

ZONING ORDINANCE
OF
BLUE RIDGE, GEORGIA

Prepared by
Blue Ridge Municipal Planning Commission

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AN ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA:

REGULATING THE LOCATION, CONSTRUCTION, AND USE OF BUILDINGS, STRUCTURES, AND LAND: AND FOR DIVIDING THE INCORPORATED AREA INTO DISTRICTS FOR SUCH PURPOSES AND ESTABLISHING BOUNDARIES THEREFORE: PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA:

ARTICLE 1 - SHORT TITLE AND PURPOSE

1.1 Short Title. This Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Blue Ridge, Georgia" and shall include the following Articles, Sections, Map(s), and when necessary, a supporting Appendix.

1.2 Purpose and Intent. This Ordinance is enacted pursuant to authority contained Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia, as amended. The zoning regulations and districts herein are intended to help implement, in part, the land use policies and future land use initiatives envisioned by the local comprehensive plan, duly adopted by the Mayor and Council of Blue Ridge, and amended or superceded from time-to-time.

1.2-1 The zoning regulations and districts herein are designed to:

- a. To lessen congestion in the streets;
- b. To secure safety from fire, panic, and other dangers;
- c. To promote health, morals, convenience, and the general welfare;
- d. To provide adequate light and air;
- e. To prevent overcrowding of the land;
- f. To avoid undue concentration of the population;
- g. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- h. To promote community-wide aesthetics; and
- i. To protect and conserve irreplaceable natural resources.

1.2-2 The regulations have also been made with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with a view:

- a. To promoting desirable living conditions;
- b. To sustaining the stability of neighborhoods;
- c. To protecting property against blight and depreciation;
- d. To securing economy in governmental expenditures;
- e. To conserving the value of buildings and land; and
- f. To encouraging the most appropriate use of land and structures.

1.2-3 The requirements of these regulations are minimum permissible standards; and it is expected that developers and the Blue Ridge Municipal Planning Commission will normally strive for quality development which will exceed these minimum requirements.

ARTICLE 2 - RULES AND DEFINITIONS

2.1 Rules. In the construction of this Ordinance, the rules contained in this article shall be observed and applied, except when the context clearly indicates otherwise:

2.1-1 Words used in the present tense include the future tense.

2.1-2 Words used in the singular number include the plural number and words used in the plural include the singular.

2.1-3 The word "shall" is mandatory and not discretionary.

2.1-4 The word "may" is permissive.

2.1-5 The word "structure" includes the word "building" and every kind of similarity regardless to building.

2.1-6 The word "erected" includes the word "constructed", "moved", "located" or "relocated".

2.1-7 The word "lot" includes the word "plot", "parcel", or "tract".

2.1-8 The word "map" or "zoning map" means the Zoning Map of the City of Blue Ridge, Georgia.

2.1-9 The word "person" includes the words "individual", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.

2.1-10 The word "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

2.1-11 The masculine gender includes the feminine and neuter.

2.1-12 All measured quantities shall be to the nearest integral unit of measure, and if a fraction is one-half or greater, the next highest integral unit shall be used, except for density of dwelling units upon the land, which shall be computed as the last whole unit.

2.1-13 Where requirements are set based on number of days, days are computed based on the calendar, except that when the final date falls on a weekend or holiday, the day due shall continue until the next regular working day.

2.2 Use of Definitions. Any words or terms not herein defined shall be construed as defined elsewhere in the Zoning Ordinance or, if not defined elsewhere in the Zoning Ordinance, as defined in Webster's New World Dictionary of the American Language - Second College Edition, the said definition to be read in context with the purposes and provisions of the part of the Ordinance it is being used to define.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building. See Figure 1: Accessory Structure.

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.

Adult Business. 1) Any business which is conducted exclusively for the patronage of adults and to which minors are specifically excluded from patronage threat either by law or by the operators of such business, 2) any business where employees or patrons expose specified 'anatomical area,' as further defined in Article 2 of this Ordinance, or engage in specified 'sexual activities,' as further defined in Article 2 of this Ordinance or 3) any other business or establishment which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.

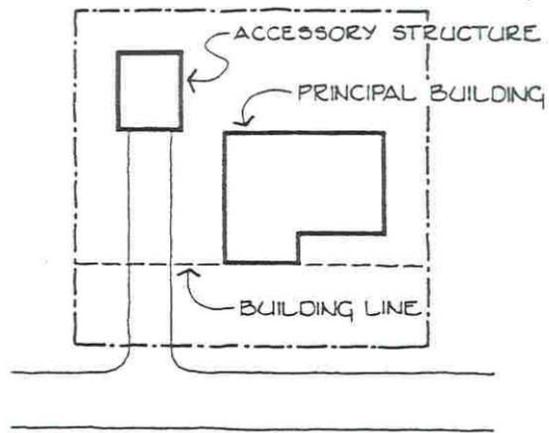


FIGURE 11: Accessory Structure

Agricultural. The art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; forestry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.

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

Anatomical Areas. Includes any of the following: 1) less than complete and opaquely covered human genitals or pubic region; buttocks; or female breast below a point above the top of the areola; or 2) human male genitalia in a discernible turgid state, even if completely and opaquely covered.

Animal Hospital. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

Antenna. Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves.

Apartment Buildings. See "Dwelling, Multiple."

Assisted Living. A building in which through its ownership or management provides housing, food service, and one or more personal services for two or more ambulatory adults who are not related to the owner or administrator by blood or marriage and is licensed as a personal care home pursuant to O.C.G.A. Section 31-7-12. Personal services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

This term does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

1. **“Family, Assisted Living Home”** means a home for adults in a family type residence, noninstitutional in character, which offers care to two through six persons.
2. **“Group, Assisted Living Home”** means a home for adults in a residence or other type building, noninstitutional in character, which offers care to seven through fifteen persons.
3. **“Congregate, Assisted Living Home”** means a home for adults which offers care to sixteen or more persons.

Basement. A level within a building having at least one half of its height on one side below grade.

Bed and Breakfast (Home). Any private owner-occupied building offering transient lodging accommodations and breakfast to not more than three (3) guest rooms for compensation. (See Section 13.2-11).

Bed and Breakfast (Inn). A building, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four (4) or more guest rooms for compensation. (See Section 13.2-12).

Berm. A mound of earth, or the act of pushing earth into a mound. See Figure 2: Buffer.

Billboard. See “Sign Billboard.”

Boarding House. A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. Meals may or may not be provide, but there is one common kitchen facility and no meals are provided to persons not residing in the dwelling.

Buffer. A buffer is a portion of lot set aside for open space and /or screening purpose, to shield or block noise, light glare, or visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt and litter. A buffer may contain a barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of buffering between various activities. See Figure 2: Buffer.

Buffer, Natural. A natural buffer is an enhanced vegetated area with no or limited minor land disturbances, such as trail and picnic areas.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, or personal property of any kind.

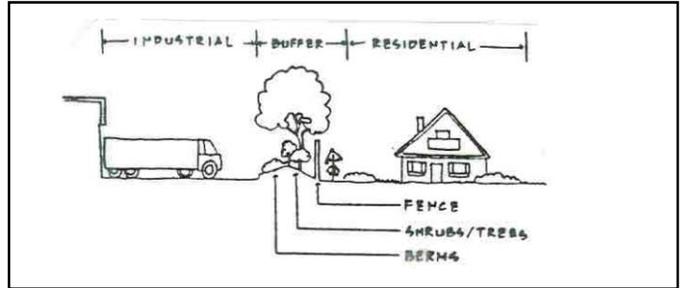


FIGURE 22: Buffer

Building, Height of. The highest point of a building when measured from the highest point at which the foundation intersects the ground. Building height shall not apply to minor vertical projections of a parent building including chimneys, flagpoles, flues, spires, steeples, belfries, and cupolas.

Building Line. A line parallel to the street right-of-way line a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located (see “Setback Line”).

Campground, Public or Private. Land or premises used or occupied for compensation by campers traveling by passenger vehicles and utilizing tents, campers, travel trailers, or other recreation vehicles.

Cemetery. a place for the burial of the dead, including a mausoleum and columbarium.

Church. A building or group of buildings which are primarily intended for organized religious services, meetings, and associated accessory activities such child care, educational, family-orientated recreation/exercise facilities, and cemeteries, but not including thrift stores.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by one or more physicians or dentists practicing together.

Cluster Development. A development design technique that concentrates building and density in specific areas on a site and allows the remaining land to be perpetually used for recreation, common open space, preservation of environmentally sensitive areas, and farmlands.

Club, Private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

Columbarium. A vault with niches for urns containing the ashes of cremated bodies.

Community Center. A building or facility used to provide recreational, social, educational and cultural activities for an area of a community, which is owned and operated by the management

agency of that community, or the Homeowner's Association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

Community Water and Sewer System. A utility system serving a group of buildings, lots, or an area with the design and construction of such systems as approved by the State of Georgia.

Conditional Use. A use of land which is permitted in a particular zoning district only after review by the Blue Ridge Municipal Planning Commission and final action by the Mayor and Council of Blue Ridge as established by the Zoning Procedures and Standards Ordinance of the City of Blue Ridge, which before authorizing such use, shall find that the location and operation of the proposed use shall not be detrimental to adjoining land or land uses.

Condominium. See "Dwelling, single-family attached."

Conservation Design Subdivision. A subdivision where open space is the central organizing element of the subdivision design, with all primary and all or some of the secondary conservation areas within the boundaries of the subdivisions identified and permanently protected. (See Articles 5, 6, and 7 of this ordinance for applicability, and Article 6 of the Blue Ridge Subdivision Regulations for detailed criteria.)

Convenience Store. Any retail establishment offering for sale prepackaged food products, beverages, household items, and other goods commonly associated with the same.

Cultural Facility. A structure or portion of a structure used as art gallery, museum, historical display, legitimate theater, library, and other uses similar in character to those listed.

Dance Hall. Any place of business or leased non-residential building where dancing is indulged in or permitted either by the owner or lessee if applicable of said premises on a regular basis or not, whether a fee or admission is charged or not, and where music therefore is supplied by any means whatsoever. Governmental facilities, educational facilities, and churches shall not be deemed dance halls.

Day Care Facility. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than twenty-four hours per day on a regular basis for compensation; serves nineteen (19) or more persons and is licensed by the State of Georgia; for children, the outdoor play area shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only. For the purposes of this Ordinance, the term "Child Care" shall include but not be limited to the terms "Day Care", "Nursery School", "Early Learning Center", "Pre-kindergarten", "Private Kindergarten", "Play School", and "Pre-school".

Day Care Home, Family. A customary home occupation which provides, for (6) or less persons who are not residents of the premises; care and supervision by a state of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

Day Care Center, Group. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours a day on a regular basis for compensation; serves seven (7) to eighteen (18) persons and is licensed by the

State of Georgia; for children, the outdoor play area shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only.

Density. The number of dwelling units permitted per acre of total land to be developed for residential use. As such, common parking and driveway areas are not excluded in computing density.

District. A delineated section or sections of Blue Ridge for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Drive-In. Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

Duplex. See “Dwelling, Multi-Family”.

Dwelling. A building which is designed or used exclusively for residential purposes, including single-family, duplex, triplex, four-plex and multi-family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes, but not including hotels, motels, bed and breakfast homes and inns, and extended stay hotel/motels.

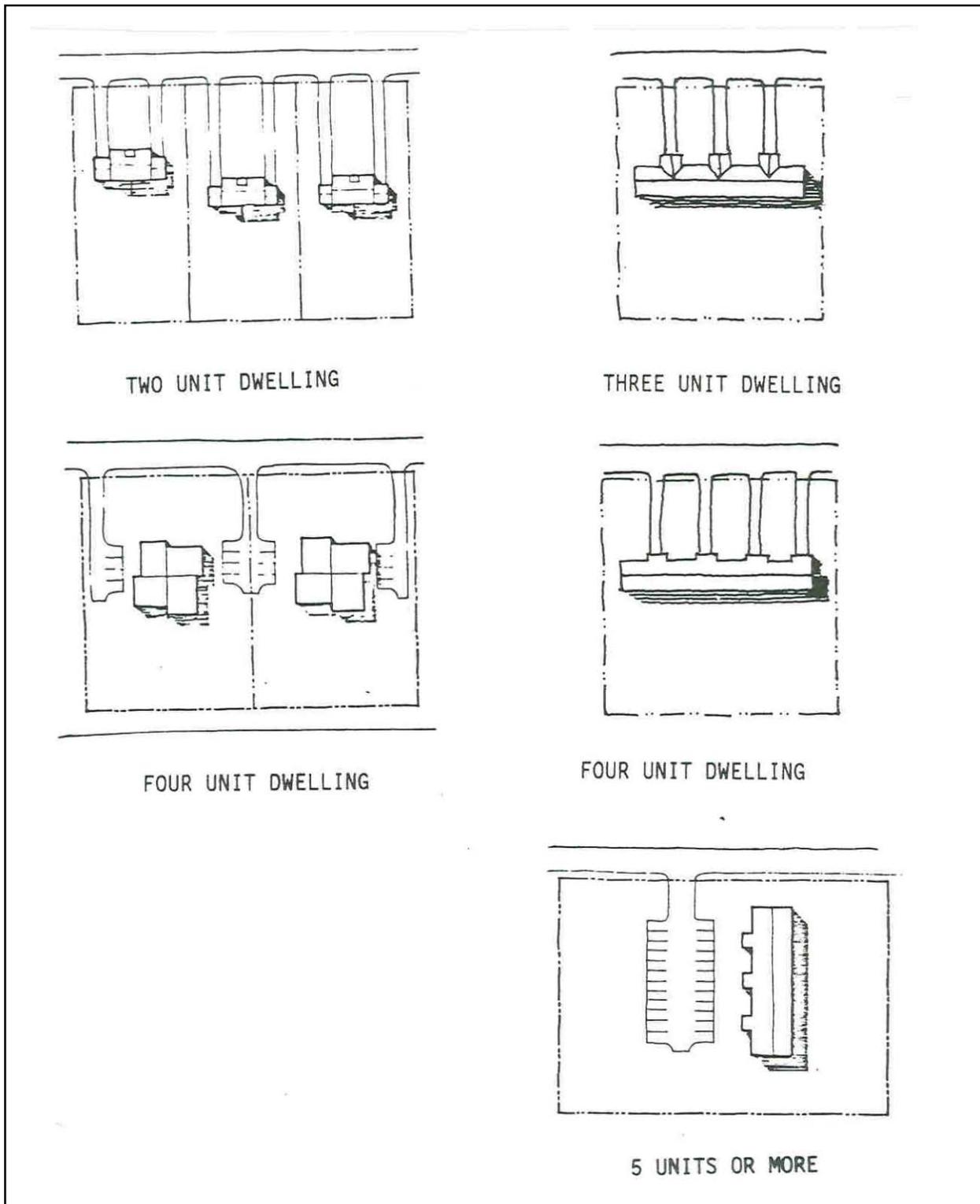


FIGURE 3: Multi-Family Dwellings

Dwelling Unit. One or more rooms used for residential purposes located within a building and forming a single habitable unit with complete, independent facilities which are used or intended

to be used for living, sleeping, cooking, eating, and sanitation purposes. Units in hotels, motels, extended stay motel/hotels, or other structures designed for use by persons who are visitors/guests or temporary workers and not permanent residents of the city of Blue Ridge are not included.

Dwelling, Single-Family Attached. A building containing two (2) or more dwelling units, each of which is deeded with separate ownership and has primary ground floor access to the outside and which are attached to each other by party walls without openings. Units are located on either individually owned lots (townhouse), or a common area owned by all the owners (condominiums). (See 'Figure 4- Single Family Attached')

Dwelling, Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Dwelling, Townhouse. One single-family dwelling unit connected in a row of at least two (2) such units in which each unit has its own lot with a front and rear yard, and no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Dwelling, Single-Family Detached. A detached residential building containing not more than one (1) dwelling unit entirely surrounded by open space. A single-family detached dwelling includes site-built houses, manufactured homes and industrialized homes. Such dwelling structure is designed for the use of one (1) family. All single-family detached dwellings shall meet the Appearance Standards provided in Section 3.13. (Figure 5)

Dwelling, Multi-Family. A building in single ownership containing two or more dwelling units, including what is commonly known as an apartment building (two or more dwelling units), duplexes (two dwelling units), triplexes (three dwelling units), and four-plexes (four dwelling units). (Figure 3: Dwelling, Multi-Family)

Dwelling, Loft. A dwelling unit, occupied by no more than four (4) persons, and located only on the floor above a ground level commercial business.

Dwelling, Senior. A multi-family residence with eighty (80) percent or more of the dwelling units occupied by residents, ages 62 and over or handicapped; or couples where either the husband or wife is 62 years of age or older; does not include convalescent or nursing facilities.

Dwelling, Urban. A dwelling unit located within the Central Business District (CBD) and subject to the requirements of Chapter 11A of Article 11 of this ordinance, typically located on

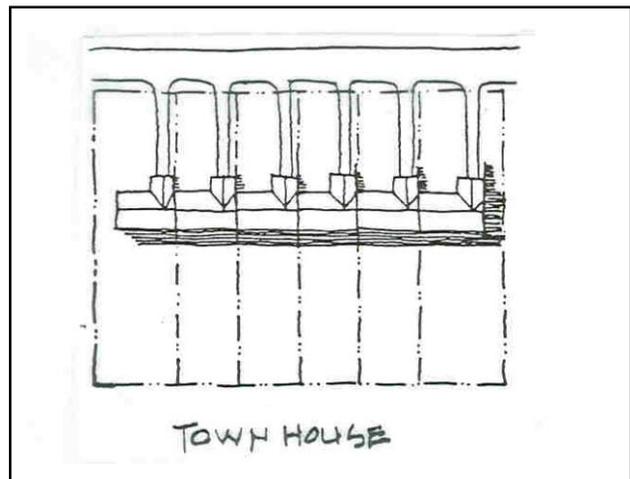


FIGURE 4: Single-Family Attached Dwelling

the second, third, and fourth floors of mixed use development buildings, and with the occupancy load of said dwelling unit determined by the standards of the Building Code, Fire Safety Code, and Fire District Code provisions. Notwithstanding the foregoing, an urban dwelling may be located on the floor at grade provided it occupies no more than fifty (50) percent of the floor (at grade) on which it is located. The urban dwelling unit must be oriented to the rear of the floor at grade.

Dwelling, Zero-Lot-Line. A development of single-family detached residence in which one interior side yard may be lawfully reduced to zero on any lot for the purpose of creating larger, more usable, and more easily maintained yard spaces, particularly on smaller lots. (See Figure 5: Single-Family Detached Dwellings)

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Facade. The architectural details of the face of a building that are intended to be viewed by the public. The front facade of the building is the wall which contains the primary entrance to the building.

Family. An individual, or two (2) or more persons related by blood, marriage, adoption, or guardian-ship, occupying a single dwelling unit; provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Fence. An artificially constructed barrier of any materials or combination of materials erected to enclosed or screen areas of lands. a privacy fence is one that is solid and of a height designed to effectively limit visibility.

Flag. A fabric banner or pennant mounted to a building by a pole and attached to said pole by one side only.

Floating Zone: See "Zone, Floating".

Flood. A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

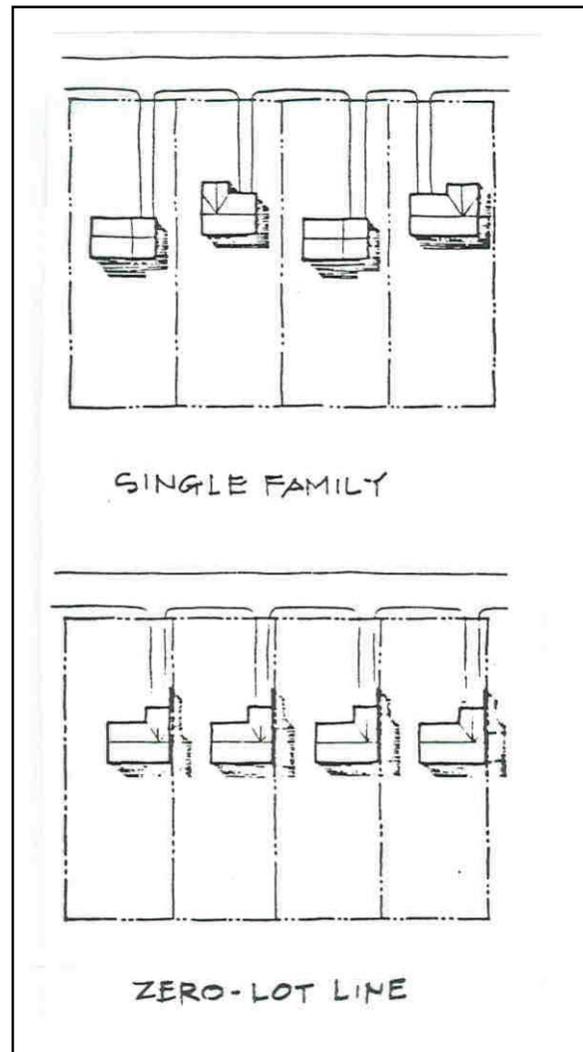


FIGURE 5: Single-Family Detached Dwellings

Floodplain. Any land area susceptible to being inundated by water from any source.

Floor Area, Gross (GFA). The gross horizontal areas of all floors measured from the exterior faces of the exterior walls of a building. Areas within a building used for parking, basements, cellars, unenclosed porches or any space where floor to ceiling height is less than 6 feet shall not be included in the gross floor area.

Floor Area Ratio. The gross floor area of all buildings on a lot divided by the lot area. See Figure 6: Floor Area Ratio.

Frontage, Street. All of the abutting property on one side of a street, between two streets which intersect such street (crossing or terminating), or if the street is dead ended, then all of the property abutting on one side between a street which intersects such street and the dead end.

Garage, Private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

Garage, Storage or Parking. A building or portion thereof designed or used exclusively for storage of motor-driven vehicles.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Gross Floor Area: See "Floor Area, Gross."

Group Home. A dwelling for full-time residence by non-related persons, who are mentally or physically challenged or elderly, with one or more surrogate parents that function as a singular house-keeping unit. Services include room, meal, and personal care, and all group homes shall be approved and licensed by the State of Georgia; for children the outdoor play areas shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only.

Halfway House. A dwelling for temporary residence by non-related persons, who are recovering from alcohol abuse or other chemical-based substances, with one or more surrogate parents that provide services that include room, meals, supervision, rehabilitation, and counseling to enable residents to move back into society and live independently.

Hazardous Wastes. 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.

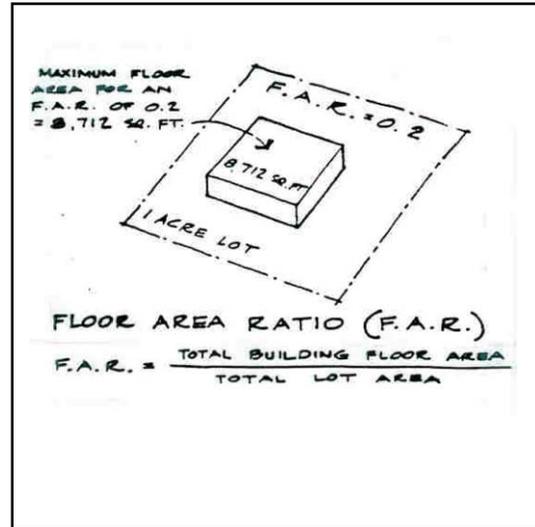


Figure 6: Floor Area Ratio

Health Clubs. A facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

Home Occupation, Customary. An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the provisions of these regulations. (See Section 3.14)

Hotel. A building offering overnight sleeping accommodations for travelers; ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the Fannin County Health Department and O.C.G.A. Section 31-28-1 et. seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Hospice. A building, or portion thereof, in which terminally ill persons live and receive scheduled medical, nursing, social, spiritual, volunteer, and bereavement care on a 24-hour basis; such hospice shall be licensed to operate in Georgia.

