proposed use of land(s) or building(s), to indicate and insure compliance with all provisions of this Land Use Management Code before any building permit is issued or any improvement, grading or alteration of land(s) or building(s) commences.

Section 23.1.2. Exemptions from Development Permit.

A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling unit or manufactured home on an individual lot not part of an approved subdivision or development.

Section 23.1.3. Application for Development Permit.

All applications for a development permit shall be made to the Zoning Administrator and shall be accompanied by a sufficient number (as approved by the Zoning Administrator) of sets of plans drawn to scale, signed and stamped by a qualified professional who has authority to produce such plans, with his or her address. Applications shall be made in accordance with application requirements specified by the Zoning Administrator. Plans involving land disturbance shall require the submittal of plans containing information specified in Section 13.4.4 of this Land Use Management Code unless waived by the Zoning Administrator, and the provisions of Article 27 or 28 (whichever is applicable).

Section 23.1.4. Review and Issuance of Development Permit.

The Zoning Administrator shall review the application for development permit, and upon completion of the review, one copy of such plans shall be returned to the owner along with notice of a decision to approve or deny the development permit. All development permits shall be issued by the Zoning Administrator who shall in no case grant any development permit for

the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Land Use Management Code.

If the development permit is denied, the Zoning Administrator shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person.

The provisions of this Section shall apply to applications for development in addition to Section 13.4.5 of this Land Use Management Code.

Section 23.1.5. Duration of Validity of Development Permit.

A development permit shall expire two (2) years after its issuance, subject to the following provisions: if the work described in any development permit has not been begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected, only if the permit is being revoked prior to the two-year expiration date. Application processes shall begin anew for any expired development permit.

CHAPTER 23.2
BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

- Section 23.2.1. Building Permit.
Section 23.2.2. Certificate of Occupancy.

Section 23.2.1. Building Permit.

The Building Inspector is hereby authorized to issue building permits in accordance with all provisions of this Land Use Management Code and only after the Zoning Administrator has issued a development permit, or if no development permit is required, after a review of the application for a building permit for compliance with the provisions of this Land Use Management Code.

No building or other structure shall be erected, moved, extended, occupied, or enlarged, or structurally altered, nor shall a building or structure's use be changed, nor shall any excavation, grading, or filling of any lot for the construction of any building or structure be commenced until the Building Inspector has issued a building permit for such work in conformity with the provisions of this Land Use Management Code and all applicable building and related codes.

Approval of a building permit shall require an application to the Building Inspector as specified in the building and related codes of the municipality with jurisdiction. If the building permit is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the Building Inspector.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one-hundred eighty (180) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

Section 23.2.2. Certificate of Occupancy.

A certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use, of any building or structure hereafter erected, or a change in the use of an existing building or structure.

A certificate of occupancy, either for the whole or part of a building or use, shall be issued within seventy-two (72) hours after the erection or structural alterations of such building, or part, or use established, is completed. Work shall be completed in conformity with the provisions of this Land Use Management Code. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Land Use Management Code.

If the certificate of occupancy is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the Building Inspector.

**ARTICLE 24
ADMINISTRATION AND ENFORCEMENT**

CHAPTER 24.1 ADMINISTRATION
CHAPTER 24.2 ENFORCEMENT

**CHAPTER 24.1
ADMINISTRATION**

Section 24.1.1. Zoning Administrator.
Section 24.1.2. Building Inspector.

Section 24.1.1. Zoning Administrator.

This Land Use Management Code shall be administered, interpreted, and enforced by the Zoning Administrator, who shall have the duties and authority with respect to this Code as provided in the various Articles, Chapters, and Sections of this Code and those necessarily implied by said provisions. To this end, the Zoning Administrator is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this Land Use Management Code, and to implement the provisions of this Land Use Management Code. The Zoning Administrator may delegate administrative functions, powers and duties assigned by this Land Use Management Code to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Section 24.1.2. Building Inspector.

The Building Inspector is hereby authorized to enforce and administer the following provisions of this Land Use Management Code:

- (a) Issue building permits in accordance with all provisions of this Land Use Management Code, but only after the Zoning Administrator has issued a development permit or approved the building permit as meeting the requirements of this Land Use Management Code.
- (b) Make field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. When a violation is found to exist, the building inspector shall immediately advise the Zoning Administrator of the violation so that appropriate legal action may be taken to insure compliance.
- (c) Insure that all construction has been completed in accordance with all applicable Town and other code requirements prior to allowing occupancy.

CHAPTER 24.2 ENFORCEMENT

Section 24.2.1.	Penalties for Violation.
Section 24.2.2.	Enforcement and Remedies.
Section 24.2.3.	Relationship to Soil Erosion Violations.

Section 24.2.1. Penalties for Violation.

In addition to other penalties and withholding of permits as may be specifically provided for in this Land Use Management Code, penalties for violating this Land Use Management Code shall be as provided in this Section.

Any person who violates any provisions of this Land Use Management Code, or any permit condition or limitation established pursuant to this Land Use Management Code, or who negligently or intentionally fails or refuses to comply with any order of the Zoning Administrator shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Land Use Management Code, notwithstanding any provisions in the Town charter to the contrary, the Town municipal court shall be authorized to impose penalties not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of city ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Land Use Management Code shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 24.2.2. Enforcement and Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Land Use Management Code, the Zoning Administrator or any other appropriate authority of the Town may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this Land Use Management Code or city code requiring the presence of the violator in the municipal court; institute injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the occupancy of such building, structure, or land.

Where a violation of this ordinance is deemed to exist by the Zoning Administrator with respect to a structure, building, or land, the Zoning Administrator may, in addition to other remedies, notify the building inspector of such violation and direct, require, or encourage that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

Where a violation of this ordinance exists with respect to the use of any building, structure, or land, the Zoning Administrator may:

- (a) If the violation is by a tenant, person, corporation, firm, or other entity who is not the owner of record of the building, structure, or land, issue a citation for the violation of this Land Use Management Code or any other city code of the Town to such person or entity. In addition, the Zoning Administrator or designee may provide written notice, either personally or by mail, to the owner of record of such building, structure, or land. Notice shall contain a description of said violation and a thirty day period for which to abate or correct such violation. If the owner of record does not bring the use of the building, structure, or land into compliance within thirty (30) days, the owner shall be cited for violation of this Land Use Management Code or any other Town codes. Each day any violation continues shall constitute a separate offense;
- (b) If the violation is by the owner of record of the building, structure, or land, or his agent, assign, employee, or representative, in addition to other remedies available, the Zoning Administrator and the Town may refuse or deny all city permits, licenses, certificates, or applications to said owner or his agents until such violation is abated or corrected.

The Building Inspector may revoke a permit upon a finding that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of a building, structure, electrical, gas, mechanical, or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of the building code, this Land Use Management Code, or any other Town codes. The Building Inspector may upon notice order work immediately ceased on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner.

Section 24.2.3. Relationship to Soil Erosion Violations.

When the provisions of Article 13 of this Land Use Management Code are violated, the Zoning Administrator shall apply the enforcement provisions included in Chapter 13.5 of this Land Use Management Code, but may in addition seek remedies provided in this Chapter.

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**ARTICLE 26
SUBDIVISIONS AND LAND DEVELOPMENT**

CHAPTER 26.1	PURPOSE AND INTENT
CHAPTER 26.2	DEFINITIONS
CHAPTER 26.3	GENERAL PROVISIONS
CHAPTER 26.4	PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL
CHAPTER 26.5	CORRIDOR MAP

**CHAPTER 26.1
PURPOSE AND INTENT**

This Article is adopted with the following purposes:

- (a) To promote orderly, planned, efficient, and economic development and to guide future growth in accordance with the Comprehensive Plan of the Town.
- (b) To ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents, and to secure safety from fire, flood, or other menace.
- (c) To prevent the pollution of air, land, streams, and ponds; to encourage the wise use and management of natural resources, and to preserve the topography and beauty of the community and the value of land.
- (d) To insure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (e) To provide for open spaces through the most efficient design and layout of the land.
- (f) To establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (g) To provide for the proper monumenting of subdivided land and proper legal descriptions.
- (h) To help eliminate the costly maintenance problems which develop when streets and lots are established without proper consideration given to various public purposes.
- (i) To facilitate and inform lot purchasers who generally lack the specialized knowledge needed to evaluate subdivision improvements and design.

CHAPTER 26.2 DEFINITIONS

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public or private road or street.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

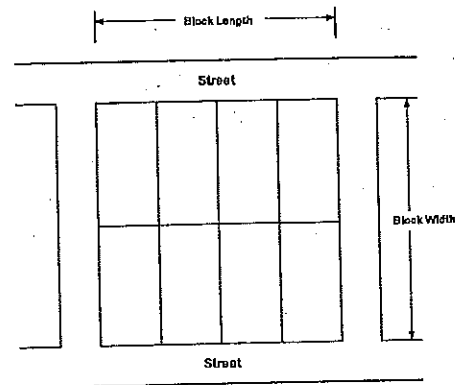
Comprehensive plan: Any plan adopted by the Governing Body of the Town, or any plan adopted by a regional development center covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation 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, if formally adopted by the Town.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep 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 legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the Town Attorney with jurisdiction and recorded in the office of the Clerk of Superior Court of the applicable County. 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 (open space) subdivision: A subdivision, as defined by this Article, 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.



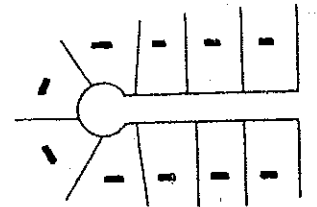
Block, Block Length, and Block Width

Contiguous common parcels: Parcels adjoining or touching each other at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, temporary: A non-permanent vehicular turn around located at the termination of a street or alley.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the City Engineer or designated official of a participating municipality, that permits vehicles to slow down and leave the main vehicle stream.



Cul-de-sac

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

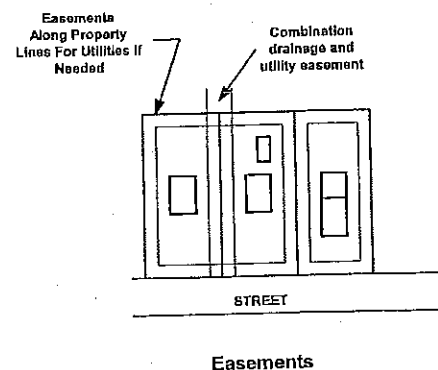
Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Zoning Administrator, or his/her designee.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City Engineer or designated official of the Town to cover the costs of required improvements.



Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the County Superior Court of the applicable county, and containing all elements and requirements set forth in this Article.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as 1) actually containing naturally occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as

amended, and 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Article.

Half street: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community-wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the Governing Body. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way.

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

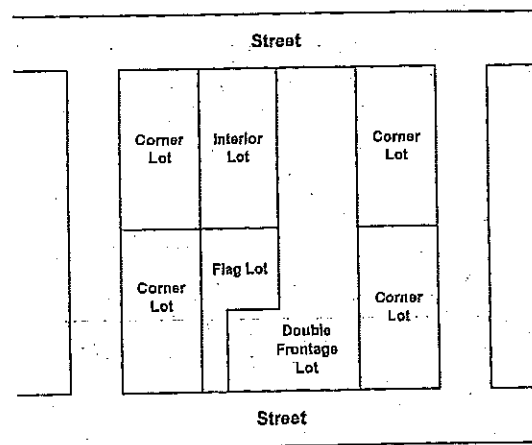
Lot, depth: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

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.

Lot, through: See "Lot, double frontage."

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



TYPES OF LOTS

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Jackson or Banks County Superior Court on the effective date of this Article; or a parcel of land, the deed of which was lawfully recorded in the same office prior to adoption of subdivision regulations by the municipality with jurisdiction.

Lot width: The shortest distance between side lot lines measured at the regulatory/required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot.

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Off-site: Beyond the boundaries of the property in question.

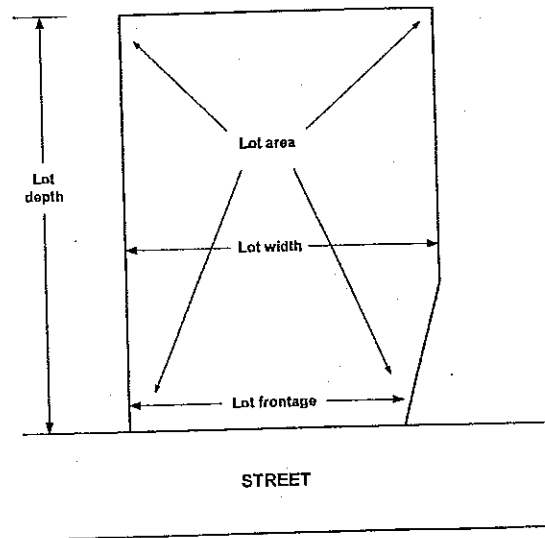
On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as twenty five percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space except as may be otherwise provided by this Article. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Zoning Administrator, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Article, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Package treatment plant: A sewage treatment facility, usually privately operated, typically having a treatment capacity of less than one million gallons per day. In most cases, a package



Lot Definitions

treatment plant is considered a temporary means of wastewater treatment until connection to a public sanitary sewerage system is available.

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Engineer or designated official of the Town to cover the costs of required improvements, and payable to the Governing Body. The Governing Body may call in the performance bond in the event the subdivider defaults on required improvements.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Professional architect: An architect duly registered or otherwise authorized by the State of Georgia to practice in the field of architecture.

Professional landscape architect: A landscape architect duly registered or otherwise authorized by the State of Georgia to practice in the field of landscape architecture.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Reservation: A method of holding land for future public use or dedication to the public by showing proposed public areas on a subdivision plat.

