

# City of Walnut Grove Zoning Ordinance

June \_\_, 2012

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## **ARTICLE I: SHORT TITLE**

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Walnut Grove."

## **ARTICLE II: PURPOSE AND ENACTMENT**

### **Section 100. General Purpose.**

This Ordinance is adopted for the following purposes, among others:

1. To promote the health, safety, morals, convenience, order, prosperity, of the general welfare of the City;
2. To achieve such timing, density and distribution of land development and use as will prevent overcrowding of land so as to avoid undue concentration of population; to encourage such distribution and population to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public services;
3. To encourage such distribution and population, land development and use as will secure safety from fire, panic, and other dangers;
4. To regulate the location of trades, professions, businesses, and industries;
5. To achieve such density, design and distribution of housing as will protect and enhance residential property values;
6. To preserve the City's historical and natural beauty, and encourage architecturally pleasing development; and
7. To improve quality of life through protection of the City's environment including the prevention of air, water and noise pollution.
8. To guide and regulate the orderly growth, development, redevelopment, and preservation of the City per a well-considered comprehensive plan and with long-term objectives, principles, and standards beneficial to the interest and welfare of the people.
9. To protect the established character and the social and economic benefit of all property.
10. To promote the efficient utilization of land.
11. To promote the preservation of open space.
12. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
13. To reduce or prevent congestion in the public streets.
14. To facilitate a convenient, attractive, and harmonious community.
15. To encourage an aesthetically attractive environment, and provide for regulations that protect and enhance aesthetics.
16. To encourage economic development activities that provide desirable employment and enlarge the tax base.
17. To promote preservation of unique resources of the City, including forested areas, streambeds, and archaeological sites.
18. To achieve compliance with all applicable state and federal regulations.
19. To provide for and promote housing for all income groups within the City and to promote the stability of neighborhoods.
20. To implement the authority, powers, and duties of the Mayor and council pursuant to state and local law, including but not limited to the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4 and Ga. L. 1956, p. 3332, as amended.
21. To provide for protection of the constitutional rights and obligations of all citizens within the City.

### **Section 101. Enactment Clause.**

The Mayor and Council of Walnut Grove, Georgia under the authority of Article IX, Section 2, Paragraphs 1, 3 & 4 of the Constitution of the State of Georgia, and Chapter 66, Title 36 of the Official Code of Georgia Annotated, ordains and enacts into law the Official Zoning Ordinance for the City of Walnut Grove.

### **Section 102. Interpretation, Application and Jurisdiction.**

Whenever the provisions of this Ordinance impose greater restrictions upon the use of land or buildings or upon the height of buildings or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits of any easements, covenants or other agreements between parties, the provisions of this Ordinance shall govern as provided below.

1. All other conflicting ordinances or resolutions are repealed to the extent inconsistent herewith; provided, that nothing herein shall repeal or modify conditions accompanying zoning approvals or use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished per this Ordinance.
2. All variances and exceptions heretofore granted remain in force, and all conditions imposed shall remain in effect. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against these violations heretofore commenced.
3. No building, structure, premises or land shall hereafter be used or occupied and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, moved, or altered in a manner that increases the extent of non-conformity except in conformity with the regulations herein specified for the district in which it is or is to be located.
4. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not met. This Section shall not apply when a portion of a lot is acquired for public use within the City.

### ARTICLE III: DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance shall be as defined in The Illustrated Book of Development Definitions (1981, Rutgers). Words not defined herein or in the above book shall have the meaning given by common and ordinary use, and shall be interpreted within the context in which they occur. For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows: Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense. The word "erected" includes the words "constructed", "moved", "located" or "relocated". The word "lot" includes the word "plot" or "parcel". The word "map" or "zoning map" means the Official Zoning District Maps of Walnut Grove, Georgia. The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities. The word "shall" is always mandatory and never discretionary. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

1. Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
2. Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.
3. Adult Use. An establishment where, for any form of consideration, which: provides adult entertainment services or activities, offers adult entertainment live performances, dancing or modeling, provides accommodations (rents, leases, or lets rooms) for an adult entertainment purpose, or specializes in, meaning having a substantial stock-in-trade, and offers for retail sale the following adult entertainment items: books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes, slides, or other visual representations; or instruments, devices, equipment or paraphernalia.
4. Adult Entertainment. Means distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below. Adult uses, include without limitation, the following: adult arcade, adult bookstore, adult cabaret, adult mini-motion picture theater, adult motion picture theater, adult sauna, adult theatre, adult massage parlor, and adult sexual paraphernalia store. This definition does not include services or treatment administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state.
5. Adult Use, Specified Anatomical Areas. As used herein, specific anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
6. Adult Use, Specified Sexual Activities. As used herein, specific sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities as set forth in subdivisions 1 through 3 of this subsection.
7. Animal Hospital. Facility for the treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian.
8. Animal Quarters. Any structure which is used to shelter, feed, exercise, train, or show any animals.
9. Automobile Graveyard: Establishment for wrecked, scrapped or dismantled motor vehicles or parts.
10. Apartment: A room or suite of rooms used as a dwelling for one family which does its cooking therein.
11. Apartment house. A residential structure containing three or more apartments.
12. Auto Service Station. Lot, including structures thereon, for the retail sales of gasoline or oil, automobile accessories or incidental services including facilities for lubricating, washing or otherwise servicing automobiles, but excluding painting and major repair.
13. Basement. That portion of any building for which the finished surface of its floor is more than six feet below the finished ground level for more than 50 percent of the total building perimeter; or more than 12 feet below the finished ground level at any point.
14. Bed & Breakfast. A building or group of buildings containing one to six guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests; the primary use is for a residence as opposed to business use.
15. Best Management Practices (BMPs). Management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned use. Design of BMPs shall be in accordance with the *Manual for Erosion and Sediment Control in Georgia*, most recent edition.
16. Boarding / Rooming House. A dwelling in which meals and lodging are furnished for compensation to 3-10 non-transient persons.
17. Buffer. Land area used to visibly separate one use from another through screening and distance; to shield or block noise, light, glare, or visual or other conditions; to block physical passage to non-similar areas; or to reduce air pollution, dust, dirt, and litter.
18. Buffer, Construction. A type of buffer which remains in effect during the construction of a project.
19. Buildable area. The portion of a lot remaining after required yards have been provided.
20. Building Height. The vertical distance measured from the average finished grade at with the front of the structure, to the highest point of the building, excluding any antenna.
21. Building line. A line established, in general, parallel to the front street line, side property line, or rear property line between which line and the property line no part of a building shall project.

22. Canopy. A protective covering of a roof like structure that is free standing, for the protection from the elements, not for the case of human habitation, but affixed permanent to the ground. All canopies shall be located at least 15 feet from any public right-of-ways.
23. Certificate of Occupancy. A permit authorized and issued by the City zoning administrator indicating that the use of the building or land in question is in conformity with this Ordinance, or that a legal variance therefrom has been approved.
24. Clearing. The removal of vegetation from a property, whether by cutting or other means.
25. Community Park. A publicly owned park serving residents and usually including restrooms and lighted outdoor recreation facilities and other facilities such as swimming pools, recreation centers, on-site parking, and group picnic areas.
26. Conditional Use. A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance or as required by the governing body after a public hearing.
27. Conditional Zoning. The granting or adoption of zoning for a property subject to compliance with restrictions as to use, size, project design or timing of development, stipulated by the Mayor and Council of the City of Walnut Grove to mitigate adverse impacts that could be expected without the imposition of such conditions.
28. Congregate Personal Care Home. A home for individuals which offers care to 16 or more persons (See Personal Care Home).
29. Construction Buffer: A buffer which is temporary and remains in effect during the construction of a project.
30. Convenience Store. A one-story, retail store containing less than 3,500 square feet of floor area, designed and stocked to sell primarily pre-packaged food, beverages, household items, and fuel, to customers who purchase only a relatively few items.
31. Customary Home Occupation. An occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premise, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit with equipment customarily used for household purposes and involving no display of articles or products and no outdoor advertising.

(1) Customary home occupations may include, but are not limited to the following.

- a. The accommodation of not more than two (2) boarders or roomers.
- b. The office of a professional person where clients do not generally visit the premises to receive service.
- c. Art studio, dressmaking, sewing, canning, baking.
- d. Teaching individual musical instruments, dance, or academic pupils one at a time.
- e. The care of not more than six (6) children for compensation.

(2) A customary home occupation specifically does not include the following:

- a. Dancing or band instrument instruction in groups.
- b. Florists or flower shops.
- c. Tearooms and restaurants.
- d. Tourist homes, boarding houses, or rooming houses.
- e. Beauty parlors or shops and barbershops.
- f. Fish hatcheries, worm farms or bait houses.
- g. Offices for real estate salesmen or brokers.
- h. Convalescent and nursing homes.
- i. Kennels and animal hospitals.
- j. Clinics and hospitals.
- k. Retail sales.
- l. Firewood sales.

32. Day Care Facility. A structure or portion of a structure wherein is provided care and supervision of persons away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. For the purposes of this Ordinance the term "day care" shall include but not be limited to the terms "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school," "pre-school," "Group Day Care Home," and "Family Day Care Home."
33. Day Care Home, Family. A customary home occupation which regularly provides for no more than 6 persons, not residents of the premises, with care and supervision by a State registered resident adult for less than 24 hours per day, for compensation.
34. Day Care Home, Group. An occupied dwelling in which the owner-occupant is licensed by the State of Georgia to provide care and supervision for more than 6, but less than 19, persons who are not residents of the dwelling. Such care shall be provided for less than 24 hours a day on a regular basis for compensation.
35. Density. The number of families, individuals, dwelling units or housing structures per unit of land. Gross density includes all the land within the boundaries of the particular area excluding nothing. Net density excludes street right-of-way dedications, land identified as a flood hazard area or within any electricity or gas transmission easement or right-of-way.
36. Diameter Breast Height (DBH): The diameter of a tree measured at a point 4 and 1/2 feet above the ground.

37. Drive-in restaurant. Any place or premises used for the sale, dispensing, or service of food, refreshments, or beverages in automobiles, including those establishments where customers may eat or drink on the premises.
38. Duplex. A dwelling containing two and only two dwelling units.
39. Dwelling. A building designed or used exclusively for residential purposes, but not including hotels and motels.
40. Dwelling, Attached. A dwelling containing three or more dwelling units which are joined only by common vertical walls.
41. Dwelling, Multiple. A dwelling containing 3 or more dwelling units or designed for occupancy by 3 or more boarders or roomers.
42. Dwelling, Single-Family. A dwelling containing one and only one dwelling unit, detached, with a minimum roof pitch greater than 5:12, and a roof overhang of at least one foot measured from the vertical side.
43. Dwelling Unit. One or more rooms designed for the occupancy, cooking, and sleeping of one or more persons living as a family.
44. Dwelling Unit, Efficiency. A dwelling unit of not more than 1 habitable room together with kitchen / kitchenette and bathroom.
45. Family. An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit.
46. Family Personal Care Home. A customary home occupation which provides a home for individuals in a family-type residence, non-institutional in character, which offers care to two to six persons.
47. Farming, General. Low-impact agriculture, including cattle (no more than one head per acre), horses (no more than one head per acre), crop production, dirt farming, sod production, goats, sheep, forestry and timber harvesting, nurseries, and greenhouses. A use of a tract of land devoted to agricultural purposes, but specifically excluding the following activities and/or uses: Feed lots, Fish farms, Fur farms, Poultry houses/farms and application of chicken litter on the property, Turkey ranges, Hog parlors, Dairy barns, Commercial slaughtering of livestock, poultry and/or fowl, and any other agricultural activity or use which is objectionable by reason of odor, noise, dust or sanitary conditions.
48. Floor Area. Gross heated, finished horizontal area of the floors of a dwelling unit exclusive of basement, attic, carport, or garage.
49. Frontage, Building. The width between the side exterior walls of a building facing a street.
50. Frontage, Lot. The distance for which the front line of the lot joins the street.
51. Frontage, Road. The location where a parcel of land adjoins a street.
52. Garage. An accessory building or portion of a principal building used primarily for vehicle storage.
53. Garage, Repair. A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipping and/or hiring of motor driven vehicles.
54. Group Personal Care Home. A home for individual persons in a residence or other type building, non-institutional in character, which offers care to 7 through 15 persons.
55. Guest House. A secondary building, no more than 1400 square feet, with no kitchen, incidental to the principal residence which is used only for the non-commercial boarding of guests or full time workers.
56. Hazardous Waste. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.
57. Home occupation. See "customary home occupation."
58. Hotel. A building in which lodging or boarding and lodging are provided for more than 20 persons for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office.
59. Impervious Surface. A man-made structure or surface, which prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.
60. Industrial, Heavy. Uses engaged in the processing and/or manufacturing of materials or products predominantly from extracted or raw materials. Includes manufacturing processes using flammable or explosive materials; storage of flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Operations typically do not make reasonable attempts to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Heavy industrial is prohibited in City.
61. Industrial, Light. Establishments engaged in the non-polluting manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, "Manufacturing-Industrial" and "industrial" shall not include loud, dusty, polluting, odorous or other intensive industrial uses or those which tend to produce smoke, soot, or vibration, or those uses such as including without limitation mining and extracting industries, asphalt plants, concrete plants, cement plants, abattoirs, chicken houses, slaughterhouses, use or storage of flammable or explosive materials, use of radioactive materials, poisons, pesticides, or herbicides, or petrochemical industries, rubber refining, primary metal, or related or similar industries.
62. Industrialized Home. A dwelling unit manufactured per the Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia DCA issued pursuant thereto, and meeting the following development standards:
  - a) A minimum width in excess of twenty-eight (28) feet.
  - b) A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by

the previous building permit.

- c) A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
- d) Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, or stone, comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.
- e) A curtain wall, un-pierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
- f) The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning as approved by the Zoning Administrator. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
- g) Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
- h) A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Building Code.
- i) The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq., and the rules promulgated thereunder.

63. Junk. Any old or scrapped metal, rope, rags, batteries, paper, trash, rubber, debris, junked dismantled or wrecked automobiles, or parts therefrom, old lumber, and other scrapped ferrous or non-ferrous materials.

64. Junkyard. Property used for keeping junk.

65. Kennel. The keeping and housing of four or more breeding age household pets or other small domestic animals. Commercial kennels are for income or profit.

66. Land Disturbance Permit (LDP). A permit that authorizes clearing or grading.

67. Landfill, Construction and Demolition Waste. A landfill in which construction/demolition waste is disposed. Construction/demolition waste means those wastes limited to building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such permitted wastes are wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste landfill material and other non-putrescible wastes which have a low potential for groundwater contamination. Applicant must comply with the provisions contained in this ordinance and all applicable provisions of the City solid waste management plan and the erosion and sedimentation control regulations and any City solid waste management facility ordinance, which are referenced hereinafter.

68. Landfill, Inert Waste. A landfill in which inert waste is disposed. Inert waste means those wastes limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. Applicant must comply with the provisions contained in this ordinance and all applicable provisions of the City solid waste management plan and the erosion and sedimentation control regulations and any City solid waste management facility ordinance, which are referenced hereinafter.

69. Landfill, Municipal Solid Waste. A landfill accepting any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923). The City has made provision for its solid waste disposal needs via its DCA approved solid waste plan, such that it currently does not designate Solid Waste landfills as a permitted or special use in City, the City being exempt from zoning regulation.

70. Landscape Business. A business whose primary operation is the sale and/or installation of material, plants, pine straw, and other limited accessory products for the landscape industry, and the storage and use of associated landscape vehicles and equipment.

71. Loading space. Off-street vehicle parking space reserved for bulk pickups and deliveries.

72. Lot. A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land. A lot must meet the requirements of the zoning district in which it is located and must have lot frontage on a public street. For the purpose of this Ordinance, the term does not include any portion of a right-of-way.

73. Lot, Depth. Mean horizontal distance between the front and rear lot lines, measured generally perpendicular to the front lot line.

74. Lot, Through. A lot having frontage on two streets that are approximately parallel.

75. Lot Width. Horizontal distance between the side lines of a lot measured at the minimum required front yard (building setback) line.

76. Lot Width (Cul-de-sac). For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum required front yard (building setback) line or at a line parallel to said setback line, which is no more than twice the minimum front yard setback distance from the street.

77. Manufactured Home. A dwelling unit, meeting the definition of "manufactured home" contained in O.C.G.A. § 8-2-160, fabricated



in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., and meeting the following development standards, rendering it a Type A Manufactured Home:

- a) A minimum width in excess of twenty-eight (28) feet.
  - b) A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
  - c) A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
  - d) Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site-built dwellings.
  - e) A curtain wall, un-pierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
  - f) The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning as approved by the Zoning Administrator. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
  - g) Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
  - h) A landing must be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Building Code.
  - i) The dwelling must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and the rules promulgated thereunder.
78. Manufactured Home Lot. A parcel of land for the exclusive use of the occupants of a single manufactured home.
79. Manufactured Home Park. A manufactured home park is a parcel of land that has been planned and improved for the placement of manufactured homes for non-transient use.
80. Motel. A building or group of buildings where lodging is provided for more than 10 persons and offered to the public for compensation and in which access to and from all rooms are made through private exterior entrances.
81. Office Park. A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.
82. Open Space. Area of land or water set aside, dedicated, designated, or reserved for public or private use in an essentially undeveloped or unimproved state that would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance passive or active recreation areas. It shall be recorded as part of a land subdivision plat which is reserved for the use of adjoining owners, occupants and their guests. Open space shall not include any portion of an overhead power line easement or stormwater detention pond not part of an existing or proposed permanent lake.
83. Overlay District. A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.
84. Planned Unit Development (PUD). Three or more buildings on a lot at least 2 acres, not subdivided, which provides common open spaces and a variety of choice in housing types and land utilization. Land ownership or rental patterns may vary. If common open spaces, including streets, are not dedicated for public use, legal agreements shall include provision for adequate future maintenance.
85. Recreation Center. A neighborhood facility located within a high density residential area, dedicated for recreational purposes, to primarily serve the residents of the surrounding area. May include club house, pool, tennis courts, playgrounds, etc.
86. Religious Institutions. Churches, temples, synagogues and other places where persons congregate for praise and/or worship.
87. Residential Districts. Zoning districts that include the following: AG, R1, R2, R3, PUD. Unless otherwise authorized by this Ordinance, there shall be only one primary residence per lot of record.
88. Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building. The term encompasses cafes, grills, and lunch counters and includes outdoor customer dining areas and carry-out/take-out service but excludes without limitation drive-in and drive-through restaurants.
89. Road Frontage. The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the City or the County for vehicular traffic or over which the City or the County may hold a prescriptive easement for public access, and including designated and numbered U.S. and State highways.

90. Road, Minor Collectors. A road/street serving county-wide traffic, these roads collect traffic from local roads/streets and bring developed areas within a reasonable distance of a major collector road; provide service to smaller communities; and link the locally important traffic generators with other areas.
91. Road, Major Collectors. The primary purpose of a Collector road is to collect and distribute traffic between the Local Streets and the Major and Minor Arterial Streets and to provide access to adjacent properties. These roads, with minor collectors, primarily serve county rather than state traffic. More moderate speeds are typical. They serve traffic generators of intra county importance, such as consolidated schools, shipping points, county parks, and important business and agricultural areas. They link these places with nearby cities, arterials and freeways, and serve the more important intra county travel corridors.
92. Road, Rural Minor Arterials. With the principal arterial system, these roads form a rural network that links other cities, larger Cities, and other traffic generators capable of attracting travel over long distances; links all developed areas of the state; and serve corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials' design should provide for relatively high overall travel speeds, with minimum interference to through-movement.
93. Road, Rural Principal Arterials. A road, which includes interstates and rural freeways, that serves substantial statewide or interstate traffic, defined by high mileage or volume; often connects urban areas; and provides an integrated network.
94. Screening. Shielding a structure or use from another by opaque fencing, walls, berms, dense vegetation or similar.
95. Sign. Shall mean and include every outdoor advertising device, billboard, poster panel, statuary, free-standing ground sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote any interests when the same is in view of the general public.
96. Sign, Animated. A sign with action, motion or changing colors. This definition does not include signs which indicate only time, temperature and date.
97. Sign, Area of. The area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural frames and members not bearing advertising matter shall not be included in computation of surface area.
98. Sign, Directional. A sign located within a development at a street intersection or private drive (other than an entrance) on which the name of a street and/or the institutionalized corporate/business names or other building identification with addresses indicating direction to their location. The purpose of this sign is to provide directions to the tenants.
99. Sign, Directory. A sign which is located within the boundary of a development, as defined by the approved Plat on which the address and name of the businesses, tenants and/or occupants of the development is placed. Directional information may also be placed on the sign (e.g., map of the project showing streets, etc.).
100. Sign, Double Faced. A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.
101. Sign Face. The part of a sign that is or can be used for display purposes.
102. Sign, Ground. A permanently affixed sign which is wholly independent of a building for support.
103. Sign, Ground; Height. The height from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. The height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the purpose of additional sign height.
104. Sign, Illuminated Direct. A sign illuminated by an internal light source.
105. Sign, Illuminated Indirect. A sign illuminated by an external light source directed primarily toward such sign.
106. Sign, Marquee. A business sign painted on, attached to, or hung from a marquee.
107. Sign, Number. For the purposes of determining number of signs, Ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, such element shall be considered to be a single sign.
108. Sign, Planned Center. A serial sign which identifies the businesses, offices, professionals, or other entities in a planned center.
109. Sign, Political. Signs identifying or urging voter support for a particular election issue, political party or candidate for public office.
110. Sign, Portable. Signs attached to vehicles, trailers, movable structures, or attached to sign structures not securely anchored into the ground, or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, "A" and "T" type, sidewalk, sandwich, trailer signs, curb-type signs, banners or other commercial advertisement attached to vehicles and trailers which offer products or services "For Sale" or announce when the "Sale" is to occur. Exceptions: Signs which are painted or attached to a vehicle stating only the name, address, business logo and telephone number of a business. Signs which are placed in the bed of a truck or trunk of an automobile, or a banner attached to the vehicle regardless of the information contained thereon or method of attachment are not included in this exception. (Note: All vehicles must be parked in locations consistent with this Ordinance.)
111. Sign, Projecting. A sign projecting more than six inches from the outside wall of a building.
112. Sign, Real Estate. A temporary sign advertising the real property upon which the sign is located for rent or sale.
113. Sign, Roof. A sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.
114. Sign, Sidewalk or Sandwich. A moveable A-frame sign.