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

Industrialized Building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the "Industrialized Buildings Act," Georgia Law 1982 pp 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1). (Synonym: Modular Building.)

Institution. A public or semi-public building occupied by a governmental entity, non-profit corporation or non-profit establishment for public use.

Junk Yard. Any use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof; the keeping, abandonment, sale or resale of junk including scrap metal, used paper, or other scrap materials, and equipment; storage, baling or otherwise dealing in bones, animal hides, used cloth or rags, used plumbing fixtures, appliances, furniture, and used brick, wood or other building materials. Such uses shall be considered Junk Yards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises.

Junk Vehicles. Any automobile, vehicle trailer or any kind or type or mechanical contrivance or part thereof, which is in an inoperative or junk condition by reason of its having been wrecked, discarded, or which does not have a valid license plate attached thereto (when the same is required by law). For the purpose of this article, a vehicle is 'inoperative' if it is incapable of movement by its own power, and it remains in place for a period of more than seven (7) days; and is not within a carport/garage or detached accessory structure, or in a driveway.

Kennel. Any location where breeding, raising, boarding, caring for, and the keeping of more than three dogs or cats or other small animals or combination thereof (except litters of animals not more than 6 months of age) is carried on for commercial purposes.

Kindergarten. Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public or private school system.

Land-Disturbing Activity. Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Landfill, Inert Waste. A disposal site accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to dirt, concrete, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition wastes.

Landfill, Sanitary. A disposal site where putrescible wastes are disposed of using sanitary landfilling techniques.

Landfilling, Sanitary. An engineered method of disposing of putrescible wastes on land by spreading them in thin layers, compacting them to the smallest practical volume, placing an earth cover thereon, and such other measures as are necessary to protect human health and the environment.

Leasable Area, Gross (GLA). The total building floor area in square feet that a developer may lease.

Loading Space. A space having a minimum dimension of 13.5 by 55 feet and a vertical clearance of at least 14.5 feet within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

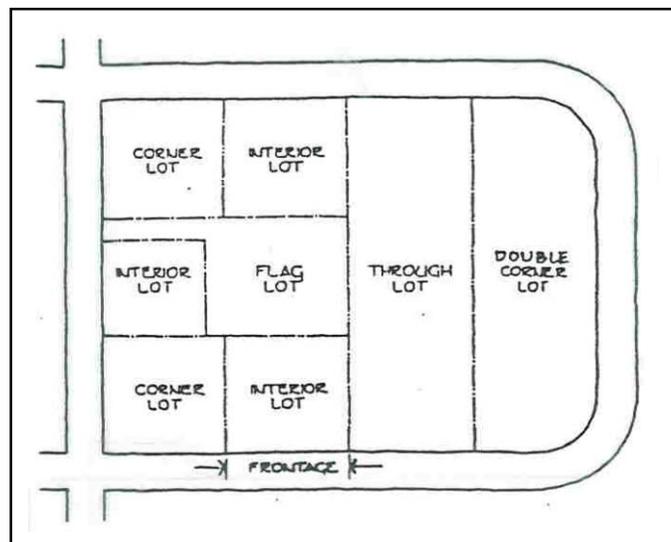


FIGURE 7: Lot

Lot. A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land; includes the yards and parking spaces required and has its principal frontage upon a street.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot Coverage. The area of a lot occupied by the principal building or buildings and accessory buildings.

Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot, Double Frontage. See "Lot, Through".

Lot, Flag. Lots or parcels that the city has approved where the panhandle is an access corridor to a lot located behind lots or parcels with normal street frontage.

Lot Line, Front. The lot line separating a lot from a street right-of-way.

Lot Line, Rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet minimum in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Fannin County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office prior to the adoption of this ordinance. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot, Through. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lots.

Lot Width. The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Lot Width (curvilinear frontage). For a lot having the majority of its frontage on a circular turn-around or on a curved street, the lot width shall be the distance between the side lines of the lot, measured as if tangent at the midpoint of the arc of the front property line and parallel to the chord of the arc, where the minimum required distance is obtained. The lot width line is synonymous with the front building line in this example.

Mall. A type of shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

Manufactured Home. A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. a manufactured home is a single-family detached dwelling and its placement in a residential district must meet or exceed the Appearance Standards as provided in Section 3.12. The definition at the date of adoption of this part is as follows:

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title. The term manufactured home does not include the term "travel trailer."

Manufactured Home Park. A parcel of land which has been planned for or improved for the location of three (3) or more manufactured homes for residential occupancy.

Mausoleums. A building where bodies are interred above ground in stacked vaults.

Mini-Warehouse. See "Self-Service Storage Facility".

Mixed Use Development. A development within the Central Business District (CBD) which involves a mixture of commercial and residential uses within the buildings and the development. CBD mixed use developments are subject to the regulations provided within Chapter 11A of Article 11 of this ordinance.

Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. (Also, see manufactured home.)

Mobile Office. A factory fabricated structure designed to be transported on its own wheels, detachable wheels, flatbed or trailer and used or intended to be used or occupied for the transaction of business or the rendering of a professional service.

Modular Home. See "Industrialized Building".

Motel. A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with applicable requirements of Fannin County Health

Department and O.C.G.A. Section 31-28-1 et. Seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Motel/Hotel, Extended Stay. See “Residence Inn.”

Motor Vehicle, Service Station. A building or lot for motor vehicle refueling using fixed dispensing equipment connected to pumps and storage tanks; where oils or accessories for the use of motor vehicles are dispersed, sold, or offered for sale at retail; and may include one or more service bays for vehicle washing, lubrication and minor replacement, or adjustment and repair services.

Multi-family Dwelling. See ‘Dwelling, Multiple.’

Natural Buffer: See ‘Buffer, Natural.’

Neighborhood Center: See ‘Community Center.’

Non-Conforming Use. The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the regulations of the district in which it is situated.

Nuisance. An interference with the enjoyment and use of property.

Nursery School, Play School, Kindergarten. Includes day time care or education for children; see applicable definitions under Family Day Care Home, Group Day Care Center, and Day Care Facility regarding the number of children served.

Nursing/Convalescent Home. A building in which through its ownership or management admits patients on medical referral only, provides continuous medical supervision and provides skilled nursing care and services. Nursing services shall be those services which may be rendered by a person licensed under the Nurse Practice Act (O.C.G.A. 43-26-1 et seq.).

Office, Professional. Includes offices for professionals such as accountants, architects, attorneys, chiropractors, dentists, doctors, engineers/surveying, etc.

Office, Business. Include offices for general business, insurance, real estate, appraisals, etc.

Open Space. Uncovered area open to the sky on the same lot with a building.

Overlay Zone. See "Zone, Overlay".

Parking Lot. An open, off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space. A space, enclosed or unenclosed, having an area of not less than 200 square feet exclusive of access ways, permanently reserved for the temporary storage of one vehicle and having access to a street or alley.

Pet (Household Pet). Any animal owned or kept for pleasure rather than sale, which is a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

Personal Care Home. See “Assisted Living.”

Photovoltaic (PV) Systems. A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (Panels, etc.) inverters, batteries and battery systems that store electrical energy from the PV system for future use, meters, and electrical transmission wires and conduits that facilitate connections with users and/or the local power grid.

Planning Commission. The Blue Ridge Municipal Planning Commission or equivalent as established by action of the Mayor and Council of Blue Ridge.

Premises. A lot, together with all buildings and structures existing thereon.

Principal Use. The primary or predominant purpose for which a lot is occupied and/or used.

Putrescible Wastes. Wastes that is capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Recreational Facilities, Indoor. Any commercial or non-commercial indoor facility such as bowling alley, shooting gallery, video game center etc.

Recreational Facilities, Outdoor. Any commercial or non-commercial outdoor facility such as a miniature golf course, a golf or baseball driving range, tennis courts, swimming pools, drive-in theater, etc.

Recreational Vehicles. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recycling Center. A non-commercial facility in which recoverable resources, such as papers, glassware, plastics, and metal cans, or any non-hazardous recycling materials, are collected, stored, flattened, crushed, or bundled, by hand or machines within a completely enclosed building.

Recycling Collection Station. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a commercial parking lot, or at other public/quasi-public areas, such as churches and schools.

Repair Service, Motor Vehicle General. A building, lot, or both in or upon which comprehensive motor vehicle repair services are performed including painting, body and fender work, engine overhauling or other major repair; such facility commonly serves disabled or wrecked vehicles requiring occasional wrecker services and repair service time routinely exceeds more than 24 hours on-site, but excluding a junk yard and/or motor vehicle wrecking business.

Repair Service, Motor Vehicle Specialty. A building lot, or both in or upon which specialty repair services are provided quickly for operational motor vehicles; services may include but are not limited to removal and/or replacement of oils, fluids, filters, greases, minor parts like mufflers, shocks, and brakes; and may include tuning of engines; service repair time is routinely less than 24 hours on-site.

Residence Inn (or Extended Stay Motel/Hotel). Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests/visitors to Blue Ridge and contain kitchen facilities for food preparation including, but not limited to such facilities as refrigerators, stoves, and ovens.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Roof. The outside top covering of a building. (Figure 8)

Rooming House. A dwelling, permanently occupied by the owner or operator, where sleeping accommodation is provided for three (3) or more permanent occupants not of the same family by prearrangement for definite periods and compensation and which makes no provision for cooking in any of the occupied rooms.

Salvage Yard. See "Junk Yard".

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

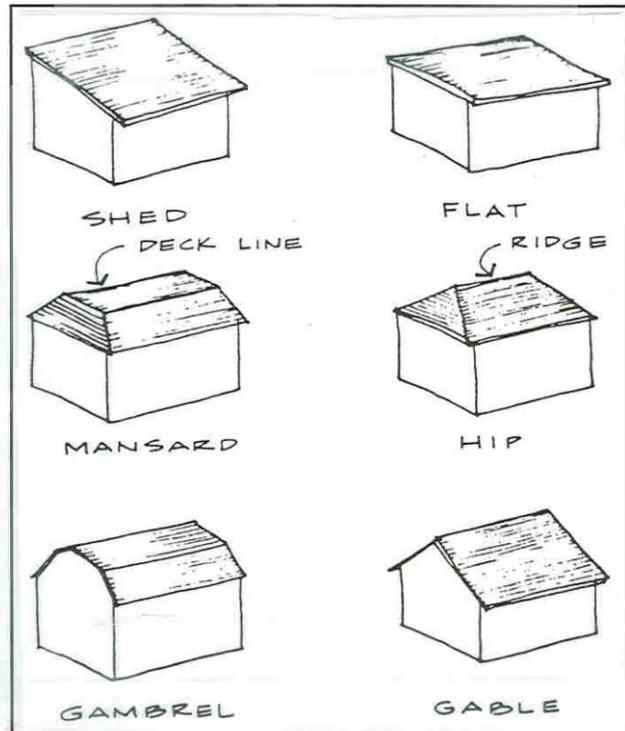


Figure 8: Roof

This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools, Private, Parochial and other Elementary. Any places for teaching children grades one to eight, inclusive, which are not a part of the State of Georgia, but which teach the subjects commonly taught in the common elementary schools of the state.

Schools, Public. Any place for teaching children grades kindergarten to twelve inclusive and no other, and a part of the public school system as defined by the laws of the State of Georgia.

Self-Service Storage Facility. A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service Station. See 'Motor Vehicle, Service Station'

Setback Line. That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the buildable area within which the principal structure must be erected or placed. (Figure 10)

Sewage Treatment System, Public or Community. Any sewage treatment system, including pipe lines or conduits, pumping stations, force mains and all other construction, devices, and appliances appurtenance thereto, designed for treating or conducting sewage for treatment and disposal into lakes, streams, or other bodies of surface water.

Sexual Activities. Includes any of the following: 1) Actual or simulated sexual intercourse, oral copulation, anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; 2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; 3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; 4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; 5) Torture; 6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; 7) Masochism, erotic or sexually oriented beating or the infliction of pain; or 8) Human excretion, urination, menstruation, vaginal or anal irrigation.

Shopping Center. A group of three (3) or more commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign. A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, idea, information, directions, product, place, activity, person, institution, organization or business. The term sign shall not be deemed to include official court, governmental notices, traffic warning or control devices or street signs.

Sign Display Area. The area made available on the sign structure for the purpose of displaying a message. a) The area shall be considered to include all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, with or without

trim, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself; b) for a sign painted or applied to a building, the area shall be considered to include all lettering, wording, and accompanying design and symbols, together with the background of a different color than the natural color of the building; c) where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall, or window, the area shall be considered to be the smallest rectangle or other geometric shape which encompasses all of the letter or symbols.

Sign, Animated. Any sign or part of a sign which changes its physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign, Banner. A temporary sign intended to be hung either with or without frames, possessing letters, characters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

Sign, Bench. A sign located on any part of the surface of a courtesy bench or seat, trash cans, water fountains, and similar devices and structures offered for the public without charge.

Sign, Billboard. any free-standing sign used as an outdoor display for the purpose of making anything known where the total sign display area is larger than one hundred forty (140) square feet and not greater than four hundred (400) square feet and which is visible or is intended to be visible from a State or Federal highway. Such signs shall also be known synonymously as outdoor advertising signs.

Sign, Canopy. A sign affixed to, imposed upon, or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway, which can be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous plane with the canopy is formed. A hanging canopy sign is one suspended from beneath the canopy. See Figure 9: Signs.

Sign, Double Faced (Back-to-Back). A structure with two parallel, or nearly parallel signs, back-to-back, and located not more than twenty-four (24) inches from each other at the narrowest point.

Sign, Electronic Message Board. A free-standing sign that uses the changing lights, regardless of type, to form written or graphic messages wherein the sequence of messages, graphics and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Freestanding. A permanently affixed sign which is wholly independent of any building for support.

- 1) **Ground Sign.** A freestanding sign which has its bottom edge directly attached to the ground or no more than one (1) foot above the ground and the maximum height of such sign is no greater than four (4) feet. **(Figure 9)**

2) **Pole Sign.** A freestanding sign with the display area more than four (4) feet above the ground mounted on one or more poles or other supports.

Sign, Ground. See “Freestanding Sign.”

Sign, Illuminated. Any sign lighted by artificial lighting either by lights on or in the sign. An illuminated sign also includes neon signs.

Sign, Marquee. Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Sign, Non-conforming. A sign which was lawfully erected but no longer complies with local or state regulations due to changes in local or state law or changes in rules and regulations since the date of the erection of the sign.

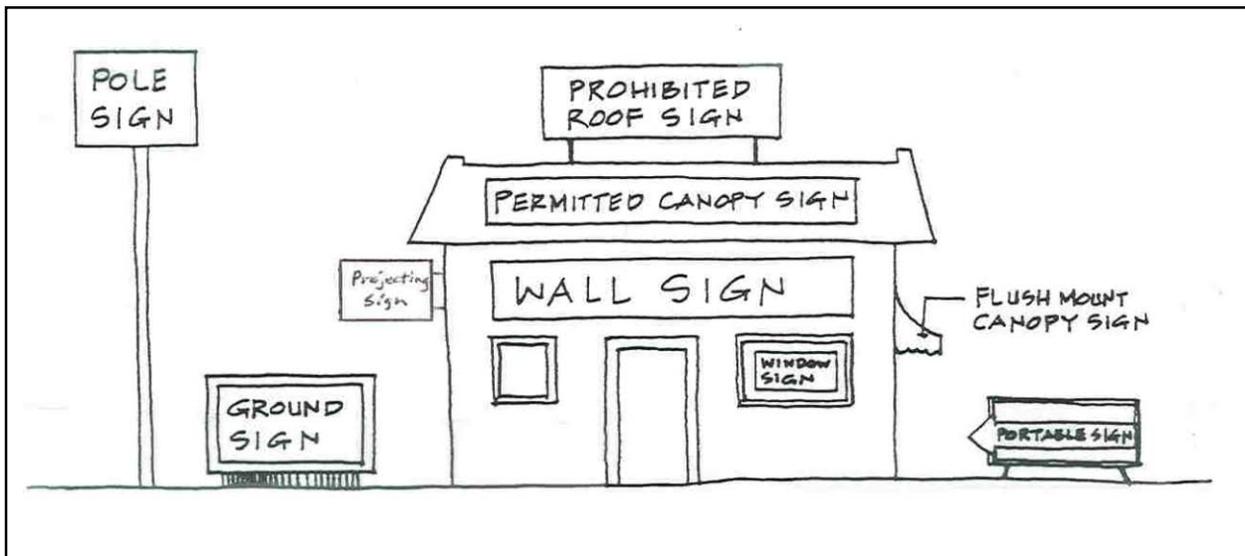


FIGURE 9: SIGNS

Sign, Pole. See “Freestanding Sign.”

Sign, Portable: A sign that can be moved from place to place that is not permanently affixed to a building, structure or the ground, including but not limited to:

- Signs with wheels removed;
- Signs with chassis or support constructed without wheels;
- Signs designed to be transported by trailer or wheels;
- A- or T-frame signs;
- Menu, sandwich or sidewalk type signs;

Searchlight stands, and
Signs painted or attached on air-inflated hot-air, or gas-filled balloons.

Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building, but not including marquee or roof mounted signs.

Sign, Roof. A sign that is attached, or mounted permanently on the roof of a building or which is wholly dependent upon A building for support and which may or may not project above the eave line of a building with a gambrel, gable or hip roof, the deck line of a building with a mansard roof, or projects above the building with a flat roof. **(Figure 9)**

Sign, Stacked. A structure of two vertically adjacent signs with their display areas orientated in the same direction.

Sign, Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood, cardboard with waterproof finish, or other light material and designed or intended displayed for a short period of time.

Sign, V-Shaped. A structure of two signs in the shape of the letter "V" when viewed from above having their display areas oriented in opposite directions at an angle not greater than ninety (90) degrees.

Sign, Wall. A sign painted or fastened to the wall which is an integral part of the building or structure, and which shall project not more than twelve (12) inches from the wall of such building or structure. **(Figure 9)**

Sign, Window. A sign that is applied or attached permanently to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window. **(Figure 9)**

Solar Access Easement. A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Array. A number of photovoltaic modules or panels that generate solar electricity, assembled or connected to provide a single electrical output.

Solar Array Tracking. A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A solar tracking array racking may be ground mounted or building mounted.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility (Farm). The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for

distribution to more than one property or consumer in the electricity market as a commercial venture. A Solar Energy Facility may be allowed in an M-1 district, subject to a conditional use approval.

Solar Energy System. The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted. A solar energy system, which may include solar thermal panels, solar water heating system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building – mounted solar panels may be flush mounted (i.e., flush to the surface of a building or a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimum angle for sun exposures. The mounting system for building or roof solar systems shall be approved by the Building Inspector or other duly designated agent of the City. The Building Inspector or other duly designated agent of the City shall have to require, for permitting purposes, any architectural or engineered design as deemed necessary to confirm that the mounting system is structurally sound.

Solar Energy System, Ground Mounted. A solar energy system that is directly installed on the ground surface by a properly designed support structure and which is not attached, or affixed, to any structure.

Solar Energy System, Thermal. A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water and heating pool water.

Solid Waste. Putrescible and non-putrescible wastes, except water-carried body waste, but shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manures, 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.

Stealth. Any cables, wires, lines, antennae, or other equipment associated with transmission or reception of communications which are designed to enhance compatibility with adjacent land uses, including but not limited to architecturally screened roof-mounted antennae, antennae integrated into architectural elements, and towers designed to look like light poles, power poles, or trees.

Stop Work Orders. A notice from the Blue Ridge Building Inspector or Mayor and Council of Blue Ridge or their representative that requires all work on a development to cease except corrective measures to the violation stated in the notice.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor areas is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public or private thoroughfare which meets locally established design standards and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

a. Minor or Local Street. Street used primarily for access to the abutting properties and serving travel demands in the immediate area.

b. Secondary or Collector. Those primary streets which function to serve local traffic movements by collecting or distributing traffic from or to local, other collector, and/or arterial streets. Such a street includes the principal entrance and circulation streets of a subdivision and may also function to provide access to abutting properties in the same manner as a local street.

c. Major Thoroughfare or Arterial. Those streets which function to move high volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

Street Line. A dividing line between a lot, tract or parcel of land and the right-of-way of a contiguous street.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences, radio and water towers, grain and feed elevators, satellite dishes, etc.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Tower, Alternative Structures. Man-made structures such as clock towers, bell towers, church steeples, water towers, light poles, man-made trees, warehouses, factories, commercial buildings, multi-family buildings, and publicly-used structures which can, from the standpoint of structural integrity and engineering safety, be used for the mounting of antennae or serving a similar function as a telecommunication tower.

Tower, Guy. A tower supported, in whole or in part, by guy wire(s) and ground anchors.

Tower, Lattice. A tower having open-framed supports on three or four sides and constructed without guy wires and ground anchors.

Tower, Monopole. A tower constructed of a single pole, self-supporting, without guy wire(s) or ground anchors.

Tower, Telecommunications. A structure that is designed to support one or more antennas that are intended for transmitting or receiving radio, television, cellular, PCS, broadband, or telephone communications, excluding those used exclusively for dispatching hobby communications; includes monopole, guyed, lattice, and alternative tower structures.

Townhouse. See “Dwelling, single-family attached.”

Travel Trailer. A motorized camper, converted bus, tent trailer or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation, recreation, or other trip and provided with sleeping accommodations.

Travel Trailer Park. Any plot or tract or land on which two (2) or more travel trailers are located or intended to be located, but not to include travel trailer sales or inventory areas.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward, except as otherwise provided in Article 3. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. (Figure 10)

Yard, Front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

Yard, Side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

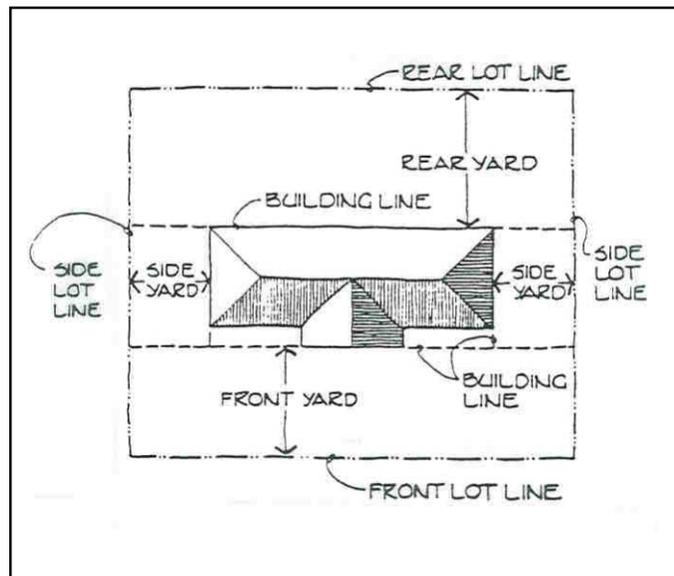


Figure 10: Yard

Zero-Lot-Line. See "Dwelling, Zero-Lot-Line".

Zone, Floating. An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development meets the zone requirements, and is approved.