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Right-of-way: (1) A strip of land acquired by dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use; (2) generally, the right of one to pass over the property of another.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in a Comprehensive Plan of the Town, or by other reasonable means.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Site plan: A drawing of a residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including, among other features, the location of buildings, parking areas, buffers, and landscaping. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Steep slopes: Lands with slopes of at least thirty-five (35) percent, as indicated in the Comprehensive Plan of a participating municipality, or which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

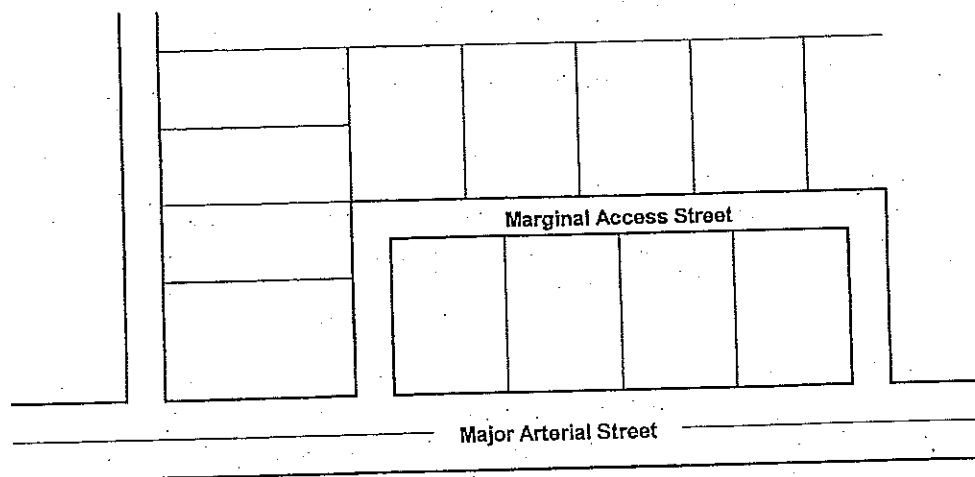
Street: Any vehicular way, other than an alley, that: (1) is an existing federal, state, county or municipal roadway; (2) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel; (3) is constructed and open to vehicle travel as approved by other official action of the Governing Body; or (4) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office of the Superior Court of the applicable county prior the effective date of this Article. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, collector: Unless otherwise defined by the Comprehensive Plan of the Town, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, local: Unless otherwise defined in the Comprehensive Plan of the Town, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, major arterial: Unless otherwise defined by the Comprehensive Plan of the Town, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, marginal access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.



Marginal Access Street

Street, private: A road or street that has not been accepted for maintenance by the Governing Body of a participating municipality and that is not owned and maintained by a state, county, city, or another public entity.

Subdivider: Any person; as defined by this Article, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Article, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions within any three (3) year period for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, minor: A subdivision of five (5) or fewer lots that does not involve the construction of a new public street. Because minor subdivisions do not involve the construction of a new public street, they are processed administratively by the Zoning Administrator as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road as may be required to comply with this Article, shall be done according to plans and permit requirements of this Article, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Article.

Subdivision, major: The division of a tract or parcel of land into six (6) or more lots which may or may not involve the construction of a new public; or any subdivision that involves the construction of a new street. Because major subdivisions involve construction of a new street or the upgrade of an existing private access way to the standards of this Article, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, and final plat approval.

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

Variance: A grant of relief from the strict requirements of this Article, or Articles 27 or 28 of this Land Use Management Code, whichever pertains, which permits construction in a manner that would otherwise be prohibited by Articles 26, 27, or 28 of this code; a minimal relaxation or modification of the strict terms of Articles 26, 27, or 28 of this code as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty; or a grant of relief from the strict requirements of said Articles because a proposed project is unable to meet policies and objectives specifically identified in the Comprehensive Plan of the Town.

CHAPTER 26.3 GENERAL PROVISIONS

Section 26.3.1.	Land is One Tract Until Subdivided.
Section 26.3.2.	All Land Subdivisions to Comply.
Section 26.3.3.	Preliminary Plat and Plans Required Prior to Construction.
Section 26.3.4.	Building and Other Permits.
Section 26.3.5.	Public Streets and Lands.
Section 26.3.6.	Variances.
Section 26.3.7.	Appeals.

Section 26.3.1. Land is One Tract Until Subdivided.

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

Section 26.3.2. All Land Subdivisions to Comply.

No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided pursuant to the requirements of this Article. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this Article. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of the applicable County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Article.

Section 26.3.3. Preliminary Plat and Plans Required Prior to Construction.

No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this Article, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this Article, and Article 27 or 28 of this Land Use Management Code, whichever applies.

Section 26.3.4. Building and Other Permits.

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Article that has not been approved in accordance with the provisions of this Article.

Section 26.3.5. Public Streets and Lands.

No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Article and Articles 27 or 28 of this Land Use

Management Code, whichever applies, and unless said land and/or improvements are formally approved and accepted as public improvements by the Governing Body in accordance with procedures established in this Article.

Section 26.3.6. Variances.

The Governing Body shall be authorized to grant a variance or variances upon application of the subdivider or land developer upon a showing that each of the following criteria have been met which support the granting of a variance to the requirements of this Article and Article 27 or 28, whichever applies. The process of varying this Article and Article 27 or 28, whichever applies, is distinguished from concurrent variances to zoning provisions as authorized by Chapter 21.2 of this Land Use Management Code, and stand-alone variances to zoning provisions as authorized by Chapter 22.2 of this Land Use Management Code.

- (a) There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- (b) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulties that render it difficult to carry out the provisions of this Article, or Article 27 or 28, whichever applies.
- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this Land Use Management Code.
- (d) The variance approved is the minimum variance that will make possible the legal use of the lots, land, building or structure.

Section 26.3.7. Appeals.

Any person aggrieved by an interpretation or decision of an official responsible for the administration of this Article may file an appeal in accordance with Chapter 22.2 of this Land Use Management Code.

CHAPTER 26.4 PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL

Section 26.4.1.	Preliminary Plat.
Section 26.4.2.	Construction Plans.
Section 26.4.3.	Final Plat.
Section 26.4.4.	Dedications of Streets and Public Lands.
Section 26.4.5.	Subdivision Improvement Guarantees.
Section 26.4.6.	Limitations on Minor Subdivisions.

Section 26.4.1. Preliminary Plat.

1. Purpose. The purpose of this Chapter is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of plats and plans of all major subdivisions and land developments for review for compliance with the provisions of this Land Use Management Code.

2. When Required. All major subdivisions, and any subdivision involving the dedication of a public street, shall require the submission of a preliminary plat to the Zoning Administrator for review and approval by the Governing Body. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Governing Body must approve the preliminary plat, if required.

3. Preliminary Plat Application and Specifications. Preliminary plat applications shall be made in accordance with requirements shown in Table 26.4.1, and preliminary plats shall meet the minimum plat specifications shown in Table 26.4.2.

4. Procedures. Upon receipt of a completed preliminary plat application, the Zoning Administrator shall schedule the application for the next public meeting before the Governing Body and forward all pertinent materials in the application to the Governing Body for review. An application for preliminary plat approval must be submitted at least thirty (30) days before the regular meeting date of the Governing Body to be considered on that agenda. The Governing Body shall have thirty (30) days from the date it is first considered at a public meeting of the commission to approve, conditionally approve, or deny the preliminary plat application. The basis of the Governing Body's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Article and the Land Use Management Code generally.

5. Disposition. Approval of a preliminary plat shall be valid for a period of one (1) year, after which time a complete application for construction plan approval must be submitted. If a completed application for construction plan approval is not submitted during that time, preliminary plat approval shall expire and be null and void.

**TABLE 26.4.1
APPLICATION REQUIREMENTS**

REQUIREMENT	MINOR SUBDIVISION	MAJOR SUBDIVISION		
		PRELIM- INARY PLAT	CONSTRUC- TION PLANS	FINAL PLAT
Pre-application review with staff	Recommended			
Application form completed		Required	Required	Required
Letter requesting approval with name, address, and phone of applicant		Required		
Number of copies of plat	To Be Determined by Zoning Administrator	To Be Determined by Zoning Administrator	To Be Determined by Zoning Administrator	To Be Determined by Zoning Administrator
Filing fee	Required	Required	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required	Required
Soil test for each lot proposed for on-site septic tank and drainfield	Required	Required	Required	Required
Data on existing conditions		Required		
Hydrological or other engineering study	Per Planning Commission		Required	
Subdivision entrance monument and landscaping elevation/plan (prepared by landscape architect)			Required	
Written approval from electric utility company regarding installation of service points and street lights	Required			Required
As-built drawings of public improvements				Required
Subdivision improvement guarantee				Required
Certificate of title	Required			Required
Plat Certificates	Required			Required

6. Amendments to Approved Preliminary Plats. The Zoning Administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Governing Body approval shall be required. The Governing Body shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval as specified in this Section.

**TABLE 26.4.2
PLAT AND PLAN REQUIREMENTS**

INFORMATION REQUIRED TO BE ON THE PLAT OR CONSTRUCTION PLANS	PRELIMINARY PLAT	CONSTRUCTION PLANS	FINAL PLAT
Scale (minimum)*	1"=100 feet	1"=100 feet	1"=100 feet
Sheet size (maximum)	24" x 36"	24" x 36"	18" x 22"
North arrow and graphic engineering scale	Required	Required	Required
Reference to north point (magnetic, true north, or grid north)			Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map	Required	Required	Required
Total acreage of the property being subdivided	Required	Required	Required
Name, address, and telephone of owner of record	Required	Required	Required
Name, address and telephone of subdivider	Required	Required	Required
Name, address and telephone of preparer of plat	Required	Required	Required
Date of plat drawing and revision date(s) if any	Required	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more benchmarks	Required	Required	Required
Names of owners of record of all abutting land	Required	Required	Required
Municipal, County and land lot lines inside the property or within 500 feet	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Required	Required
Existing streets, utilities and easements on and adjacent to the tract	Required	Required	Required
INFORMATION REQUIRED TO BE ON THE PLAT OR CONSTRUCTION PLANS	PRELIMINARY PLAT	CONSTRUCTION PLANS	FINAL PLAT
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, buffers, tree	Required	Required	Required

save areas, etc.)			
Landscape Plan per Article 16	Required	Required	Not Shown
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition	Required		Required
Dimensions and acreage of all lots	Approximate	Exact	Exact
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets		Required	Required
Locations, widths and purposes of easements		Required	Required
Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required	Required
Acreage to be dedicated to the public			Required
Street names	Recommended	Required	Required
Street mailing address for each lot			Required
Topography	Per Director	Per Director	Not Shown
Minimum front building setback lines for all lots	Required	Required	Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Plat recording and signature block			Required
Signature block for Governing Authority approval	Required		Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
Statement of and reference to private covenants		Recommended	Required
INFORMATION REQUIRED TO BE ON THE PLAT OR CONSTRUCTION PLANS	PRELIMINARY PLAT	CONSTRUCTION PLANS	FINAL PLAT
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required	

*All plans and drawings submitted for review shall be drawn neatly and of a scale so as to be easily legible.

Section 26.4.2. Construction Plans.

1. **Application.** Upon approval of a preliminary plat, the subdivider or land developer may apply for construction plan approval. In the case of a minor subdivision, or in cases where a preliminary plat is not required by this Article, the subdivider or land developer may apply for approval of construction plans; provided, however, that in the case of a minor subdivision or land development the applicant for construction plan approval should hold a pre-application conference with the Zoning Administrator to ensure that plans meet the intent and specific provisions of this Article and other applicable regulations in this Land Use Management Code. The construction plan approval process is administrative. Applications for construction plan approval shall be made in accordance with requirements shown in Table 26.4.1 and Table 26.4.2. In addition, the application for construction plan approval shall also meet the minimum requirements for development plan approval specified by Chapters 13.4 and 23.1 of this Land Use Management Code. No application for construction plan approval shall be accepted for processing nor approved by the Zoning Administrator until a preliminary plat, if required, has been approved by the Governing Body and the proposed construction plans are found by the Zoning Administrator to be in substantial conformity with the approved preliminary plat, any conditions of such approval, and applicable provisions of this Land Use Management Code. When consistent with said provisions, approval of construction plans pursuant to this Article shall constitute approval of development permit required by Chapter 23.1 of this Land Use Management Code and approval of soil erosion and sedimentation control plans and authorization to engage in land-disturbing activities as required by Article 13 of this Land Use Management Code.

2. **Zoning Administrator's Decision Criteria.** The only basis upon which the Zoning Administrator may deny a construction plan is the failure of the application to meet the requirements of this Article or the Land Use Management Code generally, or any other applicable local regulations or the failure of the construction plans and application to meet the requirements of preliminary plat approval specified by the Governing Body.

3. **Certificate of Approval.** All copies of the construction plans shall be noted by inscription on the plans noting such approval by the Zoning Administrator. Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land have been initiated, or unless an extension of time is approved by the Zoning Administrator.

Section 26.4.3. Final Plat.

1. **When Required.** All major subdivisions, minor subdivisions, and dedications shall require final plat approval. The final plat approval process is administrative. Applications shall be made in accordance with requirements shown in Table 26.4.1.

2. **Criteria for Approval.** The Zoning Administrator may grant final plat approval if the following conditions, as applicable, are met:

- (a) A preliminary plat of the proposed subdivision, if required, has been previously approved by the Governing Body (not required for minor subdivision).
- (b) Where new improvements are involved in the subdivision, construction plans have been approved by the Zoning Administrator, all improvements have been installed, improvements have been inspected by the Zoning Administrator, and subdivision improvement guarantees as required by this Article have been submitted.
- (c) The final plat meets all applicable requirements of this Article.
- (d) A complete final plat application has been submitted, including all supporting materials required by this chapter for final plats.

Final plats and applications that meet the above-referenced conditions shall be considered a ministerial action of approval by the Administrator. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced conditions have not been met.

3. Approval Certificate. Upon approval of the final plat, a certificate, stamped directly on the plat, shall state:

"Pursuant to the subdivision and land development regulations of the Maysville Land Use Management Code, and all requirements of approval having been fulfilled, this final plat was given preliminary approval by the Governing Body of the Town of Maysville on _____, 20__, and final approval by the Zoning Administrator and it is entitled to be recorded in the Clerk's Office, _____ County Superior Court."