115. Sign Structure. Poles, posts, foundations, and the like, which provide structural support of the sign.
116. Sign, Surface Area. Includes all of the display area of the sign: structural frames and members not bearing advertising matter shall not be included in computation of surface area.
117. Sign, Temporary. A sign of a non-permanent nature.
118. Sign, Trailer. Any sign which is mounted on wheels and which may be moved from one location to another.
119. Sign, Wall. A sign applied to or mounted to the wall or surface of a structure, the display surface which does not project more than six inches from the outside wall. The total lettering on one side of a building or structure shall constitute one wall sign.
120. Site Built Home. A dwelling unit constructed on the building site from basic materials delivered to the site, constructed in accordance with the applicable Building Code and meeting the following development standards:
- A minimum width in excess of 28 feet.
  - A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
  - A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
  - Exterior siding of wood, hardboard, brick, masonry, or stone, or similar material as approved by the Zoning Administrator.
  - A landing must be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Building Code.
121. Solid Waste. Putrescible and non-putrescible wastes, except water-carried body waste, to include garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manure, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.
122. Street, Local Nonresidential. A surface street intended primarily to provide local access to adjacent, existing, or planned commercial or industrial development and not through traffic.
123. Street, Local Residential. A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.
124. Subdivision. Any division of land into 2 or more lots, building sites or other divisions; provided, however, that the following are not included in this definition:
- division into parcels of 5 acres or more, if each resulting parcel has at least 150' of frontage on a public road;
  - the sale or exchange of land between owners of adjoining properties, provided that additional lots are not thereby created, and that the modified lots comply with this Ordinance and the City Subdivision Regulations.
125. Telecommunications Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas: self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, and cellular communications towers.
126. Tree Diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below dbh for new trees or multi-trunked species, but in no case less than 6 inches from the ground.
127. Tree Service. A business whose primary operation is the trimming or removal of trees and the storage and use of associated equipment and vehicles. Does not include stock piling of by-product for more than 14 days.
128. Utility Structures. Electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located in any zone as necessary to serve the public interest, provided such facilities comply with the following requirements:
- Any building or structure, except a surrounding fence, shall be set back at least 30 feet from any property line.
  - The facility shall be completely surrounded by a chain link fence at least 8 feet high.
  - When located in any residential or Office-Institutional zone, the facility shall be furnished with a planted buffer not less than 10 feet wide to create an effective visual screen on all sides bordering residential or Office-Institutional property.
  - The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.
129. Veterinary Clinic. Facility for the treatment of domestic animals, operated under the supervision of a licensed veterinarian. The boarding of animals is limited to short-term care incidental to the clinic use and does not take place in outside runs or kennels.
130. Waste Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation.
131. Wetlands. Those areas 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. See Division 420. Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

132. Yard. An open space between the principal building or use on the lot and a lot line, and unoccupied by any structure except as otherwise provided herein.
133. Yard, Front. An open, unoccupied space extending the full width of the lot, between the street line and the front line of the building projected parallel to the street to the side lines of the lot. Corner lots have two front yards.
134. Yard, Rear. An open space unoccupied except by an accessory building or use, extending the full width of the lot, between the rear line of the lot and the rear line of the building or use, projected to the side lines of the lot.
135. Yard, Side. An open, unoccupied space located between the building or use 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.
136. Zoning Buffer. A buffer required by this Ordinance or as a Condition of Zoning, Conditional Use or variance for a property.

#### **ARTICLE IV: ZONING DISTRICTS**

##### Section 400. District Designations.

The City is divided into zoning districts designated as follows:

- AG Agricultural District; for agriculture, forestry, low density residential, and limited other uses under specific conditions.
- R1 Low Density Single-Family Residential District.
- R2 Medium Density Single-Family Residential District.
- R3 Medium Density One and Two Family Residential District and industrialized and manufactured homes.
- PUD Planned Unit Development District. The purpose is to encourage the best possible site plans and buildings arrangements under a unified plan of development rather than under lot-by-lot regulation.
- OI Office-Institutional District; for limited commercial and institutional land uses where traffic, noise and congestion are minimized.
- C-1 Neighborhood Commercial District; provides for limited commercial uses that serve the neighborhood.
- C-2 General Commercial District; provides for retail, wholesale, storage, repair services and garages.
- M-1 Manufacturing-Industrial District; for commercial and Manufacturing-Industrial uses which can meet rigid standards for control of noise, odor, and other off-site disturbance.

##### Section 401. Location and Boundaries of Zoning Districts.

The location and boundaries of the Zoning District are established as shown on the map entitled, "The Official Zoning District Map for Walnut Grove, Georgia," adopted \_\_\_\_\_, made a part of this Ordinance by reference. The Zoning Map may be amended from time to time, and shall be kept on file in the Walnut Grove City Hall where it shall be available for public inspection. The official Zoning Map in City Hall, as amended and reflected in the minutes, shall be the final authority as to the current zoning status of the City. The Zoning Map shall be signed by the Mayor and Council and attested by the Clerk of the City of Walnut Grove.

##### Section 402. Interpretation of Zoning District Boundaries.

Where uncertainty exists as to the boundaries of any zoning district on the Zoning Map, the following rules shall apply:

1. Where a zoning district boundary is shown as approximately following a corporate limits line, a lot line or the centerline of a street, highway, road, railroad right-of-way or such lines extended, then such line shall be the district boundary line.
2. Where a zoning district boundary line is shown as set back from a street, highway or railroad, and approximately parallel thereto, then such district boundary line, unless otherwise specifically indicated, shall be at the scaled distance there from and parallel thereto.
3. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies applies to the balance of the lot.
4. In the case of a through lot fronting on two approximately parallel streets, divided by a zoning district boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lies shall apply to that portion of the through lot.
5. Where a public road, street or alley is officially vacated or abandoned, the ordinances applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
6. If the exact location of a boundary cannot be determined by the foregoing, the Mayor and Council shall, upon application, determine the location of the boundary pursuant to a public hearing advertised per the requirements of this Ordinance.

##### Section 403. Annexation and Other Adjustments to City Limits.

Where city limit boundaries change, the land areas incorporated shall be classified AG, Agricultural District, until such time as such classification is changed through normal amendment procedures or until a different classification is called for in the annexation ordinances. Where additions in the total land area require adjustments in the zoning district boundaries, said adjustment shall be made on the Official Zoning Map.

#### **ARTICLE V: APPLICATION OF REGULATIONS**

##### Section 500. Use, Occupancy and Construction.

No building, structure or land shall be used, constructed, moved or altered except in conformity with this Ordinance.

Section 501. Height and Density.

No building or structure shall hereafter be constructed, or altered to:

1. Exceed the height limits.
2. Have a greater density per acre or occupy a smaller lot than herein required.
3. Have narrower or smaller front, rear or side yards than herein required.

Section 502. Reduction in Lot Size.

No lot shall be reduced in size so lot width or depth, size of yards, lot area or any other requirement of this Ordinance is not maintained.

Section 503. Yards and Other Spaces.

No part of a yard or the off-street parking or loading spaces shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein.

Section 504. Only One Principal Building or Use on a Lot.

Within residential districts (AG, R1, R2, R3, PUD), only excepting group developments, such as apartments/condominiums, not more than one principal building or structure or use and its customary accessory buildings and uses shall be permitted on any lot.

In nonresidential districts, more than one structure housing a principal permitted use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure between structures and the property lines.

Section 505. Accessory Uses or Structures.

1. Accessory structures shall be permitted only in rear yards, except as otherwise provided in this Ordinance. In a residential district, accessory uses customarily located within front or side yards of residences are the following: walls and fences as permitted herein, mailboxes, driveways, walkways, lamp posts, landscaping, vegetable gardens, provided they do not exceed 30 percent of the front yard, and basketball goals adjacent to driveways. No accessory uses or structures, except driveways, mailboxes or minimal landscaping shall be in a public right-of-way.
2. Accessory uses customarily located in rear yards of residences are the following: storage buildings, patios, swimming pools, dog runs, dog pens and houses, detached garages, tennis courts, playground equipment, fences and walls as permitted in Section 700. Any accessory use or structure, except walls, fences, driveways and landscaping, shall be set back not less than five feet from any lot line, or not less than the distance established by other portions of this Ordinance.
3. No accessory structure shall be erected on a lot prior to construction of the principal building to which it is accessory.
4. In residential districts, unless otherwise allowed by this Ordinance, no accessory building shall exceed 1,400 square feet and the total floor area of accessory structures shall not exceed 50 percent of the principal dwelling on the lot.
5. No accessory building shall be utilized unless the principal structure is also occupied. There shall be a distance of not less than ten (10) feet between a principal and accessory building located on the same lot or parcel unless the principal building and the accessory building share a common wall.

Section 506. Classification of Streets.

All of the streets, roads and highways in the City are classified as roads based upon the City's Federal Aid and Thoroughfares Functional Classification Map in the County Comprehensive Plan or the City Comprehensive Plan.

**ARTICLE VI: GENERAL PROVISIONS**

Section 600. City Approvals.

All City, County and State of Georgia approvals and permits required for the use/operation of the land, structures and/or businesses shall be obtained by the applicant before the use/operation begins.

Section 601. Code Requirements.

All structures shall meet the requirements of all adopted codes. Where such codes exceed the requirements of this Ordinance, the stricter provisions apply.

Section 602. Approvals for Residential Subdivisions, Business, and Industrial Developments on State Highways

For all residential subdivision, business and industrial developments fronting on a State Highway, no building or development permits shall be issued until the approval of the Georgia DOT of entrances and exits, curbs, drainage and other matters.

Section 603. Erosion and Sedimentation Control.

All land disturbing activity within the City shall comply with current erosion and sedimentation control regulations of the City, and EPD.

Section 604. Uses Not Listed.

Uses not listed are prohibited. However, the applicant may apply for a text amendment.

Section 605. Minimum Floor Area Requirements.

All dwelling units shall have a minimum heated finished living area, as provided for in the Article entitled *Use Provisions* for each residential zoning classification.

Section 606. Area, Yard and Height Requirements.

All requirements of area, yard, and height requirements shall be met unless otherwise specified. All height requirements must be met unless otherwise specified.

Section 607. Minimum Lot Size for Residential Septic Tank Use.

No residence to be served by a septic tank shall be permitted on a lot containing less square footage than required by the County Board of Health, or the minimum required by the Department of Natural Resources for lots in a groundwater recharge area.

Section 608. Flood Hazard.

Except for stormwater retention facilities, no structures or obstruction to storm water flow shall be erected within the maximum flood elevation of a 100-year recurrence interval storm.

Section 609. Frontage on Corner Lots.

On corner lots, the required front yard shall be provided for each frontage.

Section 610. Street Frontage Requirement.

No structure shall be erected on a lot that does not abut for at least 25 feet upon a publicly dedicated and maintained street.

Section 611. Vision Clearance at Intersection.

In all Zoning Districts, except CBD, no other obstruction to vision between 2 1/2 feet and 10 feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within 20' of the intersection of the right-of-ways of streets, roads, highways or railroads.

Section 612. Access to Public Streets

Access to public streets shall be maintained per the following:

1. Each principal use shall be on a lot with frontage on a public street with right-of-way width no less than 30'.
2. For single-family and two-family uses, there shall be:
  - a. Access from internal subdivision streets, if the lot has frontage on the interior street of a subdivision.
  - b. Access as follows for all other existing streets or roads: No more than one access way per 100 feet of individual lot frontage on a roadway, which shall not exceed 30 feet in width, measured at the edge of the roadway surface at a line 5 feet outside and parallel to the edge of the roadway surface. The width of the rest of said access way shall not exceed 20 feet, which shall not be increased until said line 5 feet from the roadway.
3. All uses other than single-family and two-family (including industrial, commercial, business and multi-family uses) shall have no more than one access way on any one street frontage of less than 140 feet, nor more than 2 access ways on any one street frontage of 140- 210 feet. Such access way shall not exceed 80 feet in width, measured at the edge of the roadway surface, and shall be gradually reduced (by equivalent radii or tapers) so as not to exceed 30 feet in width at a line drawn parallel to, and between 12-25 feet from the outside edge of the roadway surface. All such access ways should intersect the roadway at 90 degrees, however, when circumstances exist, such that this is not practical or desirable, the Zoning Administrator may permit the intersection to occur at an angle of not less than 45 degrees, with compatible radii or tapers.
4. At roadway intersections, no access way shall be established within 5' of the points of tangency of the curve connecting such roadways. Measurements shall be made along the edge of the roadway surface from the nearest point of tangency.
5. All uses other than single-family and two-family shall have no access way within 10 feet of the intersection of a straight line projection of any side (or rear) lot line and the edge of the roadway surface, and all uses other than single family and two-family shall not have any access ways less than 20 feet apart, at the edge of the roadway.
6. No curbs or rights-of-way shall be cut, paved, established, or otherwise altered until a scale plan, indicating compliance with these requirements, has been approved by the zoning administrator.
7. Access ways shall be defined by paving or use of curbs.

Section 613. Exterior Building Materials and Landscaping.

Sheet metal, vinyl siding, exposed common concrete block and similar materials shall not be permitted as exterior materials on sides of buildings visible from a public road. The exterior material of the face of said buildings on the sides facing a road shall consist of glass, brick, stone, textured masonry block, real stucco, wood or similar building materials. Front and side yards shall be landscaped with ground cover, shrubbery and trees that are well-maintained.

In residential zoning districts, sheet metal, vinyl siding, exposed common concrete block and similar materials shall not be permitted as exterior building materials.

#### Section 614. Requirements for Customary Home Occupations.

In addition to the limitations under Article III, Definitions, the following apply:

1. The occupation shall be carried on only by members of the family residing in the residence.
2. No on-site sale of any item or service may occur.
3. The home occupation shall not involve group instruction or group assembly.
4. There shall be no exterior evidence of the home occupation.
5. The home occupation shall not increase traffic or parking.
6. No equipment may be used or stored except that normally used for purely domestic or household purposes. Samples may be kept on the premises, but not sold or distributed from the residence.
7. Signs identifying the home occupation are prohibited.
8. No more than 25 percent of the dwelling unit may be used for the home occupation.
9. Only one business vehicle, used exclusively by the resident, is allowed. It must be parked in a carport, garage, or rear yard. It shall be no larger than a pick-up truck or van, nor have a carrying capacity of more than one and one-half tons.
10. The following uses may not be considered for home occupations: Auto repair, sales, or similar operations, restaurants, funeral homes, keeping of animals, retail or wholesale sales, storage or warehousing of material, equipment, or merchandise, hotel or motel type establishments, adult entertainment, any business involving alcohol, drugs or medications, or any use that is in conflict with the intent of this Ordinance.
11. No equipment or processes shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference, outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause fluctuations in line voltage off the premises.

#### Section 615. Outdoor Storage

Outdoor storage of inoperative automobiles, machinery, equipment, used building materials, trash, solid waste, appliances and similar items and materials shall be limited to junk yards. Outdoor Storage of materials or equipment sold or used in conjunction with an approved permitted use must be located in a Zoning District which permits outdoor storage.

#### Section 616. Telecommunications Tower and Antenna

1. No towers may be located in Residential or Agricultural zoning districts.
2. Notwithstanding setback regulations, the required setback to any public right-of-way or property line is equal to the height of the tower. The setback shall be measured from the base of the tower.
3. Telecommunications towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration or Federal Communications Commission, be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. No advertising sign or logo is permitted on any tower or antenna.
4. Radio, television or other electromagnetic transmission or reception on other properties will not be disturbed or diminished.
5. The tower will have lighting which consists of a red light at night and strobes in daylight, when lighting is required by the Federal Aviation Administration. The lighting shall be oriented so as not to project directly onto surrounding residential property. The owner shall submit documentation from the FAA that the lighting is the minimum required by the FAA.
6. Telecommunications towers and antennas shall be entirely enclosed by a security fence not less than six feet tall. Towers shall be equipped with an appropriate anti-climbing device. This requirement shall not apply to alternative tower structures provided equivalent alternative security measures are installed.
7. In addition to any other landscaping or buffer requirements that may apply, telecommunications towers and antennas shall be landscaped with a buffer of plant material that effectively reduces the visual obtrusiveness of the tower site from adjacent uses. Existing tree growth and natural land forms on site shall be preserved to the maximum extent possible. At a minimum, a

- landscaped buffer strip 25 feet in width shall be provided around the perimeter of the site. The tower compound shall be surrounded by a tight evergreen vegetative screen not less than six feet tall and shall consist of evergreen trees and/or shrubs that will normally obtain a height of eight feet within five years. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
8. Telecommunications towers and antennas shall be constructed to the minimum height necessary to accomplish their required telecommunications purpose.
  9. Output power levels from the tower and/or associated antennas shall not exceed the current federally approved levels for exposure to electromagnetic radiation.
  10. Each applicant requesting a conditional use permit shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Building & Code Official to be necessary to assess compliance with this Ordinance. Any information of an engineering nature shall be certified by a licensed professional engineer.
  11. Each applicant for a tower and/or antenna shall also provide an inventory of its existing towers that are either within the City or 1/4 mile thereof, including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for land use approvals and permits under this Ordinance or other organizations seeking to locate antennas within the City. However, the City is not, by sharing such information, representing or warranting that such sites are available or suitable.
  12. The Council shall consider the following factors in determining whether to issue a Conditional Use Permit for a telecommunication facility:
    - a) Height of the proposed tower.
    - b) Proximity of the tower to residential structures and residential district boundaries.
    - c) Type of uses on adjacent and nearby properties.
    - d) Surrounding topography.
    - e) Design of the tower, particularly as to visual obtrusiveness.
    - f) Proposed ingress and egress.
    - g) Availability of suitable existing towers and other structures as discussed above, and
    - h) Whether the tower is designed to accommodate additional antennas.
  13. All decisions by the City or its officials regarding a request to place, construct or modify a telecommunications tower or antenna shall be in writing and supported by a written record documenting the reasons for the denial and the evidence in support thereof. All such decisions shall be made within a reasonable time from the date a completed application is duly filed with the appropriate department. Applications in all cases where the telecommunications tower or antenna is an authorized use shall be made to and decided by the Mayor and Council upon review and recommendations of an Engineer pursuant to all standards and requirements herein.
  14. Co-location of antennas is encouraged. Each applicant for a telecommunications tower or antenna shall provide to the City an inventory of existing towers that are either within the jurisdiction of Walnut Grove or within one-quarter mile of the boundaries thereof, including information regarding the location, height, and design of each tower. The City may share such information with other applicants applying for conditional use permits under this Ordinance or with other organizations seeking to locate antennas within the jurisdiction of Walnut Grove, provided, however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Walnut Grove that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence shall be submitted at the time of application which demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna and may consist of the following:
    - a) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    - b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
    - c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
    - e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
    - f) The applicant demonstrates other limiting factors that render existing towers and structures unsuitable.
  15. All transmission towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennae of more than one user/transmitter, unless the tower is incapable of



supporting more than one user/transmitter due to the design of the tower which is incorporated into another structure in compliance. Monopoles shall accommodate a minimum of two total users, lattice or other types of towers shall accommodate a minimum of three total users. To ensure structural integrity, towers and antennas shall be maintained in compliance with the Building Code and the current applicable standards published by the Electronic Industries Association. If the City concludes that a tower or antenna fails to comply and/or constitutes a danger to persons or property, then upon notice to the owner, the owner shall have thirty days to bring such tower or antenna into compliance. If the owner fails to do so, the City may remove such tower or antenna at the owner's expense. Any such removal shall be as provided in O.C.G.A. 41-2-8 through 41-2-17.