Zone, Overlay. A mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.

Zoning. The power of the City of Blue Ridge to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.

ARTICLE 3 - GENERAL PROVISIONS

Except as hereinafter provided:

3.1 Use of Land. No land shall be used except for a purpose permitted in the district in which it is located.

3.2 Lot of Record. Any lot existing at the time of the adoption or amendment of this Ordinance, that has an area or width that is less than required by this Ordinance may be used.

3.2-1 Single Lots. Where the owner of a lot at the adoption or amendment of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site. In any residential district, any lot of record which has a width or area less than required, may be use for a single-family dwelling only. When it is not possible to provide the required side yard and at the same time build a minimum width single-family dwelling, the Zoning Board of Appeals is empowered to review a variance request reducing the side yard requirements, the minimum amount necessary for a reasonable dwelling, but in no case shall any side yard be less than five (5) feet in width.

3.2-2 Adjoining Lots. When two (2) or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, are too small to meet the yard, width and area requirements of the district in which they are located, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the zoning district in which they are located.

3.3 Location of Buildings. Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined except as approved by the Zoning Board of Appeals under Article 23.

3.4 Use of Buildings. No building or structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such building or structure is located.

3.5 Height of Buildings. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such building is located.

3.5-1 Exceptions to Height Regulations

a. The height limitations of this ordinance shall not apply to:

Belfries	Public monuments
Chimneys	Telecommunication Towers
Church spires	Silos

Conveyors	Smoke stacks
Cooling Towers	Stage towers or scenery lofts
Elevator bulkheads	Tanks
Fire towers	Towers less than 125 feet in height
Flag poles	Water towers and stand pipes
Ornamental towers and spires	

b. Public and semi-public service buildings, hospitals, institutions and schools, when permitted in a district, may be erected to a height not exceeding 100 feet, and churches and temples may be erected to a height not exceeding 75 feet, provided the required side yard and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

3.6 Dimensional Regulations. No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e. the lot area, floor area, and building height, etc.) for the district in which such building is located.

3.7 Access for Lots. Each building shall be located on a lot or parcel which has frontage of not less than forty (40) feet on a public street, a private street, or a recorded access easement.

3.8 Use of Yards. The minimum yards, parking spaces and open spaces required by this ordinance for each building existing at the time of passage of this ordinance, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located except as otherwise provided in this ordinance.

3.8-1 Yards and Open Space-General.

a. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

b. Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.

c. Every part of a required yard shall be open to the sky, except as authorized by this article, and excepting ordinary projections of sills, window air conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed 24 inches into a required yard.

d. Notwithstanding other provisions of this ordinance, fences, walls, and hedges, driveways, and buffer areas may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this ordinance, and that any fence in a required front yard

or a side yard adjacent to a street in a residential district shall not exceed four (4) feet in height.

e. Except for the following instances and unless otherwise stated, only one principal building, together with its customary accessory buildings, shall occupy each lot:

- 1) Institutional buildings
- 2) Public or semi-public buildings
- 3) Multiple-family dwellings
- 4) Business or commercial buildings
- 5) Homes for the aged
- 6) Planned developments

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot or the intermingling of uses.

f. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purposes such dwelling structures shall not be situated so as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation or unless the units are more than 60 feet apart.

g. Dwelling structures which are front face to front face or back face to back face or front face to back face shall be not less than 60 feet apart. Dwelling structures which are side face to side face shall be not less than 20 feet apart. Dwelling structures which are side face to front face or back face shall be not less than 40 feet apart.

3.8-2 Front Yards.

a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

b. On through lots, the required front yard shall be provided on each street.

c. There shall be a yard of at least 20 feet on the side street of a corner lot in any district provided, however, that the buildable width of a lot of record at the time of issuance of this ordinance shall not be reduced to less than 28 feet.

d. Open, unenclosed porches, platforms or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the required setback requirements not more than six feet.

e. When the setback of existing buildings which are located within 200 feet of each side of a lot which are within the same block and zoning district, and which front on the

same street as such lot, is less than the minimum required setback, the setback on such lot may be the average of the existing setbacks.

3.8-3 Side Yards.

a. For the purpose of the side yard regulations, a group of business or commercial buildings separated by common or party walls shall be considered as one building occupying one lot.

b. The minimum width of side yards for schools, libraries, churches, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or commercial district, in which case the width of that yard shall be as required for the district in which the building is located.

3.8-4 Rear Yards.

a. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

3.8-5 Corner Visibility.

a. No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three (3) feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distant from the intersection of the street lines. Fences beyond the above referenced area shall comply with the height requirements of Section 3.8-1(d) regarding the required front yard and the side yard adjacent to a street.

3.8-6 Fences and Walls. Fences or freestanding walls in a yard shall have a maximum height of eight (8) feet and shall not be constructed in a public right-of-way, however, a retaining wall shall not be subject to such maximum height requirement. Any fence in a required front yard or in the required side yard adjacent to a street in a residential district shall comply with heights as allowed by Section 3.8-1(d).

3.9 Off-Street Parking and Loading. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the off-street parking and loading regulations of Article 18.

3.10 Signs. No sign as herein defined shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the general sign regulations of Article 17.

3.11 Accessory Uses and Structures. No permanent accessory use or structure shall be located, constructed, or moved upon a lot until the construction of the main building has commenced.

a. Such structures shall be located on the same lot as the principal building to which it is accessory.

b. Such structures shall not be permitted in any required front yard.

c. Except as herein provided, no accessory building shall project beyond a required yard line along any street.

d. Residential accessory uses such as garages, greenhouses or workshops, shall not be rented or occupied for commercial purposes.

e. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.

f. Where a corner lot adjoins in the rear a lot in a residential district, no accessory building shall be located closer to the side street right-of-way line than the principal building or closer than five feet to the rear property line.

g. No garage or other accessory building shall be located closer than three feet to a side or rear lot line in a residential district.

h. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.

i. No accessory building shall be located closer than 20 feet to the principal building or to any other accessory building in a residential district and shall not occupy more than forty (40) percent of the area of the rear yard.

j. Areas in which the accessory storage of a boat, boat trailer or travel trailer is permitted shall not include the required front yard.

k. Filling station pumps and pump islands where permitted may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from right-of-way lines; in the case of a pump island canopy, the outside edge of such canopy, whether attached or detached, may extend to within five (5) feet of any property line if the canopy is at least 14.5 feet high, measured from the adjacent grade to the lowest elevation on the canopy.

l. No nonresidential accessory building shall be used by anyone other than employees of the owner, lessee, or tenant of the premises.

m. Accessory uses in an apartment development may include, but shall not be limited to, laundry facilities for the convenience of residents, which must be housed in a primary use structure.

n. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided that they are not located closer than six feet to a rear lot line or 10 feet to an interior side lot line. a walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier, approved by the Zoning Administrator.

3.12 Requirements for Building Permit. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except upon application for and issuance of a building permit by the Zoning Administrator.

3.13 Appearance Standards. Appearance standards shall apply to all single-family dwellings located in Zoning Districts R-A, R-1, R-2, R-3, C-1, and CBD including site-built housing, industrialized housing and manufactured homes. Approval shall be granted upon the finding that such development shall meet or exceed the Appearance Standards as shown on the following table. Any proposal to site a single-family dwelling that does not meet the appearance standards of this Ordinance must be reviewed and approved as a special exception by the Zoning Board of Appeals.

Appearance Standards for Single-Family Dwellings		
TYPE	TYPE I	TYPE II
PERMITTED ZONES	R-1, R-A, C-1, CBD	R-2, R-3
Min. Dwelling Width	24'	12'
Min. Roof Pitch	4/12	2/12
Minimum Floor Area	1,000 sf.	432 sf.
Roof Materials	Footnote (1)	N/A
External Siding Materials	Footnote (2)	N/A
Foundation	Footnote (3)	Footnote (4)
Utility Meter	Mounted on Structure	Mounted on pole or structure
Towing Devices	Must be Removed	Footnote (5)

Footnotes:

1) The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, standing seam metal, slate, built-up gravel materials or other materials approved by the Building Inspector.

2) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of similar appearance.

3) The permanent foundation shall meet the requirements of standard building code. For manufactured home, a masonry curtain wall unpierced except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to ground level.

- 4) The chassis of each manufactured home shall be supported on an adequate masonry foundation, and the perimeter shall be fully and suitably enclosed with an acceptable skirting material that is approved by the Building Inspector.
- 5) Manufactured homes are required to remove all towing devices, if they are removable, otherwise, all towing devices shall be screened by plantings, and the structure shall be skirted.

3.14 Supplementary Use Regulations

3.14-1 Customary Home Occupation.

- a. There shall be no exterior evidence of the home occupation other than a non-illuminated identification sign having an area of not more than two square feet which shall be attached wholly to the dwelling structure wherein such activity is conducted.
- b. Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
- c. No more than 25 percent of the dwelling unit may be used for the operation.
- d. There shall be no group instruction, assembly or activity.
- e. No commodity shall be stocked or sold on the premises.
- f. No materials, equipment or business vehicles may be stored or parked on the premises except that one business vehicle (the carrying capacity of which shall not exceed one and a half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business or home occupation.

3.14-2 Electric Transformer Station, Gas Regulator Station, Telephone Exchange and Other Public Utility Substations

- a. Such uses shall be essential for service to the area in which located.
- b. Any building or structure, except an enclosing fence, shall be setback not less than 20 feet from any property line and shall meet all applicable yard requirements in excess thereof.
- c. Such uses shall be enclosed by a fence not less than eight feet in height.
- d. The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.
- e. The storage of vehicles and equipment on the premises shall be prohibited.

f. Site and development plans shall be approved by the Zoning Administrator to insure compatibility of facilities with the neighborhood in which they are to be located.

3.14-3 Manufactured Building as Office or Commercial Establishment

a. **Compliance with district zoning.** Manufactured homes used as an office or commercial establishment shall fully comply with the provisions of these regulations. In all respects, such manufactured home office, except as provided for in Section 3.14-4, shall be considered a permanent structure and is subject to the code requirements for commercial structures.

b. **Minimum Site Improvements.** Such structure, other than those authorized for temporary use, shall comply with the following minimum improvements:

- 1) Each structure shall be supported by and firmly anchored to a permanent concrete block or brick foundation, fully closed and vented.
- 2) Each structure shall be served by an acceptable water supply and method of sewage disposal subject to the written approval of the local authority having jurisdiction over such matters.
- 3) Each structure shall have an individual connection to public electrical power.
- 4) Uses within the lot shall meet the parking requirements according to Article 18 of this Ordinance.

3.14-4 Manufactured Home --Temporary Use Provisions

a. **Residential Use.** Temporary placement of manufactured homes may be allowed for a period up to six (6) months, renewable in increments of six (6) months, provided temporary special exception approval is granted by the Zoning Board of Appeals, a building permit and temporary location permit are properly issued by the Building Inspector, and where cooking, sleeping, and waste disposal facilities are to be used, the unit placement is developed consistent with the other applicable provisions of these regulations. The following are approved conditions for temporary location of manufactured homes:

- 1) Manufactured homes may be temporarily placed on a vacant or occupied lot where the applicant shows it is essential to provide for the preparation of a construction project, to provide security or night watchmen quarters or to allow temporary parking or storage of an unoccupied manufactured home on other than a sales lot or inventory area.
- 2) A manufactured home may be temporarily placed on an individual lot already occupied by a residence when the applicant can show extreme family hardship, provided that the occupants of the manufactured home shall have one of the following relationships with the owner of the residence: mother, father, son, daughter, brother, sister, mother-in-law and father-in-law.

The site of said temporary manufactured home location shall be approved by Fannin County Health Department for the installation of an on-site sewerage management system, but the unit shall connect to the public sewerage system, if available. The minimum space requirements of the zoning district shall be met or be approved by the Zoning Board of Appeals, if necessary.

3) No existing manufactured home or such units used as an office on an individual lot for either temporary or permanent occupancy shall be relocated to another site and no manufactured home or such units used as an office shall be placed on a site vacated by an existing manufactured home or office unless such relocation or placement complies with these regulations.

b. Commercial Use.

1) Real Estate Sales Office. Temporary real estate sales offices may be permitted in residential districts provided that the following criteria is met:

a) The structure used as a temporary real estate sales office shall comply with the methods of building construction permitted in the applicable zone district and must: 1) be supported on adequate masonry foundation which meets the minimum requirements of the Georgia State Building Code; 2) be appropriately anchored to meet minimum requirements of the Georgia State Building Code; and 3) be underpinned and landscaped.

b) The temporary real estate sales office shall meet the area, yard and parking requirements of the applicable zoning district.

c) The temporary sales office shall not be illuminated in such a manner as to be a nuisance to the surrounding residences.

d) All signs and advertising material shall conform with Section 17.3-1 of this Ordinance pertaining to the residential districts.

e) The Blue Ridge Municipal Planning Commission shall review all applications for a temporary permit for a real estate sales office in a residential district. If the Planning Commission finds that the above criteria has been met, they shall instruct the Building Inspector to issue a temporary use permit for a twelve (12) month period. The Planning Commission may review the temporary permit annually and grant two, twelve (12) month extensions if the use is in compliance with the standards listed above and provided the developer has not sold seventy (70) percent of the lots in the development.

The temporary use permit shall be terminated after three (3) years or when seventy (70) percent of the property is sold, whichever occurs first.

f) If the Building Inspector finds that the temporary use permit conditions are in violation, he shall void the permit and the permitted use shall cease.

ARTICLE 4 - ZONING DISTRICTS AND BOUNDARIES

4.1 Establishment of Districts. In order to carry out the intent and purpose of this ordinance, Blue Ridge is hereby divided into the following districts:

- R-A** Residential Agriculture
- R-1** Low Density Residential
- R-2** Medium Density Residential
- R-3** High Density Residential
- C-1** Limited Commercial
- C-2** General Commercial
- CBD** Central Business District
- M-1** Manufacturing

4.2 Zoning District Map. The boundaries of zoning districts are shown upon the map designated as the "Zoning District Map". The Zoning District Map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the zoning district map and all the notations, references and other information shown thereon were fully set forth and described herein, which zoning district map is properly attested and is on file with the City Clerk of Blue Ridge, Georgia.

4.3 District Boundaries. The district boundaries shown on the zoning district map are generally intended to follow streets, alleys, or lot lines; where the districts designated on said map are bounded by such street, alley or lot line, the centerline of the street or alley or the lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Zoning District Map.

4.4 Environmental Conservation Districts. Article 16 of this ordinance identifies special environmental districts which are included as part of the official Zoning District Map.

ARTICLE 5 - R-A RESIDENTIAL AGRICULTURE DISTRICT REGULATIONS

5.1 Purpose. This district is created to encourage a compatible relationship between low density residential development and other limited mixed uses in fringe areas of the city where development is generally sparse and growth pattern are not yet well established.

5.2 Permitted Uses. See Article 13- Table of Permissible and Conditional Uses.

5.3 Area, Yard and Height Regulations. The following shall apply: ***

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet	Max. Lot Coverage
Residential: ½ acre with public water <u>or</u> sewer *; additional 10,000 sq.ft. for second dwelling unit (includes condominiums; see Section 13.2-23)**	100'	30'	20'	30'	2½	30'	25%
15,000 sq.ft. with public water <u>and</u> sewer; additional 4,000 sq.ft. for second dwelling unit (includes condominiums; see Section 13.2-23)**	90'	30'	15'	30'	2½	30'	25%
Townhouses** (2-unit building only; 19,000 sq. ft. site area with public water and sewer only; see Section 13.2-24.)	45' (per unit/lot)	30'	15'	30'	2½	30'	25%
All Other Uses: One acre	110'	30'	20'	30'	2½	30'	25%

* If public sewer is not available, the minimum lot size for each use shall meet the minimum requirements of Fannin County Health Department for the installation of individual sewage disposal systems or alternative systems complying with the rules of the Georgia Department of Natural Resources, Environmental Protection Division. However, in no case shall the minimum lot size be smaller than the sizes specified in the table.

**Maximum of two (2) units per building only.

***The approval of a Conservation Design Subdivision per Article 6 of the Blue Ridge Subdivision Regulations allows the typical lot-by-lot design criteria of this zone district, as shown in the above table, to be waived. The minimum lot size per district is used only for computing the maximum allowed density on the property that is under

review, rather than establishing a minimum lot size or individual lot criteria for any particular dwelling/lot proposed on-site.

5.4 Off-Street Parking. See Section 18.8, Street, Traffic and Parking Regulations.

5.5 Buffer Requirements. See, Article 14- Buffer Requirements.

5.6 Appearance Standards. All single-family residential dwellings within the R-A district shall meet the requirements of the Appearance Standards, Section 3.13.

ARTICLE 6 - R-1 LOW DENSITY RESIDENTIAL DISTRICT REGULATIONS

6.1 Purpose. The purpose of this district is to encourage low density single-family development and to protect such development from unrelated and incompatible uses.

6.2 Permitted Uses. See Article 13- Table of Permissible and Conditional Uses.

6.3 Area, Yard and Height Regulations. The following shall apply: **

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet	Maximum Lot Coverage
Single Family: ½ acre without public sewer*	100'	30'	15'	20'	2½	30'	25%
12,000 sq. ft. with public water & sewer	90'	30'	15'	20'	2½	30'	25%
All Other Uses: 12,000 sq. ft.	90'	30'	15'	20'	2½	30'	25%

*If public sewer is not available, the minimum lot size for each use shall meet the minimum requirements of Fannin County Health Department for the installation of individual sewage disposal systems or alternative systems complying with the rules of the Georgia Department of Natural Resources, Environmental Protection Division. However, in no case shall the minimum lot size be smaller than the sizes specified in the table.

**The approval of a Conservation Design Subdivision per Article 6 of the Blue Ridge Subdivision Regulations allows the typical lot-by-lot design criteria of this zone district, as shown in the above table, to be waived. The minimum lot size per district is used only for computing the maximum allowed density on the property that is under review, rather than establishing a minimum lot size or individual lot criteria for any particular dwelling/lot proposed on-site.

6.4 Off-Street Parking. See Section 18.8, Street, Traffic and Parking Regulations.

6.5 Appearance Standards. All single-family residential dwellings within the R-1 district shall meet the requirements of the Appearance Standards according to Section 3.13.

ARTICLE 7 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT REGULATIONS

7.1 Purpose. This district is designed to permit mixed residential types and other related compatible uses characteristic of a medium density development. This district limits the permitted uses to one principal building per lot.

7.2 Permitted Uses. See Article 13- Table of Permissible and Conditional Uses.

7.3 Area, Yard and Height Regulations: The following shall apply:****

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet	Max. Lot Coverage
Single Family: 10,000 sq.ft.;	80'	25'	10'	20'	2½	30'	30%
with septic/ public water*	100'	25'	10'	20'	2½	30'	30%
Duplex:** 12,000 sq. ft.;	90'	25'	10'	20'	2½	30'	30%
with septic/ public water*	110'	25'	10'	10'	2½	30'	30%
Townhouses: 12,000 sq. ft. (min. site area) (2-units)	45' **** (per lot)	25'	10'	20'	2½	30'	30%
Triplex:** 20,000 sq. ft.;	90'	25'	10'	20'	2½	30'	30%
with septic/ public water*	130'	25'	10'	20'	2½	30'	30%
Townhouses: 20,000 sq. ft. (min. site area) (3-units)	***	25'	10'	20'	2½	30'	30%
Four Plex:** 25,000 sq. ft.;	90'	25'	10'	20'	2½	30'	30%
with septic/ public water*	150'	25'	10'	20'	2½	30'	30%
Townhouses: 25,000 sq. ft. (min. site area) (4-units)	***	25'	10'	20'	2½	30'	30%
All Other Uses: No Minimum Required	80'	25'	10'	20'	2½	30'	30%

* If public sewer is not available, the minimum lot size for each use shall meet the minimum requirements of Fannin County Health Department for the installation of individual sewage disposal systems or alternative systems complying with the rules of the Georgia Department of Natural Resources, Environmental Protection Division.

**These uses are allowed with one building per lot and may include condominiums (see Section 13.2-23).

***Public water and sewer only; see Section 13.2-24.

***The approval of a Conservation Design Subdivision per Article 6 of the Blue Ridge Subdivision Regulations allows the typical lot-by-lot design criteria of this zone district, as shown in the above table, to be waived. The minimum lot size per district is used only for computing the maximum allowed density on the property that is under review, rather than establishing a minimum lot size or individual lot criteria for any particular dwelling/lot proposed on-site.

7.4 Off-Street Parking. See Article 18.8, Street, Traffic and Parking Regulations.

7.5 Appearance Standards. All single-family residential dwellings within the R-2 district shall meet the requirements of the Appearance Standards according to Section 3.13.

ARTICLE 8 - R-3 HIGH DENSITY RESIDENTIAL DISTRICT REGULATIONS

8.1 Purpose. This district is designated and intended to provide a high density development area which will encourage a maximum mix of residential and other uses compatible with a residential character. As such, the provision of both public water and sewer is required to serve the uses allowed in this zone district.

8.2 Permitted Uses. See Article 13 - Table of Permissible and Conditional Uses.

8.3 Area, Yard and Height Regulations. The following shall apply:

Minimum* Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet	Max. Lot Coverage
Single Family: 7,500 sq. ft.	60'	20'	10'	20'	2½	30'	40%
Duplex: ** 10,000 sq. ft.	70'	20'	10'	20'	2½	30'	40%
Townhouses 10,000 sq. ft. (2-units)	35' (per lot) ***	20'	10'	20'	2½	30'	40%
Multiple Units:** 7,500 sq. ft. for 1st unit-4,000 sq. ft. for each additional unit not to exceed 10 dwelling units per acre (includes condominiums)	80'	20'	10'	20'	3	45'	40%
Townhouses 7,500 sq. ft. for 1st unit-4,000 sq. ft. for each additional unit not to exceed 10 dwelling units per acre	***	20'	10'	20'	2½	30'	40%
Manufactured Home Parks: 7,500 sq. ft. per unit	50'	20'	10'	20'	2½	30'	40%
All Other Uses: No Minimum Required	60'	20'	10'	20'	3	45'	40%

* All uses in this zone district shall be served by public water and sewer.

**Includes condominiums (see Section 13.2-23).

***See Section 13.2-24.

8.4 Off-Street Parking. See Section 18.8, Street, Traffic and Parking Regulations.

8.5 Appearance Standards. All single-family residential dwellings within the R-3 district shall meet the requirements of the Appearance Standards according to Section 3.13.

ARTICLE 9 - C-1 LIMITED COMMERCIAL DISTRICT REGULATIONS

9.1 Purpose. This commercial district encourages professional service establishments and limited residential uses oriented to busy streets where more intense commercial uses begin to abut residential neighborhoods. As such, this district is considered a transitional district and encourages the conversion of existing residential dwellings to viable low-traffic, low impact commercial uses, while allowing some residential uses to remain as part of the district. New construction should be designed so that its architectural characteristics are consonant with those of the area and of adjacent properties. This district encourages small scale developments that would only allow one principal building to occur per lot, and parking to be less prominent by being located to the side or rear of the building’s front facade. Professional landscaping is encouraged and free-standing signage, if any, is limited to ground signs, which if lighted, can only be externally lighted.