4. Additional Plat Certificates. In addition to information required by Table 26.4.2 to be supplied on a final plat, each final plat shall contain the following certificates.

Surveyor's Certificate. A signed certificate by a registered land surveyor directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or persons under my supervision; that all monuments shown hereon actually exist or are marked as "future," and that their location, size, type and material are correctly shown; and that all engineering requirements of the Land Use Management Code of the Maysville, Georgia, have been fully complied with.

By: _____
Registered Georgia Land Surveyor No.: _____

Owner's Certificate. A certificate signed by the owner directly on the final plat, as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all state, city and county taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the street right-of-way as shown on this plat.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

Health Department Approval Certificate. This final plat has been approved by the

County Health Department as being consistent with applicable state
and local environmental health requirements.

Director, _____ County Health Department

Section 26.4.4. Dedications of Streets and Public Lands.

Subdivision streets and right-of-ways and other lands to be dedicated to the public shall be accepted by the Town only upon the delivery to the Governing Body of a general warranty deed conveying fee simple title of such right-of-ways and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the Governing Body of the Town certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by Resolution of the Governing Body.

Section 26.4.5. Subdivision Improvement Guarantees.

In order to protect the Town and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the Governing Body financial security to guarantee the installation of all public improvements. The financial guarantee of the subdivider or developer shall be a performance bond for the benefit of the Town upon which the Governing Body can collect. The bond shall be in an amount to secure the full costs, as determined by the Governing Body, of constructing or installing all streets and utilities and other public improvements required. The performance bond shall have a duration of eighteen (18) months or until such time as at least twenty-five percent (25%) of the homes planned in a subdivision have been constructed, whichever occurs later. The date to determine the beginning of the eighteen month time period shall be the date of approval of the final plat.

Section 26.4.6. Limitations on Minor Subdivisions.

1. Purpose. Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Governing Body of the Town to prohibit the practice of "chain" subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than two (2) lots. It is also the intent of the Governing Body to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by

another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.

2. Contiguous Common Parcels Shown on Minor Subdivision Plats. Contiguous common parcels, as defined by this Article, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Contiguous common parcels shall not be counted as lots in the case of a minor subdivision.

3. Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of five years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this Article. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last five years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate unrelated ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a five year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of five years, regardless of ownership.

CHAPTER 26.5 CORRIDOR MAP

Section 26.5.1.	Purpose and Intent.
Section 26.5.2.	Definitions.
Section 26.5.3.	Findings and Corridor Map Adoption.
Section 26.5.4.	General Provisions.
Section 26.5.5.	Development Permit Required to Develop Reserved Land.
Section 26.5.6.	Public Hearing and Notice on Development Permit.
Section 26.5.7.	Action.
Section 26.5.8.	Authority to Acquire Reserved Land for Public Use.
Section 26.5.9.	Final Action on the Development Permit.

Section 26.5.1. Purpose and Intent.

The purposes of a corridor map are to implement local Comprehensive Plans, especially transportation and thoroughfare plans, by reserving land needed for future transportation facilities designated by a plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors where the construction and improvement of transportation facilities is expected, to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, and to protect the rights of landowners whose land is reserved on a corridor map.

Section 26.5.2. Definitions.

Corridor map: A map adopted by a Governing Body of the Town which designates land to be reserved for the construction of future or improvement of existing transportation facilities. The corridor map establishes the width and termini of corridors as necessary to allow flexibility in planning the design of a transportation facility.

Reserved land: Land shown on the corridor map as "reserved."

Transportation facilities: Streets, highways, bikeways, sidewalks, and trails.

Section 26.5.3. Findings and Corridor Map Adoption.

The Governing Body of the Town reserves the right to adopt a corridor map that is consistent in all respects with the Comprehensive Plan or plans of the Town. Prior to adoption of a corridor map, the following actions shall be taken to ensure procedural due process:

- (a) Prior to public hearing, if the proposed corridor map includes land intended for transportation facilities to be constructed or improved by governmental units other than the Town, a copy of the proposed corridor map shall be submitted to the chief executive officer of each such governmental unit who shall be allowed thirty (30) days to indicate in writing any reserved land for transportation facilities for which they are responsible that they want removed from the corridor map, in which case such reserved land shall be removed from the corridor map.

- (b) At least fifteen (15) days before the public hearing, the Zoning Administrator shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territories of the local government or governments with jurisdiction.
- (c) The Zoning Administrator shall notify all owners of parcels of land that include proposed reserved land of the date, time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.
- (d) The Governing Body shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed corridor map.

Section 26.5.4. General Provisions.

The Zoning Administrator shall not issue any permit pertaining to land use, zoning or development on land regulated by this Chapter except pursuant to the procedures and in compliance with this Chapter. This Chapter does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this Chapter forbid or restrict development on the unreserved portion of any reserved land.

Section 26.5.5. Development Permit Required to Develop Reserved Land.

An owner of reserved land who proposes to develop reserved land shall apply to the Zoning Administrator for a Development Permit. It shall be unlawful to carry out development upon land shown as reserved on the corridor map without securing a Development Permit as required by this Chapter and the Land Use Management Code generally.

Section 26.5.6. Public Hearing and Notice on Development Permit.

Upon receiving an application for a development permit involving reserved land as shown on an adopted corridor map, the Zoning Administrator shall arrange for the application to be scheduled for public hearing before the Governing Body. The applicant (and the governmental unit, if land is reserved for a public use by a governmental unit other than the local government) shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or facsimile, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the county of the local government at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application, as shall any governmental unit or interested individual that has an interest in the application.

Section 26.5.7. Action.

Following the public hearing, the Governing Body may take one of the following actions:

- (a) Approve the development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor,

- and issue with or without conditions the development permit authorizing development on the land removed from the mapped corridor.
- (b) Modify the proposed development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.
 - (c) Delay action on the development permit for a defined period of time not to exceed three (3) months for the purpose of any of the following: negotiating with the property owner for the purchase of all or a part of the reserved land by the governmental agency responsible for the transportation facilities; acquiring the reserved land voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; taking the reserved land through eminent domain and the payment of just compensation.

Section 26.5.8. Authority to Acquire Reserved Land for Public Use.

After considering the development permit by the Governing Body pursuant to this Chapter, the local government or other governmental unit responsible for the transportation facilities may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain.

Section 26.5.9. Final Action on the Development Permit.

If the Governing Body delays action on the development permit as provided by this Chapter, and the governmental agency responsible for transportation facilities on the reserved land fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed three (3) months, then the Governing Body shall approve the development permit, with or without conditions.

**ARTICLE 27
EXURBAN/RURAL DESIGN AND IMPROVEMENT REQUIREMENTS**

CHAPTER 27.1	GENERAL PROVISIONS
CHAPTER 27.2	DESIGN REQUIREMENT FOR STREETS
CHAPTER 27.3	DESIGN REQUIREMENTS FOR LOTS AND BLOCKS
CHAPTER 27.4	STORM DRAINAGE AND UTILITIES

**CHAPTER 27.1
GENERAL PROVISIONS**

Section 27.1.1.	Purpose.
Section 27.1.2.	Definitions.
Section 27.1.3.	Authority.
Section 27.1.4.	Applicability and Exemption.
Section 27.1.5.	Engineered Drawings
Section 27.1.6.	Permits for Construction in Public Right-Of-Way
Section 27.1.7.	Improvements to Abutting Land

Section 27.1.1. Purpose.

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code.

Section 27.1.2. Definitions.

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 27.1.3. Authority.

The Governing Body is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in this Land Use Management Code. The Quad Cities Planning Commission Governing Body is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator is hereby authorized to review and approve certain subdivision specified in this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 27.1.4. Applicability and Exemption.

This Article shall apply in all Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Governing Body. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Governing Body pursuant to this Article.

Section 27.1.5. Engineered Drawings.

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 27.1.6. Permits for Construction in Public Right-Of-Way.

Permits shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer. Permit fees shall be determined by the Governing Body.

Section 27.1.7. Improvements to Abutting Land.

For subdivisions and land developments that access an abutting public street, the subdivider or land developer may be required by the Governing Body or Zoning Administrator to make certain improvements according to standards and specifications in this Article or adopted pursuant thereto, along all abutting public streets accessed. Determination of necessary improvements to an abutting public street shall be based on the capacity of the street to accommodate the increased level of traffic due to the development of land. When a subdivision or land development uses an

unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

CHAPTER 27.2 DESIGN REQUIREMENTS FOR STREETS

Section 27.2.1.	Standards for Configuring New Streets.
Section 27.2.2.	Requirements for Streets.
Section 27.2.3	Curb Cuts and Access Specifications.
Section 27.2.4.	Street Lighting.
Section 27.2.5.	Street Signs.
Section 27.2.6.	Curbs and Gutters.
Section 27.2.7.	Sidewalks.

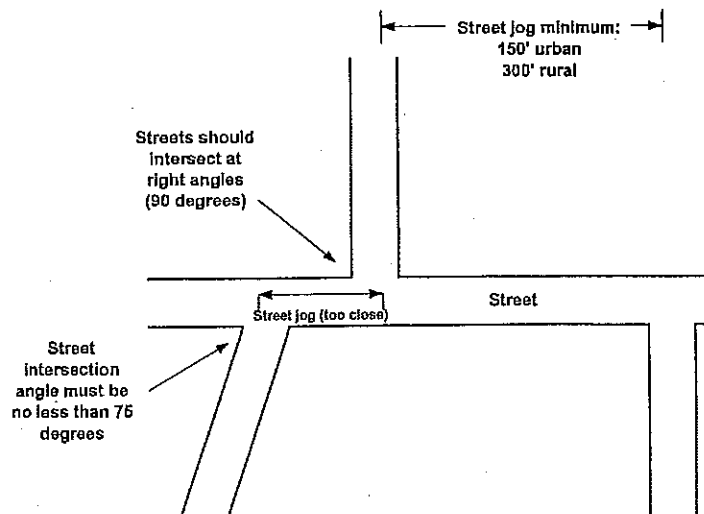
Section 27.2.1. Standards for Configuring New Streets.

1. Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 300 feet (exurban/rural areas).

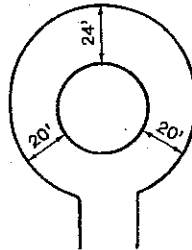
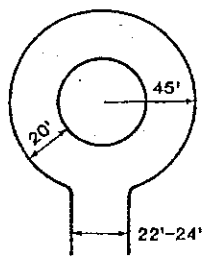
2. Continuation of Existing Streets and Connections. Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Governing Body may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

3. Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.

4. Dead-end Streets and Cul-de-sacs. Streets that dead-end shall terminate in a cul-de-sac or acceptable alternative street ending such as a center island cul-de-sac or hammerhead "T" turnaround. The maximum length of such streets shall be 1200 feet (exurban/rural areas).

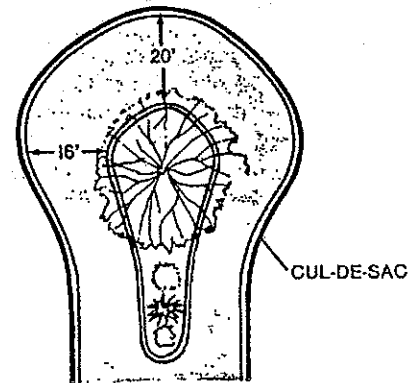


Intersection Angles and Street Jogs



Source: Kulash, Walter M. 2001. *Residential Streets*, 3rd Ed. Washington, DC: Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers, and Institute of Transportation Engineers. p. 35.

Illustrative Cul-de-sacs With Islands



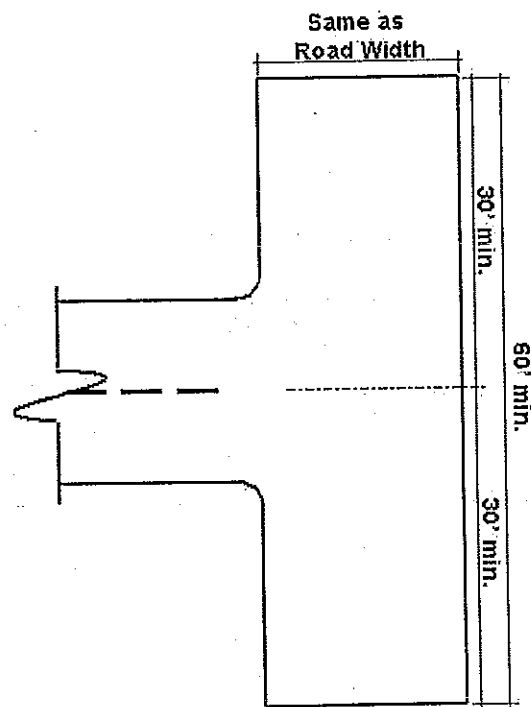
Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 4.43, p. 355. New York: McGraw-Hill.

Center-island cul-de-sacs shall minimum radii approved by the Planning Commission, which may approve alternative, flexible center-island cul-de-sac designs (for instance, see figures) as a part of preliminary plat approval.

Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Governing Body.

A hammer-head turnaround shall have a minimum pavement width the same as the road width (or not less than 15 feet), and shall extend a minimum of 30 feet to either side of the centerline of the dead-end street (60 feet total). The cross piece of the "T" shall be located within a 50 feet wide right-of-way that shall extend at least 10 feet beyond the ends of the pavement.

5. Alleys and Service Access. Alleys may be permitted in exurban/rural areas. If alleys are provided, they must be paved with asphalt or concrete or finished with gravel. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).



Hammerhead/T Detail

6. Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Governing Body at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Governing Body may also require a 20 foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

Section 27.2.2. Requirements For Streets.

1. Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO) standards, unless it can be shown that alternative specifications are equivalent to said standards and are more in keeping with exurban/rural character, in which case modifications to said standards may be made by the Planning Commission.