16. To further encourage co-location, additional users and associated equipment which do not add to the tower height, may be added without additional approval. However, additional building code regulations may apply. Site plans must show the locations for at least two equipment buildings, even if the tower is proposed for a single user.
17. Installation of an antenna on an existing alternative tower structures (a building, sign, light pole, water tower, or other free-standing non-residential structure) 50 feet tall or greater is permitted, subject to zoning district restrictions.
18. The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized telecommunications tower or antenna is authorized.
19. Any telecommunications tower or antenna that is not operated for a continuous period of 6 months shall be considered abandoned and the owner of such antenna or tower shall remove same within 90 days of receipt of notice by Walnut Grove notifying the owner of such abandonment.

#### Section 617. Development of Regional Impact

When an application for rezoning, conditional use permit or preliminary plat review includes any uses which exceed the applicable development thresholds as established by the Department of Community Affairs or the Northeast Georgia Regional Commission (NEGRC), it shall be deemed to be a Development of Regional Impact (DRI). The application for such rezoning, conditional use permit or preliminary plat review shall include three copies of a completed traffic study prepared in conformity with the Subdivision Regulations and two copies of completed forms for review of Development of Regional Impact by the NEGRC and other affected state and local government agencies as they shall deem appropriate. No action shall occur on such a rezoning, conditional use permit or preliminary plat review application by the Mayor and Council until a recommendation is received from the NEGRC regarding the Development of Regional Impact, provided that such application shall have been complete in every respect and was received by the City within 90 days of the date that the completed DRI review application forms were received by the NEGRC.

#### Section 618. Landscaping Businesses.

Outside storage is permitted only in the rear yards and located at least 25 feet from any property zoned or used for residential. Such storage shall be screened from neighboring residential properties and streets with an opaque fence or a vegetative screen, subject to the approval of the City. Vehicles such as tractors, mowers, trucks, and trailers, shall not be parked in the front yard. Employee parking may not be within the front yard if adjacent or across the street from residential property, zoned or used. No storage or parking may occur within buffer or landscaping areas.

#### Section 619. Livestock.

No livestock barns, shelters, pens or other quarters are to be located closer than 100' to any property line. Adequate off-street parking shall be provided for livestock trailers, tractors, vehicles, etc. associated with the use, in addition to the requirements of this Ordinance.

#### Section 620. Religious Institutions.

If located in a residential district, the site must be a minimum of 3 acres. Accessory uses include Sunday School facilities, recreational areas, parking, cemetery, caretaker's housing in a separate residential structure, and residential living facilities such as a convent, abbey, or parsonage. All accessory uses must meet the requirements of this ordinance. When located in a residential district, the following conditions shall apply:

1. Place of worship must be located on a collector or arterial street;
2. A 50 foot buffer or 25 foot buffer with opaque screening adjacent to residential zoning is required; Driveways and parking areas must set back 25 feet from side property lines;
3. No school, child care, adult day care, gymnasium, homeless shelter, and caretaker's housing within the church building, amphitheater, or lighted ball field shall be allowed without a conditional use.
4. Active recreation fields, such as for baseball, football or soccer, or any amphitheater must be located at least 100 feet from any property line adjacent to a residential district or use.

Parking lot landscaping standards shall apply. The provisions of this section are not intended to impose a substantial burden on the exercise of religion by a person, religious assemblage or institution, and such burdening of religious exercise is not allowed except for provisions that serve a compelling government interest. In considering a request for a variance from any term imposed under this

section, and if the variance is not warranted under the existing standards, the Planning Staff shall consider the following:

1. Whether the regulation imposes a substantial burden on exercise of a religion;
2. Whether the regulation serves a compelling government interest; and
3. Whether the regulation is the least restrictive means to serve that interest, or
4. Whether the request can be granted without harming that interest.

If any provision of this section is found to impose a substantial burden on the exercise of a religion and does not serve a compelling government interest or is not the least restrictive means to serve that interest, the variance shall be granted.

Section 621. Recreation Center.

Buildings and structures shall be set back not less than 100 feet from any property line, except when such property line is a street line. In such case, the front yard setback of the district shall apply. Recreation facilities shall comply with the Subdivision Regulations. Swimming pools shall comply with the standards herein. Outdoor activity shall cease by 10 p.m.

Section 622. Schools, K-12.

Minimum lot size for private elementary, middle, and high schools: One acre, plus one additional acre for each 100 students. Active Recreation fields, such as for baseball, football or soccer must be located at least 100 feet from any property line adjacent to a residential zone or use. A minimum buffer of 50 feet shall be required adjacent to any residential use or zone. No play area may be within the buffer or landscape area.

Section 623. Tree Service.

Parking of vehicles and equipment shall be set back no less than 100 feet from property zoned or used as residential and 50 feet from any right-of way. No activity such as grinding, mulching may occur within 200 feet of all property lines. Burning is prohibited. A minimum 50-foot buffer, or 25-foot buffer with an 8-foot high opaque wooden fence, is required adjacent to all interior property lines, and a 25-foot buffer along any public right of way. Stockpiling of product may be no more than 14 days.

Section 624. Day Care Facility.

The use must provide at least 100 square feet of outdoor recreation area as required by state day care requirements. The outdoor play area must be enclosed with a 4 foot high fence. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections. The use shall provide paved driveways with drop-off areas and turn-arounds to be reviewed by the City Engineer so that traffic associated with the use does not impede the flow of traffic on adjacent streets. Uses located within residential districts shall maintain a residential appearance. Day Care in residential structures must be occupied by a full time resident, either the owner or a tenant under written lease agreement.

Section 625. When Traffic Study Required.

A traffic study is required for a rezoning, conditional use permit or preliminary plat review application for a project meeting any of the following criteria: [Note: The Institute of Transportation Engineers' Trip Generation Handbook uses square footage as an indicator of traffic generation for commercial and industrial developments.]

1. Single-family developments with over 25 new lots or units at build-out; or
2. Retail developments with over 25,000 square feet; or
3. Office developments with over 25,000 square feet.

Section 626. Inert and Construction and Demolition Landfills.

1. The following conditions must be met, except Inert Landfills only require a distance of one-half (1/2) of each of the distance requirements listed below:
  - a. The location and boundaries of the site shall be surveyed and a plat and legal description provided to the City, together with other exhibits as required in this ordinance. The landfill shall have primary access via a state or federal highway or a paved road. All such operations shall be located on a road that does not create traffic through an area developed primarily for residential purposes. A stop sign shall be erected and maintained by the owner/operator at all egress roads from the landfill. Under no circumstances shall trucks use private drives or private access routes to or from the applicants' property that are within 300 feet of any residence.
  - b. A landfill shall only be permitted where all roads used for access have been built to a standard sufficient to withstand the projected number of trips per day at maximum weight for the vehicles expected. If a landfill is proposed adjacent to roads that are not sufficient to withstand the loads, or were not designed for such loads, the landfill owner must pay to bring such roads up to standard from the entrance(s) of the landfill to the nearest County or State road of sufficient strength; or the landfill shall be denied. Truck traffic shall be restricted to roads of sufficient strength and width, with either a turning lane or four lanes.
  - c. To allow for an adequate buffer, the landfill shall be located on a parcel of land not less than 250 acres in size, and the landfill

- "cell" area (that is, holding actual waste) may not exceed thirty (30%) of the total acreage, with landfill operations areas (i.e., "cells" plus scales, offices, storage, other buildings, etc.) not exceeding forty (40%). No landfill cell may exceed sixty (60) feet in height above the original natural grade, when fully filled, covered and vegetated. No more than ten (10) acres of the property can be active landfill cell at any one time.
- d. The proposed facility shall not be located within two miles of a significant groundwater recharge area nor within two (2) miles upgradient of any water supply watershed nor within 1000 feet of a wetland nor in the 100-year floodplain nor in seismic impact zones nor in unstable areas nor within four hundred (400) feet of a fault that has had displacement in Holocene time.
  - e. Such facility shall not be situated within 2 miles upgradient of any surface water intake for a public water drinking water source.
  - f. The applicant shall include with any rezoning application a report detailing the phasing of the landfill.
2. Such use shall also comply with the following regulations:
- a. The landfill shall be suitably fenced to control access to the premises and to prevent the spread of materials. All landfill cell areas and landfill operations areas must be surrounded by a chain link fence at least eight feet high, topped with three strands of barbed wire, angled 45 degrees toward the outside of the premises to the top. All entrances shall have an 8-foot high gate, which shall be closed and locked at all times that the landfill is not open.
  - b. Upon final closure of the landfill, the site shall be left in a stabilized and vegetated condition in accordance with a Post Closure Plan approved by the Georgia Department of Natural Resources. Furthermore, the reclamation plan for the closed landfill shall be submitted to the City and be subject to approval by the Mayor and Council. The plan shall propose reclamation or redevelopment that will best serve the needs and interests of the citizens of City. Reclamation or redevelopment shall be accomplished as soon as practicable following closure of any areas of the landfill. Substantial completion of reclamation or redevelopment shall be effected within two years after termination of the waste disposal facility. Inactivity for six consecutive months shall constitute, for this purpose, termination of disposal activities.
  - c. Materials placed in landfills shall be compacted to the extent possible with available equipment and covered with earth at least monthly or more frequently as may be required to meet industry standards.
  - d. The disposal site shall be graded and drained to minimize runoff onto and from the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
  - e. All-weather access roads shall be provided to the disposal site and provisions shall be made for waste moving and grading equipment repair or replacement when needed within a reasonable period of time.
  - f. The applicant shall follow all applicable Federal and State laws and City regulations so as to prevent air, land and water pollution, public health hazards or nuisances.
  - g. Suitable means shall be provided to prevent and control fires, including sufficient dirt stockpiled near the active cell to extinguish fires.
  - h. Rodents and insects shall be controlled to meet industry standards.
  - i. The applicant shall submit to the City the design and operation plans of the landfill facility once they are approved by the State of Georgia. All landfills shall be double composite lined, designed and installed under the supervision of a licensed professional engineer, with a leak detection system between the two liners, and leachate collection per EPA Subtitle D. However, Inert Landfills shall only require one such composite liner.
  - j. A minimum 400-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings. The buffer must be sufficiently vegetated to be completely opaque and prevent viewing of any landfill cell at all times of the year. If the preexisting natural buffer is insufficient, the buffer shall be enhanced with a berm of at least 10 feet in height and fifty (50) feet wide at the top and plantings of evergreen trees, not more than 10 feet apart, or evergreen shrubbery not more than 5 feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least two-year transplants at the time of planting, shall grow to not less than 10 feet in height within two years or less, and shall be sufficiently spaced to provide effective sight barriers when 10 feet in height. Trees or shrubs that die must be promptly replaced with the same type tree that will grow to at least 10 feet high within two years.
  - k. The waste disposal boundary of any landfill or lateral expansion of an existing landfill shall not be located within 1000 feet of any occupied dwelling. Any security lighting deemed necessary by the owner/operator shall be the sodium vapor type and shall be aligned so that no part of the illuminated field falls on adjacent property.
  - l. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
  - m. The limits of any 100-year floodplain or a stream buffer of 500 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
  - n. No disposal area shall interfere with the established natural flow of surface waters to the detriment or damage to adjoining public or private properties. The Mayor and Council shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial water or sediment may be carried into any nearby property or state waters.
  - o. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for the maintenance of adjacent public and private property. No disposal area shall be permitted closer than 400 feet from the interior

- boundary lines. Disposal areas shall at no time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained.
- p. Hours of operation of any landfill shall be no greater than 7:00 a.m. to 6:00 p.m. Monday to Friday. No operation is allowed on Saturday or Sunday. A sign clearly indicating the hours of operation and prohibiting dumping at all other times shall be placed in a conspicuous location at the entrance. Disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction, and covering of materials. All such personnel shall reside in close enough proximity to respond in the event of a fire.
  - q. All litter shall be collected from the landfill site by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
  - r. Any landfill shall be open to use by residents, property owners, and businesses, during established business hours, at a rate to be agreed upon by the Mayor and Council. Special handling fees may be charged for bulky or difficult to process items.
  - s. A mitigation trust fund shall be established at a bank within the City chosen by the Mayor and Council. The Operator shall pay \$5.00 per ton of waste disposed into this trust fund for the life of the landfill. Expenditures from the trust fund are to be approved by a committee consisting of one citizen appointment by the Mayor and Council, the Mayor, and one representative of the owner/operator. Funds may be used, without limitation, for off-site litter control, groundwater and surface water monitoring, provision of alternative water supplies, and payments to adjacent property owners and others, at the discretion of the committee, for damages caused as a result of the landfill or its related operations. The trust fund shall exist and earn interest for 90 years following the expiration of the post-closure period, and at that time the remaining funds shall be paid to the owner/operator or its successor or assigns.
3. Further Requirements:
- a. Each person proposing to locate a solid waste management facility in City shall submit an application for a letter of assurance demonstrating compliance with the provisions contained in this ordinance and consistency with the City solid waste management plan. Before the applicant identifies a potential site and conducts a hydrological study for submission to the Environmental Protection Division for site suitability, the applicant shall notify the local government and participate in a public meeting to discuss the waste management needs of the local government, to describe the siting process to be followed, and to allow for public input. The local government shall give notice of the meeting published in a newspaper of general circulation at least twice per week for two weeks immediately preceding the date of the meeting. The cost of publication shall be the applicant's responsibility.
  - b. Each person proposing to locate a solid waste management facility in City shall submit an application compliant with this ordinance and the City solid waste management plan and the City solid waste management facility ordinance.
  - c. Within forty-five (45) days of the submission of the application, the Mayor and Council shall hold a public hearing so that the applicant can present his plans and answer questions regarding the same. The Applicant shall be required to pay for notice to be published at least twice in the County legal organ prior to the hearing. Notice shall be published beginning at least fifteen (15) but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing. Copies of all ads or a certification from the publisher must be submitted to the City prior to each hearing.
  - d. The Mayor and Council shall require an application fee in the amount of \$5,000 to \$25,000 to reimburse the city for the costs of any needed professional assistance that may be required to evaluate the application and amendments, verify its contents and evaluate the impact of such a facility on the community, public health and environment. This assistance may include, but shall not be limited to, the assistance of lawyers, biologists, geologists, engineers, chemists, hydrologists, emergency response, transportation and public health experts, land appraisers and professional testing laboratories. Funds not so expended in the legitimate review of the application shall be returned to the applicant. Failure to provide these funds within 30 days of demand shall result in termination of the application process or cancellation of the letter of assurance. The Mayor and Council may take legal action against the applicant for any costs incurred to the city up to the point of termination.
  - e. The applicant shall submit to the City 12 copies of all information required by federal and state agencies for the facility for which it requests a city permit at the time such information is submitted to the state and federal government. The review procedure shall not begin nor shall the application be designated as complete until such time as all required data are submitted and the appropriate fees are paid, or suitable arrangements for payment have been approved by the Mayor and Council.
  - f. Once a completed application is submitted to the City the applicant shall be required to send a letter via first class mail to all adjoining property owners, as shown on the tax records of the City on the date of the application, and to all property owners where any portion of their property is within 1000 feet of the boundary of the facility. This notice shall be required to state that the applicant is seeking a letter of assurance for a solid waste management facility. Certification of this notice must be provided to the Mayor and Council, along with a list of all owners prior to the public meeting for public comment on the completed application.
  - g. The Mayor and Council, before deciding whether to approve the application or to accept it with modifications, shall determine if such facility complies with the location standards and is consistent with the City Solid Waste Management Plan including the Solid Waste Management Facility Ordinance, using as criteria and standards those set forth in the City Solid Waste Management Plan including the Solid Waste Management Facility Ordinance. If approved, the Mayor and Council shall issue

a letter of assurance as required by state law and regulations.

- h. Any proposal shall be specifically conditioned to the site plan, maps, elevation renderings, and other detailed plans to insure that the development is erected in accordance with the presented materials. The approval may also impose additional conditions, if the conditions are designed to minimize the impact of the use on the neighboring property, streets, and so forth.

Section 627. Waste Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation. A transfer station must comply with the "Rules of the Georgia Department of Natural Resources, Environmental Protection Division, §391-3-4, Solid Waste Management," effective June 27, 1993, and as amended.

1. The following conditions must be met:

- a. A plat and legal description shall be provided to the Mayor and Council, together with other exhibits as required in this ordinance. The Transfer Station shall have primary access via a state or federal highway or a paved road. All such operations shall be located on a road that does not create traffic through an area developed primarily for residential purposes. A stop sign shall be erected and maintained by the owner/operator at all egress roads from the Transfer Station. Under no circumstances shall trucks use private drives or private access routes to or from the applicants' property that are within 300 feet of any residence.
- b. A Transfer Station shall only be permitted where all roads used for access have been built to a standard sufficient to withstand the projected number of trips per day at maximum weight for the vehicles expected. If a Transfer Station is proposed adjacent to roads that are not sufficient to withstand the loads, or were not designed for such loads, the Transfer Station owner must pay to bring such roads up to standard from the entrance(s) of the Transfer Station to the nearest County or State road of sufficient strength; or the Transfer Station shall be denied. Truck traffic shall be restricted to roads of sufficient strength and width, with either a turning lane or four lanes.
- c. To allow for an adequate buffer, the Transfer Station shall be located on a parcel not less than 25 acres.
- d. The proposed facility shall not be located within 1 mile of a significant groundwater recharge area nor within 1 mile upgradient of any water supply watershed nor within 500 feet of a wetland nor in the 100-year floodplain nor in seismic impact zones nor in unstable areas nor within four hundred (400) feet of a fault that has had displacement in Holocene time.
- e. Such facility shall not be situated within 1 mile upgradient of any surface water intake for a public water drinking water source.