9.2 Permitted Uses. See Article 13 - Table of Permissible and Conditional Uses.

9.3 Area, Yard and Height Regulations. The following shall apply:

Minimum* Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet	Maximum Lot Coverage
Single Family 10,000 sq. ft.	60'	25'	10'	20'	2½	30'	30%
Duplex 12,000 sq. ft.	90'	25'	10'	20'	2½	30'	30%
Townhouses (2 units only; 12,000 sq. ft.)	45'	25'	10'	20'	2½	30'	30%
All Other Uses	60'	25'	10'	20'	2½	30'	30%

*Public water and sewer only; also see Section 13.2-24 regarding townhouses.

9.4 Off-Street Parking. See Section 18.8, Street, Traffic and Parking Regulations.

9.5 Appearance Standards. All single-family residential dwellings within the C-1 district shall meet the requirements of the Appearance Standards according to Section 3.13.

9.6 Buffer Requirements. See Article 14 - Buffer Requirements.

ARTICLE 10 - C-2 GENERAL COMMERCIAL DISTRICT REGULATIONS

10.1 Purpose. The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial sales and service activities. This district is located to create centers or concentrations of commercial activities and to discourage commercial strip developments. Public water and sewer service is required to serve the allowed uses in this zone district.

10.2 Permitted Uses. See Article 13 - Table of Permissible and Conditional Uses.

10.3 Area, Yard and Height Regulations. The following shall apply:

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet	Max. Lot Coverage
No Minimum Required	60'	25'	10' *	15'	2½	35'	60%

* Except where buffers are required between the commercial districts and abutting residential districts and uses, then the fifteen(15) feet of buffer shall create a greater required minimum setback. The buffer is required on the side and rear lines.

10.4 Off-Street Parking. See Section 18.8, Street, Traffic and Parking Regulations.

10.5 Required Buffers Between Commercial and Residential Uses. See Article 14, Buffer Requirements.

ARTICLE 11 - CBD CENTRAL BUSINESS DISTRICT REGULATIONS

11.1 Purpose. This district is designed and intended as a specialized district directed to serve the pedestrian in a compact central area of the city. The CBD district will provide for a high-density shopping and business environment, especially stressing the pedestrian function and interaction of people and businesses, rather than being heavily oriented toward the use of automobiles.

11.2 Permitted Uses. See Article 13- Table of Permissible and Conditional Uses.

11.3 Area, Yard, and Height Regulations. The following shall apply:

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet
None Required	None	None	None*	15'	4	60'

* Except where buffers are required between the commercial area and abutting residential districts and uses, then the fifteen (15) feet of buffer shall create a greater required minimum setback. The buffer is required on the side and rear lines.

11.4 Off-Street Parking. The Off-street parking requirements for commercial uses in the CBD shall be waived. All residential uses which are functioning as the principal use on an individual lot shall meet the parking requirements of Section 18.8.

11.5 Required Buffers Between Commercial and Residential Uses. See Article 14 - Buffer Requirements.

11.6 Appearance Standards. All single-family residential dwellings within the CBD district shall meet the requirements of the Appearance Standards according to Section 3.13.

ARTICLE 11A – URBAN DWELLINGS, MIXED USE DEVELOPMENTS, AND OTHER DEVELOPMENTS WITHIN THE CENTRAL BUSINESS DISTRICT

11A.1. Article 11 Amendment. This chapter shall amend Article 11 to provide additional regulations regarding urban dwellings, mixed use developments, and other types of developments within the Central Business District (CBD). In the event of a conflict of the regulations contained within Chapter 11A, with the foregoing sections of Article 11 (Sections 11.1 through 11.6), then the regulations of Chapter 11A of Article 11 shall control.

11A.2. Urban Dwellings. Urban dwellings may be located on the second, third, and fourth floors of buildings containing mixed uses. Commercial uses may share the second, third, and fourth floors provided Georgia State Mandatory Building and Fire Code separation requirements are adhered to, as well as the Fire District provisions.

11A.3. Urban Dwelling at Grade. An urban dwelling may be located on the floor at grade provided it occupies no more than fifty (50) percent of the floor (at grade) on which it is located. The unit must be oriented to the rear of the floor at grade. Approval of any urban dwelling unit proposed for location on the grade floor is subject to review and approval by the Zoning Administrator and the Building Official that it meets the requirements set out herein.

11A.4. Parking. Two (2) parking spaces per dwelling must be provided. They may be located on site and placed to the side or rear of the property to which they serve. Required parking spaces may be located off site (on private property) and located within the CBD. Off premise parking is subject to review and approval by the Zoning Administrator that it meets the requirements set out herein.

11A.5. Urban Dwelling Living Space. The living space of urban dwelling units shall average one thousand (1,000) square feet in area per building in which they are located.

11A.6. Fire Suppression System. All buildings in which any mixture of commercial and residential spaces are developed, and stand alone residential developments, must be supplied with a fire suppression system. The system must be designed and installed to meet NFPA standards and any other standard as deemed necessary for the protection of the building and its occupants. The fire suppression system shall meet the requirements of the Fire District also.

11A.7. Trash Receptacle. A trash receptacle must be provided on site and screened with materials that complement the building to which it serves.

11A.8. Stand Alone Residential Development. Stand alone residential developments (those without commercial uses) located within the CBD, must be oriented with the front of the development (as determined by the Zoning Administrator by the building orientation) facing West First Street or East First Street. Stand alone residential developments are not allowed on through lots, unless the lot also has a commercial or mixed use building on the lot facing West Main or East Main Streets. Only commercial or mixed use buildings may front on West Main or East Main Streets.

11A.9. Setback. A setback of five (5) feet is required between any portion of a building (stand alone residential development) and the street right of way to which it is oriented.

11A.10. Unit Density. There are no density limitations pertaining to the number of urban dwelling units located within a mixed use development or stand alone residential developments located within the CBD.

11A.11. Green Space. Ten (10) percent of the lot area associated with stand alone residential developments shall be developed as an on site green space/amenity area.

11A.12. Other Improvements. If curbing, guttering or sidewalks do not exist along the public right of way which abuts a lot upon which a new building, or an addition to an existing building, is to be developed, the developer shall be responsible for the installation of the curbing, gutters and sidewalk. Review and approval from the Blue Ridge Street Superintendent is required for the issuance of permits that said improvements met the requirement set out herein.

11A.13. Occupancy Loads. The number of occupants permitted to live/stay/rent or by any other means, occupy a dwelling unit, shall be determined by the Zoning Administrator and or the City Building Inspector in accordance with applicable Georgia mandatory building codes, the Fire Safety Code, the Fire District Code and other State Mandatory building codes to determine occupancy loads considering the size of the dwelling unit, the number of bedrooms, kitchens, and bathrooms.

ARTICLE 12- M-I MANUFACTURING DISTRICT REGULATIONS

12.1 Purpose. The purpose of this district is to provide for manufacturing operations, transportation, storage, wholesale trade and distribution, and related activities. The regulations of the district are designed to enable combinations of related uses in suitable locations with minimal effect on surrounding areas.

12.2 Permitted Uses. See Article 13- Permissible and Conditional Uses.

12.3 Area, Yard and Height Regulations. The following shall apply:

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Stories	Height Feet
None Required	70'	25'	20' *	20' *	3	45'

*Except where buffers are required between the industrial area and abutting residential districts or conforming residential uses of property. The buffer shall be thirty (30) feet wide and shall be required along the side and/or rear yards.

12.4 Off-Street Parking. See Article 18- Street, Traffic and Parking Regulations.

12.5 Required Buffers Between Industrial and Residential Uses. See Article 14 - Buffer Requirements.

ARTICLE 13 - TABLE OF PERMISSIBLE AND CONDITIONAL USES

13.1 Table of Permissible and Conditional Uses. No principal building, structure, or land use shall be permitted except in the zone districts indicated and for the purposes permitted in Table 13-1. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use denoted by the letter “X” is allowed in that zone district by right, subject to any special requirements that may be applicable to that use. A principal use denoted by the letter “C” is permitted only if a conditional use permit is granted by the Mayor and Council after review under the Zoning Procedures and Standards Ordinance, City of Blue Ridge, Georgia. For uses not listed in the following table, the Zoning Administrator can determine that said use is similar in impact and intensity to another use that is currently allowed in a zone district and shall rule that the said use is therefore allowed. In the event that no similarity exists then the proposed use is not allowed or if the interpretation of the Zoning Administrator is questioned, then the Board of Zoning Appeals, properly convened, can make a judgment as to whether said use is allowed in Blue Ridge. Appeals from the judgment from the Board of Zoning Appeals shall be in accordance with Section 23.8 of this Ordinance. In the event that the Board of Zoning Appeals cannot rule about a specific use, then amendment of the Zoning Ordinance shall be required to determine where such use is properly allowed.

13.1 - TABLE OF PERMISSIBLE AND CONDITIONAL USES

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
X	X	X	X	ACCESSORY USES - subject to the requirements of Section 3.11		X	X	X	X
X	X	X	X	ACCESSORY USES (All solar systems with the exception of a solar energy facility or farm).	13.2-27	X	X	X	X
			C	Acid Manufacture					
	X			Adult Business - provided that they meet all the requirements of the Ordinance for Licensing and Regulation of Adult Businesses.	13.2-21				
				Agriculture		X			
	X		X	Agri-businesses, cooperatives					
	X	X	X	Agricultural Equipment Sales, Supply & Storage					
	X	X		Ambulance Service					
	X	X	X	Amusement parks; fairgrounds; carnivals; rodeos; horseshows; recreational and entertainment activities; athletic events, community fairs and similar activities of a commercial or charitable purpose.	13.2-1				
	X		X	Animal Hospital					
X	X	X		Antique Shop	13.2-25				
X	X	X		Apparel and Accessory Store	13.2-25				

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X	X		Appliance, Radio and TV, Sales and Repair					
X	X	X		Art Gallery	13.2-25				
		X		Assisted Living, Family		X		X	X
		X		Assisted Living, Group				X	X
	X	X		Assisted Living, Congregate					X
	X	X		Assembly Halls including union halls, conference halls, civic halls, clubs and lodges, and activities of a similar nature					
	X	X		Athletic/Health Club and Facilities					
	X	X		Auditorium, Assembly Hall, Civic Center					
	X			Bait Shop					
	X	X		Bakery/Pastry Shop					
	X	X		Bank or Financial Institution, Full Service					
	X	X	X	Bank, Auto Teller					
	X	X		Bank, Drive-in					
	X	X		Bar, Cocktail Lounge, Tavern					
	X	X		Barber and Beauty Shop					
	X			Baseball batting cages, golf driving range, par 3 and miniature golf.	13.2-2				
X	X	X		Bed and Breakfast (Home).	13.2-11	X			X
	X	X		Bed and Breakfast (Inn)	13.2-12				X
	X			Bicycle and Sporting Goods Shops					
			X	Boat Storage					
	X			Boat Sales, Services and Repair					
	X			Body Art Studios; Body Piercing; Tattoos					
X	X	X		Books, Cards and Stationery Store	13.2-25				
			X	Bottled Gas, Storage & Distribution Center					
			X	Bottling Plant					
	X			Bowling Alley					
	X	X		Broadcasting Studio (Radio, TV)					
	X			Building materials stores including electrical, lumber, hardware, paint, glass, plumbing and air/heating materials (may include outside storage.)					
	X	X		Building materials stores including electrical, lumber, hardware, paint, glass, plumbing and air/heating materials (with no outside storage.)					
	X	X		Bus Station					

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
				Camp, Private	13.2-5	C			
	X			Campgrounds, Commercial, including accessory buildings or uses	13.2-5	C			
	X		X	Car/Truck/Vehicle Wash - Manual or Automatic					
	X	X	X	Carpenter Shop, Woodworking					
			C	Cement, Lime Gypsum Manufacture					
	X			Cemeteries, Mausoleum, Columbarium	13.2-13	X			
	X		X	Cesspool Builder, Sales and Service					
X		X		Churches and Accessory Uses except Thrift Stores	13.2-13	X	X	X	X
	X	X		Clinic, Public or Private					
X	X	X		Clothing Stores, apparel and accessory.	13.2-25				
	X	X		Club and Lodges					
	X			College, University, Technical School		C			
	X			Community Center		C			
			C	Concrete/Stone Cutting, Fabrication					
			X	Construction Contracting-Heavy, special trades and general building provided all materials and equipment are stored within a building or fenced enclosure providing visual screening.					
	X	X		Convenience Stores without Fuel Pump Service					
	X			Convenience Stores with Fuel Pump Service - provided that all fuel pumps shall be at least 15 feet from the street right of way.					
	X			Convent and Monastery					X
				Country Club, Private Golf Course		C	C	C	
	X	X		Cultural facilities such as art galleries, museums, drama theatres, libraries and uses similar in character.					
	X	X		Curio and Souvenir Shops					
			X	Dairies, Milk Processing/Bottling					
	X			Dance Hall					
	X			Day Care Center, Group	13.2-14			X	X
	X			Day Care Facility	13.2-14				X
X				Day Care , Family Home		X	X	X	X
	X	X		Department and Discount Stores, general merchandise					
	X			Dog Grooming shops					
	X			Driving Range, Golf		C			

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X	X		Drug Stores, Pharmacies					
			X	Dry Cleaning, Commercial					
	X			Dry Cleaning plants and laundries designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not project noise that will carry beyond the walls of the building enclosure.					
X	X			Dwelling, Loft	13.2-10				
				Dwelling, Multi-Family (3 dwelling units only; Article 14 buffer requirements are waived)				X	X
				Dwelling, Multi-Family (4 dwelling units only; Article 14 buffer requirements are waived)				X	X
				Dwelling, Multi-Family (Article 14 buffer requirements are waived)					X
X				Dwelling, Single Family Attached (Condominiums and Townhouses)	13.2-23 13.2-24	X		X	X
X		X		Dwelling, Single-Family Detached (In CBD, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; Article 14 buffer requirements are waived)	3.13	X	X	X	X
X		X		Dwelling, Two-Family, (In CBD, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; Article 14 buffer requirements are waived)		X		X	X
				Dwelling, Senior	13.2-22				X
	X		X	Equipment Rental, Industrial					
	X		X	Equipment Supplies (Business/Industrial)					
	X	X		Exercise Establishments					
	X	X		Farm/Garden Equipment Supply.					
	X			Farmer's Market - Provided that permanent sanitary facilities are permitted by applicable authority, no overnight camping on the property is permitted and such use shall be located on a major or minor collector street only.					
				Farming, Horticulture for Personal Use.		X	X	X	X
	X		X	Farming, Horticulture for Commercial use including the growing of flowers, shrubs, fruits, tree nuts and vegetables - Provided that no structure used in such processing is located closer than fifty (50) feet to any property line.					

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X		X	Feed Mill, Seed Mill Production & Packing - Provided that any structure for such processing is located no closer than one hundred (100) feet to any property line.					
	X	X	X	Fire Station, Fire Tower		C	C	C	C
	X	X		Fish, Meat; Wholesale, Cure, Store, Retail					
	X			Flea Market					
	X	X	X	Floor Covering Sales and Related Storage					
	X	X		Florist, Greenhouse, Nursery, Retail Sales					
	X		X	Frozen Food, Cold Storage Locker					
	X	X		Funeral Homes					
	X	X		Furniture and Home Appliance Stores					
	X	X		Game Room, Arcade					
	X			Garden, Landscaping Supplies					
	X	X		Gasoline Station w/Repair Service - provided that all fuel pumps shall be at least 15 feet from the street right of way.					
X	X	X		Gift, novelty and souvenir shop	13.2-25				
	X			Go-Kart, Motor Bike Track					
				Golf Courses and Club Houses		X	X		
	X			Golf Driving Range, Par 3 Golf	13.2-2				
C	X	X		Government Buildings and Facilities		C	C	C	C
		X		Group Homes		X	X	X	X
	X	X		Grocery/General Merchandise Store					
		X		Halfway House	13.2-18				X
	X	X		Hardware, Paint & Wallpaper Store					
			C	Hazardous Wastes Handling and Processing	13.2-7				
	X	X		Hobby, Toy and Game Store					
	X	X		Home Appliance Repair and related services					
X				Home Occupations	3.14-1	X	X	X	X
	X	X		Hospice					X
	X			Hospital, Health and Medical Institution					
C	X	X		Hotel	13.2-28				
			X	Ice, Manufacturing & Sales					
			X	Industry associated research and training facilities.					
	X	X		Institution					X
X	X	X		Jewelry Store	13.2-25				

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
			C	Junk Yard, Salvage Yard					
	X		X	Laboratory Research Facilities					
			C	Landfill, Inert or Sanitary - Private/Public	13.2-8				
	X	X		Laundry, Dry Cleaning Commercial: designed to operate in a manner that will not emit odor or objectionable waste and which will not produce noise that will carry beyond the walls of the building enclosure; includes Pick-up Services					
			X	Laundry, Commercial					
	X	X		Laundry, Coin-Operated					
	X	X		Linen and diaper service					
	X	X		Library					
	X	X		Light repair services conducted within an enclosed building and which does not generate noise, odor, or fumes beyond the walls of the building enclosure.					
				Livestock Raising/Keeping for Personal Pleasure - Provided that all structures used for housing or feeding livestock shall be at least one hundred (100) feet from any property line and the minimum site acreage is 5.0 acres		X			
			X	Livestock Sales or Auction Facilities - Provided that no structure for feeding or housing animals shall be located closer than one hundred (100) feet to any property line and that adequate off-street parking shall be provided for livestock trailers, recreational trailers, etc.					
	X		X	Machine Shop, Fabrication, Welding	13.2-16				
	X		X	Machinery Sales, Service and Repair					
			X	Manufacturing Establishment- involving the mechanical or chemical conversion of raw materials into semi-finished or finished products. Any manufacturing operations that will generate liquid wastes, air pollutants, or excessive noise from the manufacturing process will comply with anti-pollution standards established by the State/Federal authorities.					
			C	Manufacturing Establishment - involving acid processing, tanning, paper/pulp manufacturing, or other materials having characteristics considered volatile, flammable, explosive, odorous, or hazardous.	13.2-7				

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X		X	Manufacturing Establishments involving only the assembly of pre-manufactured component parts.					
				Manufactured home park (See Article 19)					X
	X			Manufactured home sales and services					
			C	Meat Packing & Processing, Slaughter Yards	13.2-17				
	X	X		Medical and dental clinics and laboratories					
	X	X		Merchandise, General, department and discount stores					
X	X	X		Merchandise, Specialized- photographic supplies and photo studios, floral shops, toy stores, stationary stores, craft shops, and other similar specialized merchandise.	13.2-25				
	X		X	Mini-Warehouse (Self-Service Storage Facility)					
	X			Miniature Golf Game	13.2-2				
		X		Mixed Use Developments	Chapter 11A				
C	X	X		Motel	13.2-28				
	X	X		Motor Vehicle parts and tire store					
	X	X	X	Motor Vehicle major repair and paint shops designed in such a manner that will not emit smoke, odor, or dust and which will not produce noise that will carry beyond the walls of the building enclosure and provided such use is not adjacent to or directly across a street from a residential zone district.	13.2-20				
	X	X		Motor vehicle sales leasing and rental					
	X	X		Movie/Music Rentals					
	X	X		Museum (For profit)					
				Neighborhood Center - provided that a site plan is approved to assure compatibility with the neighborhood in which it is located.		X	X	X	X
	X	X		Newsstands					
	X	X		Nursery and Green Houses: (Retail)					
	X		X	Nursery and Green House - (Wholesale)					
	X			Nursing Home; Convalescent Home					X
X	X	X		Office Buildings: General and Professional (legal, medical, engineering, surveying and similar uses)	13.2-19 13.2-26				C

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X		X	Office Centers, Planned- of three or more commercial uses utilizing a permanent enclosed building with a single continuous facade and providing common parking, access and service. Planned centers may include combinations of above permitted commercial uses. a. Accounting, auditing and bookkeeping offices b. Engineering, surveying and architectural offices. c. Finance, real estate, insurance and financial institutions. d. Health services clinics including a pharmacy as an accessory use. e. Legal services offices. f. Licensed health services practitioner offices. g. Medical and dental laboratories h. Research and testing laboratories. i. Telephone business offices. j. Other general office uses.					
	X	X		Office Supplies					
	X	X		Package Store, Alcoholic - provided that it meets all the requirements of the City's Beer and Wine Ordinance.					
			C	Paper or Paper Pulp Manufacture	13.2-7				
	X	X		Parking, Commercial Lot or Garage					
X	X	X		Parks and Recreational Facilities, Public(campgrounds are only allowed in C-2)		X	X	X	X
			X	Paving, Concrete and Asphalt Plant					
				Personal Care Homes. See 'Assisted Living'					
	X	X		Personal Services: clothing rental, clerical and investigative services and health/sun spas.					
	X	X		Pet Shop and Dog Grooming Shop					
			X	Petroleum bulk stations.					
	X	X		Pharmacy					
				Planned Unit Development. See Article 15.		X		X	
	X	X		Print Shop (Quick Print Copying)					
	X	X	X	Printing, Photo-engraving, Publishing	13.2-3				
			X	Printing, Publishing and Sampling	13.2-3				
	X			Produce Stands- subject to the front setback requirements of the district and providing a minimum of 4 parking spaces are available off the road right-of-way.					

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X	X		Radio and TV Repair					
		X	X	Railroad Station					
	X	X		Recreation, Commercial- in permanent, enclosed buildings including bowling alleys, game rooms, roller rinks and other similar uses.					
	X			Recreation grounds and facilities, (commercial) including fishing lakes, golf courses, tennis courts and related activities	13.2-2				
		X		Recreation, Outdoor areas and park facilities (Government owned) including accessory building, picnic shelters, swimming pools, etc. (does not included campgrounds)		X	X	X	X
	X			Recreation, Outdoor areas and park facilities (semi-public) including accessory buildings, picnic shelters, swimming pools, etc. (does not include campgrounds)					X
			X	Recycling Center (w/processing facilities)					
	X		X	Recycling Collection Station					
			C	Refining of Petroleum Products					
	X	X		Repair Service, General Merchandise					
	X	X		Repair Service, Light	13.2-3				
	X		X	Repair Service (Heavy Equipment) & Trade Shop					
	X			Residence Inn (Extended Stay Motel/Hotel)					
	X	X		Restaurant					
	X			Rest Homes					X
				Riding Stables and Academies Provided that all structures used for housing or feeding livestock shall be at least one hundred (100) feet from any property line and the minimum site acreage is 5.0 acres.)		X			
		X		Rooming and Boardinghouse				X	X
	X			Recreational Vehicle (RV) Park; Campground		C			
	X		X	Saw Mill, Lumber Yard					
	C		C	Saw Mill, Temporary or Portable	13.2-9	C	C	C	C
	X			Schools: Commercial, professional, vocational, technical		C			
				School: Public, Private or Parochial; excluding professional, vocational, technical		X	X	X	X
	X	X		Service Stations, motor vehicle					
	C		X	Sewage Treatment Facilities, Public or Private		C	C	C	C

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X	X		Shoe Repair Shop					
	X			Shooting Range, Indoor (Must comply with safety requirements of recognized shooting sports associations and not be audible to the exterior.)					
	X			Shopping Centers: Planned centers may include combinations of permitted commercial uses.					
			C	Solar energy facility or farm	13.2-27				
	X	X		Stationary Store					
	X			Skating Rink, Roller/Ice					
	X	X	X	Studio for Art, Photography and Similar Uses					
				Swimming Pools (Public or Private Membership)		X	X	X	X
	X	X		Tanning Beds					
	X	X		Taxidermy					
	X	X		Taxi Stands, Dispatching agencies					
	X	X		Theatre, Drama and Movie					
	X			Theatre, Drive-In	13.2-6				
			C	Timber Harvesting, Logging, Sawyer Activities					
	X		X	Tire recapping and retreading establishments					
	X	X	X	Tire Sales and Service					
	C	C	X	Towers, Telecommunication for radio, television, cellular, PCS, broadband, and similar uses.	13.2-4				
	X		X	Trades, Special- general building and heavy construction contracting provided all materials and equipment are stored within a building or fenced enclosure providing a visual screen.					
	X		X	Trade shops and Heavy Repair-including sheet metal, upholstery, electrical, plumbing, carpentry, sign painting and other similar activities which shall be conducted in a building or fenced area providing visual screening.					
	X		X	Trailers, Manufactured Home Sales & Service					
			X	Transfer Station, Solid Waste					
	X			Travel Trailer Park, Commercial					
			X	Truck Terminals					
		X		Urban Dwellings	Chapter 11A				
	X	X	X	Utilities, Public; electric, gas, telephone substations and facilities where necessary to serve the district	3.14-2	X	X	X	X

COMMERCIAL ZONES				PERMITTED USES	ADDIT. REQ'MT.	RESIDENTIAL ZONE			
C-1	C-2	CBD	M-1			See Sections	R-A	R-1	R-2
	X			Veterinary Clinic/Animal Hospital/Grooming House					
	X	X		Video Sales and Rental					
X				Yard Sales, Garage/Basement	13.2-15	X	X	X	X
	C	C	C	Water Treatment Facilities		C	C	C	C
			X	Warehousing, Wholesale, Storage and Sales Office					
	X		X	Warehousing, Wholesale, Storage and Sales Office up to 10,000 sq.ft.					
			X	Wholesale trade and distribution establishments conforming to the nuisance abatement requirements of 'Manufacturing establishments.'					
	X		X	Wreckage Services, Temporary Storage	13.2-20				

13.2 Additional Requirements for Uses.

13.2-1 Amusement parks, athletic events, carnivals, community fairs, entertainment activities, horse shows, recreational activities, rodeo and similar activities of a commercial or charitable purpose. Provided such activities and any buildings, structures, or accessory uses are not located within 100 feet of a property line and with the exception of a seasonal amusement park, the activity or event shall not exceed a period of 14 days.