2. Grading and Stabilization of Street Rights-of-way. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Governing Body. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.

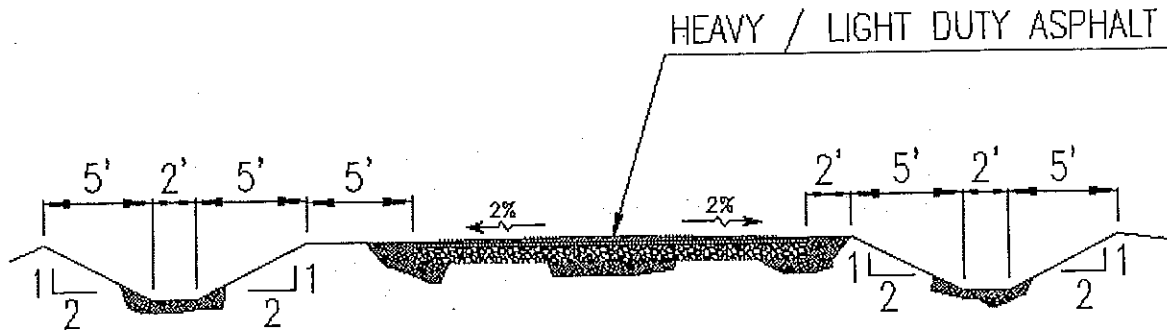
3. Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Governing Body.

4. Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Governing Body finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.

5. Minimum Street Right-of-way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following (also see cross-section figure):

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	80	30*
Local street with curb and gutter	50	24 (back of curb to back of curb)
Local street without curb and gutter	60	20
Cul-de-sac turn around radius	50	40
One-way Lane or Alley	30	10

* Width may vary based on proposed design of collector road, subject to approval of the Governing Body.



6. Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

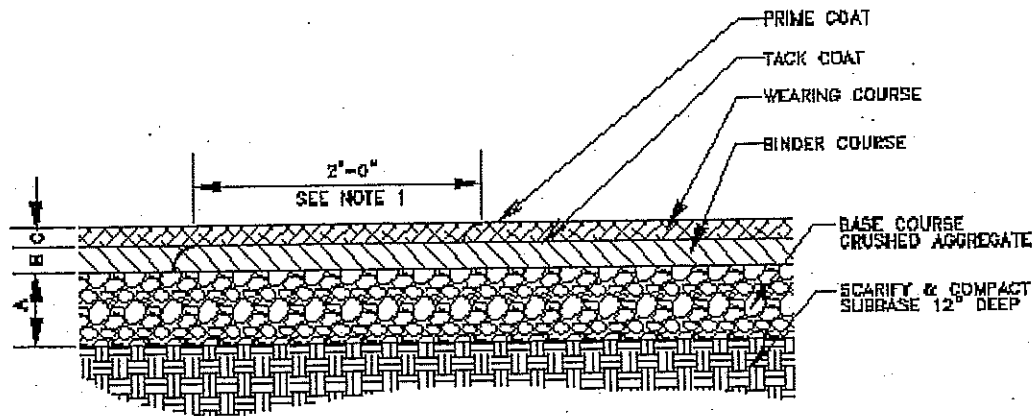
STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1250	250
Collector street	500	100
Local street with curb and gutter	100	100
Local street without curb and gutter	100	100
Dead-end street	100	100

7. Street Paving Standards. All new streets shall be paved.

Street paving must at minimum meet the following:

Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

Base Compaction: Before paving is commenced, the subdivider shall provide two copies of a certificate from an engineer or certified private testing laboratory of the compaction test on the graded aggregate base course.



NOTES:

1. PROVIDE 2'-0\"

Typical Asphalt Road Section Detail

Base and Paving: The minimum base and paving shall be as follows; however, the Governing Body shall have the right to increase these specifications should the projected traffic for the development exceed the capacity of these minimum specifications.

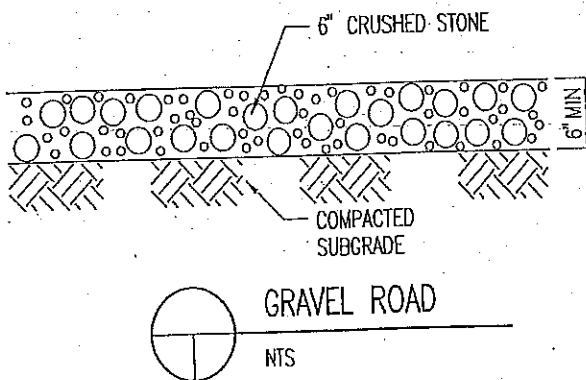
Commercial/Heavy Roads

- A. 10.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Residential/Subdivision Streets

- D. 6.0 inches of graded aggregate base course compacted to 95%.
- E. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- F. 1.5 inches of asphaltic concrete wearing surface type "F".

Gravel Roads/Alleys: Gravel roads shall consist of a subgrade that is proofrolled consistent with standard paving practices and a six (6) inch base of crushed stone compacted to 95%.



Section 27.2.3 Curb Cuts and Access Specifications.

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Governing Body, in accordance with State or local specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of such entrances or exits and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any public street shall be approved by the City Engineer prior to the construction of such entrances or exits and after issuance of a driveway permit as specified in Article 9.2 of this Land Use Management Code.

Section 27.2.4. Street Lighting.

In the interest of preserving the rural atmosphere of the night sky in exurban and rural areas, street lighting along streets in new subdivisions or land developments is discouraged. If desired by a developer, streetlights must be installed in accordance with local utility companies' standards and should additionally be designed and detailed so as to be compatible with the rural environment (i.e. post-top lights, not cobra-head lights). Installation and maintenance of the streetlights shall be the responsibility of the developer, and payment for operations and maintenance shall be assigned to a homeowners association unless responsibility for payment for operations and maintenance is accepted by the Governing Body.

Section 27.2.5. Street Signs.

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Governing Body. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Governing Body and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Governing Body.

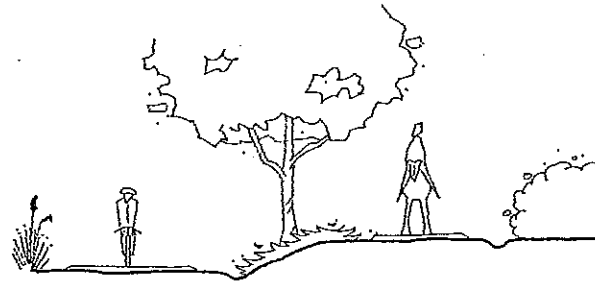
Unless otherwise adopted by the Governing Body, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 27.2.6. Curbs and Gutters.

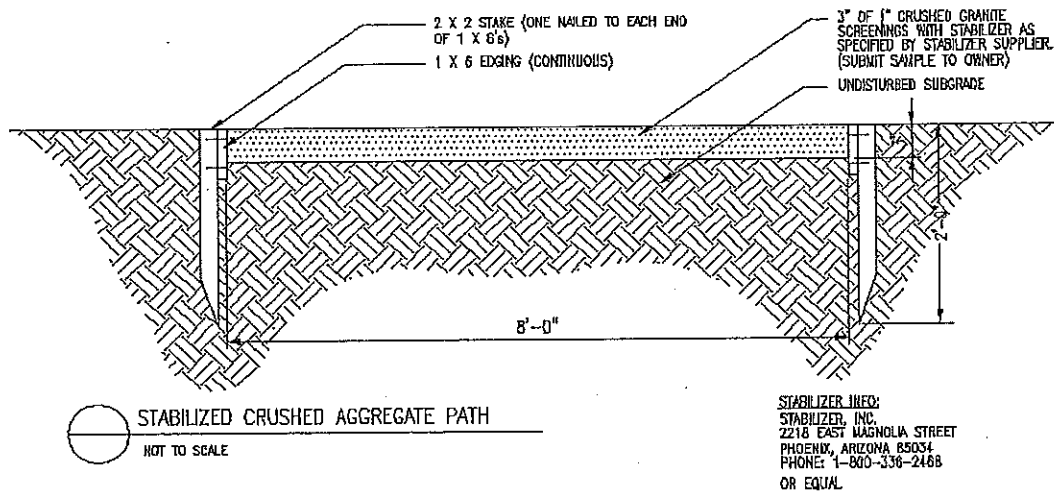
Curbs and gutters shall not be required for roads in exurban and rural area developments. Should a subdivider or developer desire to construct curbs and gutters for streets in a subdivision, such curbs and gutters shall be constructed in accordance with the standards and specifications of Section 28.2.6 of this code.

Section 27.2.7. Sidewalks.

Sidewalks shall not be required in exurban and rural area developments unless sidewalks are determined to be required in the Comprehensive Plan of the Town, unless the Zoning Administrator determines that a public need exists for sidewalks in a certain location, or in the case that a land development or subdivision is located within one mile of a public school. If required, sidewalks shall be designed in accordance with Article 28 of this Land Use Management Code.



As an alternative to sidewalks, developments in exurban and rural areas are encouraged to include common pedestrian paths constructed of pervious surfacing materials such as gravel, brick dust, mulch or other similar surface. Such paths should follow routes that are desirable and appropriate for the individual landscape and an easement should be established, where feasible, in order to ensure the long-term accessibility of the path.



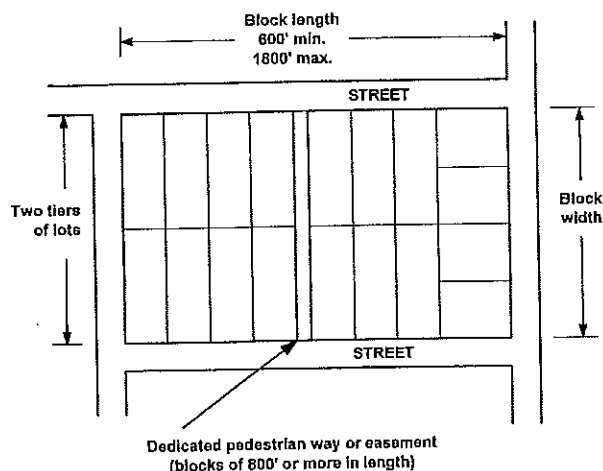
Pedestrian Path Typical Detail

CHAPTER 27.3 DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 27.3.1. Design Requirements for Blocks.
Section 27.3.2. Design Requirements for Lots.

Section 27.3.1. Design Requirements for Blocks.

1. Block Length. Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Governing Body near the center of blocks.



Block Length, Block Width, and Pedestrian Way

2. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

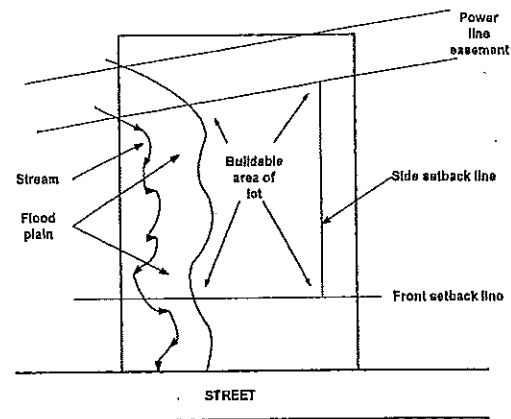
Section 27.3.2. Design Requirements for Lots.

1 Natural Features and Assets. In the subdividing of land, due regard shall be shown watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards (see figure).



2 Access and Minimum Lot Frontage. Each lot shall have access to a public street with the minimum lot frontage on a public street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.



Adequate Building Area Required

4. Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Zoning Administrator may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

5. Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code)..

6. Lot Area. The minimum lot area shall not be less than that established by the dimensional requirements of zoning districts in this Code (Tables 6.2, 7.2, 8.2).

7. Lot Width. No portion of a lot, with the exception of cul-de-sac lots and approved flag lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.

8. Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

9. Flag Lots. In exurban and rural areas, flag lots may be allowed under special approval from the Planning Commission due to demonstrated need related to the accessibility of property. Flag lots shall not constitute more than twenty percent (20%) of the lots in a major subdivision. Under no circumstances may more than two adjacent flag lots be permitted.

10. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

11. Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

12. Double Frontage Lots. Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 27.4 STORM DRAINAGE AND UTILITIES

Section 27.4.1.	Drainage and Stormwater Management.
Section 27.4.2.	Water.
Section 27.4.3.	Sewer.
Section 27.4.4.	Utilities.
Section 27.4.5.	Oversizing of Improvements and Utilities.
Section 27.4.6.	Procedure for Administrative Inspection and Acceptance of Public Improvements.

Section 27.4.1. Drainage and Stormwater Management.

1. **General Requirements.** An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the The Town. The Governing Body may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Governing Body shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.
2. **Method of Design and Capacity.** Use of conventional storm sewers is discouraged in exurban and rural areas. If unavoidable, stormwater pipes and sewers shall be designed in accordance with Section 28.4.1 of this Code. Drainage swales are preferred in lieu of stormwater piping, and techniques such as pervious paving, infiltration recharge basins, vegetative filter strips and sand filter strips (see details in Section 12.3.13 of this Code) are encouraged to minimize the need for detention/retention basins. Capacity for a 25-year frequency storm event shall be provided for in all circumstances.
3. **Location.** Drainage facilities such as swales and ditches shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of e Town. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.
4. **Discharge.** Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of

water quality Best Management Practices (BMPs) that meet the approval of the Governing Body. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

5. Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and paved areas shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

6. Cross-drain Pipes. Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of the Town. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the Town.

7. Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 27.4.2. Water.

1. Generally. All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

2. Water Main Requirements. When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the Town and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/enviro/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. Wells. If a County and/or municipal public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Governing Body, individual wells may be used in a manner so that an adequate supply of potable

water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to Director prior to final subdivision plat approval.

4. Community Water System. If a County and/or Town water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the applicable County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Maysville Fire Department. Location and construction of fire hydrants shall be in accordance with the Town's specifications and shall meet the current AWWA Standard C502. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 27.4.3. Sewer.