2. Such use shall also comply with the following regulations:

- a. The Transfer Station shall be suitably fenced to control access to the premises and to prevent the spread of materials. All Transfer Station operations areas must be surrounded by a chain link fence at least eight feet high. All entrances shall have an 8-foot high gate, which shall be closed and locked at all times that the Transfer Station is not open.
- b. The site shall be graded and drained to minimize runoff onto and from the Transfer Station surface, to prevent erosion and contamination.
- c. The applicant shall follow all applicable Federal and State laws and City regulations so as to prevent air, land and water pollution, public health hazards or nuisances.
- d. Rodents and insects shall be controlled to meet industry standards.
- e. The applicant shall submit to the City the design and operation plans of the Transfer Station facility once they are approved by the State of Georgia.
- f. A minimum 200-foot natural, undisturbed buffer shall be provided on all exterior property lines except for approved perpendicular access and utility crossings. The buffer must be sufficiently vegetated to be completely opaque and prevent viewing of the Transfer Station at all times of the year. If the preexisting natural buffer is insufficient, the buffer shall be enhanced with a berm of at least 10 feet in height and fifty (50) feet wide at the top and plantings of evergreen trees, not more than 10 feet apart, or evergreen shrubbery not more than 5 feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least two-year transplants at the time of planting, shall grow to not less than 10' in height within two years or less, and shall be sufficiently spaced to provide effective sight barriers when 10' in height. Trees or shrubs that die must be promptly replaced with the same type tree that will grow to at least 10' within 2 years.
- g. The boundary shall not be located within 500' of any occupied dwelling. Any security lighting deemed necessary by the owner/operator shall be sodium vapor type and shall be aligned so no part of the illuminated field falls on adjacent property.
- h. The limits of any 100-year floodplain or a stream buffer of 500 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
- i. No Transfer Station area shall interfere with the established natural flow of surface waters to the detriment or damage to adjoining public or private properties. The Mayor and Council may require an applicant to construct adequate sediment basins if it appears that substantial water or sediment may be carried into any nearby property or state waters.
- j. Hours of operation shall be no greater than 7:00 a.m. to 6:00 p.m. Monday to Friday. No operation is allowed on Saturday or Sunday. A sign clearly indicating the hours of operation and prohibiting waste transfer at all other times shall be placed in a conspicuous location at the entrance. Qualified personnel shall be on duty at all times to direct all operations and activities. All such personnel shall reside in close enough proximity to respond in the event of a fire.
- k. All litter shall be collected from the site by the end of each working day and stored in a covered container.
- l. Any Transfer Station shall be open to use by residents, property owners, and businesses, during established business hours, at

- a rate to be agreed on by the Mayor and Council. Special handling fees may be charged for bulky or difficult to process items.
- m. A mitigation trust fund shall be established at a bank within the City chosen by the Mayor and Council. The Operator shall pay \$1.00 per ton of waste transferred into this trust fund for the life of the Transfer Station. Expenditures from the trust fund are to be approved by a committee consisting of one citizen appointment by the Mayor and Council, the Mayor, and one representative of the owner/operator. Funds may be used, without limitation, for off-site litter control, groundwater and surface water monitoring, provision of alternative water supplies, and payments to adjacent property owners and others, at the discretion of the committee, for damages caused as a result of the Transfer Station or its related operations. The trust fund shall exist and earn interest for 90 years following the expiration of the post-closure period, and at that time the remaining funds shall be paid to the owner/operator or its successor or assigns.
3. Further Requirements:
- a. Each person proposing a Transfer Station shall submit an application for a letter of assurance demonstrating compliance with the provisions contained in this ordinance and consistency with the City solid waste management plan. Before the applicant identifies a potential site and conducts a hydrological study for submission to the Environmental Protection Division for site suitability, the applicant shall notify the local government and participate in a public meeting to discuss the waste management needs of the local government, to describe the siting process to be followed, and to allow for public input. The local government shall give notice of the meeting published in a newspaper of general circulation at least twice per week for two weeks immediately preceding the date of the meeting. Cost of publication shall be the applicant's responsibility.
- b. Each person proposing to locate a Transfer Station in City shall submit an application compliant with the provisions contained in this ordinance and the City solid waste management plan.
- c. Within forty-five (45) days of the submission of the application, the Mayor and Council shall hold a public hearing so that the applicant can present his plans and answer questions regarding the same. The Applicant shall be required to pay for notice to be published at least twice in the County legal organ prior to the hearing. Notice shall be published beginning at least fifteen (15) but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing. Copies of all ads or a certification from the publisher must be submitted to the City prior to each hearing.
- d. The Mayor and Council shall require an application fee in the amount of \$1,000 to \$5,000 to reimburse the city for the costs of any needed professional assistance that may be required to evaluate the application and amendments, verify its contents and evaluate the impact of such a facility on the community, public health and environment. This assistance may include, but shall not be limited to, the assistance of lawyers, biologists, geologists, engineers, chemists, hydrologists, emergency response, transportation and public health experts, land appraisers and professional testing laboratories. Funds not so expended in the legitimate review of the application shall be returned to the applicant. Failure to provide these funds within 30 days of demand shall result in termination of the application process or cancellation of the letter of assurance. The Mayor and Council may take legal action against the applicant for any costs incurred to the city up to the point of termination.
- e. The applicant shall submit to the Mayor and Council 2 copies of all information required by federal and state agencies for the facility at the time such information is submitted to the state and federal government. The review procedure shall not begin nor shall the application be designated as complete until such time as all required data are submitted and the appropriate fees are paid, or suitable arrangements for payment have been approved by the Mayor and Council.
- f. Once a completed application is submitted to the City the applicant shall be required to send a letter via first class mail to all adjoining property owners, as shown on the tax records of the City on the date of the application, and to all property owners where any portion of their property is within 500 feet of the boundary of the facility. This notice shall be required to state that the applicant is seeking a letter of assurance for a Waste Transfer Station. Certification of this notice must be provided to the Mayor and Council, along with a list of all owners prior to the public meeting for public comment on the completed application.
- g. The Mayor and Council, before deciding whether to approve the application or to accept it with modifications, shall determine if such facility complies with the location standards and is consistent with the City Solid Waste Management Plan, using as criteria and standards those set forth in the City Solid Waste Management Plan. If approved, the Mayor and Council shall issue a letter of assurance as required by state law and regulations.
- h. Any proposal shall be specifically conditioned to the site plan, maps, elevation renderings, and other detailed plans to insure that the development is erected in accordance with the presented materials. The approval may also impose additional conditions, if the conditions are designed to minimize the impact of the use on the neighboring property, streets, and so forth.

Section 628. Other Applicable City Regulations Including Without Limitation Water Regulations. All other applicable City regulations apply to land uses in the City, including without limitation regarding Soil Erosion and Sedimentation Control, Protected Resources, Stormwater Management, and Flood Damage Prevention. Maps associated therewith are incorporated herein by reference.

#### **ARTICLE VII: EXCEPTIONS AND MODIFICATIONS**

Section 700. Walls and Fences.

Walls and fences are permitted in any district and are not subject to setback requirements, except:

1. All fences and walls shall comply with all existing Ordinances of the City and shall be constructed as to not obstruct the view of adjoining property owners entering or leaving a roadway. Adequate provisions shall be made for access of normal utility service, including garbage collection, water and other utility meters and mail delivery. No fence or wall may interfere with required off-street parking. The side of fences visible to the public must be the finished side of the fence.
2. Walls or fences in a Residential Zoning District:
  - a. No wall or fence shall exceed eight feet in height within a side yard or rear yard. The side of the fence visible to the public must be the finished side of the fence.
  - b. Fences in front yards of residential zones shall be ornamental or decorative and constructed of quality brick, stone, wood, stucco, or wrought iron.
  - c. Any subdivision entrance, wall or fence shall not exceed 8 feet except 12 feet in height for monuments or columns, and shall be subject to approval of the City Manager, after the submission to the Planning and Development Department, of a landscape plan, site plan and architectural elevations.

Section 701. Structures Excluded from Height Limitations.

The height limitations of this Ordinance shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, observation towers not intended for human occupancy, water towers, electric transmission towers, chimneys, smokestacks, conveyors, derricks, parapet walls extending not more than 4 feet above the roof line of the building, or to necessary mechanical roof appurtenances.

Section 702. Substandard Lots of Record.

Any platted lot of record which was legally existing prior to the adoption of this Ordinance, which has an area or a width less than required by this Ordinance, may be used, subject to the following: When two or more such lots with continuous frontage are in one ownership at any time after the adoption of this Ordinance, such lots shall be considered as a single lot or several lots of the minimum width and area required in the district.

Section 703. Reduction of Front Yard Requirements.

The front yard requirements shall not apply where the average depth of the front yard of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block or zoning district and fronting on the same side of the street is less than the minimum required front-yard depth. The depth of the front yard shall not be less than the aforementioned average. However, in no case shall the front yard setbacks be less than 15 feet.

Section 704. Temporary Building

A temporary building for a construction project or development requires a temporary six month renewable permit.

Section 705. Permitted Encroachments upon Required Setbacks.

Cornices, eaves, chimneys, landings, porches, bay windows, or other similar architectural features may extend into the required front, side, and rear yard, not to exceed three feet. Decks and patios may extend into the side or rear yard but no closer than five feet from any property line. Steps and landings may extend into the required setbacks, not to exceed ten feet for the front yard and three feet for side yards. Steps and landings may extend into the rear yard, but, no closer than five feet from the property line. Canopies, covered entrances or walkways for non-residential day care facilities, churches, or other similar uses may extend into the required side or rear yard provided such extension does not exceed three feet and may extend into the required front yard not to extend any closer than fifteen feet from the street right-of-way line or future right-of-way. However, canopies over pump islands or over sidewalks may extend up to the street right-of-way line or future right-of-way line.

**Section 706A. Corridor Overlay - Reserved**

**ARTICLE VIII: NON CONFORMING USES**

Section 800. Continuance of Non-conforming Uses.

The lawful, constitutional elimination of existing non-conforming structures and uses is as important a subject of health, safety and general welfare as is the prevention of new uses that would violate the provisions of this ordinance. The lawful use of any structure or land at the time of the enactment or amendment of this Ordinance may be continued, except the nonconforming use shall not be:

1. Extended to occupy a greater area of land.
2. Extended to occupy a greater area of a structure unless such additional area existed at the time of passage of this Ordinance and was clearly designed to house the same use as the nonconforming use occupying the other portion of the structure.
3. Re-established after discontinuance for one year.

4. Changed to another or different non-conforming use.

**Section 801. Continuance of a Non-Conforming Building.**

Nothing in this Article shall prevent the strengthening or restoring to a safe condition any building or part thereof declared unsafe by any official charged with protecting the public safety or health. However, the same 50% provision of Section 801(2) shall apply. A non-conforming building existing at the time of the enactment of this Ordinance may be retained except as follows:

1. No building other than a single-family detached dwelling may be enlarged or altered except in conformance with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe sanitary condition. Interior remodeling, including changing of interior partitions, is permitted for nonconforming buildings.
2. No building, other than a single-family detached dwelling, shall be rebuilt, altered or repaired after damage exceeding 50 percent of the replacement cost of the above-ground structure at the time of destruction, except in conformity with this Ordinance, provided that such damage occurred as a result of fire or natural disaster.
3. Should a non-conforming building be voluntarily moved any distance, the non-conforming building and all non-conforming structures and personality on the lot shall be eliminated within 60 days thereafter.

**Section 802. Amortization and Discontinuance.**

Notwithstanding other provisions of this Ordinance, certain nonconforming land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered, or otherwise made to conform with this Ordinance within the time below. The Mayor and Council, upon findings in the specific case, may permit not more than one extension for not more than the time indicated. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of this Ordinance.

Nonconformity	To Be Discontinued Within	Maximum Extension That May Be Permitted
Wrecking, junk, scrap, vehicle repair or salvage yards and other open uses of land, signs, outdoor advertising structures, automotive storage and sales lots, outdoor storage yards for lumber, building materials, contractor's equipment	1 Year	6 Months
Nonconforming fences, walls, and hedges impeding vision at intersections.	60 Days	30 Days

**Section 803. Validity of Previously Issued Permits and Approvals.**

No provision of this Ordinance shall affect the validity of 1) any building or grading permit lawfully issued prior to this Ordinance, provided that all time constraints for such permit shall be observed, or 2) any development permit lawfully authorized prior to this Ordinance, on approval of relevant construction drawings; and such development may proceed to record provided all time constraints and conditions relating to the approval are observed, and the lot size relating to the approval are observed, and the lot size and construction of buildings shall be in accordance with the area and dimensional requirements existing on the date of such approval.

**ARTICLE IX: USE PROVISIONS**

**Section 900. AG Agricultural District .**

To provide for areas of low density, detached, single-family residential development and conditional agricultural uses in combination therewith; to recognize and protect the rural character of the area; to permit compatible accessory and conditional use of institutional and public buildings and uses requiring large amounts of open space which normally complement a balanced and attractive residential area; to protect the open and/or sparsely developed areas of the city from premature, scattered, and inefficient growth patterns; and to ensure the transition of these rural areas occurs in a coordinated and orderly manner so that they reflect the traditional residential development pattern already established within the original city limits.

A. **Area Yard and Height Requirements:**

Dist.	Minimum Area per Dwelling (Sq. ft.)	Area per Unit (Sq. ft.)	Minimum Dwelling Unit Size (Sq. ft.)	Minimum Width (ft.)	Setback from Right-of-Way (ft.),		Min. Side yard (ft.)	Min. Rear Yard (ft.)	Max. Height stories
					Major Road	Interior Street			
AG	3 acres	----	2,000	200	60	50	25	25	3



All of said required acreage must be contiguous, not surrounded by any flood area, and must be above flood elevation. All dwelling units must have located on the subject property a garage containing no less than 420 s.f. and designed to contain no less than two automobiles.

B. Permitted Uses:

Only the following permitted uses shall be allowed in AG:

1. Accessory Buildings and Uses.
2. Cemetery, provided the following conditions are met: The cemetery may front only on a Collector or Arterial Road, and the entrance and exits to it shall be only from the road on which it fronts; The cemetery shall be bordered by a ten-foot wide buffer strip along all of its exterior property lines not bordering the frontage street. The buffer strip shall be planted with evergreen trees or shrubs that grow at least 8 feet tall and provide an effective visual screen.
3. Religious Institutions provided: They are located on a site of not less than three acres with not less than 250 feet of road frontage; The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line; If adjacent to residentially-zoned property, a buffer of at least 20' wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 10' in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.
4. Community Center.
5. Commercial Kennel, or Animal Rescue operation provided that no animal quarters are located closer than 200 feet to any property line and are bordered by a ten-foot wide buffer strip along all of its exterior property lines not bordering the frontage street. The buffer strip shall be planted with evergreen trees or shrubs that grow at least 8 feet tall and provide an effective visual screen.
6. Landscape Business, provided that it is bordered by a ten-foot wide buffer strip along all of its exterior property lines not bordering the frontage street. The buffer strip shall be planted with evergreen trees or shrubs that grow at least 8 feet tall and provide an effective visual screen.
7. Parks and other similar public and semi-public buildings and land uses.
8. Public/Governmental Buildings or Uses.
9. Subdivisions of land with lots with a minimum lot size of five acres.
10. The raising and keeping of household pets and not meeting the definition of kennel.
11. Utility structures.

C. Conditional Uses

Within AG District the following uses require a Conditional Use Permit:

1. Animal Hospital.
2. Athletic Field.
3. Campground, Private – Public.
4. Carpenter Shop.
5. Customary Home Occupations.
6. Day Care Facility.
7. Country Club.
8. Farming.
9. Golf Course.
10. Group Day Care Homes.
11. Nursing Home.
12. Telephone, tower, substation.
13. Tree Service.
14. Veterinary Clinic or Hospital provided that no portion of a building, structure, outdoor run or pen used to house or exercise animals is located closer than 200 feet to a property line.

Section 901: R1 Low Density Single-Family Residential District.

To provide for areas of low density, detached, single-family residential uses; to reinforce and encourage the traditional residential development pattern predominant within the original city limits along local streets characteristic of the city's earliest platting of streets and regular blocks; to recognize and protect regular city blocks with large lots, street grid based, and highly pedestrian character of the historic areas of the city; to permit compatible accessory and conditional use of institutional and public buildings and uses which normally complement a balanced and attractive residential area; to protect low-density, single-family residential areas from encroachment of higher density residential and non-residential uses; and to stabilize and protect owner-occupied housing and encourage a suitable environment for family life.

A. Area Yard and Height Requirements:

Dist.	Minimum Area (Sq. ft.)	Minimum Dwelling Unit (ft.)	Minimum Width	Setback from Right-of-Way (ft.),		Min. Side yard (ft.)	Min. Rear Yard (ft.)	Max. Height stories
				Major Road	Interior Street			
R1	40,000	2,400	125	45	35	15	20	2

All of said required square footage must be contiguous, not surrounded by any flood area, and must be above flood elevation. All dwelling units must have located on the subject property a garage containing no less than four hundred and twenty square feet and designed to contain no less than two automobiles.

**B. Permitted Uses:**

Only the following permitted uses shall be allowed in R1.

1. Single Family Dwellings.
2. Customary accessory structures and uses.
3. Single Family Subdivisions.
4. Public and semipublic playgrounds, parks, lakes, and buildings, operated on a nonprofit basis for recreational and public community purposes only.
5. Utility structures.
6. The raising and keeping of household pets and not meeting the definition of kennel.
7. Religious Institutions provided: They are located on a site of not less than three acres with not less than 250 feet of road frontage; The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line; If adjacent to residentially-zoned property, a buffer of at least 20 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 10 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

**C. Conditional Uses**

Within R1, the following uses require a Conditional Use Permit:

1. Religious Institutions not meeting the minimum requirements within the district.
2. Schools.
3. Day care facility.
4. Private not-for-profit recreation facilities; provided, however, that a Conditional Use Permit shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.
5. Golf Course or Country Club.
6. Customary Home Occupations.

**Section 902 R2 Medium Density Single-Family Residential District.**

To provide for areas of medium density, detached, single-family residential uses; to recognize and protect the moderate lot size, street grid based and pedestrian character of the city's older neighborhoods and subdivisions; to reinforce and encourage the traditional residential development pattern characteristic of the historic areas of the city; to permit compatible accessory uses which normally complement balanced and attractive residential uses; to stabilize and protect owner-occupied housing and encourage a suitable environment for family life; and, to protect moderate density, single family residential areas from encroachment of higher density residential and non-residential uses.

**A. Area Yard and Height Requirements:**

Dist.	Minimum Area (Sq. ft.)	Minimum Dwelling Unit (ft.)	Minimum Width	Setback from Right-of-Way (ft.),		Min. Side yard (ft.)	Min. Rear Yard (ft.)	Max. Height stories
				Major Road	Interior Street			
R2	20,000	1,800	100	45	35	15	20	2

All of said required square footage must be contiguous, not surrounded by any flood area, and must be above flood elevation. All dwelling units must have located on the subject property a garage containing no less than four hundred and twenty square feet and designed to contain no less than two automobiles.

**B. Permitted Uses:**

Only the following permitted uses shall be allowed in R2

1. Single Family Dwellings.
2. Customary accessory structures and uses.
3. Single Family Subdivisions.
4. Public and semipublic playgrounds, parks, lakes, and buildings, operated on a nonprofit basis for recreational and public community purposes only.
5. Utility structures.
6. The raising and keeping of household pets not meeting the definition of kennel.
7. Religious Institutions provided: They are on a site of not less than three acres with not less than 250 feet of road frontage; The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line; If adjacent to residentially-zoned property, a buffer of at least 20 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 10 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

C. Conditional Uses

Within R2, the following uses require a Conditional Use Permit:

1. Religious Institutions not meeting the minimum requirements within the district.
2. Schools.
3. Group day care homes.
4. Day care facility.
5. Private not-for-profit recreation facilities; provided, however, that a Conditional Use Permit shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.
6. Golf Course or Country Club.
7. Customary Home Occupations.

Section 903 R3 Medium Density Single-Family Residential District.

To provide for areas of medium density, detached, single-family residential uses, plus duplexes, manufactured homes and industrialized homes; to recognize and protect the moderate lot size, street grid based and pedestrian character of the city's older neighborhoods and subdivisions; to reinforce and encourage the traditional residential development pattern characteristic of the historic areas of the city; to permit compatible accessory uses which normally complement balanced and attractive residential uses; to stabilize and protect owner-occupied housing and encourage a suitable environment for family life; and, to protect moderate density, single family residential areas from encroachment of non-residential uses.

A. Area Yard and Height Requirements:

Dist.	Minimum Area (Sq. ft.)	Minimum Dwelling Unit (ft.)	Minimum Width	Setback from Right-of-Way (ft.),		Min. Side yard (ft.)	Min. Rear Yard	Max. Height stories
				Major Road	Interior Street (ft.)			
R3	15,000	1,800	100	45	35	15	20	2

All of said required square footage must be contiguous, not surrounded by any flood area, and must be above flood elevation. All dwelling units must have located on the subject property a garage containing no less than two hundred square feet and designed to contain no less than 1 automobile.

B. Permitted Uses:

Only the following permitted uses shall be allowed in R3

1. Single Family Dwellings, Duplexes, manufactured homes, industrialized homes.
2. Customary accessory structures and uses.
3. Single Family Subdivisions.
4. Playgrounds, parks, lakes, and buildings, operated nonprofit for recreational and public community purposes only.
5. Utility structures.
6. The raising and keeping of household pets not meeting the definition of kennel.
7. Religious Institutions provided: They are on a site of not less than three acres with not less than 250 feet of road

frontage; The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line; If adjacent to residentially-zoned property, a buffer of at least 20 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 10 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

C. Conditional Uses

Within R3, the following uses require a Conditional Use Permit:

1. Religious Institutions not meeting the minimum requirements within the district.
2. Schools.
3. Group day care homes.
4. Day care facility.
5. Private not-for-profit recreation facilities; provided, however, that a Conditional Use Permit shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.
6. Golf Course or Country Club.
7. Customary Home Occupations.

Section 904. PUD Planned Unit Development District.

The purpose of Planned Unit Developments is to encourage the best possible site plans and buildings arrangement under a unified plan of development and a signed, written Development Agreement, rather than under lot-by-lot regulation. Planned Unit Developments include attached and detached dwelling units, which may include patio houses and cluster developments, with common open space. The public benefits from better land utilization, economy in the provision of roads and utilities, flexibility in design, variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Mayor and Council provides an opportunity to assure that the development will be in harmony with the character of the area in which the development is located. Planned Unit Developments are not for greater density of development, but rather to encourage ingenuity and resourcefulness in land planning. The Planned Unit Development is, furthermore, not intended to enhance the value of the property for speculative purposes. Approval of the Planned Unit Development is therefore conditional, and if construction is not commenced within one year, and pursued in an orderly manner toward completion, the Mayor and Council may, upon written notice to the property owner, initiate the rezoning process to change the zoning classification or reduce the size of the tract to fit the scope of actual development.