13.2-2 Commercial recreation grounds and facilities including fishing lakes, golf courses, tennis courts, baseball batting cages, golf driving range, par 3 golf, and miniature golf, and related activities. Provided the use is enclosed by a wall or fence or buffer area 10 feet in depth around the property perimeter; loud speakers and similar nuisances are not to be used; and lighting is established in such a manner as not to adversely affect or cast direct light on adjacent properties and roadways.

13.2-3 Such uses shall not emit smoke, odor, or objectionable waste materials and will not produce noise that will carry beyond the walls of the building enclosure.

13.2-4 Telecommunication towers for radio, television, cellular, PCS, broadband, microwave, analog, and similar uses. The location of freestanding communication towers may be permitted under the provision of this Section. The intent of this Section is to provide for the appropriate location and development of communication towers to serve the residents and businesses of the City of Blue Ridge and Fannin County; to minimize adverse visual impacts, incompatibility, and the proliferation of towers and antennae by careful siting, screening, requiring co-location of antennae, landscaping and innovative

camouflaging techniques; to promote safety through proper engineering; to encourage the use of existing structures as an alternative location for antennae; and to encourage and promote the location of new communication towers in areas which are not zoned for residential use.

a) Permits and/or Review. Towers proposed in the M-1 zone, which meet the development standards hereunder, may apply directly to the Building Inspector for a construction permit. Any antennae meeting stealth design requirements (see definition of Stealth) is a permitted use in all zone districts (note: residential zones are not identified on the permitted use table because they are limited to stealth design only) and may apply to the Building Inspector for a permit. Towers in the CBD and C-2 zones are conditional uses and subject to the review requirements of the Zoning Procedures and Standards Ordinance and must submit an application with evidence of compliance with the minimum criteria below, plus the information under item k, "Application Process," below.

b) Height. Shall mean the vertical distance of any tower as measured from the bottom of the base of the tower at ground level to the highest point of such tower, including any antennae which are mounted upon the tower itself. Towers shall be permitted to a maximum height of 250 feet and the height of the tower shall not exceed a maximum elevation of 1,880 feet above sea level.

c) Co-Location Capability Required. No tower shall be built, constructed, or erected unless it is capable of supporting three or more antennae comparable in size, weight, and surface area. Before any tower is eligible for a building permit in the M-1 zone or eligible for conditional review in the CBD or C-2 zone districts, evidence must be submitted to the Zoning Administrator which affirms that one (1) or more antennae shall be erected upon the proposed tower immediately upon completion of the tower.

Speculative towers without commitment for at least one (1) antenna will not be considered for building permits or review, as applicable. Tower sites may not be permitted if there is an existing, technically, and commercially reasonable space available for shared/co-location on an existing tower.

d) Security and Advertising. All approved towers shall be enclosed by decay-resistant security fencing not less than six (6) feet high and shall be equipped with an anti-climbing device. Except for the owners' identifying name plate, including emergency telephone numbers, to be located upon the gate or security fence surrounding the tower base, advertising signage on towers or antennae shall be prohibited.

e) Access. Access to a tower site, if not abutting a public street directly, shall be on a dedicated easement that is 25 feet wide and the minimum required surface shall be graveled and well-drained and twelve (12) feet wide.

f) Setbacks and Required Base Area. Towers shall not be located within 250 feet of any dwelling (regardless of the zoning district in which any such dwelling may be located) or any building, structures, or places identified by placement on the National Register of

Historic Places, by designation as a State Historical site, or as part of a locally designated historic district; and all towers and maintenance/operation structures (including guyed wires) shall comply with the setbacks as required by the zoning district in which the tower is to be located. Antenna support structures, meaning any building or structure other than a tower, are exempt from the setback requirements. For a monopole tower, the ground area available at the base of the tower shall contain a minimum of two-thousand five hundred (2,500) square feet, so as to accommodate up to three (3) maintenance/operation structures. For guyed or lattice towers the ground area available at the base of the tower shall contain a minimum of six thousand (6,000) square feet, so as to accommodate up to three (3) maintenance/operation structures.

g) Buffers. The perimeter outside the required security fence shall be screened from the view of public rights-of-ways, public property and any residential zone district or residential use by evergreen plantings. The width of the buffer shall be no less than twelve (12) feet. The Zoning Administrator at his/her discretion may reduce or waive the buffer requirements upon specific findings that the visual impact of the tower base would be minimal.

h) Lighting and Safety Standards. To ensure the structural integrity of communication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State of Georgia.

No illumination is permitted on an antenna or tower unless required by the Federal Communications Commission (FCC), the Federal Aeronautics Administration (FAA) or other state or federal agency of incompetent jurisdiction.

i) Visual Impact. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other applicable federal or state agency, 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 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 must 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. Towers clustered at the same site shall be of similar height and design. Towers shall be at a minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

j) Regulatory Compliance. All towers and antennae must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed then the owners of the communications towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Tower owners shall provide documentation showing that each communication tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.

k) Application Process. Application for a permit for any tower, antennae, or use of an alternative tower structure shall first be made to the Building Inspector. The application will be reviewed under the applicable process and should address the following minimum information, beyond those items listed above:

- 1) An inventory of the applicant's existing towers or antennas within a five (5) mile radius of the proposed site; regarding towers, such inventory shall include identification of all other owner/operators of existing antennae on said towers.
- 2) Description of the proposed antennae/tower's area of service, including maps depicting radio frequency (rf) data and applicable coverage areas, both with and without the proposed tower/antennae.
- 3) Photo simulations or rendering illustrating the potential visual impact (for conditional use review only.)
- 4) A report from a Professional Engineer citing heights; design; anticipated antennae capacity (ie: co-location capability); structural integrity; and failure characteristics with scaled drawings showing required setbacks.
- 5) Regarding a proposed tower, written certification that the owner of the tower complies with regulation administered by the FAA or FCC or stating that the tower is exempt from such consideration.
- 6) Under conditional use review, modification of any rules regarding height, setback, base area, or access shall be reviewed and recommended by the Planning Commission for final action before the Mayor and Council. Substantial evidence of need for the modification shall be required. (Otherwise, modification of any rules for towers in the M-1 zone shall appear before the Board of Zoning Appeals.)

13.2-5 Private Camps and Campgrounds. Where such uses are adjacent to conforming residential uses or districts, the boundaries of such uses shall include a vegetative buffer with a minimum width of 30 feet adjacent to all other uses, including boundaries adjacent to public streets. Privacy fences may substitute for one-half of the vegetative buffer only through the conditional review process.

13.2-6 Drive-in movie theater. Only allowed in the C-2 zone district, provided no structures other than a fence shall be located closer than 50 feet to a property line; driveway and parking areas are paved; ingress and egress are designed and constructed to provide for safe traffic movements; central loudspeakers are not used; the movie upon the theater screen is not visible from a major street; and the theater is enclosed by a wall or fence of adequate height to screen the parking area and vehicle movements from view of adjoining properties.

13.2-7 Hazardous Materials Facility/Processing. Site acreage shall consist of no less than 10 acres; driveway access shall only intersect streets classed as arterial routes; and such projects shall be enclosed by chain-link fencing that is at least eight (8) feet high, topped by protective wire designed to discourage human entry; the outside of the fence shall be screened on all sides, including the sides abutting a public street, by a planted vegetative buffer that is 15 feet wide; and the facility must operate under applicable permits issued by State or Federal authorities; other conditions may be applicable over and above this minimum criteria concerning hours of operation, noise, traffic, public safety, and lighting.

13.2-8 Landfill, Inert/Sanitary Landfill, Public/Private. Facilities meet other applicable city regulations and are permitted by the State solid waste authorities; provided such facilities are not located within 500 feet of an existing residential district; and provided such facility access routes and entrances meet the approval of the Mayor and Council. Other conditions may be applicable under the review process.

13.2-9 Sawmill, Temporary or Portable. The use is limited to processing timber removed from property on which it is located and the mill is set up not closer than 500 feet to an existing residence on adjoining properties.

13.2-10 Dwelling, Loft. Provided:

- a. There shall be no more than four (4) loft dwelling(s) per building and they shall be located only on the floor above ground level.
- b. Each loft dwelling(s) has a private entry door; and
- c. Either a private access stairway to the ground floor; or
- d. A common stairway in conjunction with a common upstairs foyer; and
- e. Central heating and cooling with individual thermostats per loft dwelling; and
- f. A minimum of 425 square feet of dwelling unit space for the first occupant with 100 square feet of added space for each additional occupant.
- g. The loft dwelling(s) shall be equipped with a fire suppression sprinkler system complying with the National Fire Protection Association (NFPA) 13R standard and

all other floors, including the basement, shall meet the NFPA 13 standard.

- h.** No doorway or window interconnection between loft dwellings is allowed.
- i.** Two off-street or leased parking spaces per loft dwelling are required; and
- j.** Dumpster service; and
- k.** Compliance with all existing codes used in the city of Blue Ridge.

13.2-11 Bed and Breakfast (Home). Other requirement shall include:

- a) rooms for rent are within a single-family dwelling occupied by the owner as his/her principal residence and the structure shall be residential in character;
- b) the same rental occupants shall not reside in the single-family building for a period longer than seven (7) consecutive days;
- c) Breakfast is the only meal served and only to overnight guests;
- d) identifying signage shall be limited to one (1) sign and a maximum size of two (2) square feet, externally lighted;
- e) the resident owner provides one (1) off-street parking space for every rental room;
- f) no person not resident on the premises is employed;
- g) the exterior appearance of the building shall not be altered from its single-family character, except to ensure safety.

13.2-12 Bed and Breakfast (Inn). Other requirements shall include:

- a) Compliance with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants.
- b) If within a residential district, the building shall be residential in character.
- c) Breakfast is the only meal served and only to overnight guests.
- d) The owners may have employees.
- e) The owner shall provide one (1) off-street parking space for each rental room and one (1) space for each employee.
- f) In a residential district, signage shall be limited to one (1) sign and maximum size of two (2) square feet.

13.2-13 Cemeteries, Mausoleums, and Columbariums. Cemeteries, not including governmentally-owned cemeteries, fraternal cemeteries, church or synagogue cemeteries, or family burial plots, are allowed in the C-2 and R-A districts and shall have minimum site areas of 25 acres and shall comply with the Georgia Cemetery Act of 1983, as amended.

Churches and synagogues, and fraternal organizations may operate cemeteries as an accessory use, wherever the principle use is allowed but only if a minimum site area of two

(2) acres is available for the cemetery. A minimum site area is not required for a columbarium.

In all residential zone districts, family burial plots shall only be allowed as an accessory use to a residential dwelling on parcels or tracts containing five (5) acres or more. If such burial plots are established, the tract size cannot be reduced to less than five (5) acres at anytime in the future.

13.2-14 Day Care, Group and Facility. Such uses are permitted as an accessory use for churches, schools, and commercial or manufacturing facilities provided that such use shall conform to the State of Georgia day care requirements and comply with all health regulations. Regarding commercial and manufacturing facilities, the child care facilities shall only be located within the commercial or industrial facility and shall not be a freestanding building on-site.

13.2-15 Yard Sales, Garage/Basement. Provided that: 1) sales last no longer than 3 days; 2) sales are held no more than four times per year; 3) sales are conducted on the owner's property (multiple family sales are permitted if they are held on the property of one of the participants); 4) no goods purchased for resale may be offered for sale; and 5) no consignment goods may be offered for sale.

13.2-16 In the C-2 zone district, such use shall not produce noise, odor, or fumes that will carry beyond the walls of the building enclosure.

13.2-17 Meat packing, processing, slaughter yards. The holding pens or outdoor storage areas for animals awaiting processing shall only be large enough to equal the daily processing capability of the processing plant. Such holding areas shall be in the side or rear yard areas and shall not be located closer than 100 feet to the boundary of the property. A vegetative, evergreen screen at least 15 feet wide shall be established so that adjacent uses, even in the same zone district, shall not have a view of the holding pens/areas.

13.2-18 Halfway Houses. For such uses and in compliance with O.C.G.A. 36-66-4, any such location or relocation of such uses shall require a public hearing at least six (6) months and not more than nine (9) months prior to the date of final action on any zoning decision (ie. rezoning; annexation and conditional use review.) In addition to the public hearing that is required to make a zoning decision, the location of such use shall be posted with signage and advertised in the newspaper in compliance with the customary requirements of the Zoning Procedures and Standards Ordinance and in addition, the posting and advertisement shall contain a prominent statement that the proposed zoning decision relates to or will relocate a halfway house. The published notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper. Further, in the R-3 zone district, such uses shall be separated from each other by a minimum of 660 feet, measured as a radius from all property lines of the subject property.

13.2-19 Offices, Professional. Veterinarian clinics are not allowed in the C-1 and CBD.

13.2-20 Storage of inoperable vehicles or those awaiting repair shall be required in the side or rear yard, which shall be enclosed by a sight impermeable fence that is a minimum height of six (6) feet.

13.2-21 Adult Businesses. In order to provide ample public visibility, such uses shall not be located on lots having less than 100 feet of street frontage.

13.2-22 Senior Dwellings. Such dwellings shall be constructed with 100 percent of the proposed units equipped for accessibility by the handicapped, including ramps where applicable; the width of interior and exterior doors; bathroom facilities; and grab bars where appropriate.

13.2-23 Condominium Criteria.

- a) See Section 3.8 (f) and (g) for separation distances between buildings.
- b) If common areas are provided for in a development, the developer or a home owner's association created by the developer by recorded covenants and restrictions running with the land, shall preserve and maintain the lands set aside for open space, parks, recreation, or common off-street parking spaces.
- c) A complete site plan shall be required to consider any rezoning concerning condominiums or townhouses or to apply for a building permit as applicable.

13.2-24 Townhouse Criteria.

- a) The narrowest width of a single dwelling unit shall be (16) feet.
- b) No more than ten (10) dwelling units shall exist in a single building, where such buildings are allowed.
- c) Each townhouse unit shall have frontage on a street and be served by public water and public sewer.
- d) With overall density regulated by the zone district criteria, a minimum lot size per dwelling unit does not exist. Interior dwelling units are exempt from side yard setbacks.
- e) If common areas are provided for in a development, the developer or a home owner's association created by the developer by recorded covenants and restrictions running with the land, shall preserve and maintain the lands set aside for open space, parks, recreation, or common off-street parking spaces.
- f) A complete site plan shall be required to consider any rezoning concerning condominiums or townhouses or to apply for a building permit as applicable.

13.2-25 Limited Commercial. In a C-1 District, such uses shall only occupy an existing residential dwelling-type, which is converted to the commercial use.

13.2-26 Limited Commercial. In a C-1 District, new construction of an office use shall be limited to two (2) stories in height.

13.2-27 Solar Systems.

Roof Mounted. A building-mounted solar energy system shall be subject to the following:

1. In residential zoning districts, a solar energy system shall be placed on the front slope of a pitched roof of the principal structure. No part of a solar system, when roof mounted, shall extend above the principal ridgeline of the structure upon which it is affixed.

Ground Mounted: No ground mounted solar system shall be located in a front or side yard.

No ground solar system shall extend above a height of twelve feet.

Maximum Area Coverage: For ground mounted solar systems located in residential districts, the area of the solar system shall not be more than 25 percent of the footprint of the principal building to which it is accessory. For non-residential properties, the solar system shall not exceed 50 percent of the footprint of the principal building to which it is accessory.

Solar Energy Facility or Farm: Shall be considered for placement in an M-1 zoned district. Such uses shall be considered as a conditional use and subject to the provisions of the Conditional Use Approval guidelines.

Set-backs: A solar energy facility and its appurtenant components and structures shall be set back a minimum of fifty (50) feet from all property lines and at least one hundred (100) feet from any residence located within a residential district.

Screening: A screening system shall be presented and approved during the Conditional Use Review.

Glare and Lighting: In order to prevent a glare that may constitute a nuisance, solar system components shall be designed with anti-reflective coatings. If lighting is required, it shall be shielded so as to not spill onto adjacent property or roadways.

13.2.28 Hotel or motel as a conditional use within the limited commercial zoning district (C-1) is also subject to the following requirements:

- (a) In a C-1 district, new construction of a hotel or motel use shall be limited to two (2) stories in height.

- (b) Compliance with the same licensing, inspection and taxation requirements as all other hotels or motels.
- (c) A complete site plan shall be required to consider any rezoning and conditional use concerning a hotel or motel or to apply for a building permit as applicable.
- (d) The grant of a conditional use permit for a hotel or motel within the limited commercial zoning district (C-1) is only permitted if a conditional use permit is granted by the Mayor and Council after review under the Zoning Procedures and Standards Ordinance of the City of Blue Ridge, Georgia, including consideration of the zoning standards provided by Sections 8.0, 8.1, 8.2, and 8.3 of the zoning procedures and standards ordinance.
- (e) The maximum number of hotel or motel units (rooms) shall be ten (10) units (rooms) per acre, and also conditioned upon being served by public water and sewer. In the event that the site is not served by public water and sewer, no hotel or motel as a conditional use shall be allowed, unless the property can meet the minimum requirements of the Fannin County Health Department for the installation of individual sewage disposal systems or alternate systems complying with the rules of the Georgia Department of Natural Resources, Environmental Protection Division. In the event that the site is less than one acre in size, then the size shall be allowed to have a maximum number of units which shall be determined by a pro rata determination based upon the site's size as being a portion of an acre. For example, if the site is one-half acre, then the maximum number of units would be five units (5) (rooms). Lot sizes which result in fractional units shall be rounded down to the nearest whole unit.
- (f) The maximum rental stay by the same customer shall be twenty-one (21) consecutive days.
- (g) The facility shall meet the definition of a "hotel" or "motel" as provided by Article 2 of the zoning ordinance, except the facility does not have to meet the eighty (80%) percent of the rooms occupied by a different registered guest every five (5) days.
- (h) The facility shall have on premise parking with a minimum of one (1) off-street parking space for every rental room (unit) and a minimum of one (1) off-street parking space for every two (2) employees.

- (i) The facility shall meet at a minimum the screening and buffer requirements as provided by Article 14 of the zoning ordinance. The City Council, in considering the zoning standards and requirements of Sections 8.0, 8.1, 8.2, and 8.3 of the Zoning Procedures and Standards Ordinance of the City of Blue Ridge, Georgia, may impose greater buffering and screening requirements to mitigate any possible depreciating effects and damages to the neighboring properties.
- (j) In order for a subject property to be considered for a conditional use hotel or motel within the limited commercial zoning district (C-1), the adjoining lots of record as a minimum on two (2) sides of the subject property (which will also include those commercial zoned properties which would adjoin the subject property but for the width of a city street), must have commercial zoning designations. The railroad right of way of an intrastate or interstate carrier for the purposes of this requirement of adjoining property being commercially zoned shall not be considered commercially zoned property due to lacking sufficient area to be a buildable lot.
- (k) Due to the maximum density of the rental units (rooms) under a conditional use hotel or motel equaling the density of what is allowed within a high density residential zoning district (R-3), the units (rooms) shall not be converted to condominiums, townhouses, or such other multiple residence uses, without a reduction in the density of the units down to the maximum number of dwelling units allowed within any residential district which adjoins the subject property (which will also include those residential zoned properties which would adjoin the subject property but for the width of a city street). If more than one residential district adjoins the subject property, then the district which adjoins the subject property having the highest density shall set the maximum number of residence units for the subject property. If no residential district adjoins the subject property, then to allow the units to be used as a residence, there shall be a reduction in the number of units down to the maximum density allowed by the high density residential district (R-3) which shall not exceed ten (10) units per acre. All residential dwellings within the C-1 district shall meet the requirements of the appearance standards according to Section 3.13.
- (l) To the extent reasonably possible given the size and characteristics of the subject property for the hotel or motel, refuse (garbage containment) areas, parking, electrical generator or loading service areas or any combination thereof, on the subject property shall be located away from residential districts and/or screened, or both, to protect other properties in the vicinity from noise, light, glare or odors, or any combination thereof.
- (m) If one or more adjoining lots of record having a commercial zoning designation to the subject property are owned by the same owner of the subject property, and are proposed to be jointly developed as one hotel or motel, then the common plan for development cannot exceed the maximum density of ten

(10) units per acre, regardless of the zoning of the other adjoining lots. If the property owner proposes to develop the adjoining lots separately from the C-1 subject property, then the use of the adjoining lots cannot encroach upon the C-1 subject property as an accessory use or otherwise. If a separate hotel or motel is developed upon adjoining commercial zoned property, as well as a hotel or motel upon the subject C-1 property, then each separate facility shall have daily maid service, separate parking, a separate twenty-four (24) hour desk/counter clerk service and a separate telephone switchboard service to receive incoming/outgoing messages, and be operated as separate facilities.

- (n) To the extent reasonably possible, the facility shall be designed so that its architectural characteristics are consistent with those of the area and of adjacent properties.
- (o) The requirements of Section 13.2-28 shall be the minimum requirements for a hotel or motel in a limited commercial zoning district (C-1), and the City Council, in its legislative discretion, may impose further zoning conditions to mitigate any adverse impact of the hotel or motel to adjoining properties and the adjoining neighborhood and considering the standards provided by Sections 8.0, 8.1, 8.2 and 8.3 of the zoning procedures and standards ordinance.

ARTICLE 14 - SCREENING AND BUFFER REQUIREMENT

14.1 Purpose. A buffer is a portion of a lot set aside for open space or screening for the purpose of shielding or blocking noise, light, glare, view, or other nuisances; blocking physical passage to dangerous areas; or to reduce air pollution, dust, dirt and litter where such screening is necessary to achieve the desired level of buffering between various activities.