1. General. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

2. Connection to Public Sewerage System. In exurban and rural areas, it is generally anticipated that a public sewerage system will not be reasonably accessible to serve new development. In the case that connection to a public sewerage system is proposed by a developer, the specifications of Section 28.4.3 of this Code shall be followed regarding connection to the public sewerage system.

3. Alternative Provision. In exurban and rural areas, on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the applicable County Health Department and according to specifications adopted by the Governing Body.

4. Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage,

and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the applicable County Health Department.

Section 27.4.4. Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the Town.

Section 27.4.5. Oversizing of Improvements and Utilities.

The subdivider or land developer shall construct such oversized improvements and utilities that the Governing Body (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Governing Body or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 27.4.6. Procedure for Administrative Inspection and Acceptance of Public Improvements.

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be approved by the local Governing Body shall be forwarded to the Governing Body by the Zoning Administrator.

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ARTICLE 28 SUBURBAN/URBAN DESIGN AND IMPROVEMENT REQUIREMENTS

CHAPTER 28.1	GENERAL PROVISIONS
CHAPTER 28.2	DESIGN REQUIREMENT FOR STREETS
CHAPTER 28.3	DESIGN REQUIREMENTS FOR LOTS AND BLOCKS
CHAPTER 28.4	STORM DRAINAGE AND UTILITIES

CHAPTER 28.1 GENERAL PROVISIONS

Section 28.1.1.	Purpose.
Section 28.1.2.	Definitions.
Section 28.1.3.	Authority.
Section 28.1.4.	Applicability and Exemption.
Section 28.1.5.	Engineered Drawings.
Section 28.1.6.	Permits for Construction in Public Right-of-Way.
Section 28.1.7.	Improvements to Abutting Land.

Section 28.1.1. Purpose.

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Residential Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code.

Section 28.1.2. Definitions.

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 28.1.3. Authority.

The Governing Body is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in Article 26 of this Land Use Management Code. The Governing Body is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator, Governing Body, is hereby authorized to review and approve certain subdivision specified in Article 26 of this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 28.1.4. Applicability and Exemption.

This Article shall apply in all Residential (R) Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by Article 26 of this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Governing Body. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Governing Body pursuant to this Article.

Section 28.1.5. Engineered Drawings.

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 28.1.6. Permits for Construction in Public Right-of-Way.

Permits shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer. Permit fees shall be determined by the Governing Body.

Section 28.1.7. Improvements To Abutting Land.

For subdivisions and land developments that access an abutting public street, the subdivider or land developer may be required by the Governing Body or Zoning Administrator to make certain improvements according to standards and specifications in this Article or adopted pursuant thereto, along all abutting public streets accessed. Determination of necessary improvements to an abutting public street shall be based on the capacity of the street to accommodate the increased level of traffic due to the development of land. When a subdivision

or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

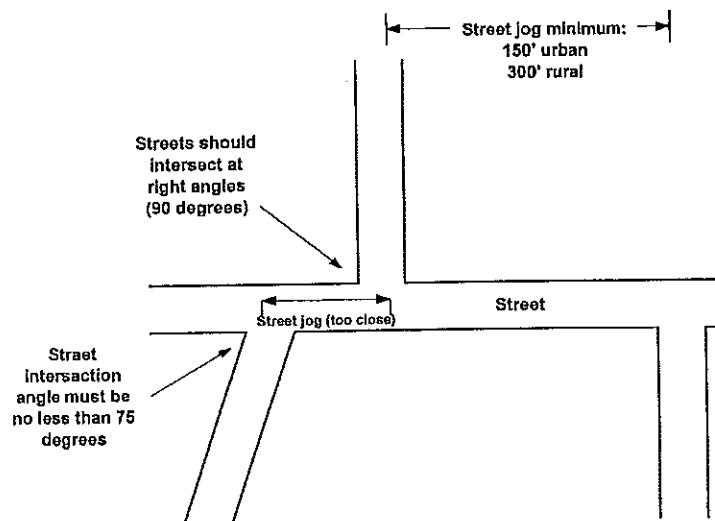
CHAPTER 28.2 DESIGN REQUIREMENTS FOR STREETS

Section 28.2.1.	Standards for Configuring New Streets.
Section 28.2.2.	Requirements for Streets.
Section 28.2.3	Curb Cuts and Access Specifications.
Section 28.2.4.	Street Lighting.
Section 28.2.5.	Street Signs.
Section 28.2.6.	Curbs and Gutters.
Section 28.2.7.	Sidewalks.

Section 28.2.1. Standards For Configuring New Streets.

1. Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet (urban areas).

2. Continuation of Existing Streets and connections. Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Governing Body may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.



Intersection Angles and Street Jogs

3. Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.

4. Dead-end Streets and Cul-de-sacs. Streets that dead-end shall terminate in a cul-de-sac meeting the requirements of this Article. The maximum length of such streets shall be 600 feet in suburban/urban areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Governing Body.

5. Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Governing Body at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Governing Body may also require a 20 foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

6. Alleys and Service Access. Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).

Section 28.2.2. Requirements for Streets.

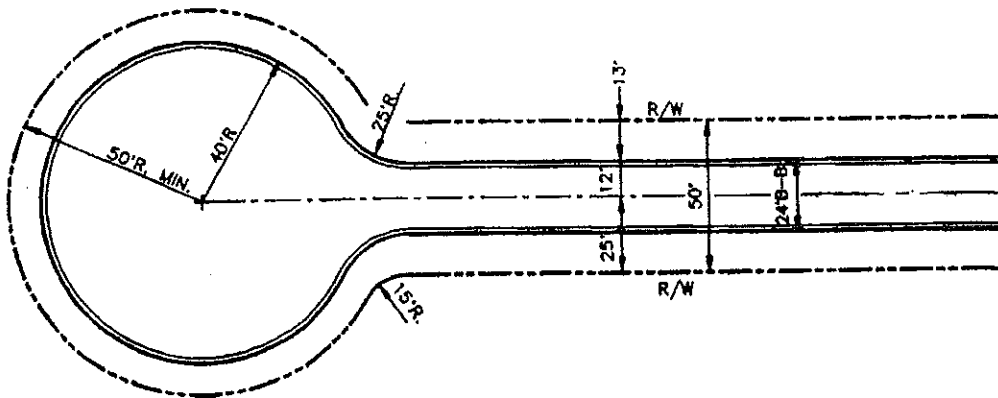
1. Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, as determined by the Governing Body.

2. Grading and Stabilization of Street Rights-of-Way. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Governing Body. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.

3. Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Governing Body. The minimum pavement (curb) radius at street intersections shall be twenty-five (25) feet).

4. Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Governing Body finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.

5. Minimum Street Right-of-Way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following:



Residential Street With Curb and Gutter Cross Section Detail
Cul-de-sac Detail

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	80	36*
Local street with curb and gutter	50	24 (back of curb to back of curb)
Cul-de-sac turn around radius	50	40 (back of curb)
Alley	30	16

* Width may vary based on proposed design of collector road, subject to approval of the Governing Body y.

6. Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

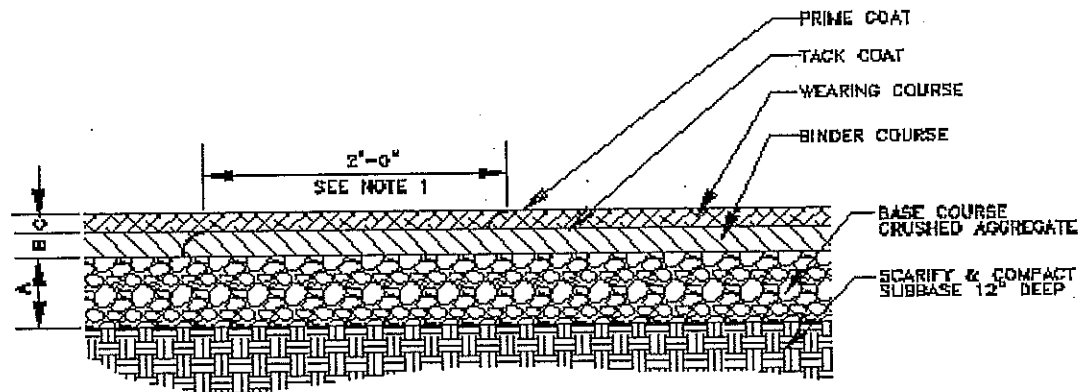
STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1250	250
Collector street	500	100
Local street with curb and gutter	100	100
Dead-end street	100	100

7. Street Paving Standards. All new streets shall be paved. Street paving must at minimum meet the following:

Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

Base Compaction: Before paving is commenced, the subdivider shall provide two copies of a certificate from an engineer or certified private testing laboratory of the compaction test on the graded aggregate base course.

Typical Asphalt Road Section Detail



NOTE:

1. PROVIDE 2'-0" MINIMUM OVERLAP OF LONGITUDINAL AND TRANSVERSE JOINTS IN ASPHALT PAVEMENT.

Base and Paving: The minimum base and paving shall be as follows; however, the Town shall have the right to increase these specifications should the projected traffic for the development exceed the capacity of these minimum specifications.

Commercial/Heavy Roads

- A. 10.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Residential/Subdivision Streets

- A. 6.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Section 28.2.3. Curb Cuts and Access Specifications.

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Governing Body, in accordance with State or local specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of such entrances or exits and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any public street shall

be approved by the City Engineer prior to the construction of such entrances or exits and after issuance of a driveway permit as specified in Article 9.2 of this Land Use Management Code.

The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

Section 28.2.4. Street Lighting.

Streetlights shall be required and must be installed in accordance with local utility companies' standards in all subdivision developments. Installation and maintenance of the streetlights shall be the responsibility of the developer, and payment for operations and maintenance shall be assigned to a homeowners association unless responsibility for payment for operations and maintenance is accepted by the Governing Body.

Section 28.2.5. Street Signs.

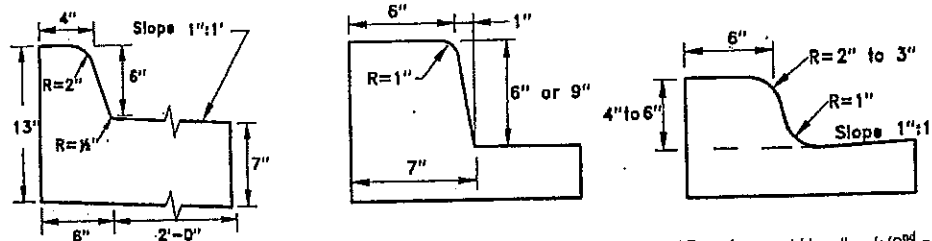
Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Governing Body. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Governing Body and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Governing Body.

Unless otherwise adopted by the Governing Body, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 28.2.6. Curbs and Gutters.

Curbs and gutters shall be installed, as required by the Governing Body, in accordance with standards and specifications of the Governing Body. Subdivisions consisting totally of lots intended for single-family residential use containing a minimum of two (2) acres shall not require curbs and gutters. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots. When property fronting on an existing county or city street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.

Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by twenty-four inches by twelve inches (also see figure).



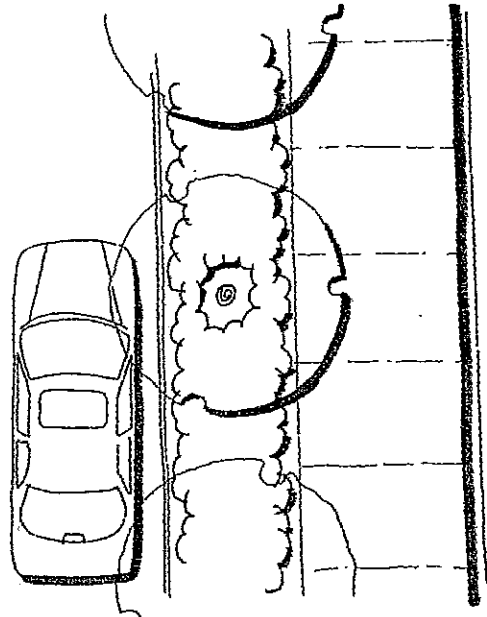
Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.), Figure 20.10, p. 370. New York: McGraw-Hill.

Vertical Curb Details

Section 28.2.7. Sidewalks.

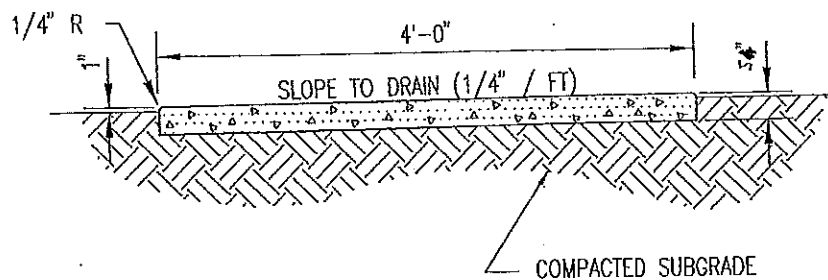
1. When required. Sidewalks shall be provided in accordance with the Comprehensive Plan of the Town, unless the Zoning Administrator determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along both sides of the street internal to a major subdivision, except in cases where the average lot size of the major subdivision is two (2) acres or more.