A. Ownership Control.

All of the land in a PUD shall be owned initially by an individual or by some legal entity. Individual properties within these developments may be sold after a plat has been recorded, with the properties subject to private deed covenants that assure the continuance of the Planned Unit Development as originally approved and developed.

B. Standards Applying to All Planned Unit Developments.

All PUDs shall meet the following standards and such other requirements as are set forth with respect to each proposed rezoning application.

1. Density shall not exceed eight units per gross acre. Density shall be reviewed in relation to density of developed property on nearby parcels, and the density for development of the immediate area as proposed within the Land Use Element of the Walnut Grove Comprehensive Plan.
2. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
3. The development shall not adversely affect developed or undeveloped neighboring properties.
4. The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
5. Preservation of existing forest land and open space shall provide for protection of water and wildlife resources.
6. Water, sewerage, and street facilities shall be adequate for the proposed development.
7. Yards: The yard requirements of the district shall be established by the approved site plan. Buffer zone requirements shall be met.
8. Height: The height limitation shall be established during the approval process and shall be established prior to any approval of a rezoning application.
9. Off-street parking and loading and unloading requirements: The off-street parking and loading and unloading requirements of this Zoning Ordinance shall be met.

C. Required Exhibits for Review of Planned Unit Developments.

To assure quality developments, to establish an optimum living environment between indoor and outdoor living, and to provide for good design and use of proper materials in the structures and landscape design, the professional talents of qualified architects, urban or regional planners and/or landscape architects shall be utilized to design the plans. The plans shall be completed and submitted to the Zoning Administrator. No application shall be accepted for processing without these required exhibits.

1. A location map indicating existing zoning on the site and the adjacent areas.
2. A concept plan drawn no smaller than one inch equals 100 feet, including the following information:
  - a. Lot lines and setbacks;
  - b. Location, shape, size and height of existing and proposed buildings, decorative walls and elements and entrance features;
  - c. Topography with contour intervals no greater than 10 feet;
  - d. Lakes, ponds and floodplains and the sources of floodplain data;
  - e. Stormwater detention areas;
  - f. Existing and proposed landscaping;
  - g. Recreation facilities (if applicable);
  - h. Stages of development, if any;
  - i. Location of off-street parking.
3. Floor plans and elevations of all typical units and any other structures such as recreation buildings.
4. Information indicating the following:
  - a. Gross and net acreage (see definition of net density);
  - b. Lot sizes (dimensions and square footage);
  - c. Building heights and stories;
  - d. Building coverage for each lot;
  - e. Amount of common open space in square feet (if applicable);
  - f. All tree areas to be retained or added;
  - g. Parking facilities;
  - h. Such other architectural and engineering data as may be required to evaluate the project.

Uses in a PUD. Any use allowable in a conventional zoning district may be proposed for inclusion in a PUD. The mayor and council have the discretion to approve or reject any proposed uses, in the interest of the public health, safety and welfare. Each proposed use must meet all requirements of the zoning districts in which it is allowed. Only the specific uses approved in a development agreement approved by the mayor and council after public hearings shall be allowed in the PUD. Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved PUD and shall follow the same process as any other zoning ordinance amendment. Initial approval of a PUD does not grant a vested right to subsequently proposed amendments. Unless otherwise stated in this section, approved development standards and land uses shall become the standards for the subject property and, as such, shall become a part of these zoning regulations. A PUD must have Protective Covenants for all property within the PUD. The Protective Covenants must be recorded in the office of the Clerk of the Superior Court. Said Protective Covenants must be effective for a period not less than 20 years, with an automatic 20-year renewal after the first and each subsequent 20 year period, and must provide for the following:

- (i) Creation of a Property Owners Association with mandatory membership for each property owner,
- (ii) Development, management, and maintenance of privately owned open space, community parking facilities, community meeting halls, and other common areas,
- (iii) Maintenance of landscaping within the streetscape and common areas,
- (iv) Approval by the Zoning Administrator prior to any amendments.

Streets. An interconnected network of streets and alleys must be provided. Streets and alleys shall terminate at other streets within the neighborhood. Dead-end street and cul-de-sacs are prohibited unless the Council determines that topography, adequate circulation, or other good cause exists to allow such. Streets shall be aligned with existing streets on adjoining property, unless the Council determines that topography or requirements of traffic circulation require deviation from such alignment.

Off-Street Parking. All off-street parking and parking lots shall be located in side or rear yards. No parking shall be allowed in the front setback. If parking is located in the side yard, it shall be screened by low walls, fences or hedges, three (3) to five (5) feet in height. Parking is prohibited in alleys. In a Neighborhood Center Area on or off site community parking facilities are encouraged. In a Mixed Residential Area, the required parking must be provided on site.

Special Site Requirements. The site proposed for PUD District classification must contain an area of ten (10) acres or more, unless a

smaller area is specifically approved by the Mayor and Council due to special and unusual circumstances. In no case shall the lot size be less than five (5) acres. The site must abut a public street for a distance of at least one hundred (100) feet.

Required Report and Plans.

- (1) Written Report. This shall describe the land uses proposed and the type, nature, size, intent, and characteristics of the proposed development. This report shall include:
- (a) A description of the proposal including proposed uses and location;
  - (b) The proposed standards for development, including restrictions on use of the property, density, setback requirements, and any proposed restrictive covenants;
  - (c) An explanation of why the proposed development standards are necessary, if the proposed standards vary from existing standards in this ordinance;
  - (d) Plans for utilities, including water, sewer, and drainage;
  - (e) Plans for protection of abutting properties, including buffers, screening, and landscaping;
  - (f) Data stating the total number of acres (or square feet) proposed for every proposed use;
  - (g) Proposed development timetable;
  - (h) For any PUD or portion thereof within an overlay district- reserved.
  - (i) Any streets and common open spaces not proposed for dedication to the City shall have the proposed maintenance and ownership agreements explained in detail;
  - (j) The architectural style and proposed site of all structures shall be indicated;
  - (k) Limited commercial uses may be included within the Planned Residential Development. However, these uses shall be only of a convenience neighborhood retail nature intended to serve the needs of the residents of the development. Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys. A commercial use may not be open from 11:00 p.m. to 6:00 a.m. Residential uses in commercial buildings are permitted only above the first floor. Drive through facilities that permit people to remain in their vehicles while receiving services or products are prohibited, with the exception of fueling facilities of a service station. The retail uses shall be specified as a part of the proposal and shall be limited to a total of 10,000 square feet of gross floor area. Such uses may be proposed only on developments of 5 acres or more. Construction of any approved commercial portion must occur at the same time as the construction of the residential development; and
  - (l) Additional data required by the Zoning Administrator.
- (2) Required Detailed Site Plans. These shall be prepared by a registered engineer, architect, land surveyor, or landscape architect. The site plan shall bear the official registration seal of the professional(s) who prepared the plan, and shall include as a minimum:
- (a) survey of the property indicating all property dimensions, property size, adjoining owners, scale, north arrow, and tie-in point to a known location (road intersection, land lot corner, etc.);
  - (b) proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site, access to the site, internal access and circulation, off-street parking areas, proposed public facilities and open areas, name of the development, and any special drainage features, and
  - (c) If the proposal includes the subdivision of land for any purpose or for the provision of new public or private streets, any additional information required under the city *Subdivision Regulations*. The rezoning request and the proposed subdivision of the property shall be processed simultaneously. Any requested variance from the *Subdivision Regulations* shall be listed on the site plan and explained in the written report.
  - (d) The proposed size, location, number of units and number of bedrooms of all residential structures shall be noted.
  - (e) The development controls for the subject property shall be shown (lot coverage, setbacks, building heights, lot sizes, and all other dimensions).

Section 905. OI Office -Institutional District.

OI is established to provide a location for offices, institutions and limited related retail business and service activities and limited upstairs residential lofts in buildings of high character in attractive surroundings. Distributive functions such as loading, unloading, storage, packaging and unpacking shall be limited to 10 percent of the total building area and 5 percent of the total lot area.

A. Area, Yard and Height Requirements:

Dist.	Minimum Area (Sq. Ft.)	Area per Structure (Sq. Ft.)	Minimum Structure Size (Sq. ft.)	Minimum Width (ft.)	Setback from		Min. Side yard (ft.)	Min. Rear Yard <sup>(1)</sup> (ft.)	Max Height stories	Max. Percent of Lot Coverage
					Road	Street				
OI	None	1,200 (2)	1,000	60	50	25	10	15	2	40%

(1) Includes principal and accessory buildings but not pavement areas.

(2) No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.

Buffer zones are required along the side and rear yard where an Office-Institutional, business, or manufacturing use abuts a residential district and where a multi-family use abuts a single-family residential district.

**B. Permitted Uses:**

Only the following permitted uses shall be allowed in the Office-Institutional District:

1. Accessory parking garages and parking lots.
2. Accessory retail business and accessory service establishments. In addition to the limitations on "accessory use" imposed under "Article III, Definitions", such permitted accessory-uses specifically exclude retail business and service establishments that could be construed as principal uses, and include only those uses that are primarily intended for and used by patrons or occupants of the principal use to which the accessory use is accessory.
3. Athletic Club.
4. Banks and other financial institutions.
5. Church, Synagogue.
6. Community Center.
7. Dwellings, Single Family, limited to upstairs loft-type units.
8. Funeral Homes.
9. Hospitals.
10. Museum.
11. Nursing Homes
12. Offices providing professional services.
13. Professional and business offices.
14. Schools.
15. Small retail stores or Professional Office with Residential (not to exceed 5 units per acre) Loft or Condominium above.
16. Utility structures.

**C. Conditional Uses.**

1. The following uses require a Conditional Use Permit:
2. Curio and Souvenir Shops.
3. Group or congregate personal care homes.
4. Hotels.
5. Printing, Photo-engraving.
6. Restaurants.
7. Tourist Home (Bed and Breakfast).

**Section 906. C-2 Neighborhood Commercial District.**

C-2 provides a location outside of downtown for convenience goods and services instructions less than 10,000 square feet, with limited hours of operation for people in nearby residential neighborhoods.

**A. Area, Yard and Height Requirements:**

Dist.	Minimum Area (Sq. Ft.)	Max Area per Business Unit (Sq. ft.)	Minimum Business size (Sq ft.)	Minimum Width (ft.)	Setback from Right-of-Way (ft),		Min. Side yard (ft.)	Min. Rear yard (ft.)	Max. Height stories	Max. Percent of Lot Coverage
					Road	Street				
C-2	6,000	10,000 (2)	1,000	50	50	25	10	15	2	45% (1)

(1) Includes principal and accessory buildings but not pavement areas.

(2) No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.

Buffer zones are required along the side and rear yard where a C-2 use abuts a residential district and where a multi-family use abuts a single-family residential district.

**B. Permitted Uses:**

Only the following permitted uses shall be allowed in the C-2 District.

1. Athletic Club.
2. Baked Goods.

3. Beauty parlors and barber shops.
4. Church, Synagogue.
5. Drug stores and pharmacies.
6. Dry cleaning and laundry, pick-up station.
7. Florist gift shops.
8. Neighborhood Grocery Store.
9. Museum.
10. Offices providing professional services.
11. Parking lots and parking garages.
12. Park.
13. Professional and business offices.
14. Retail businesses selling convenience goods and services which serve the local neighborhood, but not including drive-in or drive-through service windows; fuel pumps; or coin or token-operated services.
15. Utility Structures.

C. Conditional Uses

Within the C-2 District, the following uses require a Conditional Use Permit:

1. Carpet, Rug Sales – Service.
2. Funeral Homes.
3. Gasoline service station.
4. Hotels.
5. Printing, Photo-engraving.
6. Radio and TV Transmission, Station or Studio.
7. Restaurants.
8. Tourist Home (Bed and Breakfast).
9. Tire sales, repairing and supplies.

Section 907. C-1 General Commercial District.

The C-1 District is for adequate space in appropriate locations outside of downtown, along roads and at intersections, for various businesses. These include the retailing of a wide range of goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Orientation and expansion of this District should occur as an increase in depth at major intersections rather than as a strip-like extension along the roadway.

A. Area, Yard and Height Requirements:

Dist.	Minimum Area per Area Business (Sq.Ft.)	Unit (Sq. Ft.)	Minimum Business size (Sq. ft)	Minimum Width (ft.)	Setback from Right-of-Way(ft.),		Min. Side yard (ft.)	Min. Rear Yard (ft.)	Max. Height stories	Max. Percent of Lot Coverage (1)
					Road	Street				
C-1	---	---	1,000	50	50	25	--	15	3	45%

(1) Includes principal and accessory buildings but not pavement areas.

Buffer zones are required along the side and rear yard where a C-1 use abuts a residential district.

B. Permitted Uses:

Only the following permitted uses shall be allowed in C-1:

1. Animal Hospital or Veterinary Clinic
2. Appliance Repair Shop.
3. Art Gallery.
4. Association (clubs and lodges).
5. Athletic Club.
6. Auditorium, assembly hall.
7. Automatic Teller Machine (freestanding).
8. Auto repair shops or tire stores including lubrication or tune-up centers (full service and self service).
9. Auto-Truck Sales, Repair - Parts.
10. Bait Sales.
11. Bakery.
12. Banks and other financial institutions



13. Barber and beauty shops.
14. Book or stationery stores.
15. Bottle Gas, Storage and Distribution.
16. Broadcasting Studio (radio, TV).
17. Building, electrical or plumbing contractors (provided no equipment or materials stored outside).
18. Building supply stores.
19. Business college or business schools operated as a business enterprise.
20. Campground
21. Carpet and Rug Sales.
22. Religious Institutions.
23. Clinic
24. Community Center.
25. Convenience store.
26. Curio and Souvenir Shops.
27. Dance studios.
28. Day care facilities provided they comply with all State day care and Health Department requirements.
29. Department stores.
30. Drug Stores.
31. Dry Cleaning Plant and Pick-up Stations.
32. Electronic sales and service establishments.
33. Equipment rental (excluding heavy equipment, bulldozers, backhoes, tractors, forklifts, cranes, etc., no outside storage).
34. Fitness Center, Health Club, Spa.
35. Fish - Meat, Wholesale-Retail Store.
36. Florist, Greenhouse, or Nursery.
37. Frozen Food, Cold Storage Locker.
38. Funeral homes and mausoleums.
39. Furniture rental or sales establishments.
40. Garden supply centers and greenhouses (including accessory outdoor storage).
41. Gasoline stations, service stations, and car washes.
42. Gift shops.
43. Grocery Store.
44. Hardware stores.
45. Historic Sites
46. Hobby shops.
47. Hotel.
48. Ice cream shops.
49. Ice, Mfg., Sales.
50. Imported Goods.
51. Indoor Play Centers.
52. Interior decorating shops.
53. Jewelry stores.
54. Kennel.
55. Landscape Business.
56. Laundry, Self-serve, Pick-up.
57. Lodges, fraternal, and social organizations.
58. Mobile Buildings (temporary, while any of the permitted or Conditional Uses are under construction, not to exceed 6 months).
59. Museum, Historical Display.
60. Mortuaries, except crematories.
61. Motels.
62. Music stores and/or studios.
63. Newspaper and printing facilities.
64. Nurseries providing lawn and garden supplies and plants.
65. Offices.
66. Parking lots and parking garages.
67. Mini-warehouse storage facilities.
68. Photography shops and studios.

69. Plumbing, electrical, pool and home building supply showrooms and sales centers (no outdoor storage with the use).
70. Printing, Photo-engraving.
71. Professional and business offices.
72. Public buildings and land uses.
73. Public offices or Buildings.
74. Radio - TV Transmit, Station -Studio.
75. Radio and television repair shops.
76. Real Estate Offices.
77. Research and testing facilities.
78. Restaurants, excluding Drive-in or Drive-Through Restaurants.
79. Retail Store.
80. School
81. Shoe stores and shoe repair shops.
82. Skating Rink, Roller and Ice.
83. Small appliance repair shops.
84. Storage Warehouse.
85. Taxi/Limousine Service.
86. Tire, auto repair, - supplies.
87. Theaters and other indoor places of entertainment.
88. Transportation terminals for passengers.
89. Tourist Home (Bed and Breakfast).
90. Travel Trailer Park.
91. Utility offices.
92. Utility structures.

C. Temporary Uses

1. Within the C-1 District only the following temporary uses are permitted, by written permit from the Mayor and Council after a public hearing, for a period not to exceed 20 days per year:
  - a. Charitable or non-profit events not to exceed four (4) days.
  - b. Christmas tree sales between December 4 and December 24.
  - c. The sale of any items in association with an existing business located on the premises as a principal use (i.e., parking lot or tent sales).
  - d. Carnival rides not to exceed 7 days provided no structure or equipment is located within 500 feet of any residential property line.
2. Requirements for approval of a temporary use permit.
  - a. Written permission of the property owner is provided;
  - b. These uses are not located within 50 feet of any public right-of-way;
  - c. A sign (not portable) may be erected on the property provided it does not exceed a total of 16 square feet or six (6) feet in height and is not placed within 20 feet of any public right-of-way;
  - d. Adequate parking, ingress and egress are provided on site or written permission is obtained ii provided on an adjoining property;
  - e. Written preliminary approval.
  - f. All other requirements for licenses and regulations of the City shall be met, and
  - g. A permit for any temporary use on the same property may not be applied for or renewed until 6 months from the date of any prior approval of a temporary use.

D. Conditional Uses

Within C-1 District the following uses require a Conditional Use Permit:

1. Adult Entertainment Facilities provided all standards of the Adult Entertainment Regulations are met, including without limitation the following: No alcohol service. Based on the experiences of other counties and municipalities, the Mayor and Council note the conditions and occurrences generally associated with adult entertainment establishments. It is the finding of the Mayor and Council that adult entertainment establishments, particularly those where alcoholic beverages are served, result in an increase in instances of disorderly conduct, public drunkenness, prostitution, drug trafficking and loitering of

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individuals with criminal histories, which has been the experience of other counties and municipalities that permit adult entertainment establishments, particularly those in which alcoholic beverages are served. Conditions experienced in other counties and municipalities are depression of property values in neighborhoods surrounding the adult entertainment establishment, community blight, an increased burden on and expenditure for law enforcement, and an increase in the criminal case load in the judicial system due to a greater number of arrests because of the crime. No adult entertainment establishment shall be located: Within 1,000 feet of any parcel of land inside or outside the City which is zoned for residential uses or purposes; within 1,000 feet of any parcel of land inside or outside the City upon which a church, school, daycare center, governmental building, library, civic center, public park, or playground is located; within 1,000 feet of any parcel of land inside or outside the City upon which another adult entertainment establishment regulated or defined hereunder is located; within 1,000 feet of any parcel of land inside or outside the City upon which any establishment selling alcoholic beverages is located; or in the same building as another adult entertainment establishment regulated or defined hereunder is located. Distance shall be by direct measurement between property lines, using the closest property lines of the parcels of land involved. Patrons are not allowed to bring any alcoholic beverage or drugs into establishment. † .

2. Boarding House.
3. Caretaker or watchman quarters as an accessory use.
4. Carpenter Shop, Woodworking.
5. Drive-in or Drive-Through Window Restaurant.
6. Gasoline Bulk Storage Tank.
7. Golf, Miniature, Driving Range.
8. Group and congregate personal care homes.
9. Home, Nursing.
10. Machine Shop, metal fabrication.
11. Manufactured home leasing or sale lots (new only).
12. Recreation facilities (commercial outdoor, water slides or drive-in theaters).
13. Oil, Fuel Storage.
14. Shopping Center.
15. Utility Plant.
16. Welding Shop.

E. Other Provisions

1. No outdoor storage except as otherwise provided herein.
2. Within the C-1 District, fuel pumps are permitted within the front yard setback provided they are located:
  - a. No closer than 15 feet to the road right-of-way; and
  - b. Not closer than the existing setback of any residential structure on abutting lots on either the frontage or a side street.
  - c. Canopies are allowed over fuel pumps and are not to extend over fifteen (15) feet from the edge of the pump island toward the street.

Section 908. M-I Manufacturing-Industrial District.

M-I District is for land located on arterial or collector roads that is well adapted to industrial and commercial development, but whose proximity to residential or commercial zoning district makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of outdoor storage which is screened and situated in a required side or rear yard.