14.2 Location and Design.

14.2-1 Buffers shall be located on the outer perimeter of a lot or parcel along all lines adjoining dissimilar districts per Table 14.1, unless separated by an existing right-of-way. The buffer is normally calculated as parallel to the property line; however, design variations are allowed. Buffers shall not be located on any portions of existing, dedicated, or reserved public or private street right-of-ways.

Buffers shall not be used for parking. A buffer area may be used for vehicular access and utility easements (only if such uses are provided approximately perpendicular to the greater distance of the buffer area) and for drainage improvements required by the City.

14.2-2 Composition. All required screening shall consist of shrubs and/or trees but may be supplemented with walls or fences, as provided by Section 14.4.

14.2-3 Density. A screen with year-round opacity shall be designed to obscure activities on a given lot from view from the normal level of a first story window on an abutting lot.

14.2-4 Height. The screen shall be opaque from ground level to a height of at least six (6) feet. Plantings shall consist of evergreen shrubs and/or trees that will, in normal growth, obtain a height of six (6) feet within three years.

14.2-4 Natural Preservation. The natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary.

14.3 Determination of Screening and Buffer Requirements. When two adjoining properties are in different zoning districts, the property within the more intensive district is required to provide the buffer type as indicated in Table 14-1. When two adjoining vacant parcels are in different land use districts as indicated in Table 14-1, no buffer is required when the parcel in the less intensive district acquires a building permit.

Table 14-1 Buffer Types by Zoning District									
		ZONE DISTRICT							
		least intensive ... intensive							... most
		R-A	R-1	R-2	R-3	C-1	C-2	CBD	M-1
ZONE DISTRICT	R-A	None	None	I	I	II	II	I	III
	R-1	None	None	None	I	I	II	I	III
	R-2	I	None	None	None	I	II	I	III
	R-3	I	I	None	None	None	II	I	III
	C-1	II	I	I	None	None	None	None	III
	C-2	II	II	II	II	None	None	None	II
	CBD	I	I	I	I	None	None	None	II
	M-1	III	III	III	III	III	II	II	None

14.3-1 Type I Buffer Requirement. The required buffer shall have not less than a twelve (12) foot width and shall consist of plantings that meet the screening standards of Section 14.4.

14.3-2 Type II Buffer Requirement. The required buffer shall have not less than a fifteen (15) foot width and shall consist of plantings that meet the screening standards of Section 14.4.

14.3-3 Type III Buffer Requirement. The required buffer shall have not less than a thirty (30) foot width and shall consist of plantings, plus a fence, wall (not otherwise a part of a structure), or berm, or any combination thereof that meet the screening standards of Section 14.4.

14.4 Screening Standards. Screening is a method of visually shielding or obscuring one use from another by fence, walls, berms or densely planted vegetation.

14.4-1 Plantings. Plantings shall consist of either trees or shrubs or a combination of both. Such plantings shall be one of the following:

- a) Evergreen screening shrubs six (6) feet high, planted four (4) feet on-center.
- b) Tall evergreen trees stagger-planted with branches touching the ground.
- c) Combination of small shrubs planted thirty (30) inches on-center, and small trees planted thirty (30) feet on-center, and large trees planted forty (40) feet on-center.

14.4-2 Fences/Walls. Fences/walls, as a screen, shall be a minimum of six (6) feet in height and a maximum of eight (8) feet high constructed of wood or masonry materials. Chain link may be substituted as a material provided it affords a minimum of 90 percent opacity. Fences/walls shall be placed on the outer edge of the buffer nearest the least intensive land use.

14.4-3 Berms. Earthen berms shall have a minimum height of six (6) feet, unless otherwise specified. Landscaping upon the buffer is desirable.

14.5 Maintenance. The responsibility for maintenance of a required buffer shall remain with the owner of the property. Maintenance is required to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict. The owner, occupant, tenant and respective agent shall be jointly and severally responsible for installing live and healthy plants. Any required plant which has died or been removed due to disease following the plantings shall be replaced.

Maintenance shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Natural water courses within a buffer shall be maintained as free-flowing and free of debris, and shall not alter existing flood plains. Where trails are allowed within a buffer, they shall be maintained to provide for their safe use.

14.5-1 Failure to Maintain. Failure to maintain such required fences and plants, to an acceptable standard may be deemed a violation of this Ordinance. In the event that the owner fails to maintain the buffer area according to the standards of this Article, the City of Blue Ridge may, following thirty (30) day notice, demand that the maintenance deficiency be corrected and enter the buffer area to provide for maintenance. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the buffer, and the cost borne by the City shall be enforceable against the property as a judgement lien.

14.6 Permit Compliance. All buffer areas shall be designated on the appropriate permit application(s) and indicated as a permanent buffer area on the required buffer plan or final subdivision plat, as appropriate.

ARTICLE 15 - P.U.D. PLANNED UNIT DEVELOPMENT REGULATIONS

15.1 Purpose. The purpose of these regulations is to permit and encourage coordinated developments. The size and scope of such developments may range from the minimum of ten acres to a complete neighborhood. Residential and commercial uses are permitted with public and recreational uses necessary to serve the development. The emphasis of the regulation is on the compatibility of overall design rather than individual minimum specifications. Innovation and ingenuity in design are encouraged.

Planned unit developments (PUDs) shall be permitted in the R-A and R-2 zone districts and be designed, approved, developed, and used according to a site plan prepared according to the provisions required by this Article. The minimum site area for a PUD that encourages a mix of residential uses and limited other uses is ten (10.0 acres); a PUD that would propose to include commercial uses as part of the design requires a minimum of twenty (20.0) acres.

15.2 Procedures.

15.2-1 Application

a. The owner(s) shall submit a proposed site plan to the Building Inspector's Office which includes the following minimum items for consideration:

- 1) Owners' name, address, phone number, or electronic address;
- 2) North Arrow; general location map; graphic scale;
- 3) Topography, not more than five (5) foot intervals;
- 4) Designations sufficient to show the proposed building locations; front elevations for typical buildings are encouraged;
- 5) Points of ingress/egress with widths and radii designated;
- 6) Location of off-street parking, internal accesses, walkways;
- 7) Location of all drainage, utility, access, or other easements with specified width and purposes shown;
- 8) Statements regarding the utility services to be provided.

b. Complete drainage plans, subdivision regulations compliance, and soil and erosion and sedimentation plan compliance, if applicable, will be necessary if site plan approval is granted and the project continues.

15.2-2 Review and Approval. The Plan of the proposed planned unit development with the required supplementary information shall be referred to the Blue Ridge Municipal Planning Commission hereinafter referred to as the Municipal Planning Commission. Additional requirements may be recommended by the Municipal Planning Commission for the protection of adjoining property or for the benefit and enhancement of the development. The Municipal Planning Commission shall report its recommendations for approval or disapproval with reasons and any additional requirements to the City Council for action. If no report is submitted by the Municipal Planning Commission within 30 days of referral, the City Council may take action without such a report.

15.2-3 Delay in Construction. In the event that construction is not begun within two years from the date of approval by the Council, or is begun but is halted for a period of more than one year, said approval shall be void. Re-approval must follow the procedure set forth in Section 15.1 and 15.2 of this Article.

15.2-4 Amendment to the Plan. The plan may be amended in accordance with the procedures set forth in Sections 15.1 and 15.2 of this Article.

15.3 Permitted Uses for all PUDs.

- a.** Single-family dwelling
- b.** Multiple-family dwelling
- c.** Church or other place of religious worship
- d.** School-public, private or parochial offering a curriculum similar to that of a public school.
- e.** Recreation area such as golf course, park, playground, tennis court, swimming area, country club and similar uses
- f.** Community/Meeting hall.
- g.** Day care facilities (Family only).
- h.** Uses customarily accessory to the above.
- i.** The following commercial uses are allowed if the size of the PUD contains twenty (20) acres or more:
 - 1) offices;
 - 2) automatic teller machines;
 - 3) car washes;
 - 4) convenience stores with gasoline, but not motor vehicle service stations.
 - 5) video/music stores; game rooms/arcades, not to include taverns and lounges.
 - 6) art/photography/antique/dance studios.
 - 7) quick print/delivery-drop shoppes.
 - 8) retail stores such as food, drugs, books, flowers, hardware (not including outside storage/display of goods), and toys.
 - 9) service establishment like dry cleaning drop-off, barber/beauty shoppes, coin-operated laundry, and similar uses.
 - 10) Assisted living facility; (family, group, and congregate).
 - 11) Day Care (Group and Facility)

15.4 Area, Yard and Height Regulations:

- a.** A PUD shall have a minimum frontage of one-hundred (100) feet on a public street.
- b.** No building shall be located closer than 25 feet to any tract boundary, 25 feet to any existing public right-of-way or 25 feet to any proposed street within the development.
- c.** The maximum building height shall be 5 stories or 60 feet.

- d.** Arrangement of Structures - No dwelling structure shall be situated so as to face the rear of another dwelling structure or non-dwelling structure within the development or on adjoining properties, unless differences in terrain and elevations are more than 60 feet apart.
- e.** Distance Between Dwelling Structures - Dwelling structures which are front face to front face or back face to back face or front face to back face shall not be less than 60 feet apart. Dwelling structures which are side face to side face shall not be less than 20 feet apart. Dwelling structures which are side face to front face or back face shall not be less than 40 feet apart.
- f.** Maximum density permitted shall be 10 dwelling units per gross acre of the tract.
- g.** The maximum area devoted to commercial uses and related parking and accessory uses shall be 10 percent of the total area.
- h.** The minimum area devoted to public use open space shall be 20 percent of the total area. Schools, churches, and recreation areas may be considered as part of the public use open space.
- i.** Proposed public school sites shall be subject to the approval of the Fannin County Board of Education.
- j.** Buffer Area: a permanent buffer, twenty (20) feet wide, shall be established around the perimeter of such development, even when abutting a public street, using a combination of evergreen shrubs/trees, berms, and fences/walls as approved on the site plan. Except for fences or walls along the property line, no structures of any type shall be permitted within the buffer area.

ARTICLE 16 - ENVIRONMENTAL CONSERVATION DISTRICTS

16.1 Purpose. The intent of this article is to establish minimum development standards and criteria that will afford reasonable protection of environmentally sensitive natural resources found throughout the City of Blue Ridge. Based on the findings of the Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, Mineral Bluff, and Morganton, it has been determined that the wise management of these resources as defined in this Article is essential to maintaining the health, safety, general welfare and economic well being of the public.

16.2 Establishment of Environmental Conservation Districts. The City of Blue Ridge's Environmental Conservation Districts shall include the following districts:

Wetlands Protection District
Toccoa River Corridor Protection District
Water Supply Watershed Protection District

The boundaries of these Environmental Conservation Districts are shown on a set of maps designated as "Overlay District" and are included as part of the City's Official Zoning District Map, which is on file with the City of Blue Ridge, City Clerk for public use.

16.3 Wetlands Protection District.

16.3-1 Findings of Fact. The wetlands within the City of Blue Ridge are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; open space; and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia.

16.3-2 Purpose. The purpose of this district is to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, flood plain and erosion control, ground water recharge, aesthetic natural areas and wildlife habitat areas.

16.3-3 Definitions. In addition to the definitions provided in Article 2 of this Ordinance, the following definitions shall apply to this Article:

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Generalized Wetlands Map. The current U.S. Fish and Wildlife Service National Wetlands Inventory maps for the City of Blue Ridge, Georgia.

Jurisdictional Wetland. An area that meets the definitional requirements for wetlands as determined by the Corp of Engineers.

Jurisdictional Wetland Determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corp of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. 1344, as amended.

Regulated Activity. Any activity which will, or which may reasonable be expected to result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

16.3-4 District Delineation. The Wetlands Protection District is hereby established which shall correspond to all lands within the City of Blue Ridge that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetland Inventory Maps. This Map shall be referred to as the Generalized Wetland Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands with the City of Blue Ridge and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

16.3-5 Wetland Development Permit Requirements. No activity or use except those identified in Section 16.3-6 shall be allowed within the Wetland Protection District without written permission from the Zoning Administrator in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this ordinance and other applicable regulations. If the area proposed for development is located within 50 feet of the Wetland Protection District Boundary, as determined by the Zoning Administrator using the Generalized Wetlands Map, a U.S. Army Corp of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission. Furthermore, the local development permit will only be granted if the proposed use is in compliance with underlying Zoning District requirements and other provisions of this Ordinance.

16.3-6 Permitted Uses. The following uses are permitted by right within the Wetland Protection District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

- a. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission. (Section 404 does not require permits for normal, on-going silvicultural activities. However, Section 404 does list some required road construction best management practices that must be followed in order to qualify for such an exemption.)
- b. Conservation or preservation of soil, water, vegetation, fish, or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 Permit.
- c. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- d. Natural water quality treatment or purification.
- e. Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- f. Education, scientific research, and nature trails.

16.3-7 Prohibited Uses. The following uses are prohibited in a Wetland Protection District:

- a. Handling and storage areas for the receiving and storage of hazardous materials.
- b. Hazardous waste, hazardous materials, and solid waste disposal facilities.

16.4 Toccoa River Corridor Protection District.

16.4-1 Findings of Fact. River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable for habitat for wildlife, a site for recreation, and a source for clean drinking water. These river corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters.

16.4-2 Purpose. The Toccoa River has been designated as a protected river by the State of Georgia. The purpose of the major river protection district is to establish measures to preserve an adequate supply of safe drinking water which is necessary to protect the health and welfare of the public as well as to provide for the state's future growth.

16.4-3 Definitions. In addition to the definitions provided in Article 2 of this Ordinance, the following definitions shall also apply to this Article:

Natural Vegetative Buffer or Buffer Area. A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia". Habitats for endangered

and threatened species may require human management of the river corridor to maintain those species.

Perennial River/Stream. A river/stream or section of a river/stream that flows continuously throughout the whole year.

Protected River. Any perennial river or watercourse with an average flow of at least 400-cubic feet per second as determined by the appropriate U.S. Geological Survey documents.

Public Utility. A service or services provided by a public utility company or private entity which provides such service or services and all equipment and structures necessary to provide such services.

River Bank. The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

River Corridor. All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within one-hundred (100) feet horizontally on both sides of the river measured from the river banks.

The 100-foot buffer shall be measured horizontally from the uppermost part of the river banks, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated the same as the river corridor and shall be included within the Toccoa River Corridor Protection District.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For purposes of this ordinance, the river corridor shall be fixed at its position at the beginning of each review period for the Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, Mineral Bluff, and Morganton. Any shift in the location of the protected river after the review period will be shown by revision of the boundaries of the river corridor at the time of the next Comprehensive Plan review by the Georgia Department of Community Affairs.

Sensitive Natural Area. Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

- a. habitat, including nesting sites, occupied by rare or endangered species;
- b. rare or exemplary natural communities;
- c. significant landforms, hydroforms, or geological features; or
- d. other areas so designated by the Georgia Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

16.4-4 District Delineation. The Toccoa River Corridor Protection District is hereby established, which shall comprise all land, inclusive of islands, in the areas of the Toccoa River within Fannin County and being within 100-feet horizontally on both sides of the river as measured from the river banks. Also included is the area between the top of the bank and the edge of the river although this strip of land is not included as part of the 100-foot buffer requirement contained in the minimum standards. This district shall be further defined and delineated on the Toccoa River Corridor Protection District Overlay Map, which is hereby incorporated into and made a part of this ordinance by reference.

16.4-5 Protection Criteria. A natural vegetative buffer shall be maintained at all times in the river corridor, except as provided in 16.4-6. The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity.

The standards and requirements in this ordinance do not supersede those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection, and the Erosion and Sedimentation Act.

16.4-6 Permitted Uses. No construction, septic tanks and septic tank drainfields, or other land disturbing activity will be allowed to occur within the Toccoa River Corridor Protection District except as expressly provided for the following uses.

a. Single family dwellings, including the usual appurtenances, are permitted in the buffer area only and in compliance with other zoning regulations, subject to the following conditions:

- each dwelling is located on at least two acres (for purposes of this ordinance, the size of the tract of land shall not include any area that lies within the protected river);

- there shall be only one dwelling on each two-acre or larger tract of land; and,

- although septic tanks for dwellings can be located in the buffer area, septic tank drainfields must be located outside of the buffer area.

b. Industrial or commercial uses existing prior to the adoption of this ordinance, providing they do not impair the drinking quality of water and meet all other state and federal environmental rules and regulations.

c. Road and utility crossings, providing the construction of these crossings meet the requirements of the Erosion and Sedimentation Act of 1975, and all applicable local ordinances on soil erosion and sedimentation control.

d. The following uses are permitted in the river corridor, provided that such uses do not impair the long-term functions of the protected river or the river corridor.

- 1.** Timber production and harvesting, providing it is consistent with the Best Management Practices established by the Georgia Forestry

Commission, and does not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.

2. Agricultural production, provided it is consistent with the best management practices established by the Georgia Soil and Water Conservation Commission, all other state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture; and does not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.

3. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.

4. Natural water quality treatment or purification.

5. Wastewater treatment.

6. Recreational usage consistent with the maintenance of a natural vegetative buffer or with river-dependent recreation. (For example, a boat ramp would be consistent with this criterion, but a hard surface tennis court would not. Parking lots are not consistent with this criterion, but paths and walkways would be.)

7. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

16.4-7 Exemptions. The following uses are exempted from the Toccoa River Protection Plan.

a. Land uses existing prior to the adoption of the Toccoa River Corridor Protection District regulations. For purposes of this ordinance, a pre-existing use is defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance, falls within one of the following categories: (See Section 16.4-6 b. for additional regulations governing pre-existing industrial and commercial uses.)

1. is completed;
2. is under construction;
3. is fully approved by the governing authority;
4. all materials have been submitted for approval by the governing authority; or
5. is zoned for such use and expenditures in excess of \$2,500 have been made in preparation for construction in accordance with such zoning.

b. Mining activities, if permitted by the Department of Natural Resource pursuant to the Georgia Surface Mining Act of 1968, as amended.

- c. Utilities, (except a discussed above in Section 16.4-6 c.), if such utilities cannot be feasibly located outside the Toccoa River Protection District (feasibility shall be decided conservatively by the governing authority), provided that;
 - 1. The utilities shall be located as far from the river bank as reasonably possible.
 - 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible.
 - 3. The utilities shall not impair the drinking quality of the river water.

16.4-8 Prohibited Uses. The following uses are prohibited within the river corridor.

- a. Facilities or areas used for the handling, receiving, or storing of hazardous wastes.
- b. Hazardous waste or solid waste landfills.

16.5 Water Supply Watershed Protection District.

16.5-1 Findings of Fact. In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the City of Blue Ridge and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

16.5-2 Purpose. The purpose of the water supply watershed protection district regulations is to establish measures to protect the quality and quantity of the present and future water supply for the City of Blue Ridge that will minimize the transport of pollutants and sediment to the water supply, and maintain the yield of the water supply watersheds.

16.5-3 Definitions. In addition to the definitions provided in Article 2 of this Ordinance, the following definitions shall also apply to Section 16.5:

Buffer, Natural. A natural or enhanced vegetated area with no or limited minor land disturbances, such as trail and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.

Corridor. All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in Section 16.5-4.

Large Water Supply Watershed. A watershed that contains 100 square miles or more of land within the drainage basin upstream of a governmentally-owned public drinking water supply intake.

Perennial River/Stream. A river/stream or section of a river/stream that flows continuously throughout the whole year as indicated on a U. S. Geographic Survey Quadrangle map.

Reservoir Boundary. The edge of a water supply reservoir defined by its normal pool level.

Small Water Supply Watershed. A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally-owned public drinking water supply intake.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, railroads or other utilities identified by the Blue Ridge Mayor and Council.

Water Supply Reservoir. A government-owned impoundment of water for the primary purpose of providing water to one or more governmentally-owned public drinking water systems. This excludes multipurpose reservoirs owned by the U.S. Army Corp of Engineers or the Tennessee Valley Authority.

Water Supply Watershed. An area of land upstream of a governmentally-owned public drinking water intake.

16.5-4 District Delineation. The Toccoa River Water Supply Watershed and the Ellijay River Water Supply Watershed districts are hereby designated, and shall comprise the land areas that drain to the public water supply intake permitted to the City of Blue Ridge and the Ellijay/Gilmer County Water and Sewer Authority, respectively. The boundary of these districts are defined by the ridge lines of the respective watershed and the boundary of a radius seven (7) miles upstream of the respective public water supply intakes or reservoirs.

The following water supply watershed districts and reservoirs are hereby defined and the boundaries shall be identified on the Water Supply Watershed Protection District Map of the City of Blue Ridge, which is hereby incorporated and made a part of this ordinance by reference.

- A. The Toccoa River Water Supply Watershed is a large water supply watershed district. An intake for the City of Blue Ridge is located on this river. The watershed contains a multi-use reservoir operated by the Tennessee Valley Authority, but does not contain a reservoir as defined by this ordinance.

- B.** The Ellijay River Water Supply Watershed is a small water supply watershed district. An intake for the Ellijay/Gilmer County Water and Sewer Authority is located on this river. The watershed does not contain a reservoir as defined by this ordinance.

16.5-5 Protection Criteria. All uses allowed in the underlying zoning districts as established by this Ordinance except for those listed in 16.5-6 below are permitted in the Water Supply Watershed Protection District, subject to the following standards:

- A. Large Water Supply Watershed.** The following regulations shall apply to the Toccoa River Water Supply Watershed identified without a reservoir on the adopted map.

New facilities, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

- B. Small Water Supply Watershed.** The following regulations shall apply to the Ellijay River Water Supply Watershed identified without a reservoir on the adopted map.

1. The corridors of all perennial streams within a seven mile radius upstream of a governmentally-owned public drinking water supply intake must be protected by the following criteria:

- a. A natural buffer shall be maintained for a distance of 100-feet on both sides of the stream as measured from the stream banks.
- b. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream bank.
- c. Septic tanks and septic tank drainfields are prohibited in the 150-foot setback area as described in 1.b. above.

2. The corridors of all perennial streams outside a seven mile radius upstream of a governmentally-owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:

- a. A natural buffer shall be maintained for a distance of 50-feet on both sides of the stream as measured from the stream banks.
- b. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks.
- c. Septic tanks and septic tank drainfields are prohibited in the 75-foot setback area as described in 2.b. above.

3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to 25 percent, or existing use, whichever is greater.

4. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

16.5-6 Exemptions. The following uses are exempt from the protection criteria of the Ellijay River Water Supply Watershed District (Small), if they meet the stipulated conditions:

A. Land uses existing prior to the adoption of the Water Supply Watershed Protection District regulations. For purposes of this ordinance, a pre-existing use is defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance, falls within one of the following categories:

1. is completed;
2. is under construction;
3. is fully approved by the governing authority;
4. all materials have been submitted for approval by the governing authority; or
5. is zoned for such use and expenditures in excess of \$2,500 have been made in preparation for construction in accordance with such zoning.

B. Mining activities, if permitted by the Department of Natural Resource pursuant to the Georgia Surface Mining Act of 1968, as amended.

C. Utilities are exempt from the stream corridor buffer and setback area provisions if such utilities cannot be feasibly located outside these areas, in accordance with the following conditions (feasibility shall be decided conservatively by the governing authority):

1. The utilities shall be located as far from the stream bank as reasonably possible.
2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible.
3. The utilities shall not impair the drinking quality of the river water.