2. Location. Sidewalks shall be included within the dedicated nonpavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Governing Body may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

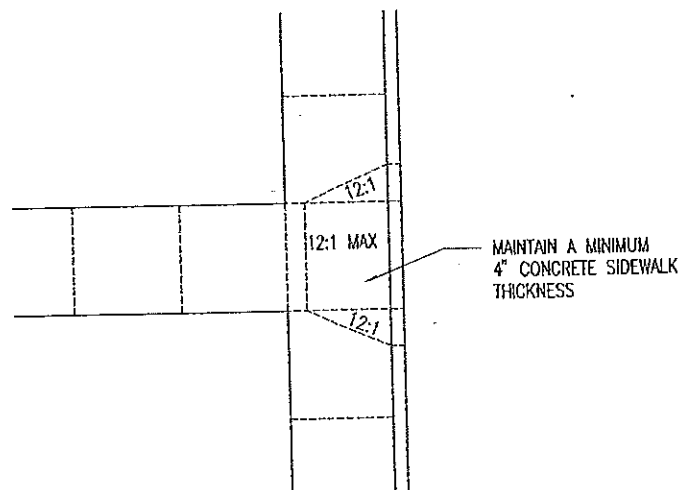


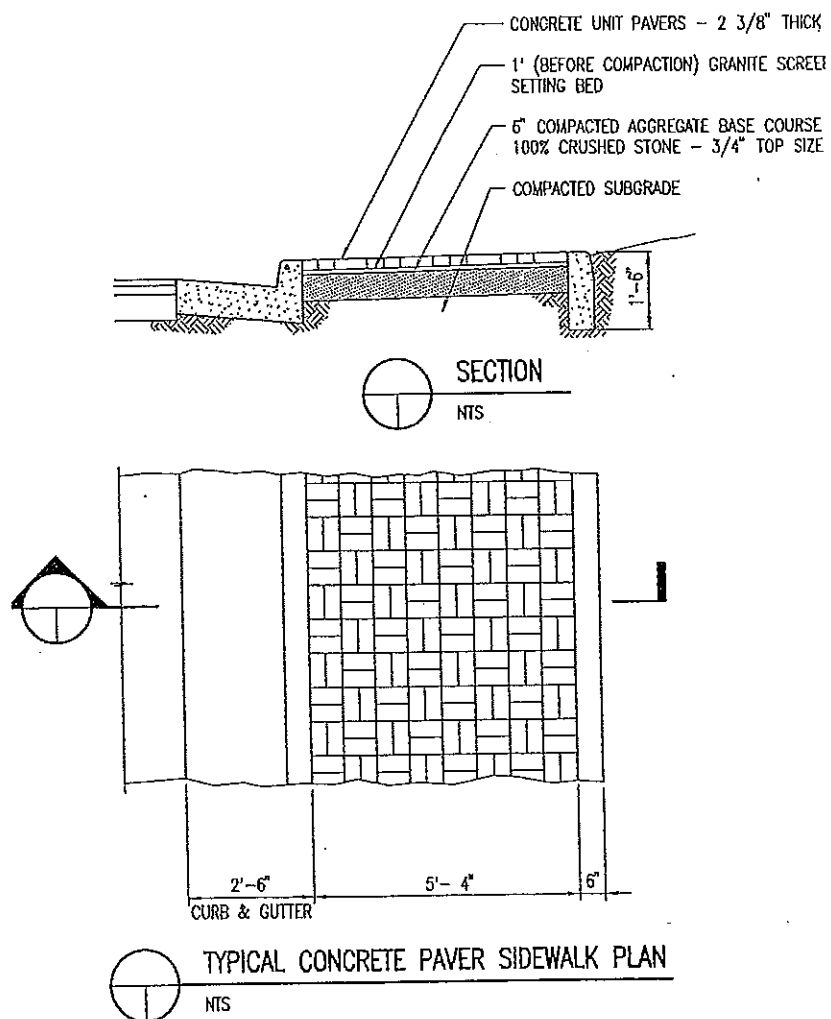
3. Specifications. Sidewalks shall be a minimum of four (4) foot wide. A median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs in residential areas, except as may be otherwise approved pursuant to this

Section. Pavement shall be per specifications in this Subsection. Sidewalks shall be also constructed to meet applicable requirements of the Americans with Disabilities Act relative to curb ramp access.



1. PROVIDE CONTROL JOINTS SPACED AT A MINIMUM OF 6 FEET.
2. PROVIDE EXPANSION JOINTS WHERE SIDEWALK MEETS ENTRANCE PADS OR ADJACENT TO BUILDING FLOOR SLAB.



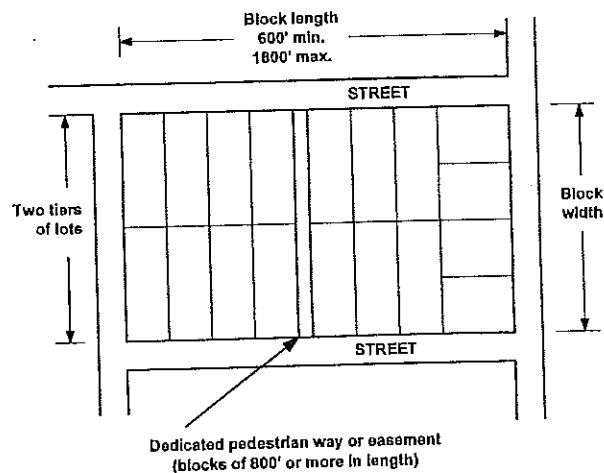


CHAPTER 28.3 DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 28.3.1. Design Requirements for Blocks.
Section 28.3.2. Design Requirements for Lots.

Section 28.3.1. Design Requirements for Blocks.

1. Block Length. Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand two hundred (1200) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Governing Body near the center of blocks.



Block Length, Block Width, and Pedestrian Way

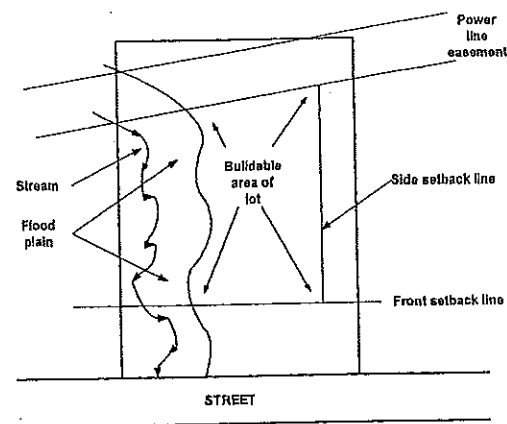
2. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

Section 28.3.2. Design Requirements for Lots.

1 Natural Features and Assets. In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

2 Access and Minimum Lot Frontage. Each lot shall have access to a public or private street with the minimum lot frontage on a public or private street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.



Adequate Building Area Required

4. Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Zoning Director may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

5. Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code).

6. Lot Area. The minimum lot area shall not be less than that established by the dimensional requirements of the zoning district in which the property is located (Tables 6.2, 7.2, 8.2).

7. Lot Width. No portion of a lot, with the exception of cul-de-sac lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.

8. Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

9. Flag Lots. No lot shall be approved which constitutes a flag lot except with special approval from the Planning Commission due to extreme topographic circumstances.

10. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

11. Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

12. Double Frontage Lots. Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 28.4 STORM DRAINAGE AND UTILITIES

Section 28.4.1.	Drainage and Stormwater Management.
Section 28.4.2.	Water.
Section 28.4.3.	Sewer.
Section 28.4.4.	Utilities.
Section 28.4.5.	Oversizing of Improvements and Utilities.
Section 28.4.6.	Procedure for Administrative Inspection and Acceptance of Public Improvements.

Section 28.4.1. Drainage and Stormwater Management.

1. General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the Town. The Governing Body may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Governing Body shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.

2. Method of Design and Capacity. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Governing Body, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 25-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.

3. Location. Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of the Town. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

4. Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be

directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management Practices (BMPs) that meet the approval of the Governing Body. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

5. Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

6. Cross-drain Pipes. Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of the Town. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the Town.

7. Drop Inlets. Drop inlets shall be generally three foot by three foot boxes with two foot by three foot grates and shall be constructed in accordance with the Town.

8. Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 28.4.2. Water.

1. Generally. All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

2. Water Main Requirements. When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the Town and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/envirn/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. Wells. If a County and/or Town public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Governing Body, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to the Zoning Administrator prior to final subdivision plat approval.

4. Community Water System. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each prospective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Fire Department serving the participating municipality. Location and construction of fire hydrants shall be in accordance with the Town Specifications of the Town and shall meet the current AWWA Standard C502. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 28.4.3. Sewer.

1. General. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

2. Connection to Public Sewerage System. When a public sanitary sewerage system is reasonably accessible with adequate capacity, as determined by the Governing Body, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful for any to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated to be available within a period of three (3) years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The Governing Body may condition the approval of a subdivision or the Zoning Administrator may require as a condition of land development approval on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. Design and engineering of sanitary sewers shall be in accordance with the Specifications of the Town.

3. Alternative Provision. If sanitary sewer is not available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three (3) years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the County Health Department and according to specifications adopted by the Governing Body.

4. Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the applicable County Health Department.

Section 28.4.4. Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the Town.

Section 28.4.5. Oversizing of Improvements and Utilities.

The subdivider or land developer shall construct such oversized improvements and utilities that the Governing Body (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Governing Body or Zoning Administrator, as the case may be, to share in the cost arrangements

for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 28.4.6. Procedure for Administrative Inspection and Acceptance of Public Improvements.

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be approved by the Governing Body shall be forwarded to the governing body with jurisdiction by the Zoning Administrator.

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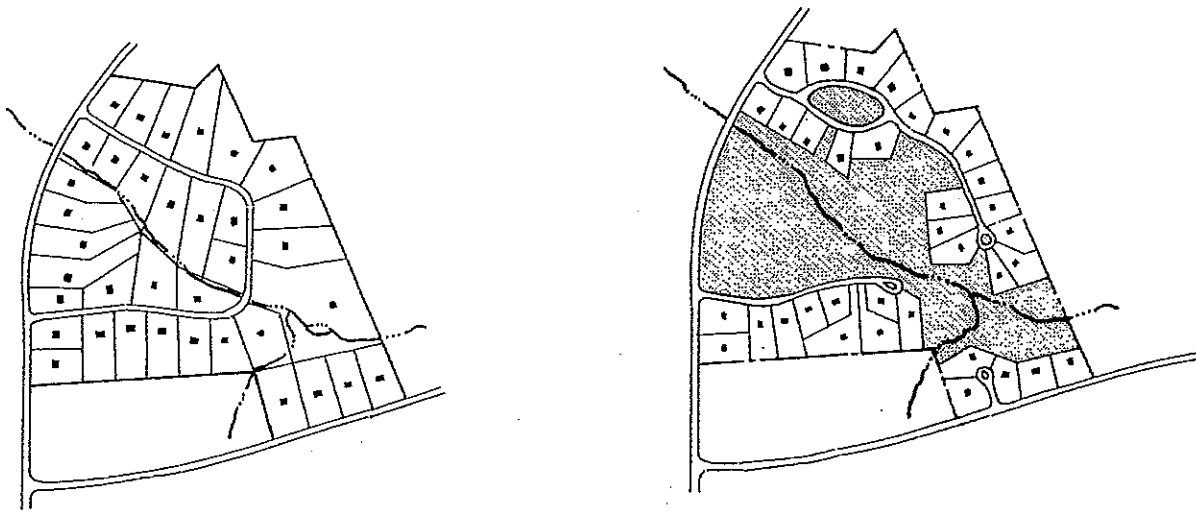
**ARTICLE 29
OPEN SPACE CONSERVATION SUBDIVISIONS**

CHAPTER 29.1	PURPOSE AND INTENT
CHAPTER 29.2	APPLICABILITY AND GENERAL PROVISIONS
CHAPTER 29.3	CONSERVATION AREAS AND OPEN SPACES
CHAPTER 29.4	DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS
CHAPTER 29.5	DESIGN GUIDELINES FOR STREETS
CHAPTER 29.6	PROCEDURES AND CRITERIA

**CHAPTER 29.1
PURPOSE AND INTENT**

This Article is intended to provide for residential subdivisions that are designed based first and foremost on the preservation of open space, but that accommodate the full extent of development that would otherwise be legally possible under conventional subdivision designs, and that:

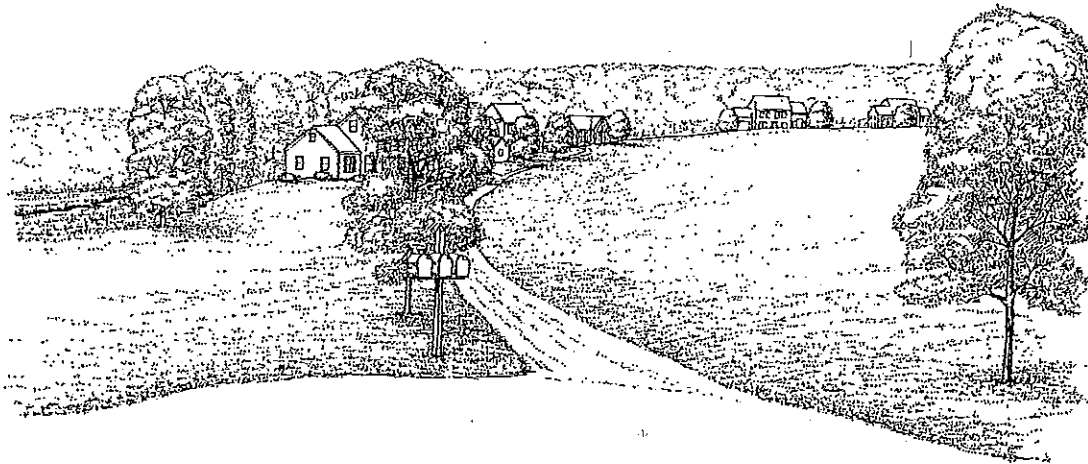
- (a) Minimize the environmental and visual impacts of new development on critical resources and historically and culturally significant sites and structures.
- (b) Contribute to an interconnected network of permanent open space in the community and provide for undivided or relatively undivided open spaces within new developments.
- (c) Create a greater diversity of living environments than is possible with conventional residential subdivision developments.
- (d) Foster informal social interaction among neighborhood residents in common open spaces.
- (e) Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation.
- (f) Encourage compact patterns that reduce capital costs by requiring less linear footage distances of roads and utilities than conventional subdivision development.
- (g) Offer greater opportunities to implement environmentally sensitive sewage treatment and disposal systems.
- (h) Meet design requirements and guidelines established in this Article for the protection of conservation areas, the subdivision of land, the location and orientation of homes and structures, and the installation of improvements.
- (i) Permit open space conservation subdivisions "by right" so that they are no more difficult to gain approval from the governing body with jurisdiction than are conventional subdivisions.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 128.