A. Area, Yard and Height Requirements:

Dist.	Minimum Area (Sq. Ft.)	Area per Unit (Sq. Ft.)	Minimum Width Size (Sq. ft)	Minimum Right-of-Way (ft.),		Setback from		Max. Height stories	Max. Percent of Lot Coverage <sup>(1)</sup>
				Major Street	Interior Street	Side yard (ft.)	Rear Yard (ft.)		
M-I	9,000 (2)	--	--	100	50	30	15 (3)	3	35%

- (1) Includes principal and accessory buildings but not pavement areas.
- (2) No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.
- (3) Buffer zones are required along the side and rear yard where an Office-Institutional, business, or manufacturing use abuts a residential district and where a multi-family use abuts a single-family residential district.

B. Permitted Uses:

Only the following permitted uses shall be allowed in M-I.

1. Animal hospital or Veterinarian Clinic.
2. Appliance Repair Shop.
3. Assembly Plant.
4. Automobile/Truck Rental Agency.
5. Automotive Machine Shop, Automotive Metal Fabrication.
6. Baking Plants.
7. Bottle Gas, Storage and Distribution.
8. Broadcasting Studio (radio, TV).
9. Building, electrical or plumbing contractors.
10. Building supply stores.
11. Building Materials Wholesaler.
12. Cabinet shops and furniture manufacturing.
13. Carpenter Shops, Woodworking.
14. Caretaker or Watchman Quarters as an accessory use.
15. Cold Storage Plant or commercial cold storage.
16. Contractors Offices.
17. Depot/Passenger Terminal (bus, rail).
18. Distribution Center.
19. Dog kennels.
20. Farm equipment sales and service.
21. HVAC Equipment Dealers.
22. Ice Manufacturing/Packing Plant.
23. Laboratory, research and testing.
24. Landscape Business.
25. Maintenance Shop (fleet vehicles).
26. Meat processing or packaging; except slaughtering, poultry killing, packing and dressing.
27. Medical/Dental Laboratory.
28. Mini-Warehouses/personal storage warehouses.
29. Movie Studio.
30. Newspaper and printing plants.
31. Outdoor storage yards, other than junkyard, if they meet the following requirements: (1) They shall be set back at least twenty-five (25) feet from any side or rear property lines and shall be screened by a solid fence at least six (6) feet high set back a similar distance from any side or rear property lines, appropriately landscaped and maintained.
32. Parking Garage.
33. Pest Control/Extermination Business.
34. Photo Processing Plant.
35. Plant Nursery (wholesale or retail).
36. Plastics Extrusion, Injection or Blow Molding Plant (and the reprocessing of same).
37. Plumbing Equipment Dealers.
38. Printing/Bookbinding/Publishing Plant.
39. Radio/Television Station and Transmitter.
40. Railroad sidings.
41. Recording/Rehearsal Studio.
42. Rubber Tire Re-treading Plant.
43. Soft drink bottling and distributing plants.
44. Taxi/Limousine Service.
45. Taxidermist.
46. Telephone Exchange Building.
47. Tire, auto and truck, repair and - supplies.
48. Trade/Vocational School.
49. Transportation terminals for freight.
50. Truck and Bus Sales/Leasing/Repair (heavy truck/tractor trailer).
51. Truck Terminal.
52. Upholstery Shop.

- 53. Utility Plant.
- 54. Weather Station.
- 55. Welding Shop.
- 56. Wholesaling and warehousing with offices.
- 57. Utility Structures.

C. Conditional Uses

Within the M-I District the following uses require a Conditional Use Permit:

- 1. Crematories.
- 2. Dry Cleaning/Laundry.
- 3. Oil, Fuel Storage.
- 4. Recreation Facilities/Training Center, Indoor (gymnastics schools, baseball academies, etc.).
- 5. Sawmill, Lumber Yard.
- 6. Tree Service.
- 7. Warehouse Stores.
- 8. Recovered Materials Processing Facility, or Recycling Station, provided the following standards are met:
  - a. Activities shall be limited to collection, sorting, compacting and shipping.
  - b. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
  - c. The facility shall not be located adjacent to or across the street from any property used for or zoned for residential.
  - d. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
  - e. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
  - f. No outdoor storage of un-containerized materials shall be allowed.
- 9. Wood Chipping/Shredding, and Yard Trimmings Composting Facility provided the following conditions are met:
  - a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
  - b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

**ARTICLE X: PLANNING COMMISSION ELIMINATED, MAYOR AND COUNCIL TO PERFORM SUCH FUNCTIONS**

Section 1000. De-Authorization.

The previously created City Planning and Zoning Commission (sometimes referred to as the Planning Commission) is de-authorized, in other words, eliminated, and the Mayor and Council shall take over all functions previously handled by the Planning Commission.

Section 1001. Reserved.

Section 1002. Reserved.

Section 1003. Powers and Duties.

The mayor and council shall have all the powers, duties and responsibilities of this Ordinance and Georgia law. All meetings shall be open to the public and all records shall be public record. The specific duties of the mayor and council formerly handled by the Planning Commission shall include:

- 1. Receiving from the Zoning Administrator and reviewing and making recommendations on all requests for amendments to the Comprehensive Plan and the Short Term Work Program, Zoning Ordinance amendments (including map and text amendments), conditional uses, site plans, preliminary and final plats for proposed subdivisions, Corridor applications or any other matters relating to planning and zoning;
- 2. Conducting public hearings for soliciting public comments prior to acting on business that comes before them.

**ARTICLE XI: OFF-STREET AUTOMOBILE PARKING AND LOADING AND UNLOADING SPACES**

Section 1100. Applicability.

Off-street parking and loading and unloading spaces shall be provided, per this Ordinance, including for uses and structures hereafter established, or subsequently enlarged,.

Section 1101. Plan and Design Standards.

1. No more than 25% of the required parking spaces may be located between the street right-of-way and the front building line for the entire width of the lot or parcel along said street. Each parking space shall be not less than 9 feet wide and 19 feet deep. Adequate interior driveways shall connect each parking space with a public road or street. A maximum of one foot six inches of the required 19 feet may overhang a grassed area. This overhang cannot be over a sidewalk or right-of-way and must be arranged to allow adequate front-to-front parking.
2. Interior driveways. Interior driveways, when used with ninety degree angle parking, shall be at least 24 feet wide; when used with a sixty degree angle parking and the drive is one-way, shall be at least 12 feet wide. When used with parallel parking or when there is no parking, interior driveways shall be at least 10 feet wide for one-way traffic and at least 20 feet wide for two-way traffic.
3. Improvement of Off-Street Parking Lots. All off-street parking lots, whether public or private, for more than five vehicles shall meet the following standards:
  - a. They shall be graded to insure proper drainage, surfaced with concrete or asphalt or approved durable pervious surface, at least two inches thick, installed on an approved base, and maintained in good condition free of weeds, dust, trash and debris.
  - b. High intensity lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.
  - c. They shall not be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.
  - d. Each parking space shall be clearly demarcated by a painted stripe no less than 3 inches wide running the length of each of the longer sides of the space.
  - e. Landscaped areas shall be provided per Section 1102.
4. If the required automobile off-street parking spaces cannot reasonably be provided on the same lot as the principal use, such spaces may be provided on other off-street property not more than 500 feet from the main entrance to the principal use. Applicant shall submit, with his application for a building permit or occupancy permit, signed written permission certifying the permanent availability of such off-street parking facilities for the principal use.
5. One-half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.
6. Off-street loading and unloading spaces shall have access from a public alley or, if there is no alley, from a public street. The space shall not interfere with the free movement of vehicles and pedestrians.

Section 1102. Landscape Requirements.

Whenever parking, loading and unloading areas are provided, including off-street parking lots for more than 5 vehicles (but excepting areas serving single-family or duplex developments) they shall conform to the requirements below:

1. Landscape Requirements. All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:
  - a. Perimeter landscape requirements. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than 5 feet. A decorative masonry wall, earth berm, natural landscaping screen and/or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be a minimum height of 3 feet and a maximum height of 10 feet, except that trees may be a maximum height of 40 feet. All required perimeter landscaped areas shall have at least 1 tree for every 250 square feet or fraction thereof.
    - 1) Landscaped areas abutting a public street right-of-way shall have a minimum average dimension of 10 feet from the right-of-way line to the vehicular use area. Landscaping adjacent to driveway entrances/exits and at corners adjacent to public street intersections shall not obscure vision clearance for motorists.
    - 2) Required perimeter landscaped areas which would abut adjacent, existing nonresidential properties may, with the approval of the Mayor and Council, be substituted with additional interior or other perimeter landscaping.
  - b. Interior landscape requirements. An area or combination of areas equal to 10 per cent of the total vehicular use area shall be devoted to interior landscaping area. Each separate interior landscaped area shall contain a minimum dimension of at least 5 feet and shall include at least one tree having a clear trunk (i.e., no foliage) of at least 5 feet in height, with the remaining area adequately landscaped with shrubs, ground cover or other authorized landscaping material not to exceed 3 feet in height. Interior

- landscaped areas shall be separated by driveway and/or parking areas from perimeter landscaped areas.
- c. Permitted modification to the landscaping requirements. When the landscaped area requirements of subsections (a) and (b) may exceed 20 percent of the vehicular use area, the applicant may reduce dimensions of landscaped areas to 20 percent of the vehicular use area. However, vegetative and/or masonry screening approved by the City shall be maintained abutting residential uses and zones. Healthy existing plant material shall count towards the requirements in a. and b. above.
  - d. All landscaping shall be installed per accepted good planting procedures. All new living plant materials shall satisfy the requirements of "No. 1" or better as defined in the most current edition of "American Standards for Nursery Stock."

Section 1103. Extension of Parking Space into a Residential District

Required parking space may extend up to 300 feet into an adjoining residential district if:

1. The parking lot has access to the same street as the property for which it provides parking; and
2. The parking lot is separated from abutting properties in the residential district by a 10 foot-wide buffer strip, screened and maintained by a fence, wall, or evergreen plants.

Section 1104. Number of Off-Street Parking Spaces.

Following are the number of off-street parking spaces required. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use:

1. Adult Entertainment Facilities. One space for each 25 square feet of gross building area or for every 3 customer seats, whichever results in the greater number of parking spaces.
2. Automobile Sales and Service. One space for 200 square feet of gross floor area.
3. Banks and professional offices. One space per 200 square feet of floor area.
4. Beauty parlors and barber shops. Two spaces for each operator.
5. Churches. One space per 4 seats in the main sanctuary.
6. Funeral Parlors. One space for each 3 fixed seats plus one space for each 25 square feet of floor area available for movable seats in the largest assembly room.
7. Furniture and appliance stores. One space per 500 square feet of showroom.
8. Garage, Repair. Three spaces for each service bay, plus one space for each attendant.
9. Grocery Stores. One space per 200 square feet of gross floor area.
10. Hospitals, Nursing Homes and Similar Institutions. One space for each two beds.
11. Hotels/Motels. One space per room, plus one space for each two employees on the day shift.
12. Industries. One space for each employee on the largest shift, plus one space for each company vehicle operating from the premises.
13. Libraries. One space for each 400 square feet of gross floor space to which the public has access.
14. Lodges and Clubs. One space for each 100 square feet of gross floor area.
15. Medical Offices. Five spaces for each Doctor, Dentist, or Optician.
16. Offices. One space for each 200 square feet of gross floor area.
17. Places of Public Assembly Without Fixed Seating. One space per 25 square feet of floor area available for movable seats in the largest assembly room.
18. Places of Public Assembly With Fixed Seating. One space for each three seats.
19. Recreation Centers. Private. One space per five members, but no less than 20 spaces, except golf courses shall require a minimum of 20 spaces per nine holes.
20. Recreation Centers. Public. A minimum of 20 spaces except that golf courses shall require a minimum of 20 spaces per nine holes.
21. Residences. Two spaces for each dwelling unit.
22. Residential Recreational Areas (Developed) One space per five lots as shown on the approved Concept Plan for the Subdivision.
23. Restaurants. One space for each 75 square feet of gross floor area.
24. Restaurants, drive-in. One space per 50 square feet of gross floor area, but not less than 25.
25. Retail Business, including general business, commercial or personal service establishments and shopping centers catering to retail trade, but not including offices or food stores. Five spaces for each 1,000 square feet of gross floor area.
26. Rooming and Boarding Houses. One space for each bedroom.
27. Schools. Public or Private, and Day Care Facilities. One space for each employee, including teachers and staff members, plus 10 visitor spaces, plus off-street space for the safe and convenient loading and unloading of students, plus additional facilities for student parking taking into consideration the total number of students, the percentage of students driving automobiles and the parking requirements for stadium, gymnasium and auditorium use.

28. Schools. College. Trade and Vocational. Ten spaces per classroom.
29. Wholesale and Warehousing. One space per 200 square feet of gross floor area devoted to office or display plus one space per 2,000 square feet of gross storage area.

Section 1105. Off-Street Loading and Unloading Spaces.

On every lot on which a non-residential use is established, space shall be provided for loading and unloading of vehicles off the public street or alley. Such spaces shall have access to an alley or, if there is no alley, to a street. Requirements are:

1. Retail business. 1 space at least 10 x 30 feet for each 3,000 square feet of gross floor area or fraction thereof.
2. Wholesale business and industry. One space of at least 10 x 50 feet for each 10,000 square feet of gross floor area or fraction thereof.
3. Bus and truck terminals. Sufficient space to accommodate the maximum number of buses or trucks to be stored or be loaded or unloaded at the terminal at any one time.

Section 1106. Commercial Vehicle Parking.

Commercial vehicle parking shall meet the following requirements:

1. Except as provided herein no commercial vehicle shall be allowed to park in any AG, R1, R2, R3 or PUD district either on property so zoned or on the streets abutting such property on Monday through Friday between 7:00 p.m. and 7:00 a.m., or on Saturdays or Sundays.
2. Any commercial vehicle under one and one-half tons in cargo capacity shall be allowed to be parked in a carport or within a side yard or rear yard in accordance with other sections of this Ordinance.
3. This section shall not apply to any vehicle in an enclosed building or not visible from any public place or from any surrounding private property.
4. This section shall not apply to vehicles on school property and on property of not-for-profit organizations.
5. As used in this section, commercial vehicles specifically include the following:
  - a. Any vehicle designed to carry more than one and one-half tons.
  - b. Any vehicle, other than a motor home, having more than two axles.
  - c. Any motorized construction equipment, except on private property for construction in progress.
  - d. Any bus designed to carry more than 20 passengers.

Section 1107 Parking, Storage or Use of Boats and Recreational Vehicles.

No large recreational equipment such as boats, travel trailers, and recreational vehicles shall be parked more than 24 hours in a residential district except in a carport or enclosed building, or out of sight of public view behind a building. No such equipment shall be used for living, sleeping, or house-keeping purposes in a residential district.

**ARTICLE XII: BUFFERS AND SCREENING**

Section 1200 Buffer between Dissimilar Districts and Construction Buffers.

1. Where nonresidential districts are contiguous with residential districts, or where multifamily or mobile home districts are contiguous with single-family residential districts, the parcel of land shall have a buffer along any rear and side property lines abutting a residential district.
2. All residentially zoned property to be developed as single family detached subdivisions shall have a minimum 20 foot construction buffer along any rear and side property lines abutting an existing single family residential zoned parcel.

Section 1201 Plan Requirements.

All buffers shall be designated on permit application(s) and indicated on the required site plan or final subdivision plat.

Section 1202 Buffer and Screening Standards.

All buffer areas and screening shall be per the following requirements:

1. Buffers shall meet the width requirements for dissimilar districts per the "Minimum Buffer Requirements" table (1204).
2. Screening shall be established within any buffer along the entire side and rear lot lines. This screening requirement may be adjusted by the Zoning Administrator for required sight distance.
3. Screening may be required where a non-residential use abuts a public street across from a residential district. This screening requirement may be adjusted by the City Manager for required sight distance.
4. Structures, including driveways, parking facilities, or retaining walls, shall be located a minimum of 5' from any buffer.
5. Buffers shall be established and maintained per the following Standards and any additional specifications per the Mayor and Council. If the buffer includes a utility or pipeline casement, a buffer of no less than 20 feet in width will be required



outside the easement.

a. Standards for Permanent Buffers.

- 1) Width of Buffers. Buffers shall meet the width requirements in this Ordinance, except as authorized to be reduced by the applicable buffer reduction process, as follows:
  - a) As specified in the "Minimum Buffer Requirements" Table; or
  - b) As specified in a residential zoning district for a permitted nonresidential use; or
  - c) As required by a Condition of Zoning, Conditional use, or Variance approval.
- 2) Screening Requirements
  - a) Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning or variance approval, or as authorized herein, and contain the existing tree cover and vegetation as well as any supplemental plantings as may be required.
  - b) Buffers shall visually screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot, year-round.
  - c) Buffers along side property lines shall extend to a street right-of-way line unless otherwise required by the Zoning Administrator for sight distance requirements.
  - d) Where the required buffer is partially or completely within an existing easement, the screening requirements shall be met outside of the easement area.
- 3) Supplemental Plantings
  - a) Buffers in which vegetation is inadequate to meet the screening requirements shall be planted with supplemental plantings to provide a year-round visual screen.
  - b) Supplemental plantings shall be evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees shall be a minimum of 6 feet at time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a minimum of 3 feet at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity.
  - c) All plantings shall be installed to allow for proper plant growth and maintenance.
- 4) Non-Vegetative Screening
  - a) Non-vegetative materials utilized to satisfy the screening requirements, in addition to existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination.
  - b) If walls or fences are utilized, their installation shall cause minimal disturbance of existing vegetation, and provide an effective visual screen.
- 5) Disturbance or Encroachments
  - a) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, similar facilities and associated easements shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
  - b) Supplemental plantings or replanting of vegetation, or authorized non-vegetative screening devices, may encroach into a buffer, provided there is minimal disturbance of existing vegetation.
  - c) Land disturbance is authorized in areas of a buffer devoid of vegetation, if the final grade and replanting of vegetation meet the screening requirements herein.
  - d) Dying, diseased or dead vegetation shall be removed from a buffer, but with minimal disturbance. Vegetation thus removed shall be replaced to meet screening requirements.
- 6) Protection During Land Disturbing Activities
  - a) During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to and during construction.
  - b) The method of demarcation and protection shall be per Best Management Practices and as required by the City.

Section 1203. Other Screening Requirements.

Screening and/or buffers shall be required for obscuring features such as dumpsters, rear entrances, utility and maintenance structures, and loading facilities.

Section 1204 Location and Width of Transitional Buffers:

Transitional buffers shall be required between dissimilar districts or uses in accordance with the provisions of this Ordinance or as a condition of approval by the Mayor and Council.

- (a) A transitional buffer shall be required along any side and rear property line, unless required as a condition of approval by the Mayor and Council.

(b) All transitional buffer areas and screening shall be established in accordance with the following requirements:

(1) Transitional buffers shall meet the minimum width requirements for dissimilar districts as shown in the "Table of Minimum Transitional Buffer Requirements" unless otherwise authorized.

(2) In situations where the required transitional buffer width is partially or completely contained within an existing easement, the screening requirements of this Ordinance shall be met outside of the easement area.

(c) Transitional buffer widths may be reduced by 50 percent or ten feet (whichever is less) by the addition of a solid (opaque) fence or wall at least six feet in height.

(d) The width of required transitional buffers may be reduced by variance by no more than 50 percent, as appropriate, if and only if:

- (1) It is clearly demonstrated that existing topography and/or vegetation within the reduced area achieve the purpose and intent of this section.
- (2) It is clearly demonstrated that, for topographic reasons, a fence, wall and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first-story window on any lot in a residential district abutting the use.

(e) Structures including driveways, parking or retaining walls, shall be located at least 5 feet from any buffer.

(f) When a transitional buffer is required on a non-residential tract and the buffer is of greater depth than the minimum required setback, the minimum setback shall be increased to include five feet in addition to the width of the required transitional buffer.

(g) All transitional buffers shall be so designated on the site construction plan and final plat.

(h) The final plat shall contain the follow note, "Property owner shall be responsible for maintaining the vegetation and non-vegetation screen materials within the transitional buffers and outdoor screening required in conformity of the zoning and development ordinance and all conditions of rezoning approval applicable to this property."

Table of Minimum Transitional Buffer Requirements: Width of Buffer in feet (a)

Buffer >	AG	R1	R2	R3	PUD	O-I	C2	C1	M-I
District									
R1	10	-	-	-	-	-	-	-	-
R2	10	10	-	-	-	-	-	-	-
R3	25	25	25	-	-	-	-	-	-
PUD	25	25	25	25	-	-	-	-	-
O-I	35	35	35	35	25	-	-	-	-
C2	35	35	35	35	25	25	-	-	-
C1	50	50	50	35	35	25	25	-	-
M-I	65	75	75	75	75	65	50	25	-

(a) Transitional buffer widths may be reduced by 50 percent or ten feet (whichever is less) by the addition of a solid (opaque) fence or wall at least six feet in height, as provided in subsection (c).