D. Specific forestry and agricultural activities in the stream corridor and setback areas in accordance with the following conditions:

1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Department of Agriculture and shall not impair the quality of the drinking water stream.

16.6 Administration Procedures. The following requirements are in addition to the requirements of Section 21.3 of this ordinance.

16.6-1 Review Procedures. See Section 21.3.

16.6-2 Site Plans. Applications for a local development permit within the Environmental Conservation Districts identified in this Article shall include a site plan, drawn at a scale not smaller than one (1) inch equals one-hundred (100) feet and shall show the following information:

- a. The complete boundary of the affected environmental conservation district shall be shown and designated on the site plan;
- b. Location, dimensions, and area of all impervious surfaces, both existing and proposed;
- c. The location and distances from the boundaries of the proposed site to the nearest bank of an affected perennial stream, water body, or wetland, as applicable;
- d. Locations and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials, if applicable;
- e. All proposed temporary disruptions or diversions of local hydrology;
- f. If applicable, all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations with both horizontal and vertical scale must be shown on the cross-sectional drawings.
- g. Elevations shall be shown using contour intervals no greater than two feet. Sites with slopes less than two (2) percent shall provide contour intervals no greater than one (1) foot.

16.6-3 Activities to Comply with Site Plan.

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface with the developments, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of material or the overall appearance of the development as proposed, can be amended only with the approval of the Zoning Administrator.

16.6-4 Exemptions to Site Plan Requirements.

- a. Repairs to a facility that is part of a previously approved and permitted development are exempt from site plan requirements. (Repair does not include enlargement.)

ARTICLE 17 – SIGNS AND OUTDOOR ADVERTISING

17.1 Purpose. The purpose of this Article is to regulate and permit signs that will not, by their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, or morals; and to permit and regulate signs in such a way as to support and complement aesthetic and visual objectives in the Community.

17.2 Location. The location of signs shall conform with State law. (See O.C.G.A. §§ 32-1-21; 32-50-51; 21-1-1, et al.) In general, except for governmental signs as allowed by State law, all signs shall be located on private property.

17.3 General Provisions.

17.3-1 Corner Visibility Clearance. In any district no sign or sign structure above a height of four (4) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines of two (2) streets, or of a street with a railroad right-of-way which setback shall be measured along an arc with a fifteen (15) foot radius. However, a singular, sign structure or supporting structure not more than ten (10) inches in diameter, or ten (10) inches by ten (10) inches square, 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 this Article are met and the lower elevation of the sign display surface is at least ten (10) feet above ground level. The provisions of this paragraph shall control over all other setbacks when right of way intersections are involved.

17.3-2 Measuring Signs.

- a. **Display Surface.** See the definition for Sign Display Surface in Article 2 of this ordinance. The display area is measured in terms of square feet.
- b. **Height of Signs.** The maximum height of a sign is measured from the base of the sign structure, at grade with the ground, to the highest point of the support structure or display surface, whichever is higher. If the base of the sign structure is below the grade of the nearest adjacent street surface, then height is measured from the grade of the nearest adjacent street surface to the highest point of the support structure or display surface, whichever is higher. If the sign is attached to a building then the height of the sign can be no greater than the maximum building height of the district in which the building is located, unless otherwise stated.
- c. **Setback.** For the purposes of sign regulation under this Article, the setback requirements reference the minimum distance from a street right-of-way line required for the placement of a sign structure. For side or rear line setbacks in all zone districts, sign structures shall comply with a minimum setback of five (5) feet from the property line, but in no case shall the sign display surface extend across any property line.

17.3-3 Lighting Restrictions.

- a. Lighted, neon, strobe lights or other luminous signs giving off light resulting in glare, blinding, or any other adverse effect on traffic shall not be permitted.
- b. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. External lights must be mounted and be shielded, if necessary, to prevent light from shining anywhere but the sign face. Illumination in excess of 3.01 times at a distance of ten (10) feet over the property line of the sign premises is adverse.
- c. No internally illuminated ground or pole signs shall be erected within fifty (50) feet of any dwelling within a residential district.
- d. No sign shall be erected if it contains, or is illuminated by any flashing, intermittent, or moving light or lights, except an electronic message board sign.
- e. No sign shall be erected which simulates an official traffic control, first responder emergency lighting or warning sign so as to confuse or mislead the traffic or hide from view any traffic or street sign or signal.

17.3-4 Other Guidelines.

- a. No sign shall be erected, attached, or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevents free passage from one part of a roof to any other part thereof.
- b. No sign shall be erected, attached, painted, or drawn on any tree, rock, fence, or other natural feature, retaining wall, or utility post along the public right-of-way.
- c. Enter-Exit Type Sign, i.e. on-premise directional signs. For public safety and convenience purposes in all zone districts, enter-exit type signs or directional signs with a display area of less than two (2) square feet in size are allowed and are not counted towards the maximum number of allowed signs per lot or establishment. Such signs shall have a setback requirement of three (3) feet from the R/W if less than four (4) feet high, otherwise the setback is ten (10) feet.

17.4 Sign Types and Standards. The following sign standards apply to all districts except as specified elsewhere in this Article.

17.4-1 Pole Signs. Pole signs shall not extend over a public right-of-way. All signs with the display area abutting the right-of-way line shall have the display area ten (10) feet or more above ground level measured from the grade at the right-of-way line. Signs with any portion of the display area less than ten (10) feet above ground level must be erected ten (10) feet from the right-of-way line.

- a. Sign Locations on property with direct frontage a minimum of one-hundred linear (100) feet parallel with the Right of Way on the Appalachian Development Highway (Georgia Route 515). The maximum sign display shall be one hundred forty (140) square feet, and the maximum height shall be fifty (50) feet. Any sign more than twenty-five (25) feet in height shall be erected twenty (20) feet from the right-of-way line.
- b. Other Locations. The maximum sign display area shall be fifty (50) square feet, and the maximum height shall be no greater than the maximum building height allowed in the zone district where the sign is located. If the site is occupied by a building having 50,000 square feet of floor area or larger, then the maximum height shall be thirty-five (35) feet.

17.4-2 Ground Signs. Ground signs less than four (4) feet high shall be setback at least three (3) feet from the right-of-way line. The maximum area of a ground sign shall be forty (40) square feet. If the subject property has frontage (a minimum of 100 linear feet parallel with the Right of Way) Georgia 515, the maximum area of a ground sign shall be sixty (60) square feet and on these frontage properties, the minimum setback shall be ten (10) feet from the right-of-way line.

17.4-3 Wall Signs and Flush Mounted Canopy Signs. Wall signs and flush mounted canopy signs (including signs attached flat against the wall or canopy and painted signs) shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. If such signs project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet above ground level. Wall signs may not extend higher than the building upon which they are mounted.

- a. **Individual Business.** The total number of wall signs or canopy signs on all facades of a building is counted as one (1) sign, and the total sign display surface of each wall shall not exceed ten (10) percent of the wall area. For uses in the Limited Commercial (C-1) zone district under the Zoning Ordinance and for office uses approved in the High Density Residential (R-3) zone district under the Zoning Ordinance through the conditional use process, the use is limited to one (1) wall sign not to exceed sixteen (16) square feet.
- b. **Multi-Businesses/Shopping Center.** The maximum display surface of wall signs or canopy signs for each business shall not exceed ten (10) percent of the front facade of each individual business.

17.4-4 Projecting Signs.

- a. Projecting signs are allowed in commercial (except C-1) and manufacturing districts.
- b. Projecting signs are allowed in the Central Business District (CBD) and are allowed to extend over a pedestrian way, but not over a roadway, provided a clear height of eight (8) feet above grade is maintained.

- c. One projecting sign per facade of a building is allowed.
- d. The maximum display area, including framework, shall not exceed six (6) square feet.
- e. The horizontal dimension of projecting sign shall not exceed three (3) with the innermost edge of the sign located not more than one (1) from the building facade.
- f. The placement of any projecting sign shall comply with all codes, i.e. electrical system clearance requirements.
- g. The upper most section of projecting signs shall not exceed twelve (12) above grade and in no case shall exceed the height of the building to which it is attached.

17.4-5 Hanging Canopy Signs. All hanging canopy signs shall not exceed six (6) square feet in size and the lowest extremity of the sign shall not be less than eight (8) feet above the grade of walkways or right-of-ways beneath the cover of said canopy.

17.4-6 Roof Signs.

- a. Roof signs shall not project beyond the face of the exterior wall of the building on which they are located.
- b. The highest point of a roof sign shall not exceed the ridge line of the roof.
- c. Roof signs shall not be erected on building or structures with a flat roof.
- d. The maximum size of a roof sign shall not exceed fifty (50) square feet.

17.4-7 Window Signs. Each ground level business having glass directly oriented to a street shall count all of the glass area towards one (1) allowable sign, but no single window shall be covered more than twenty-five (25) percent. Window signs on or above the second floor are prohibited except when a business has no ground floor frontage, in which case, no window shall be covered more than twenty-five (25) percent.

17.4-8 Banners. The maximum size of a banner (when allowed) shall not exceed thirty-two (32) square feet.

17.4-9 Billboards.

- a. Such signs shall not be erected within 100 feet of any residence, church, school, or similar institution, nor within 1,000 feet of another billboard (i.e. only one such sign per location), measuring on the same side of the public right-of-way to which such signage is directed. The maximum height of such signs shall be equal to the maximum building height allowed in the zone district where the sign is located.

- b. Such sign, if used, shall count as one of the permanent allowed signs for the establishment or vacant lot upon which erected and shall meet the setbacks required for any building in the zone district where the sign is to be located.
- c. Such sign shall only be erected on properties which abut a State or Federal Highway that are zoned either General Commercial (C-2) zone district or Manufacturing (M-1) zone district under the Zoning Ordinance.
- d. Such sign, designed as a double-face sign, is counted as one sign, but stacked or v-shaped are counted as two (2) signs and not allowed.
- e. If a billboard is initially erected on a vacant/undeveloped lot, which then develops with a commercial or industrial use, the billboard is then counted as one of the allowed signs for that establishment.
- f. A currently existing billboard may be relocated as to another placement upon the same property that the billboard was originally constructed upon, and under the following conditions:
 - 1. That the billboard is merely to be placed upon another location on the tract or parcel of land as to which it was permitted and originally constructed;
 - 2. All other requirements of Section 17.4-8 as to billboards must be met;
 - 3. That the granting of the relocation is necessary for the preservation and enjoyment of the property owner's property rights in the billboard, and is not merely to serve as a convenience to the property owner;
 - 4. That the authorizing of the relocation of the billboard will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas, or impair in any other respect the health, safety, comfort, morals, or general welfare of the inhabitants of the City, and must be for some objective reason other than the mere convenience of the property owner; and
 - 5. That the relocation of the billboard must be specifically approved by majority vote of the City Council in a public meeting, and after receiving a recommendation of the Planning Commission.

Prohibition of Future Billboards or Billboard Signs. Erection of additional or new billboards or billboard signs after August 9, 2016 is prohibited within the City's corporate municipal boundaries. Relocation of a currently existing billboard, as provided hereinabove, shall not be deemed to be the erection of a new billboard or the erection of a billboard sign.

17.5 Use of Signs Permitted by Districts.

17.5-1 Agriculture/Residential Districts. All lots in the Residential Agricultural (R-A) zone district, Low Density Residential (R-1) zone district, Medium Density Residential (R-2) zone district and High Density Residential (R-3) zone district shall be allowed no more than one permanent sign which can be either a ground sign or wall sign. The display surface of such sign shall not exceed six (6) square feet. (For public safety and convenience purposes, each entrance/exit driveway for: 1) an approved Planned Unit Development (PUD) in Residential Agricultural (R-A) and Medium Density Residential (R-2) zone districts; 2) a subdivision development; or 3) a residential development under construction is allowed one (1) ground sign as described in Section 17.4-2.)

On vacant and undeveloped lots in the above residential districts, permanent signs are not allowed. Such vacant and undeveloped lots are allowed temporary signs, which are regulated under temporary sign requirements as described in Section 17.7-2(b).

17.5-2 Commercial/Industrial Districts. The maximum number of signs for an establishment and the sign types permitted in C-1, C-2, CBD, and M-1 zone districts are shown in Table 17.1, unless otherwise specified. All such signs shall meet the standards according to Section 17.4.

17.5-3 In the CBD, those conventional lots, having front, side, or rear yards meeting setback requirements of this Zoning Ordinance compared to a lot that contains a building occupying 100 percent of the lot, may use one (1) ground sign or one (1) pole sign, as provided herein. Otherwise, ground signs or pole signs are prohibited in the CBD.

- a. Only those properties zoned CBD with the main building located a minimum of 25' from any street right-of-way shall be allowed to have a pole sign. The maximum allowable area for a pole sign located in the CBD is fifty (50) square feet, including the supporting framework. Dimensions shall not exceed sixty (60) inches in width and ten (10) feet in height. Pole signs shall be limited to a single support pole not to exceed eight (8) inches in diameter or a single eight (8) inch by eight (8) inch support structure.
- b. Pole signs located within the CBD shall have a maximum height of twenty (20) feet and shall not extend over a public right-of-way. If the bottom edge of the sign area or framework is less than ten (10) feet above grade, the edge of the signage area closest to the right-of-way shall be located a minimum of ten (10) feet from the street right-of-way. The placement of any pole sign shall comply with all pertinent codes, i.e. proximity to an electrical power source regulation.

17.5-4 On vacant and undeveloped lots in the above commercial and industrial districts, permanent signs are not allowed. Such vacant and undeveloped lots are allowed temporary signs, which are regulated under temporary sign requirements as described in Section 17.7-2 (b).

17.5-5 Residential uses in these commercial or industrial districts shall comply with the signage requirements of Section 17.5-1.

**Table 17.1
Sign Types and Maximum Number of Signs**

SIGN TYPES/ MAX. NUMBER	INDIVIDUAL ESTABLISHMENT	SHOPPING CENTER		BUSINESS/ INDUSTRIAL PARK	
		1 total per road frontage	3 total per business within the shopping center	1 total per Park road entrance	2 total per industry/ business within the Park
	3 total per establishment When allowed, one pole or ground sign per road frontage only.				
Pole Sign	X* (Not in C-1)	X*			
Ground Sign	X**	X		X	X
Roof Sign	X (Not in C-1)				X
Wall Sign	X		X		X
Flush Canopy Sign	X		X		X
Hanging Canopy Sign	X		X		
Window Sign	X		X		X
Billboard***	X	X			X

X - Permitted by Right

* - An Electronic Message Board, which creates changeable copy using multiple light bulbs in sequence is permitted in the C-2 zone district only and is limited to 1 per individual business or as the primary signage for a shopping center.

** - See Section 17.5-2 regarding the CBD.

*** - allowed only in C-2 and M-1 zones; See Section 17.4-9.

17.6 Prohibited Signs. Any signs that will pose public safety problems are prohibited. The following types of signs and displays, as they are defined herein, are unlawful to erect or maintain in all zoning districts:

17.6-1 Dangerous or Defective Signs. No persons shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or

defective condition including temporary signs. Any such sign shall be removed or repaired by the owner or the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the building official shall proceed as described in Section 17.9.

17.6-2 Animated Signs; except as permitted in temporary events, Section 17.7-2(b).

17.6-3 Portable Signs.

17.6-4 Pendants and Streamers; except as permitted in temporary events, Section 17.7-2(b).

17.6-5 Banners; except as permitted in temporary events, Section 17.7-2 (b).

17.6-6 Billboards; except as permitted herein.

17.6-7 Flags. Flags are allowed as follows:

- a. One building mounted flag on a pole and not exceeding twenty (20) square feet in area, may be displayed on any building in any district without permit.
- b. One free standing pole mounted flag per parcel, not exceeding fifty (50) square feet in area may be displayed in any commercial, residential, or industrial district provided the lot meets conventional setback requirements for front, side or rear yards as set forth in the Zoning Ordinance and the pole is set back from the building and sign structure setback line at least ten (10) feet. The pole must be permitted as to construction standards as other poles in accordance with this Article. The maximum height of any flag pole shall not exceed the building height of the zoning district in which the flag pole is erected.

17.7 Administration.

17.7-1 Construction and Maintenance.

- a. 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 be periodically given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.
- b. The provisions and regulations of this ordinance shall not apply to the ordinary servicing, repainting, cleaning, or changing of the message without a change in structure.

17.7-2 Sign Permit.

- a. General Requirements.

- 1) A sign permit is required before a sign may be erected or attached to, suspended from or supported on a building or structure; and before an existing sign may be enlarged, relocated or materially improved upon to an extent of sixty (60) percent of its total replacement value. All signs require a permit, except temporary signs as provided in Section 17.7-2(b) and building mount flags.
 - 2) After review, a sign permit shall be issued by the Building Inspector, or other designated City agent, when the plans, specifications and intended use of the applied sign or part thereof conforms to the applicable provisions of this ordinance and the Building Code as certified by the Building Inspector or other designated City agent. The application shall be accompanied by plans which identify the locations of signs, including proof the sign location meets all applicable setbacks, materials to be used, area of sign faces and other construction conformity and such other applicable information that the Building Inspector, or other designated City agent, may require in the exercise of reasonable discretion in acting upon the application.
 - 3) Each application shall contain an agreement to indemnify and hold the City of Blue Ridge harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure.
 - 4) 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 (6) months after the date of Issuance.
- b. Temporary Signs. For public safety purposes, to prevent litter and blight, and to avoid depreciating effects on private property, the City of Blue Ridge recognizes the need for the occasional use of signage for temporary purposes, whereby the signage is not permanent, but has a limited life related to the timing of a special event, cause, or purpose. This temporary signage is authorized without a permit with the expectation that the purposes of this signage will be accomplished in a specific time period, then timely removed from the City of Blue Ridge, thus enhancing the purposes stated above.

In all cases in all zone districts, such temporary signage shall be placed only on private property with the permission of the property owner. The maximum size of temporary freestanding signage shall be thirty-two (32) square feet; the setback shall be ten (10) feet from the right-of-way; and the maximum height shall be ten (10) feet. Temporary signs may also include animated signs, pendants and streamers and balloons.

- 1) Special Event Signs. Temporary special event signs are allowed to be erected in the City of Blue Ridge whereby the public will be informed about an upcoming event or directed to the location of a temporary event.

Temporary signs for special events may be posted up to ninety (90) days prior to the special event. Removal of the signage is expected within seven (7) days after the event. Such special event signs, for the same event, are only allowed one (1) time per calendar year.

- 2) Political Signs shall be restricted to thirty-two (32) square feet in area and shall be located on private property only and with the permission of property owner.

17.7-3 Permit Fee.

- a. No permit shall be issued until an application accompanied with a sign plan is approved by the Building Inspector or other designated City agent and fees have been paid as established by the City of Blue Ridge.
- b. A permit fee as set from time to time by resolution of the City Council shall be paid to the City of Blue Ridge for each permit required by this ordinance.

17.8 Non-Conforming Signs. All signs shall be subject to the provisions below governing non-conforming structures/uses. Such provisions, however, shall not be construed to prevent a legally operating non-conforming user from using signs otherwise permitted for similar conforming uses.

The lawful use of land area or sign structure existing at the time of enactment of or subsequent amendment to this ordinance may be continued subject to the following restrictions, even though such use does not conform with the provisions of this ordinance. Existing non-conforming sign structure shall not be:

1. Changed to another non-conforming sign;
2. Torn down and rebuilt as a non-conforming sign;
3. Rebuilt, altered, or repaired after damage exceeding sixty (60) percent of its then replacement value.

For the purpose of administration of this Section, ordinary maintenance of a sign is not deemed to be or constitute an extension or enlargement of the sign, and changing the message within the display area is not deemed a change prohibited by this Section.

17.9 Enforcement

17.9-1 Violation. It shall be unlawful to erect or maintain any sign in violation of the provisions of this ordinance. The Building Inspector or other duly authorized agent of the City shall have the power to give the owner thereof written notice of such violation, said notice to include a brief statement of the particulars in which such violation may be required to be remedied if possible, or the provision which indicates no sign can be permitted. If a sign has been registered with the Building Inspector, or other duly authorized agent of the City, notice to

the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, graphic structure, or building for a period of ten (10) days shall be sufficient notice of violation.

17.9-2 Penalties. If such violation is not remedied within ten (10) days after such notice, the owner shall remove the sign immediately or be subject to the maximum penalties allowed by the City Charter, with each day that the sign does not comply with this ordinance considered a separate violation.

17.9-3 Removal. If the sign is not removed by the owner, the Building Inspector, or other duly authorized agent of the City, shall have the right to remove such sign at the expense of the owner thereof, and to destroy or otherwise dispose of the same. In addition to the above provisions, the Building Inspector, or other duly authorized agent of the City, may cause any sign or structure to be removed which:

- a. is structurally unsafe;
- b. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or inhibits the visibility of vehicular traffic;
- c. is not kept in good repair; or
- d. is capable of causing electrical shocks, to be removed following notice of twenty-four (24) hours to the owner at the expense of the owner thereof, and to destroy or otherwise dispose of the same.

17.10 Variances

- a. Variances from the regulations of this ordinance shall be limited to hardship situations which shall meet all of the following conditions:
 1. There exists extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the City and which affect the visibility of the proposed sign.
 2. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other similar properties.
 3. Granting the variance requested would not confer upon the property of the applicant any significant privileges that are denied to other similar properties.
 4. The requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the general welfare of the City's residents.
 5. The special circumstances or hardships are not the result of actions of the applicant or in existence when applicant purchased the property.

6. The variance is not a request to permit a type of sign which otherwise is prohibited by this ordinance.
 7. The mere existence of a non-conforming sign or advertising device or other variances shall not constitute a valid reason to grant a variance.
 8. Visibility of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot.
 9. Placement of the sign elsewhere on the lot would not remedy the visual obstructions.
 10. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.
- b. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.
- c. Relief from the application of the provisions of this ordinance by use of variances granted by the Board of Zoning Appeals or the City Council on appeal from the Board shall be granted only upon a finding of hardship as previously defined. The procedure and hearing on such variances shall be noticed using the same time frames and notice requirements as for variances from the provisions of the standard zoning ordinance and following the same procedures.

ARTICLE 18 - STREET, TRAFFIC AND PARKING REGULATIONS

Each use permitted by these regulations shall meet the following requirements:

18.1 Street Right-of-Way. Future street rights-of-way shall be reserved by the developer by means of a recorded plat. Actual dedication of such facilities shall be required under these regulations only after the street improvements are completed according to the specifications of the city of Blue Ridge. The developer shall guarantee the built street improvements for a period of twelve (12) months, measured by the date of acceptance by the city of Blue Ridge.

18.2 Street Improvements. Street improvements required to accommodate traffic generated by a use and improvement of new street rights-of way shall be made in accordance with City policy.

18.3 Extension of Existing Streets. Existing streets shall be connected and extended appropriately within the limits of a development. However, streets or portions of streets adjacent to a proposed non-residential use, which are developed and are being used exclusively for residential access, shall not be connected, extended or in any way provide access to a non-residential use. In addition, private driveways which provide access to a non-residential use shall not be permitted in any residential district.

18.4 Street Access, Curb Cuts in Non-Residential Districts. Curb cuts for service drives, entrances, exits and other similar facilities on public streets in non-residential districts shall not be located within 50 feet of any intersection or within 40 feet of another curb cut. a curb cut shall be no greater than 40 feet in width and no closer than 20 feet to any property line, unless approved by the Zoning Administrator.