Conventional Subdivision

Open Space Conservation Subdivision



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 32.

Rural Character of a Conservation Subdivision Development

CHAPTER 29.2 APPLICABILITY AND GENERAL PROVISIONS

- Section 29.2.1. Relationship to Other Regulations.
Section 29.2.2. Sewage Treatment and Disposal Systems.

Section 29.2.1. Relationship to Other Regulations.

- (a) Zoning Districts and Permitted Uses. Open space conservation subdivisions as described and regulated in this Article are permitted as a "by right" permitted use in RR-1, RR-2, RR-3, R-1, R-2, R-3, and R-4 zoning districts. They are considered appropriate in exurban, rural, suburban, and urban areas. Use restrictions of the zoning district shall continue to apply.
- (b) Zoning District Densities. Open space conservation subdivisions shall not exceed the residential density in units per acre as established for the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code.
- (c) Lot Size and Width. Minimum lot sizes, minimum lot widths, and building setbacks of the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code, shall not apply to open space conservation subdivisions, except that no lot shall be platted in a conservation subdivision that is less than fifty percent (50%) of the required lot size or lot width for the zoning district in which it is located.
- (d) Building Setbacks. Building setbacks shall be proposed on the preliminary plat and shall be subject to the approval of the Governing Body.
- (e) Minimum Floor Areas. Minimum floor areas per dwelling unit as established in Table 7.2 for the zoning district in which the open space conservation subdivision is located shall apply.
- (f) Subdivision Regulations. Open space conservation subdivisions shall be considered and processed in accordance with preliminary and final plats requirements for major subdivisions.
- (g) Improvement Requirements. Open space conservation subdivisions shall meet the improvement requirements of Article 27 (exurban/ rural) or Article 28 (suburban/ urban) of this Land Use Management Code. Where design considerations for lots and blocks as more specifically recommended in this Article, they shall be considered applicable recommendations in lieu of those found in Articles 27 and 28 as would otherwise be applied.
- (h) Other Design Principles. The exurban/rural development principles specified in Section 7.8.10 of this Land Use Management Code for PCD zoning districts shall be considered applicable and strongly recommended for open space conservation subdivisions, except that nonresidential land uses shall not be permitted.

Section 29.2.2. Sewage Treatment and Disposal Systems.

Subject to approval of the Health Department in areas where public sanitary sewer service is not reasonably available, open space conservation subdivisions may, upon demonstration of feasibility, employ an alternative method of sewage treatment and disposal to the conventional

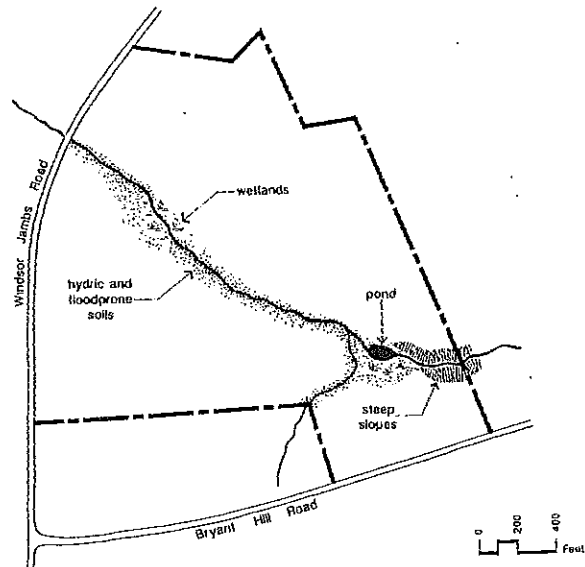
method of providing individual septic tanks and drainfields on individual lots per the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems. Alternatives to this conventional method which may be considered include in-ground community sewage plants, community septic systems, individual on-site septic tanks connected to shared drainfields within community open spaces, land treatment, spray irrigation, and wastewater reclamation and reuse facilities.

CHAPTER 29.3 CONSERVATION AREAS AND OPEN SPACES

Section 29.3.1.	Primary Conservation Areas.
Section 29.3.2.	Secondary Conservation Areas.
Section 29.3.3.	Recommendations for Secondary Conservation Areas.
Section 29.3.4.	Required Open Space Specifications.
Section 29.3.5.	Recommendations for Designing Open Space Networks.
Section 29.3.6.	Conservation Easement Required.
Section 29.3.7.	Guidelines for Drafting Conservation Easements.
Section 29.3.8.	Homeowners Association.
Section 29.3.9.	Fee Simple Dedication to the Town.

Section 29.3.1. Primary Conservation Areas.

Primary conservation areas on lands in conventional subdivisions are permitted to be platted and included in adjacent residential lots. In contrast, an open space conservation subdivision incorporates, and shall include, all primary conservation areas into undivided or relatively undivided, permanent, open spaces. Primary conservation areas, as defined by this code, include the following: habitats for endangered or threatened species, wetlands, aquifer recharge areas, flood plains, water bodies, shorelines, and adjacent riparian zones or upland buffers, historic, cultural, and archaeological sites, and steep slopes.

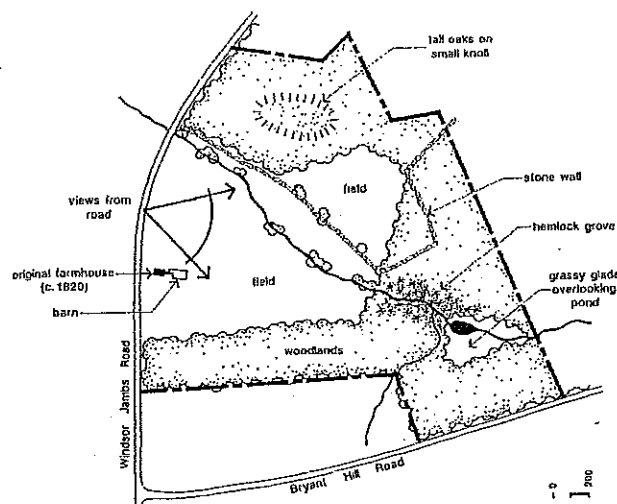


Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. pp. 72.

Primary Conservation Areas

Section 29.3.2. Secondary Conservation Areas.

Secondary conservation areas on lands in conventional subdivisions are rarely identified and conserved. In contrast, an Open Space Conservation Subdivision identifies, and shall identify, secondary conservation areas and shall integrate all or a portion of them into undivided or relatively undivided, permanent, open spaces.



Source: Aréndt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. pp. 72.

Secondary Conservation Areas

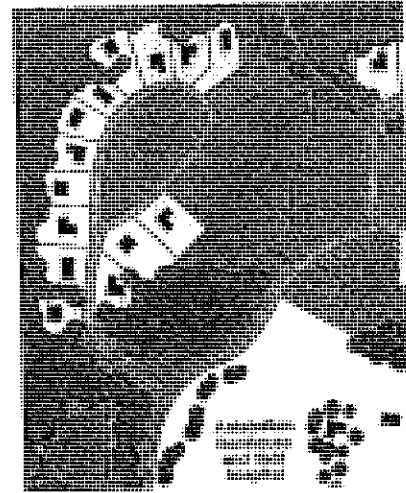
Secondary conservation areas include prime farmlands or open meadows; tree coverage areas and mature woodlands; significant trees, existing trails that connect the tract with neighboring areas, aquifer recharge areas; steep slopes, and scenic views and sites. Secondary conservation areas can also include newly designed and created open spaces such as neighborhood commons and village greens.

Section 29.3.3. Recommendations for Secondary Conservation Areas.

This Section provides recommendations for establishing and protecting secondary conservation areas. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

- (a) **Site Values.** Priorities for conserving or developing secondary conservation areas should be based on an understanding of what features of the given property are more special, unique, irreplaceable, environmentally valuable, historic, scenic, or otherwise significant when compared with other similar features and in relationship to neighboring parcels.
- (b) **Site Homes at Edges of Fields.** Open Space Conservation Subdivisions should minimize the number of homes sited in open fields, if farmland protection and meadow preservation are principal objectives. Residences should be located adjacent to tree lines and wooded field edges. Maintain irregular field edges when they occur.

- (c) Preserve Agricultural Structures. Existing agricultural structures such as barns should be preserved where possible.
- (d) Soils. Development of soils with high erosion susceptibility is discouraged. Hydric soils should be identified and should not be developed unless it can be shown they are not wetlands. House lots should be located on the deepest, driest, or best-drained soils available on the parcel.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 102.

- (e) Buffers Along Scenic Corridors. Buffers of at least 100 feet in width should be provided along exterior roadways to provide an undisturbed view from such roadways. The 100-foot wide buffer is strongly encouraged and may be required along all roadways designated as scenic corridors. Buffers may incorporate hedgerows, stands of trees, rock formations, stone walls and wildflower planting to provide variety to the visual landscape. Open space conservation subdivisions should be screened from exterior principal roadways.
- (f) Scenic Views, Sites, and Vistas. Scenic views, sites and vistas should be unblocked and uninterrupted. Views can be created or opened up further by pruning limbs and selectively removing trees as opposed to clear-cutting.
- (g) Active Recreational Facilities. Active recreational facilities should not be located within primary conservation areas. No more than twenty five percent (25%) of the open space required for Open Space Conservation Subdivisions should be devoted to active recreational facilities.

Section 29.3.4. Required Open Space Specifications.

- (a) Minimum Percent of Site Area. Each open space conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this code. Areas of above ground utility right-of-way and impervious surfaces must be excluded from the minimum 40%.
- (b) Minimum Size. The minimum amount of open space required to qualify for an open space conservation subdivision shall be one and one-half (1.5) contiguous acres. The purpose of this minimum open space acreage is to avoid development proposals where minor subdivisions are used simply to reduce lot sizes and development costs or that provide only small, scattered open spaces that would not functionally contribute to the overall open space network of the surrounding area. At least 25% of the area set aside for open space (i.e., 10% of the total site area) must be suitable for building. Additionally, at least 60% of the open space must be in one contiguous tract.
- (c) Permitted Uses. In the case of farmland conversion, part of the open space within a open space conservation subdivision may be permitted to be retained in the hands of

the original farmer/landowner or leased to a farmer for agricultural, pasture, or horticulture uses, so long as the activity is undertaken using best management practices to reduce environmental impacts to the extent possible. Open space may not be used for golf courses, roadways, or water impoundments. No more than 25% of the open space may be used for active recreation spaces. Uses not expressly authorized via the preliminary plat process are prohibited.

- (d) Open Spaces Shall Be Named. Each open space shall be given a name appropriate to its purpose and design. Acceptable identifying types of names for open spaces include but are not limited to "Common," "Park," "Green," "Meadow," "Woods," "Farm," and "Historic Site."

Section 29.3.5. Recommendations for Designing Open Space Networks.

The following section provides recommendations for establishing open space networks. These are not requirements, but are merely intended to provide guidance in the Open Space Conservation Subdivision design process.

- (a) Minimum Width. The width of any open space tract should be, at minimum, sufficient to accommodate a path, given the existing terrain, the center of which is at least twenty-five (25) feet from any property line. In cases other than where the open space serves exclusively to provide a buffer or trail, open space tracts should not have a length-to-width ratio in excess of 4:1.
- (b) Buffers. When an open space conservation subdivision abuts an existing conventional subdivision, a buffer of 100 feet or more of open space should be provided between the subdivisions.
- (c) Location. When an open space conservation subdivision site abuts an existing conservation area, park, nature preserve, or public undeveloped land, the length of the common boundary between the abutting conservation area and open space on site should be maximized to the greatest extent possible.
- (d) Pedestrian and Multi-purpose Paths. Open spaces should provide for pedestrian and/or multi-use paths, not more than eight (8) feet wide. Motorized vehicles should not be permitted on trail systems except for maintenance, construction, or public safety purposes. Where appropriate and feasible, such pedestrian and multi-purpose paths should be made handicapped accessible. Pedestrian and multi-use paths should be constructed with porous paving materials.
- (e) Path/Street Crossings. Where path systems cross an internal subdivision street, the access points should be directly across from each other, clearly identified both to the motorist and pedestrian, and located with appropriate sight distance as determined by the Zoning Administrator, subject to the approval of the Governing Body. Where a path crosses any public road, the path should be grade separated (i.e., by a tunnel or bridge), located at a traffic control device approved by the City Engineer, or properly marked as a mid-block crossing subject to the approval of the Zoning Administrator and Governing Body.

Section 29.3.6. Conservation Easement Required.

All primary conservation areas, and all secondary conservation areas shown on the preliminary plat and required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by the Town and 1) co-signed by the Town and donated to a conservation organization or land trust; or 2) co-signed by the city, donated to a

homeowners association and co-signed by a conservation organization or land trust; or 3) donated to the city with jurisdiction if accepted by the city and co-signed by a conservation organization or land trust. In the case of farmland conversion, part of the open space within a Open Space Conservation Subdivision may be permitted to be retained in the hands of the original farmer/landowner if subject to a conservation easement meeting the requirements of this Chapter.

Section 29.3.7. Guidelines for Drafting Conservation Easements.

The following guidelines are offered for drafting conservation easements and may be required by the Town:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. The easement must include a map of the tract noting all significant features within the area. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
- (b) The easement specifically and clearly identifies the boundaries of the property subject to the easement, preferably by metes and bounds legal description and survey plat.
- (c) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- (d) The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- (e) The easement provides for the maintenance of property.
- (f) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

Section 29.3.8. Homeowners Association.

Open spaces may be owned and managed in common by a homeowners association, subject to compliance with the provisions of this Chapter and the following requirements:

- (a) The developer of the open space conservation subdivision shall provide to the Zoning Administrator for approval, prior to the approval of a preliminary plat, a description of the homeowners association, including bylaws and methods for maintaining open space. The developer of the open space conservation subdivision shall provide a property management plan or an estimate of the costs and staff requirements for the maintenance, operation, and insurance of the open space and any facilities it includes in the description of methods for maintaining the subdivision's open space.
- (b) The homeowners association shall be established by the open space conservation subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property involving an open space conservation subdivision.