**ARTICLE XIII: SIGNS**

Section 1300 Purpose

This Article is to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of all signs and outdoor advertising structures.

Section 1301 Permitted Signs

Any sign not specifically permitted under this Article shall be prohibited. Details on sizes and types of signs are in the chart at the end of this chapter. The following types of signs shall be permitted and regulated within the agricultural districts and residential districts, except signs identifying farms products produced on the premises are only allowed in agricultural districts:

1. Real estate signs and similar yard signs and window signs. Such signs shall be removed within ten (10) days after the subject lot or building is leased or sold or construction is completed, respectively.
2. Permanent signs identifying only the name of a subdivision.
3. Church bulletins, signs identifying cemeteries, public or private recreation facilities, churches, public buildings and facilities or other non-residential uses and specified conditional uses.
4. Signs identifying farm products which are produced on the premises.
5. Political signs or other signs containing non-commercial messages.
6. Weekend directional signs.
7. Accessory announcement signs for public or non-commercial uses.

Permitted signs in the non-residential commercial and industrial districts are shown in the table at the end of this Article.

### Section 1302 Standards

No sign, display, or device shall depict nudity, sexual conduct, obscene or pornographic material or advertise an illegal activity. All signs must be on private property. No sign can be erected on or encroach on public right-of-way.

1. For the purposes of determining the number of signs:
  - a) Each ground sign counts as one sign structure.
  - b) All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.
  - c) Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.
2. Only permanent signs shall be allowed to be illuminated provided that:
  - a) No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature or date.
  - b) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
3. Further Standards:
  - a) No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device. Nor shall any sign be similar to an authorized traffic control device or emergency vehicle device or markings.
  - b) No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way. However, a sign structure not more than six inches in diameter, if located on a corner lot where services are provided to the motoring public, may be located within the required corner visibility area if all other requirements of the Division are met and the lowest elevation of the sign surface is at least 10 feet above the ground level.
  - c) No sign shall obstruct any fire escape, any means of egress or ventilation or which prevents free passage from one part of a roof to the other part thereof; nor shall any sign be attached to a fire escape.
  - d) It shall be unlawful to post any signs or advertisements on any building, fence or other property belonging to another person without the written consent of the owner being provided to the city.
4. Weekend directional signs are permitted from 1:00 p.m. Friday to 11:59 p.m. Sunday subject to the following:
  - a) Directional signs shall not exceed 4 square feet per side and be no more than 3 feet in height.
  - b) Signs must be attached to an independent device no more than forty inches above ground level. Mounting must be secure.
  - c) All mounting devices shall be removed when the sign is removed.
  - d) All mounting devices shall bear the name and phone numbers of the installer / owner.
  - e) Signs shall be waterproof.
  - f) Signs shall not be within ten feet of the pavement of any street.
  - g) No two signs referring to the same item may be separated by less than 2,500 lineal feet.
  - h) No more than two directional signs for any one project, event, or purpose may be located at the intersection of two roads.
5. Political signs not exceeding 24 square feet shall be permitted in any zoning district subject to the following:
  - a) Before any political sign is erected, the permission of the owner of the property upon which the sign is proposed to be erected shall be obtained.
  - b) No political signs shall be placed within any city, county or state rights-of-way.
6. Directory Signs are authorized in all non-residential planned subdivisions of land within any non-residential zoning district subject to the following conditions:
  - a) Signs may not be within 100 feet of an entrance to a project.
  - b) One such sign per entrance (exclusive of driveways) is permitted.
  - c) The sign shall not be within the public right-of-way.
  - d) Maximum sign area is 16 square feet unless otherwise stated.
  - e) Maximum height of the sign shall be 6 feet.
  - f) Name of the project may be listed together with the tenant listing; however, the name of the project shall not be larger than five square feet.
  - g) These signs shall be permanently constructed and consist of low-maintenance materials such as stone, masonry, metal, ceramic materials, and plastics.

### Section 1303 Exempt Signs

The following are exempt unless otherwise expressly prohibited. These signs shall meet height and setback requirements.

1. Non-illuminated real estate signs, excluding portable signs, not in excess of six square feet in all zoning districts, provided such signs are on the lot for sale or lease and are limited to one sign per frontage. Such signs shall be removed within ten days after the subject lot or building is leased or sold. Parcels exceeding three acres may have a real estate or construction sign of up to 16 square feet.
2. Signs of a non-commercial nature and in the public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety signs, danger signs, trespassing signs, traffic and street signs, memorial plaques, signs of historical interest, and the like.
3. Signs on private property prohibiting trespassing, hunting or directing traffic movement, each not exceeding three square feet in area, and not advertising any business, service or product. Such signs shall not be allowed on any public right-of-way.
4. On-premises credit card or bank instant teller identification signs up to three square feet per card or six square feet in total area. Such signs shall be located at least ten feet from the pavement of any street. A maximum of two signs is allowed.
5. Any sign not visible from public thoroughfares or any sign within a business, office, mall, or totally enclosed area.
6. On-premises temporary signs advertising festivals and special public events, provided they are set back at least ten feet from any street pavement, and not placed on any street right-of-way, and do not exceed 16 square feet in area. Such signs shall be allowed for a maximum period of 15 consecutive days, after which they must be removed.
7. On-premises directional signs, including exit/entrance, shipping/receiving, or other directional information, not to exceed six square feet in area or four feet in height. These signs are to give traffic directional information only and shall not be used to advertise products or services.
8. Signs at individual residences, provided such signs are set back at least ten feet from any street pavement, are not placed on any street right-of-way, and do not exceed three square feet in area or four feet in height.
9. Identification Signs.
10. Identification signs indicating the name and street number of owner or occupant provided that no such sign shall exceed three square feet in sign area or contain any advertising display. Signs may be wall or building mounted or freestanding, provided that if freestanding, the sign shall not exceed a height of 3 feet. One sign shall be allowed per road frontage.

Section 1304 Prohibited Signs The City shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs. The following types of signs or advertising devices are prohibited in all zoning districts:

1. Roof signs.
2. Sidewalk, A-type, sandwich or curb-type signs.
3. Portable signs.
4. Swinging or projecting signs, unless written approval is granted by the City Zoning Administrator. In no case, however, shall this type sign exceed two square feet.
5. Animated signs involving motion or sound.
6. Flashing, blinking, or varying light intensity signs except time, temperature and date.
7. Signs on public right-of-way.
8. Signs which contain or are in imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "danger," "warning" or similar words, except for construction signs and barricades and except when the words are incorporated in the permanent name of a business.
9. Courtesy benches, trash cans, and similar devices on which advertising is displayed.
10. Trailer signs.
11. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.
12. Rotating signs.
13. Window signs which collectively cover more than 25 percent of the window glass surface area.
14. Signs or advertising devices attached to any vehicle or trailer parked for more than 48 hours so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services, or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference. No signs on trailers or other non-motorized vehicles will be allowed under this provision.
15. Signs placed in parking spaces which are required to meet the minimum parking requirements.
16. Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view.
17. Abandoned signs, which advertise an activity, business, product or service no longer conducted or available.
18. Neon Signs.

#### Section 1305 Temporary Signs

1. Temporary signs or advertising devices may be displayed on-premise upon issuance of a temporary permit from the City. Temporary on-premise signs shall only be located within non-residential zoning districts.
2. Only one temporary on-premise sign or advertising device may be displayed on a lot at a time. Each occupant or tenant of a multi-occupant building or multi-tenant building may display one banner flush with a wall during the permit period without regard to the usage of other occupants or tenants and without regard to the prior usage of temporary on-premise signs by others on the lot.
3. A temporary on-premise sign or advertising device shall require a permit on a semi-annual basis which allows two 10 day periods to utilize a temporary on-premise sign or advertising device (i.e., one 10-day period from January 1 through June 30, then a second 10-day period from July 1 through December 31.) There must be at least a 30-day break between any two 10-day permitted periods.
4. It shall be unlawful to display any temporary sign or advertising device without a permit. The temporary permit shall be acquired prior to the display of any temporary sign or advertising device. The permit shall specify the first and last day of the period in which display of the temporary sign or advertising device is permitted. Display of the temporary sign or advertising device shall be allowed at 12:01 a.m. on the first day specified on the permit. The permit shall expire at 11:59 p.m. on the last day specified on the permit.
5. Signs placed pursuant to temporary permits shall be removed on or before the last day of the permit.

#### Section 1306 Procedures

A sign permit is required before a sign, other than a sign exempted herein, may be erected or attached to, suspended from or supported on a building structure; and before an existing sign may be enlarged, relocated or materially improved upon to an extent of 50 percent of its total replacement value. The application shall be tendered to the Zoning Administrator.

1. A sign permit shall be issued when the plans, specifications, and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this Ordinance and the Building Code.
2. The application shall be accompanied by all the information required and such other information as the City may require in the exercise of sound discretion in acting upon the application; standardized sign plans may be filed in fulfillment of this requirement, although site plans to determine the location of a sign shall be filed with each application.
3. The City may issue a temporary permit for instructional signs prior to the event. The applicant requesting a permit shall file a bond in the amount of \$50. Said bond will be remitted upon the removal of all signs by the applicant within 10 days following the event and the observance of all laws, ordinances, and regulations. Said permit shall allow signs to be posted no earlier than seven days prior to the event.
4. The City may issue a permit for temporary signs to be attached to a building or beneath a canopy prior to a special event. The applicant requesting a permit to place the above-mentioned signs shall file a bond in the amount of \$50. Said bond will be remitted upon the removal of all signs by the applicant within 10 days following the event and the observance of all laws, ordinances, and regulations. Said permit shall allow signs to be posted no earlier than seven days prior to the event.
5. Each application shall contain an agreement to indemnify and save the City harmless of all damages, demands or expenses which may in any manner be caused by the sign or sign structure. Each applicant shall present to the City on request a certificate of liability insurance prior to the issuance of a sign permit.
6. Every sign constructed, erected or maintained for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign, and shall have the number of the permit affixed on the framework of the sign so the information shall be readily accessible and durable.
7. Permits shall not be required for exempt signs. However, all signs using electrical wiring and connections shall require an electrical permit.
8. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six months after the date of issuance.
9. Applications for sign permits required above shall be filed by the sign owner or owner's agent with the City Clerk upon forms as provided. The application shall describe and set forth the following and any additional information pertinent to the sign application as may be requested by the City:
  - a. The type and purpose of the sign as defined by this Ordinance.
  - b. A site plan showing the location of the sign.
  - c. Elevation drawing showing the height and dimensions of sign face.
  - d. The total construction cost of the sign.
  - e. The street address of the property upon which subject sign is to be located and the proposed location of the sign on the subject property. In the absence of a street address, a method of location acceptable to the City shall be used.
  - f. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
  - g. The name(s) and address(es) of the owner(s) of the real property on which the subject sign is to be located.

- h. Written consent of the owner for the sign.
  - i. The name, address, phone number, and business license number of the sign contractor.
  - j. Business license number of sign owner if the sign is for a business.
10. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance..

TYPE OF SIGN PURPOSE OR USE	ZONING DISTRICTS	MAX HEIGHT	MIN SETBACK	MAXIMUM SIZE		# AND TYPE	
				GROUND	WALL	GROUND	WALL
Business for individual lot	Non-Residential	5	0-5	16 sq. ft.	24 sq. ft.	1 per road	1
Public recreational facilities, public buildings, etc.	All Districts	10	5	16 sq. ft.	24 sq. ft.	1 per road frontage	1
Permanent entrance sign of a commercial or office development	Non-Residential	12	0	24 sq. ft.	24 sq. ft.	1 per entrance	1 per entrance
Permanent sign identifying name of Subdivision (sign structure must be brick, stone or masonry)	R and AG Districts	8	0	16 sq. ft. per sign	Not allowed	Two per entrance	Not allowed

11. Upon receipt of a properly completed application for a sign permitted under this Ordinance, the City shall examine and process the application within ten working days. A permit may be denied if the applicant, landowner or lessee is presently maintaining a sign in violation of this Zoning Ordinance. No permit shall be issued until the appropriate application, including exact dimensions, area, and estimated construction cost, have been filed with the City and fees have been paid as established by the City. The foregoing sign table governs. All sizes and distances reflect feet.

12. No sign shall be closer than 10 feet to the back of curb of a public roadway. Multiple sign faces are permitted on each sign structure. However, total faces shall not exceed total permitted square feet. Properties with multiple road frontage may transfer up to 50 percent of the allowable square footage from one road frontage to the other.

Section 1307 Construction and Maintenance

1. It shall be unlawful to erect or place any sign which does not conform to the requirements of this Ordinance.
2. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and unless constructed of galvanized or non-corroding metal shall periodically be given a protective coating.
3. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.
4. The person or entity holding the permit shall remove or have removed from the premises discarded or unusable paper.
5. Sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.

Section 1308 Enforcement

1. Enforcement personnel may order the removal of any sign in violation of this Ordinance, including when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this Ordinance or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this Ordinance.
2. The removal order shall be issued only after the appropriate party fails to comply within seven days after the receipt of written notice of non-compliance by the City or within ten days from the mailing of such notice if no receipt indicating acceptance is returned. If a permit was issued, such notice shall operate to revoke the permit.
3. Notice shall be given to the permit holder and the owner of the sign; if the sign owner cannot be found or determined, notice shall be given to the sign erector and property owner and/or any other party that procured the erection of the sign.
4. An aggrieved party may appeal the removal order within 10 days of the date that the notice was received.
5. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the enforcement personnel are authorized to cause to be removed the sign and to collect the costs thereof as provided below.
6. Removal of any sign as provided for in this Section shall be without liability to the City, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible.
7. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured erection of the sign. If payment or arrangement to make payment is not made with 60 days after the receipt of said statement, the City shall certify the amount thereof for collection to their Attorney.
8. In the event signs that are removed remain unclaimed for more than 120 days from date of impound, the signs shall be disposed of in accordance with state law.

9. If a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings hereunder against the property owner, sign owner, lessee, sign erector or a combination of the above.
10. The enforcement personnel may remove or direct the removal of any sign in violation, without giving notice to any party, if: said sign is upon the public right-of-way or upon other public property; or said sign poses an immediate safety threat to the life or health of any members of the public.

#### Section 1309 Non-Conforming Signs

1. Signs which do not comply with this Ordinance and were legally placed before the effective date of this Ordinance shall become non-conforming with respect to the requirements set forth herein; however, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior Ordinances shall be removed or brought into compliance herewith as soon as practicable, but within 30 days from the effective date of this Ordinance.
2. Non-conforming signs made of paper, cloth or other non-durable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed as soon as practicable but within 30 days from the effective date of this Ordinance.
3. Upon failure to comply with the requirements of this Ordinance, the City may cause the removal of any non-conforming sign at the expense of the owner.
4. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming signs shall be permitted through the period described by this Ordinance.
5. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this Ordinance.
6. Each sign which exists at the effective date of this Ordinance shall be registered by its owner with the City Clerk.
7. Without limitation, sign erectors, sign owners, and such other responsible parties may be cited for the violation of any provisions of this Ordinance. The fine for any one sign found in violation of this Ordinance tried upon a citation or upon an accusation shall be as provided in this Ordinance.

#### Section 1310. Maintenance and Appearance of Signs.

1. All signs shall be maintained in good condition, so as to present a neat and orderly appearance.
2. The Zoning Administrator may cause to be removed, after due notice, any sign which shows gross neglect or becomes dilapidated.
3. The Zoning Administrator shall give the owner 10 days written notice to correct the deficiencies or to remove the sign or signs.
4. If the owner refuses to correct the deficiencies or remove the sign, the Zoning Administrator shall have the sign removed at the expense of the owner.

#### Section 1311. Illumination of Signs.

Only permanent signs in non-residential zoning districts may be illuminated, provided that:

1. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
2. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature, or date.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
4. Internal illumination is prohibited. Downward facing external illumination is permitted.

#### Section 1312. Project Directory Sign.

Such signs are authorized in all non-residential planned subdivisions of land within any nonresidential zoning district subject to the following:

1. May not be located within 100 feet of an entrance to a project.
2. One such sign per project entrance (exclusive of driveways).
3. A vehicular storage lane (one-way) must be provided so that the sign may be viewed by an individual in a vehicle.
4. The sign shall not be within the public right-of-way.
5. Setback from right-of-way may be zero (0) feet.
6. Maximum sign area is 100 square feet.
7. Maximum height of the sign shall be eight (8) feet.
8. Name of the project may be listed together with the tenant listing; however, the name of the project shall not be larger than five (5) square feet.

9. These signs shall be permanently constructed and consist of low-maintenance materials such as stone, masonry, metal, ceramic materials, and plastics.

Section 1313. Project Directional Sign

Such signs are authorized in all non-residential planned subdivisions of land within any nonresidential zoning district subject to the following:

1. Maximum sign area shall not exceed 32 square feet.
2. Maximum sign height shall not exceed 8 feet.
3. Setback from right-of-way may be zero (0) feet.
4. Only one such sign may be located at each intersection of public streets within the project.

**ARTICLE XIV: ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES**

Section 1400. Zoning Administrator.

The Zoning Administrator is directed, on behalf of the Mayor and Council, to administer and enforce this Ordinance. Such shall include the right to order, in writing, the remedy of any condition found in violation of this Ordinance, and the right to bring legal action in all courts of competent jurisdiction to ensure compliance with its provisions, including injunction, mandamus, abatement or other appropriate action or proceeding. The powers and duties of the Zoning Administrator (and designee(s)) include:

1. Examining applications pertaining to the use of land, or structures and approving the application when they conform with this Ordinance.
2. Authorizing issuance of all building permits and certificates of occupancy, and keeping permanent records thereof.
3. Conducting inspections of structures and uses to determine compliance with this Ordinance.
4. Maintaining permanent and current records of the Zoning Ordinance including maps and amendments.
5. If the Zoning Administrator shall find this Ordinance is being violated, he shall notify in writing the violator, indicating the nature of the violation and ordering action necessary to correct it. He shall order discontinuance of illegal uses; removal of illegal structures or structural changes; discontinuance of any illegal work; or shall take any other action authorized by this Ordinance to ensure compliance.

Section 1401. Building Permit.

No structure shall be erected, moved, added to or structurally altered at a cost exceeding \$200, without a Building Permit issued by the Administrator. No Building Permit shall be issued except per this Ordinance, and adopted Building Codes. All applications for Land Disturbance Permits, and Building Permits for uses other than one-family and duplex dwellings, shall be accompanied by plans, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure and such other information as may be necessary for the enforcement of this Ordinance. These applications and plans shall conform to the requirements of the City.

Section 1402. Certificate of Occupancy Required.

A Certificate of Occupancy is required prior to the use or occupancy of:

1. Any lot or change in the use thereof.
2. A structure hereafter erected or a change in the use of an existing structure.
3. A change in any lawful non-conforming use.

No Certificate of Occupancy shall be issued unless the lot or structure complies with this Ordinance. A record of all Certificates of Occupancy shall be kept on file at City Hall and a copy shall be furnished, on request, to any person having an interest in the structure or land involved.

Section 1403. Fees.

The Mayor and Council shall establish a schedule of fees and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule shall be available in City Hall and may be amended by the Mayor and Council, from time to time, to cover the costs of administration of this Ordinance. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1404. Construction Progress

If no substantial construction progress has been made within six months of issuance of the building permit, the permit becomes invalid. The permit may be re-issued only upon completion of the application procedure outlined in Sections 1401 and 1402.

Section 1405. Penalties for violation.

Any person or entity convicted of violating this Ordinance shall be punished by a fine of not less than \$25 nor more than \$1000, and/or



by confinement not to exceed 30 days, for each violation of this Ordinance. Every day that a violation continues is a separate offense.

#### **ARTICLE XV: VARIANCES AND CONDITIONAL USES.**

##### **Section 1500. Procedure.**

1. Hearings by the mayor and council shall be scheduled upon receipt of an application for a variance or a Conditional Use.
2. The City Clerk shall keep minutes of the proceedings, showing the action taken on each question, which shall be filed in City Hall.
3. All applications under this Article XV, including all required fees, attachments and supplemental information, must be submitted in complete and proper form at least 21 days prior to the next mayor and council meeting before the hearing can occur.