- (c) Homeowners association membership of each non-open space lot owner in the open space conservation subdivision shall be mandatory (required) and automatic.
- (d) Unless maintenance is assigned to a conservation organization or land trust, the homeowners association shall be responsible for maintenance, insurance, and taxes on the open space within the open space conservation subdivision. In such cases, the association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space maintenance as indicated in bylaws. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.
- (e) Said homeowners association shall not be dissolved without the consent of the Governing Body. If common ownership of open spaces by a homeowners association is proposed and approved, then open spaces shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of open spaces, in addition to the requirement of a conservation easement.
- (f) The Governing Body may, upon recommendation of staff, require that the homeowners association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.

Section 29.3.9. Fee Simple Dedication to the Town.

Dedication in fee-simple ownership to the public for recreational and/or open space use is a possible mechanism for the permanent retention and maintenance of open spaces within the open space conservation subdivision, at the sole discretion of the Governing Body, and subject to the following in addition to other applicable provisions of this Chapter:

- (a) Dedication to the Town shall only be approved if the Governing Body with jurisdiction finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary.
- (b) The decision to accept open spaces for fee simple public ownership shall be at the sole discretion of the Governing Body but guided by recommendations of the Zoning Administrator, , and the comprehensive plan as it pertains to open space acquisition.
- (c) Said Governing Body generally will require dedication of all open space or park and recreation areas indicated for acquisition in the comprehensive plan or capital improvement program.

The Governing Body may require a maintenance bond or other financial security with duration of twelve (12) months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Governing Body shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one-year period following public dedication, with satisfactory performance, the Governing Body shall return the performance bond to the subdivider.

In addition to the required conservation easement, a deed for open space lands in a form acceptable to the City Attorney in favor of the Town shall be signed and recorded prior to the approval of any final plat pertaining to land within the open space conservation subdivision.

CHAPTER 29.4 DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS

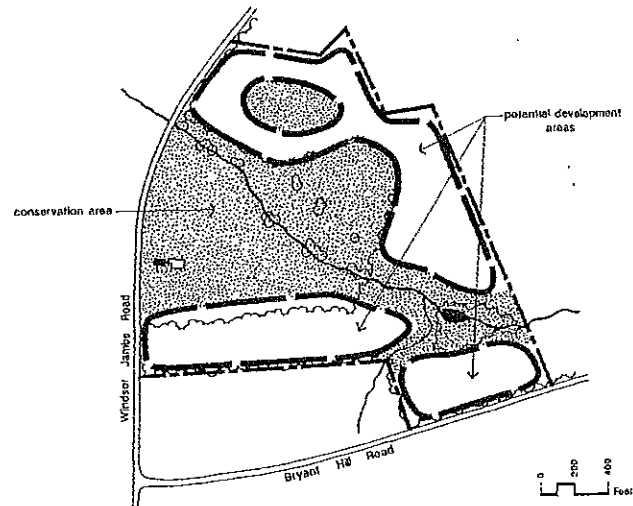
- Section 29.4.1. Generally.
Section 29.4.2. Comparison with Conventional Subdivisions.
Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries.

Section 29.4.1. Generally.

This Chapter provides recommendations for designing lots in open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

Section 29.4.2. Comparison with Conventional Subdivisions.

In conventional subdivisions drawing lot lines to meet zoning requirements is one of the first steps in the design process. Identifying lot and house locations should be the third step in the open space conservation subdivision design process, after determining primary and secondary conservation areas. This Chapter provides recommendations for designing open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 73.

Identifying Potential Development Areas

Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries.

- (a) Homes should not front directly on off-site streets. No more than two (2) homes should front directly on off-site streets, except in cases where the off-site street is designated a scenic road, collector street, or arterial street, in which cases no homes in a Open Space Conservation Subdivision should be permitted to front directly on said off-site streets unless extensively screened.
- (b) The number of lots that abut or face onto conservation areas should be maximized, which is likely to increase the values of the lots.
- (c) Each lot should be abutted on at least one side by open space. Lots abutted by yards of other lots on all sides should be avoided and are highly discouraged. In

cases where this is not feasible, every house should at least have a view of a minor open space like a small neighborhood common or village green.

- (d) Flag lots and wedge-shaped or "pie" lots with frontages as narrow as thirty (30) feet wide may be utilized to maximize individual lot frontages on open spaces, although the number of flag shaped or wedge shaped lots should not exceed twenty five percent (25%) of the total lots in the open space conservation subdivision.
- (e) Zero lot line configurations are encouraged on lots less than sixty (60) feet in width, because two narrow side yards do not provide as much functionally usable space as does one wider side yard.
- (f) Lots that back up onto permanent open space can be shallower in depth because the existence of open space extends the perceived depths of such lots.
- (g) The minimum building setback for buildings and structures on lots abutting primary conservation areas to the rear or side yard should be 100 feet from the identified edge of the primary conservation area.
- (h) Homes within village areas should have front porches within conversational distance of the sidewalk or road.
- (i) Fencing should not be permitted on the perimeter of open space conservation subdivisions or abutting conservation areas, except in cases where it is demonstrated that such fencing serves an overriding public purpose.
- (j) Setbacks and proposed front, side and rear yards should be determined as appropriate for the subdivision and are subject to approval of the Governing Body through the preliminary platting process.

CHAPTER 29.5 DESIGN GUIDELINES FOR STREETS

Section 29.5.1	Introduction.
Section 29.5.2	Location and Alignment.
Section 29.5.3	Lengths and Curves.
Section 29.5.4	Separate Travel Lanes.
Section 29.5.5	Right-of-Way and Clearance.
Section 29.5.6	Connections.
Section 29.5.7	Cul-de-Sacs.
Section 29.5.8	Reverse Curves.
Section 29.5.9	Single-Loading Streets.
Section 29.5.10	Curbs and Drainage.
Section 29.5.11	Street Trees.
Section 29.5.12	Sidewalks.
Section 29.5.13	Signage.

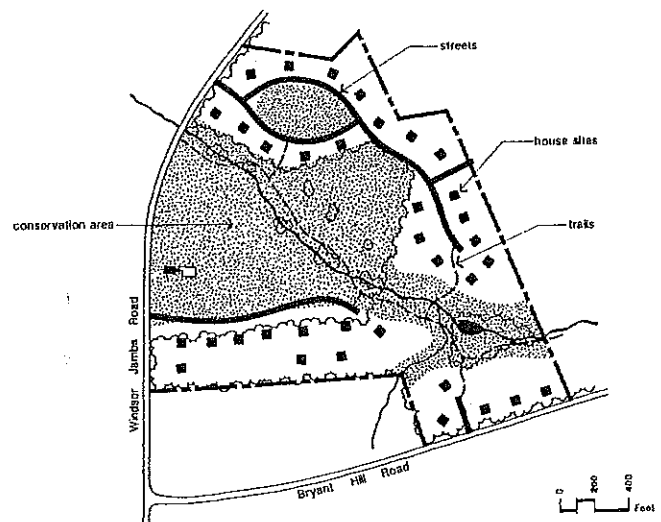
Section 29.5.1. Introduction.

This article provides recommendations for designing streets serving open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

After identifying all primary conservation areas, secondary conservation areas, potential development areas, and house sites, the fifth step in the open space conservation subdivision design process is to design the street alignments. Lot lines are drawn as a final step, after the open spaces, house sites, and road network have been determined.

Section 29.5.2. Location and Alignment.

Designers should avoid crossing wetlands with streets. Existing farm roads should be incorporated into open space conservation subdivision designs.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 75.

Designing Road Alignments and Trails

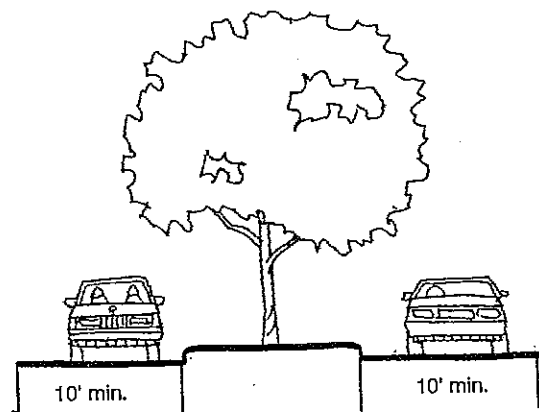
Roads should follow existing contours with a minimum of cut and fill and disturbance for construction. In cases where agricultural protection or meadow preservation is a primary objective, new roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.

Section 29.5.3. Lengths and Curves.

The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural open space conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible. Short, straight, interconnected streets (i.e., grid patterns) are appropriate for village areas when included in open space conservation subdivisions.

Section 29.5.4. Separate Travel Lanes.

Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.



Section 29.5.5. Right-of-Way and Clearance.

Rights-of-way should be only wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the Governing Body. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the Governing Body that remaining trees or other features do not pose a traffic safety hazard.

Section 29.5.6. Connections.

Streets should be connected with one another where possible, preferably in three-way intersections, so that the number of dead ends is minimized. Whenever possible, streets should be designed to connect with adjoining properties.

Section 29.5.7. Cul-de-Sacs.

Cul-de-sacs are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be provided with pedestrian and bike linkages to other nearby streets or trail systems. Stub-street extensions should be incorporated at the end of cul-de-sacs for future connections. Cul-de-sac streets should serve no more than twenty dwellings, and their length should not exceed 1,200 feet. Cul-de-sac radii should not exceed forty (40) feet.

Section 29.5.8. Reverse Curves.

For roads serving less than 2,000 average daily traffic and where speed limits are controlled to prevent high-speed traffic, reverse curves (e.g., consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the Governing Body.

Section 29.5.9. Single-Loading Streets.

"Single-loading streets" (i.e., having houses only on one side) are considered appropriate and encouraged, particularly around village greens or neighborhood commons.

Section 29.5.10. Curbs and Drainage.

Because curbs detract from rural character of open space conservation subdivisions, natural drainage systems are encouraged in lieu of curbs in open space conservation subdivisions located in exurban and rural areas. Existing natural drainage ways should be retained where possible. In cases where curbing is required, mountable curbs are favored over vertical curbs except in negative grade cul-de-sacs, where they are highly discouraged.

Section 29.5.11. Street Trees.

Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the Governing Body.

Section 29.5.12. Sidewalks.

Concrete or asphalt sidewalks are required in suburban/urban areas but they may detract from the character of open space conservation subdivisions in exurban/rural areas. Safe access for pedestrians and bicyclists should be provided via a trail system in the open spaces and where needed along the improved or semi-improved shoulders of roads.

Section 29.5.13. Signage.

In cases where it is determined that signs are permitted (see Article 17 of this Land Use Management Code), signs should be constructed of materials compatible with open space conservation subdivision design.

CHAPTER 29.6 PROCEDURES AND CRITERIA

Section 29.6.1	Pre-application Conference.
Section 29.6.2	Existing Features and Site Analysis.
Section 29.6.3.	Justifiable Grounds for Denial.
Section 29.6.4.	Evaluation Criteria for Approval.

In addition to the application procedures for preliminary, and final plats, as specified in Chapter 26.4 of this Land Use Management Code, open space conservation subdivisions and subdividers thereof shall comply with the following procedures.

Section 29.6.1. Pre-application Conference.

A pre-application conference with the Zoning Administrator is required prior to the submission of a preliminary plat application for an open space conservation subdivision. At the time of a pre-application conference, the Zoning Administrator shall make available all relevant information about primary and secondary conservation areas, including soil survey, natural resource maps, and geographic information. The Zoning Administrator may charge reasonable reproduction costs for the provision of such information. Ideally, the pre-application conference will be preceded by the submittal of a boundary survey of the property to be subdivided with sufficient time for the Zoning Administrator to collect applicable information.

Section 29.6.2. Existing Features and Site Analysis.

As a part of the preliminary plat application, the applicant for an open space conservation subdivision shall submit an analysis of existing features on the site, which shall minimum include the following:

- (a) Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be identified and examined.
- (b) Soils, including analysis of suitability for septic tanks, erosion potential, prime farmland, and identification of hydric soils.
- (c) Wetlands.
- (d) Floodplains. Areas of 100-year flood plains as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
- (e) Steep mountain slopes and steep slopes, as defined by this code.
- (f) Historic, archaeological, and cultural features.
- (g) Tree cover/woodlands.
- (h) Views into and out from the site, and any scenic qualities.
- (i) Aquifer recharge areas.
- (j) Property boundaries.
- (k) Existing roads and structures.
- (l) Greenspaces and trails traversing or adjacent to the site.
- (m) Planned boundaries of open space.

Section 29.6.3. Evaluation Criteria for Approval.

Approval or denial of a preliminary plat for an open space conservation subdivision shall be based on the extent to which the plat meets the following criteria:

- (a) All primary conservation areas are protected as permanent open space.
- (b) A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.
- (c) The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
- (d) The open space conservation subdivision meets the regulations specified in this Article and is reasonably consistent with the recommended design guidelines established by this Article.

Section 29.6.4. Justifiable Grounds for Denial.

Reasons for the denial of a preliminary plat of an open space conservation subdivision include but are not limited to the following:

- (a) The application fails to fully identify primary and secondary conservation areas.
- (b) The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
- (c) One or more of the lots within the open space conservation subdivision are too small to meet the minimum lot size established by this Article or even if compliant are out of character with residences on adjoining or nearby properties.
- (d) One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
- (e) The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
- (f) The proposed open space network is divided, not functional, inconsistent with open space plans of the city with jurisdiction, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.
- (g) The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the open space conservation subdivision site.
- (h) The preliminary plat appears to be submitted for the major purpose of circumventing minimum lot size or minimum lot width requirements or improvement requirements that would otherwise be required for conventional subdivisions pursuant this Land Use Management Code.