##### **Section 1501. Hearings.** The mayor and council shall have the following powers:

1. To recommend variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted only upon a finding by the Mayor and Council that:
  - a) There are extraordinary and exceptional conditions of the property in question because of its size, shape or topography;
  - b) The application of the Ordinance to this property would create an unnecessary hardship;
  - c) Such conditions are peculiar to this property;
  - d) Such conditions are not the result of any actions of the property owner;
  - e) A variance, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance.
  - f) The zoning proposal is consistent with construction and design standards and criteria adopted by City;
  - g) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
  - h) The variance is the minimum variance that will make possible an economically viable use of the land, building, or structure; and
  - i) The variance is not for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by the Zoning Ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Mayor and Council.
2. To recommend, in specific cases, Conditional Uses after a public hearing and determining the Conditional Use will not be contrary to the public interest and determining that the Conditional Use:
  - a. Will not be injurious to the use and enjoyment of the environment or other property in the vicinity nor diminish and impair property values within the surrounding neighborhood;
  - b. Will not increase expenditures in relation to cost of serving neighboring properties or maintaining infrastructure;
  - c. Will not impede the normal and orderly development of surrounding property for uses predominant in the area; and
  - d. Has a location and character consistent with a desirable pattern of development.
3. The following evidence must be satisfactorily demonstrated before the 4 determinations above can be made:
  - a. Evidence of reduction of adverse environmental impacts to acceptable levels;
  - b. Evidence that traffic will not be substantially hindered or endangered;
  - c. Evidence that parking and loading will be adequate;
  - d. Evidence that public facilities and utilities are capable of serving the proposed use;
  - e. Evidence that the use will not cause a damaging volume of commercial use in a stable neighborhood which would lead to decreasing property values, and/or that this use would not lead to additional requests that would expand these problems;
  - f. Evidence that the proposed use would not lead to congestion, noise or traffic hazards;
  - g. Evidence that the use conforms to the comprehensive land use plan
  - h. Evidence that the use would not have a domino effect creating a "wedge" for further rapid growth beyond that contemplated by the comprehensive land use plan.
4. Additional Conditional Use Permit Criteria. No application for a conditional use permit shall be granted by the Mayor and Council unless it is determined that in addition to meeting the requirements contained within applicable use standards and the zoning district in which the conditional use permit is located, satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:
  - a. Adequacy of the size of the site for the use contemplated and whether adequate land area is available for the proposed conditional use;
  - b. Compatibility with adjacent properties and with other properties in the same zoning district;
  - c. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed;
  - d. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or

other emergency;

e. Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

f. Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed conditional use;

g. Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

h. Whether there is adequate provision of refuse and service areas;

i. Whether the length of time for which the conditional use permit is granted should be limited in duration;

j. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

k. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and

l. Whether the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of City.

5. In approving a Conditional Use or Variance, the Mayor and Council may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this Ordinance.

6. If at any time after a Conditional Use or Variance has been issued, the Mayor and Council finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder, the Variance or Conditional Use shall be terminated and such use discontinued. If a Variance or Conditional Use permit is terminated for any reason, it may be reinstated only after a public hearing for a new application, and approval thereof.

#### Section 1502. Variances not Allowed.

No variance may be granted for a condition of Zoning required by the Mayor and Council in approving a rezoning application; a use of land or building or structure that is prohibited by this Ordinance; or permit a use which would result in a greater density of development on a property than would otherwise be allowed without a variance.

#### Section 1503. Required Public Hearings in Hearing Variances and Conditional Uses.

a. Before the Mayor and Council acts upon an application for a Variance or Conditional Use, they shall hold a public hearing thereon.

b. The notice of the date, time and place of such hearing shall be published between 15-45 days prior to the hearings in the official organ of the County or Counties where the subject property is located.

c. In addition, the City shall between 15-45 days prior to the hearings cause to be erected in a conspicuous place on the property involved, a sign, which shall contain information about the Variance or Conditional Use applied for and the date, time and place of hearings.

d. At the hearing any party may appear in person or by agent or attorney.

e. All public hearings may be continued to another meeting date and for additional meeting dates by an announcement at the regularly scheduled hearing, along with re-advertisement per the ZPL.

#### Section 1504. Reapplication.

If an application for a Conditional Use or Variance is denied by the Mayor and Council, a reapplication for such Conditional Use or Variance may not be made earlier than 12 months from the date of the original application.

#### Section 1505. Conflict of Interest.

The application form for a Variance or Conditional Use shall require the applicant to list all individuals or business entities which have any ownership interest in the property affected by the proposal. In addition, the application shall require the applicant to list any of the Mayor and Council, if any, to whom the applicant has made a campaign contribution or gift aggregating \$250 or more within 2 years prior to the date of filing the subject application. This form shall require the applicant to list the name(s) of the recipient of the gift or campaign contribution, if any, the dollar amount of each gift or campaign contribution, the date of the contribution or gift, and a description of any gifts which fall within the disclosure requirements.

The Zoning Administrator shall transmit a copy of the application materials to each member of the Mayor and Council, with the requirement that each member of the Mayor and Council review the information presented, provide supplemental information in writing as required below, and return same to the City Clerk for filing in the City's records prior to the time that any consideration is given to the subject request.

The said transmittal by the City Clerk shall require that each member of the Mayor and Council state whether he or any member of his

family (spouse, mother, father, brother, sister, son or daughter) has an ownership interest in the property affected by the proposal, or a financial interest of ten (10%) percent or more in any business entity which has an ownership interest in the property to be considered. In the event such an interest exists, the transmittal from the City Clerk shall require explicit detail from the member of the Mayor and Council about the nature and the extent of that interest. No member of the Mayor and Council with such an interest shall participate or vote in a matter in which he had any pecuniary or special interest.

Section 1506. Public Hearing Procedure and Policies.

Public hearings shall be conducted per with the following procedures:

1. Minutes of the meeting will be taken by the City Clerk. Should a complete transcript of the meeting be requested, it will be provided at the expense of the person making the request.
2. The public hearing shall be called to order by the presiding officer, who shall explain the meeting procedures. Speakers shall speak only from the podium, shall address only the merits of the pending application, and shall address remarks only to Mayor and Council. Each speaker shall refrain from personal attacks on any other speaker, any discussion irrelevant to the pending application, or any other inappropriate behavior. No debate or argument between speakers or with Council members will be allowed. Speakers shall not repeat previous comments, as repetition deprives other speakers of valuable time to provide new information. The presiding officer or his/her designee shall refuse a speaker the right to continue, if the speaker, after once being cautioned, continues to violate any section of this Ordinance. Speakers should provide supporting documentation prior to the date of the hearing. Speakers shall sign the speaker list prior to the hearing.
3. Staff shall then present the application and its supporting documents, along with an analysis of the applicable standards and criteria.
4. If the subject of the hearing is a proposal initiated by a petitioner other than the Mayor and Council, the petitioner or the petitioner's agent shall be recognized first and shall at least have 10 minutes but no more than 15 minutes to present the request. Thereafter, all individuals who so desire shall be permitted to speak in favor of the proposal. Persons other than the applicant who support the application are allowed to speak in support of the pending application for no more than 2 minutes each, and are also subject to the 15 minute combined total time limit.
5. After the proponents speak in accordance with the above paragraph, opponents who wish to speak shall have an equal opportunity of at least ten minutes but no more than 15 minutes. It is suggested that supporters and opponents each obtain 1 spokesperson to present their views. No individual except the applicant, or an attorney, or a designated representative of a group, shall speak longer than 2 minutes or more than one time.
6. When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name and address and make any comment appropriate to the proposal.
7. All speakers are urged to make their comments brief and to avoid repeating others' comments.
8. The applicant shall, using any reserved time, have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposal.
9. Thereafter, the presiding officer shall announce that the public hearing for the proposal is closed. At the close of the public hearing before the Mayor and Council, that body shall consider the proposal. Each body shall review the record, consider the criteria, and vote on the application.

Section 1507. Planning Commission Public Hearing and Action- Reserved.

Section 1508. Mayor and Council Public Hearing and Action.

1. Before taking action on the Variance or Conditional Use proposal, the Mayor and Council shall hold a public hearing.
2. So the purpose of this ordinance will be served and so that health, public safety and general welfare will be secured, the Mayor and Council in its decision on the application may, in its legislative discretion, approve or deny the application as submitted, defer a decision until a specified meeting date, require the applicant to file a site plan or other plans regarding the application and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested.
3. The withdrawal shall not be subject to the 12 month prohibition on re-filing.
4. The Mayor and Council may also require that the land area for such application be reduced, or that conditions be added or deleted, as the Mayor and Council deems appropriate.
5. It is the duty of the applicant to carry the burden of proof regarding his application under this Article.
6. In approving a Variance or Conditional Use request, the Mayor and Council may impose special conditions it deems necessary in order to make the requested action acceptable and consistent with the purposes of the zoning district(s) involved and to thither the goals and objectives of the Comprehensive Plan. Such conditions include but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building size;

special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffer provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that the applicant must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the Mayor and Council may deem appropriate and necessary as a condition of the Conditional Use or Variance.

## **ARTICLE XVI: AMENDMENTS**

### **Section 1600 Authority**

This Ordinance, including the Zoning Map of the City of Walnut Grove, Georgia, may be amended from time to time by the Mayor and Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the mayor and council for public hearing review.

### **Section 1601 Requirements for Change**

When the public necessity, convenience, general welfare, or good zoning practice justify such action, the Mayor and Council may undertake the necessary steps to amend the Zoning Ordinance.

### **Section 1602 Application for Amendments**

Request to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

1. Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the Mayor and Council, or by application filed by the owner(s) of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting any change in zoning district classification, by a property owner or owners more than once every 12 months.
2. Application procedure. Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee plus any additional information the applicant feels to be pertinent, will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required.
3. Applications for amendments, including all required fees, attachments and supplemental information, must be submitted in proper form at least 30 days prior to a mayor and council hearing to be heard at that hearing.
4. The amendment application form provided by the Zoning Administrator shall require that the applicant set forth a written justification for the requested zoning amendment.
5. The application form shall require that the applicant state the exact language of any zoning ordinance text amendment requested, and/or the specific zoning ordinance map amendment being requested.
6. Applications for a zoning ordinance map amendment shall include:
  - A. A written legal description of the property which is the subject of the rezoning request, including tax parcel number.
  - B. Three copies of a plat of the subject property drawn to scale, prepared and sealed by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid, showing the following information:
    1. North arrow, land lot and district.
    2. Property lines with dimensions and angles of turns.
    3. Adjoining streets with present right-of-way and pavement widths.
    4. Location of existing structures.
    5. Present and proposed zoning.
  - C. An application for an amendment to rezone shall be accompanied by such other plans, elevations or additional information as the Zoning Administrator and this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional information may include without limitation traffic studies, utility studies, and drainage studies.At a minimum the following shall be submitted:
  1. Residential Zoning District Proposals
    - a) Show how the proposed property is to be subdivided including proposed streets.
    - b) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
    - c) State minimum lot size and total number of lots proposed.
    - d) State minimum house size proposed.
  2. Commercial or Non-Residential and Multi-family Proposals.
    - a) Show proposed layout of building locations with driveway and parking lots.
    - b) Show proposed curb cuts or existing driveway/roadways.
    - c) Show all required buffers and building set back lines.
    - d) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.

- e) State the density per acre and the square feet per acre area of total buildings.
- 7. All applications shall include the notarized signature of the applicant and, in the case of a requested zoning map amendment, if the applicant is not the current property owner, such application shall include the notarized authorization from the property owner for the requested rezoning.
- 8. The application for amendment form furnished by the Zoning Administrator shall require the applicant to list all individuals or business entities which have any ownership interest in the property affected by the proposed rezoning. In addition, the application shall require the applicant to list any of the Mayor and Council members, if any, to whom the applicant has made a campaign contribution or gift aggregating \$250 or more within 2 years prior to the date of filing the application for rezoning. This form shall require the applicant to list the name(s) of the recipient of the gift or campaign contribution, if any, the dollar amount of each gift or campaign contribution, the date of the contribution or gift, and a description of any gifts which fall within the disclosure requirements.
- 9. The City Clerk shall transmit a copy of the application materials to each member of the Mayor and Council, with the requirement that each member of the Mayor and Council review the information presented, provide supplemental information in writing as required below, and return same to the City Clerk for filing in the zoning records prior to the time that any consideration is given to the rezoning request.
- 10. The said transmittal by the City Clerk shall require that each member of the Mayor and Council state whether he or any member of his family (including spouse, mother, father, brother, sister, son or daughter) has an ownership interest in the property affected by the proposed rezoning, or a financial interest of ten (10%) percent or more in any business entity which has an ownership interest in the property to be considered for rezoning. In the event such an interest exists, the transmittal from the City Clerk shall require detail from the member of the Mayor and Council about the nature and extent of that interest. No member of the Mayor and Council shall participate or vote in a matter in which he has any pecuniary or special interest.

1603 Notice

- 1. Before making a decision on any proposed amendment to this ordinance, the Mayor and Council shall hold a hearing.
- 2. Official notice shall be given in the legal organ in the county or counties where the subject parcel is located, 15-45 days prior to the hearings, which shall include the hour, time, place, and date of the hearing, the location of the property, the present zoning classification and the proposed zoning classification.
- 3. The City shall post a sign 15-45 days prior to the hearings in a conspicuous place on the property which shall include the hour, time, place, and date of the hearing, the location of the property, the present zoning classification and the proposed zoning classification.

1604 Continuances

All zoning public hearings may be continued to another meeting date and for additional meeting date(s) by an announcement at the originally scheduled hearing date, time and location, after said hearing, and after publication of notice thereof compliant with the ZPL.

1605 Public Hearing Procedures

Whenever a public hearing is required by this Ordinance or by State law, such public hearing shall be conducted in accordance with the following procedures of Section 1506, Public Hearing Procedure and Policies.

1606 Planning Commission Recommendation or Report- Reserved

1607 Mayor and Council Action

- 1. All papers and data pertinent to the application shall be transmitted to the Mayor and Council for action.
- 2. Before taking action, the Mayor and Council shall hold a public hearing on the proposal.
- 3. So that the purpose of this Ordinance will be served and so that health, public safety and general welfare will be secured, the Mayor and Council in its decision on the application may, in its legislative discretion, approve or deny the application as submitted, defer a decision until a specified meeting date, require the applicant to file a site plan or other plans regarding the application and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested.
- 4. Such a permitted withdrawal shall not be subject to the 12 month prohibition on re-filing.
- 5. The Mayor and Council may also require that the land area for such application be reduced, or that conditions be added or deleted, or a zoning decision other than requested be made, as the Mayor and Council deem appropriate.
- 6. In adopting an amendment to the Zoning Map, the Mayor and Council may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purpose of the Zoning district(s) involved and to further the goals and objectives of the Comprehensive Plan.
- 7. Such conditions include but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses

or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that builders must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the Mayor and Council may deem appropriate and necessary as a condition of rezoning. Such Conditions:

- a. Shall be included in the motion approving the amendment for adoption;
- b. Shall be required of the property owner and all subsequent occupants and owners as a condition of their use of the property for the approved rezoning, and;
- c. Shall be enforced by the Zoning Administrator in the same manner as any other provision of this Zoning Ordinance. Should the conditions cease to be met, the approval may be revoked after a public hearing conducted with the same notice and procedures as the original approval process.

#### 1608 Standards of Review.

The following standards governing the exercise of the City's zoning power are to be considered by the Mayor and Council in balancing the interest of the public health, safety, morality or general welfare against the unrestricted use of property:

1. The existing land use pattern
2. The possible creation of an isolated district unrelated to adjacent and nearby districts;
3. The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, school, utilities, and streets;
4. The costs to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets, law enforcement, fire protection and other public services;
5. The possible impact on the environment, including, but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality;
6. Whether the proposed zoning amendment will allow uses which will be a detriment to the value of adjacent property in accordance with existing regulations;
7. Whether there are substantial reasons why the property cannot be used and developed in accordance with the existing regulations;
8. The aesthetic effect of the existing and proposed use of the property as it relates to the surrounding area;
9. The extent to which the proposed zoning amendment is consistent with the comprehensive land use plan;
10. The possible effects of the proposed zoning amendment on the character of the zoning district, a particular piece of property, neighborhood, a particular area or the community as a whole;
11. The relationship that the proposed zoning amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether the proposed zoning will carry out the purposes of these regulations;
12. Any application for a zoning map amendment which does not contain a specific site plan carries a rebuttable presumption that such rezoning shall adversely effect the zoning scheme;
13. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
14. In instances when property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the neighborhood shall be considered to carry great weight;
15. Whether the property affected by the decision has a reasonable economic use as currently zoned; and
16. Whether other conditions exist that affect use and development of the property in question and support approval or denial.

After receiving the application for amendment, and other pertinent information, the Mayor and Council shall apply the evidence to the standards of review in making its decision. It will not be required that the Mayor and Council consider criteria in the standards of review which are inapplicable. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning amendment promotes the public health, safety, morality or general welfare. In ruling on any application in which the petitioner has brought a challenge to the existing zoning classification, the Mayor and Council may impose upon said property any appropriate conditions, which might be consistent with the considerations contained above.

#### 1609 Changes in the Zoning text or Zoning Map.

Following final action by the Mayor and Council, any necessary changes shall be timely made in the Zoning text and/or Zoning Map. A written record of the type and date of such change shall be maintained by the City Clerk. The type and date of change to the Map shall be timely marked directly on the Map, and initialed by the City Clerk.

### **ARTICLE XVII: LEGAL STATUS PROVISIONS**

Section 1700. Appeals of Administrative Decisions.

1. Appeals to the Mayor and Council may be taken by any person aggrieved by any employee of the City or by any decision of the Zoning Administrator when it is alleged there is an error in any order, requirement, decision or determination made by such employee or the Zoning Administrator in the enforcement of this Zoning Ordinance.
2. Such appeal shall be taken within thirty days after the decision or interpretation has been either made in writing or by statements made at a public hearing of which a record will be provided in the minutes of the hearing by filing with the City Clerk a Notice of Appeal specifying the grounds thereof.
3. The City Clerk shall transmit to the Mayor and Council the record upon which the action appealed from was taken.
4. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Mayor and Council that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than the Mayor and Council or by a restraining order granted by a court of record on application, and notice to the Zoning Administrator for good cause shown.
5. Upon making a decision upon the consideration of appeal, the Mayor and Council may, in conformity with the provisions of this Zoning Ordinance, reverse decisions or determinations from which the appeal is taken and may issue or revoke or direct the issuance or revocation of a building or other permit.

Section 1701. Appeals of Actions by the Mayor and Council.

Any person or persons severally or jointly aggrieved by any decision of the Mayor and Council may appeal to the Superior Court via Certiorari. Such shall be filed within 30 days from the date of the decision of the Mayor and Council. Upon failure to obtain the Writ of Certiorari within 30 days, the decision of the Mayor and Council shall be final.

Section 1702. Conflict with Other Laws.

Whenever the regulations of this Zoning Ordinance require a greater lot width or depth or size of yards, or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Zoning Ordinance shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than are required by this Ordinance, the provisions of such statute or covenants shall govern.

Section 1703. Severability.

If any article, section, sentence, clause or phrase of this Zoning Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses or phrases of this Zoning Ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Mayor and Council hereby declares that it would have adopted the remaining parts of this Zoning Ordinance if it had known that such part or parts thereof would be adjudged invalid or unconstitutional.

Section 1704. Repeal of Conflicting Ordinances.

All ordinances and parts of Ordinances in conflict with this Zoning Ordinance are hereby repealed.

Section 1705. No Prejudice to Pending Applications.

Notwithstanding anything to the contrary herein, this Zoning Ordinance shall not in any way prejudice or affect any pending application for rezoning before the Mayor and Council.

Section 1706. No Legality to Nonconforming Uses.

Nothing contained in this Ordinance shall be considered to approve or give legality to any non-conforming use which has been discontinued more than one year within the City.

Section 1707. Effective Date for Walnut Grove.

This Ordinance shall take effect, and shall be in force from and after the date of its adoption, the public welfare demanding it.

Section 1708. Effective Date.

This Zoning Ordinance, the Standards, and the Policies and Procedures, shall take effect and be in force from and after its adoption on June \_\_, 2012, the public welfare demanding it.

READ AND APPROVED this June \_\_, 2012, after a public hearing before the outgoing Walnut Grove Planning Commission on June \_\_, 2012 and a public hearing before the Mayor and Council on June \_\_, 2012.

CITY OF WALNUT GROVE, GEORGIA

By:  
Mayor \_\_\_\_\_ (SEAL)

Mayor Pro Tem \_\_\_\_\_ (SEAL)

Council Member \_\_\_\_\_ (SEAL)

Council Member \_\_\_\_\_ (SEAL)

Council Member \_\_\_\_\_ (SEAL)

Attest: \_\_\_\_\_ (SEAL)  
City Clerk [AFFIX CITY SEAL]