18.5 Traffic Control Devices. If the traffic forecasted to be generated by a use within a non-residential district will necessitate, in order to handle turning movements into and out of the use on a major thoroughfare, traffic control devices for that use to insure public safety, the developer shall install such devices as are necessary to handle the traffic generated by the development. Such determination shall be made by the Zoning Administrator and approved by the Mayor and Council.

18.6 State Department of Transportation Approval. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the Georgia Department of Transportation prior to the construction of such street or driveway, or the issuance of any development permit for any improvement to be served by such street or driveway.

18.7 Private Streets. Private streets within any district shall not be used to satisfy the off-street parking requirements of this Ordinance. Private streets within any district shall be assigned names and locations and names shall be shown on plans required for the issuance of building and development permits as provided in Article 21. All private street names shall be approved by the Zoning Administrator to avoid conflicting names.

18.8 Off-Street Automobile Parking. Off-street automobile parking shall be provided in accordance with all applicable provisions of this section:

18.8-1 Plans Required. A parking plan for all but single family residential uses shall be submitted to the Zoning Administrator with the building plans for review to insure its conformance with all applicable provisions of this Ordinance.

18.8-2 Design standards. Except provisions for single family residences, all parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:

- a. Shall have access to a public street;
- b. Shall be graded and paved, including access driveways, and be curbed when needed for effective drainage control;
- c. Shall have all spaces marked with paint lines, curb stones or other similar designations;
- d. Each space shall have not less than 180 square feet, and shall be not less than 9 feet wide and 20 feet deep, exclusive of passageways. There shall be adequate interior drives to connect each space with a public street;
- e. Shall be drained so as to prevent damage to abutting properties or public streets;
- f. Shall be separated from sidewalks and streets in public rights-of-way by wheel bumpers and an adequate reserve strip;
- g. Parking areas established for permitted non-residential uses in an "R" district shall meet the requirements of Sections 18.8-6 and 18.8-7;
- h. The parking area including space and drive-way arrangement shall conform to the geometric design standards established by the City;
- i. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties;

18.8-3 Location. All parking facilities shall be located in accordance with the following provisions:

- a. The required space shall be provided on the same plot with the use it serves, except as provided herein;
- b. Where provision of the required parking spaces involves one or more parcels or tracts of land that are not a part of the lot on which the principle use is located, the

developer shall submit with his application for a permit, an instrument which subjects said parcels or tracts to parking uses for the principle use it serves. The developer shall pay the necessary fee and the Zoning Administrator shall have said instrument registered in the Office of the Clerk of the Superior Court.

c. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or uses, the required spaces may be located and maintained on a separate lot at a distance not to exceed 300 feet from the building served.

18.8-4 Joint use of parking facilities. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

18.8-5 Use of area. No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment unless permitted by the district in which the area is located.

18.8-6 Parking of business vehicle. The parking of business vehicles in an "R" district, other than ordinary passenger automobiles, shall be within a garage or carport or within a side or rear yard.

18.8-7 Required spaces. Off-street automobile parking and storage space shall be provided on every lot on which any of the uses mentioned in this Section are hereafter established. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below.

All off-street automobile parking and storage space except for residential shall be so arranged that vehicles will not be required to back onto a public, street, road, or highway when leaving the premises.

Gross leasable area (GLA) is the total building floor area in square feet that a developer may lease. Gross floor area (GFA) is the sum of the areas of several floors of a building, including all areas for human occupancy, as measured from the exterior faces of the walls, but excluding unenclosed porches, interior parking spaces, or any space where the floor to ceiling height is less than six (6) feet, six (6) inches.

Off-street motor vehicle parking and storage spaces shall be equal in number to at least the minimum requirements established per use in the table that follows. For any multi-family or non-residential development, ten (10) percent of the required parking spaces (rounded up to the nearest whole number) per development may be waived in lieu of the landscaping requirements within the Blue Ridge Landscaping Ordinance.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
RESIDENTIAL	
Dormitory for Worker Employed on the Premises	1 per 3 employees plus 1 per dormitory manager.
Dwelling, Multi-family (including one bedrm. units); loft dwellings	2 per dwelling unit.
Dwelling, Single-family Detached	2 per dwelling unit.
Dwelling, Townhouse/Condominium	2 per dwelling unit.
Senior Dwelling	1 space per dwelling unit.
Group Home	1 per employee plus 1 per @ 2 bedrooms.
Manufactured Home, Industrialized Home	2 per dwelling unit.
Neighborhood Center	1 per 250 sf GFA.
Nursing Home	1 for @ 4 beds + 1 per 2 employees.
Rooming and Boardinghouse	1 per room to be let.
COMMERCIAL - RETAIL	
Boat Sales, Service and Repair	1 per 300 sf GFA, 2 spaces minimum.
Convenience Store (can include fuel service)	5 per 1,000 sf GFA.
Furniture, Home Furnishing & Equipment Store	1 per 500 sf GFA, 2 spaces minimum.
Grocery Store	1 per 200 sf GFA.
Hardware Store	1 per 200 sf GFA.
Liquor Store	1 per 400 sf GFA.
Manufactured Home Sales	4 per @ sales person plus 1 for @ employee.
Motor Vehicle Sales & Service	1.0 space per 250 sf of sales floor area + 2 spaces per service bay.
Parts Store, Motor Vehicle	1 per 400 sf GFA + 1 per @ employee on max. work shift.
Restaurant, Cafeteria, Fast-Food (with seating)	1 per 4 seats, 1 add'l space for @ 2 employees.
Restaurant, Fast Food w/Drive-in Facility (no seating)	1 per employee on maximum shift.
Retail Stores, General Merchandise	1 per 200 sf GLA.
Shopping Center, Planned - Under 400,000 sf GLA	5 per 1,000 sf GLA.
+ Over 400,000 sf GLA	5.5 per 1,000 sf GLA.
Tire Sales, Service and Vulcanizing	1 per 300 sf GFA.
COMMERCIAL - SERVICE & ENTERTAINMENT	
Amusement Center, Game Room	1 per 200 sf GFA, plus 1 per two tables/machines.
Amusement Park	Spaces equal in number to 30% of capacity.
Bait Shop	1 per 250 sf GFA.
Bank or Financial Institution, Full Service	1 per 175 sf GFA.
Bar, Cocktail Lounge, Tavern, Night Club	1 per 4 seats.
Barber Shop, Beauty Salon	3 per workstation on maximum capacity.
Bed and Breakfast Home	1 per guest room, plus 2 per owner's dwelling unit.
Bed and Breakfast Inn	1 per guest room, plus 1 per employee, plus 2 per full-time resident

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Bowling Alley	4 per alley.
Dance Halls	1 per 150 sq. ft. of GFA.
Dry Cleaning	1 per 200 sf GFA.
Funeral Home/Mortuary	1 per 4 seats in chapel + 1 per 2 employees + spaces for company vehicles.
Gas Station, Full Service	1 per @ employee plus 3 per service bay.
Gas Station, Self-Serve (fuel only)	1 per employee.
Health Club and Facilities	1 per 200 sf GFA.
Hotel, Motel, Motor Lodge (also see Residence Inn)	1 per sleeping room or suite, 1 add'l space for @ 2 employees.
Laboratory, Research & Development Facilities	1.5 per employee.
Laundromat	1 per 200 sf GFA.
Machinery Sales, Service and Repair	4 per @ sales person plus 1 for @ other employees.
Miniature Golf Course	3 per @ hole + 1 per employee on maximum shift.
Oil Change Shop, Motor Vehicle	3 per service bay.
Offices (business, medical, dental, and professional)	1 per 225 sf GFA for single floor designs; 1 per 275 sf GFA for designs with two or more floors.
Pet Shop and Dog Grooming Shop	1 per 400 sf GFA w/ a minimum of 4 spaces.
Printing, Publishing and Engraving	1 per 2 employees on premises + 1 per 300 sf of sales space.
Race Track, Motor Vehicles	1 per 4 seats.
Repair Service, General Merchandise	1 per 2 employees on premises + 1 per 300 sf of sales space.
Repair & Body Shop, Motor Vehicle	1 per 150 sf GFA.
Residence Inn (Extended Stay)	2 per dwelling unit, 1 add'l space per employee
RV Sales and Camper Sales, Service & Repair	4 spaces for @ sales person plus 1 per employee.
Shooting Range, Indoor	1 per employee plus 1 per shooting lane.
Studio for Art, Photograph and Similar Uses	1 per 400 sf GFA, 3 spaces minimum.
Theater, Movie or Drama	1 per 3 seats.
Truck Terminal	1 per 1,000 sf GFA.
Veterinary Clinic	4 spaces per doctor, plus 1 per additional employee.
Video Store	1 per 200 sf GFA.
INDUSTRIAL - STORAGE/WAREHOUSING/ WHOLESALE TRADE	
Mini-Warehouse (Self-Service Storage Facilities)	1 per 10 storage units + 1 per employee.
Warehouse and Storage Buildings	1 per employee on maximum working shift, plus space for storage of truck or vehicles used.
Junkyard, Salvage Yard.	2 per employee.
Wholesale, Trade Establishments	1 per employee, plus 1 per 200 sf of sales floor area
INDUSTRIAL - MANUFACTURING ESTABLISHMENT/PROCESSING	
Manufacturing and Industrial Uses	1 per employee on the maximum working shift.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Contract Construction	1 per 250 sf of gross office space + 1 per non-office on-site employee.
Mineral Extraction & Processing	1 per 2 employees on maximum working shift.
PUBLIC/INSTITUTIONAL	
Ambulance Services	1 per @ emergency vehicle plus 1 add'l space for each employee.
Art Gallery	1 per 250 sf GFA.
Auditorium, Assembly Hall, Civic Center, Community Center	1 per 4 seats or bench seating spaces.
Cemetery, mausoleum	1 per employee.
Childcare Facilities	1 per @ 1.5 employees + 1 per 4 pupils.
Church	1 per 4 seats or bench seating spaces.
Club and Lodges, Non-Commercial	1 per 100 sf GFA.
Convent & Monastery	1 per 2 beds.
Fire Station	1 per each employee on the maximum working shift.
Hospital, Health and Medical Institution	1 per 2 patient beds, 1 additional for @ 3 employees.
Library	1 per 400 sf GFA + 1 per 2 employees.
Museum	1 per 250 sf GFA.
Police Station/Correctional Facility	2 per employee on the maximum working shift, plus 1 per 8 inmates considering the maximum inmate holding capacity.
Post Office	1 per 200 sf GFA + 1 per employee on maximum working shift.
Recycling Center	1 per employee.
School, Public or Private Elementary/Middle	2 per classroom, but not less than 1 per full-time employee.
School, Public or Private High	1 per 3 students + 1 per full-time employee.
School, College	10 per classroom.
School, Vocational/Technical	20 per classroom.
TRANSPORTATION/COMMUNICATION/ UTILITIES	
Bus Terminal	4 per @ loading and unloading bay.
Radio, TV & Communication Transmission Tower	1 per 2 employees on premises + 1 per 300 sf of sales or customer space.
Utility Facilities	1 per employee + 1 per stored vehicle.
Water Treatment Facilities	1 per employee.
PARK/RECREATION/CONSERVATION	
Golf Courses and Club Houses, Private	Six per hole, plus additional spaces for each accessory facility.
Golf Courses and Club Houses, Public	Eight per hole, plus additional spaces for each accessory facility.
Golf Driving Range	2 per @ driving tee.
Park with Recreational Facilities	Spaces equal in number to 30 percent of capacity.
Recreation Vehicle Park	1.5 per @ RV space.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	PARKING SPACES
Shooting Range, Outdoor	Skeet Range & Trap Range: 1 per employee plus 1 for @ shooter. Target Range: 1 per employee plus 1 per shooting lane.
Skating Rink, Roller and Ice	5 spaces per 1,000 sf of GFA
Swimming Pool, Public	30 spaces minimum.
AGRICULTURAL	
Agricultural Services	2 per 3 employees or 1 per 400 sf GFA.
Kennel	1 per employee + 1 per 1,000 sf GFA.
Lumber Yard	1 per @ 500 sf GFA.
Meat Pack & Processing/Slaughter Yard	1 per 1,000 sf GFA.
Nursery/Greenhouse	1 per 400 sf of GFA, plus 1 per 2,000 sf of exterior nursery area.
Saw Mill	1 per employee.
Stock Yard	1 per employee on maximum shift.

18.8-8 Interpretation of required spaces. In connection with Section 18.8 above, the following apply:

- a.** The parking requirements in the chart do not limit other parking requirements contained in these regulations.
- b.** The parking requirements in the chart do not limit special requirements which may be imposed with conditional use reviews by the Mayor and Council or special exceptions by the Zoning Board of Appeals.
- c.** Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- d.** The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

18.9 Off-Street Loading Requirements. Off-street loading shall be established in accordance with all applicable provisions of this section.

18.9-1 Design standards. Where required, one or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building and shall:

- a.** have a minimum dimension of 13.5 feet by 60 feet by 14.5 feet overhead clearance.

b. be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material.

c. be located so as not to hinder the free movement of vehicles or pedestrians over a street, sidewalk, or alley.

18.9-2 Use of area. Loading space(s) shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

18.9-3 Mixed uses in a building. Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading spaces shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Zoning Administrator may make reasonable requirements for the location of required loading spaces.

18.9-4 Required spaces: The number of spaces required for a particular use shall be as follows:

<u>Use or Use Category</u>	<u>Floor Area</u>	<u>Loading Spaces Required</u>
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing or industrial establishment	2,000-10,000	One
	10,000-20,000	Two
	20,000-40,000	Three
	40,000-60,000	Four
	Each 50,000 over 60,000	One Additional
Apartment building, motel, hotel, offices or office building, hospital or similar institutions or places of public assembly	5,000-10,000	One
	10,000-100,000	Two
	100,000-200,000	Three
	Each 100,000 over 200,000	One Additional

18.9-5 Interpretation of required spaces. In connection with Section 18.9-4 above, the following shall apply:

a. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in these regulations.

b. The loading space requirements in this Article do not limit special requirements which may be imposed in connection with conditional use reviews by the Mayor and Council or special exception by the Zoning Board of Appeals.

c. Under the provisions of Article 23, the Board of Appeals may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provisions of loading facilities, where provision is made for community loading facilities, or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

ARTICLE 19 - MANUFACTURED HOME PARK REGULATIONS

19.1 Purpose. The purpose of this Article is to provide policies and technical standards for the approved use of manufactured home parks in the City.

19.2 Definitions. The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. Terms not defined herein or in Article 2 shall have the meaning customarily assigned to them.

- a. Manufactured Home.** See Article 2: Definitions.
- b. Manufactured Home lot/space.** a designated unit of space for the placement of a manufactured home and for the exclusive use of its occupants within a manufactured home/park.
- c. Manufactured home park.** a single parcel of land on which three (3) or more manufactured homes are located or intended to be located for residential occupancy.
- d. Manufactured home stand.** a manufactured home stand is that part of a manufactured home lot or site which has been improved for the placement of a manufactured home.

19.3 Administration

19.3-1 General provisions

- a.** All manufactured home parks shall provide for a healthful environment, with living and service facilities arranged and equipped to assure such a condition;
- b.** Utility services such as public water, gas, electricity, sewer, etc., shall not be provided to any manufactured home park until the permit requirements of these regulations are met. All manufactured home parks in the city of Blue Ridge shall be served by public water and public sewer.

19.3-2 Manufactured home park -- Building Permits. It shall be unlawful for any person to begin the construction of a manufactured home stand in a park until a building permit authorizing such action has been properly issued by the Building Inspector.

19.3-3 Application procedures. Applications for a manufactured home on a lot in a park shall be made on standard forms provided by the Zoning Administrator. Applications for the development of a manufactured home park or a travel trailer park or combination park shall include three (3) copies of the required plans as addressed in Section 19.5 and the following information shall also be submitted in writing:

- a.** name, address, and phone number of applicant;
- b.** location map and boundary description of the proposed site;

- c. plot plan, at a scale of one (1) inch equals not more than one hundred (100) feet, indicating the size and location of proposed spaces or areas for the placement of manufactured homes;
- d. utilities plan, at a scale of one (1) inch equals not more than one hundred (100) feet, showing the size and location of proposed gas, water, sewer, electrical or other utility features;
- e. site features plan, at a scale of one (1) inch equals not more than (100) feet showing locations or drive(s), walks(s), parking area(s), storage facility(ies), other accessory uses or buildings, surface water drainage pattern structures, areas of disturbed soils, and existing and proposed plantings and screening;
- f. floor plans and specifications of any park service buildings or other structures;
- g. scaled layout of the park's typical manufactured home sites or integrated grouping of sites;
- h. such additional information as may be required by the Zoning Administrator to determine if the proposed use will comply with provisions of these regulations.

19.3-4 Permit fee. Fees for any permits required shall be paid by the developer, manufactured home lot tenant or property owner, as appropriate, according to fee schedules established by the City.

19.4 Existing Manufactured Home Parks:

19.4-1 Manufactured home parks existing prior to the effective date or amendment of these regulations may be continued and maintained except that such park shall not be enlarged, expanded or altered unless such enlargement, expansion, or alteration is in full compliance with these regulations. Replacement of individual manufactured homes upon vacated spaces shall be in full compliance with these regulations.

19.4-2 In all other respects, existing manufactured home parks not in compliance with these regulations shall be subject to the non-conforming use provisions of Article 20.

19.5 Manufactured Home Park Requirements

19.5-1 Minimum park size. All manufactured home parks shall contain a minimum area of 2 acres; and be so located, dimensioned, and related as to facilitate efficient park design and management.

19.5-2 Minimum number of spaces. All manufactured home parks shall contain at least twenty (20) percent of all manufactured home spaces fully completed and ready for occupancy before a manufactured home building permit for any manufactured home lot will be granted.

19.5-3 Access to site. Direct vehicular access to the manufactured home park shall be provided by means of an abutting, paved public street.

19.5-4 Site conditions and improvements

a. All manufactured home parks shall be located on a well-drained and properly graded site. Site drainage improvements shall be approved by the Blue Ridge Building Inspector.

b. The park, including manufactured home stands, patios, convenience structures, streets, and other features, shall be developed in harmony with the topography, shape of the site, and existing site features, and to protect the park and adjoining properties from objectionable views, and to provide for the practical and efficient operation and maintenance of water, sewerage, and refuse collection facilities.

19.5-5 Internal streets. All manufactured home parks shall contain a private street system designed to provide convenient circulation within the park, and shall have unobstructed access to a public street. The following requirements shall apply to the development of a park's private street system:

a. All park streets shall be provided with a minimum asphaltic paved surface, having a minimum width of twenty (20) feet, which shall be durable and well-drained under normal weather conditions.

b. All park streets shall be maintained in a state of good repair at all times by the owner of the park.

c. Street base and surface construction materials shall meet the requirements of the City's street and road standards. Approval of the private street system by the Mayor and Council shall be required before the issuance of the first manufactured home building permit.

d. Maximum street grades shall not exceed ten (10) percent.

e. On-street parking shall not be permitted on any park street.

19.5-6 Water supply system. All manufactured home parks shall connect to a public water supply and distribution system, which is easily accessible for maintenance, and provides an adequate, safe, and potable water supply. Such system shall be installed and functional prior to the issuance of the first manufactured home building permit.

19.5-7 Sewage disposal system. All manufactured home parks shall be required to connect to a public sanitary sewage collection and disposal system.

19.5-8 Refuse collection system. Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal. Collection services shall be collected weekly by a public or private agency. Refuse shall be conveyed to the nearest approved sanitary landfill. Collection facilities shall meet one of the following requirements:

- a.** Each park shall provide bulk containers (dumpsters) of sufficient size that are adequately distributed throughout the park to meet the needs of the park residents; or
- b.** Each occupied manufactured home space shall be provided with at least two (2) watertight, individually covered refuse containers having a capacity of thirty (30) gallons each. If individual containers are used, stands must be provided to hold the refuse containers upright.

19.5-9 Recreational area. If a manufactured home park is designed to accommodate more than twenty-five (25) manufactured homes, such park shall provide areas for recreational uses that are easily accessible to all park residents and shall conform to the following requirements:

- a.** a minimum of ten (10) percent of the gross land area of the manufactured home park shall be set aside for recreational use or common open space.
- b.** Swimming pools, recreational buildings, and child play areas may be included as part of the required recreational area.
- c.** Such recreational areas shall be located in areas that are free of traffic hazards.

19.5-10 Service Buildings. Service buildings such as shelters, restrooms, management offices and storage facilities which are intended to serve only the trade or service needs of the park's residents are permitted in each manufactured home park subject to the following requirements:

- a.** Such buildings and their parking areas shall not occupy more than ten (10) percent of the gross land area of the park.
- b.** All service and convenience buildings shall be subordinate to the residential use and character of the park, and shall be located, designed, and intended to serve only the trade or service needs of the park's residents.
- c.** All service buildings shall conform to the adopted building codes of the City, as amended.
- d.** All service buildings shall conform to the lot size, parking, and setback standards provided in this Ordinance.

19.5-11 Manufactured home space requirements.

- a. Each manufactured home space shall contain at least 7,500 square feet of area with a minimum frontage on an interior park street of fifty (50) feet.

19.5-12 Manufactured Home Spaces and Improvements: Each manufactured home space within a manufactured home park shall meet the following minimum requirements:

- a. The chassis of each manufactured home shall be supported on an adequate masonry foundation which meets the minimum requirements of the Georgia Safety Fire Commissioner's Rules and Regulations For Manufactured Homes, Chapter 120-3-7.
- b. Each manufactured home space shall be adequately marked by permanent lot markers with a number that is visible from the access street.
- c. A driveway not less than twelve (12) feet wide shall be provided from the fronting street to each manufactured home stand.
- d. Each manufactured home space shall be provided with at least two off-street parking spaces. Parking spaces may be either located on each manufactured home space or in integrated groupings (bays, clusters, etc.) provided that no parking space shall be further than fifty (50) feet from the manufactured home space it is to serve.
- e. Each manufactured home space shall be provided with its own connection to the park's sewer, water, electrical, and gas systems.
- f. Each manufactured home shall be appropriately anchored to its manufactured home stand to acceptably meet minimum established standards for high wind tie down.

19.5-13 Manufactured home placements. The following requirements shall apply to the placement of a manufactured home on a lot/space within a manufactured home park:

- a. Manufactured homes shall be located no closer than twenty (20) feet to the edge of any interior park street.
- b. Each manufactured home shall be separated by a minimum of twenty (20) feet from another manufactured home.
- c. Each manufactured home shall be located no closer than twenty (20) feet to the right-of-way line of any abutting public street.
- d. A manufactured home shall be located no closer than ten (10) feet to any manufactured home park boundary.

19.5-14 Supervision and Maintenance. The owner, or the person who holds the building permit shall be responsible for providing adequate supervision of the park to maintain it in full compliance with these regulations, and keep the park's facilities and equipment in good repair and in a clean and sanitary condition.

ARTICLE 20 - NON-CONFORMING USES

20.1 Continuation of Use. a nonconforming use may be continued, but no nonconforming use which has been discontinued for a continuous period of twelve (12) months shall be reestablished.

20.2 Extension of Use or Building. No nonconforming building or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the use and development provisions of the district in which it is located. However, such extension limitation shall not apply to maintenance of the appearance or structural condition of the nonconforming use or building. Furthermore, a nonconforming use may be extended throughout those interior parts of a building which were designed for such use prior to the advent of the nonconforming use status, even though such extension may enhance its total value.

20.3 Building Use and Enlargement. The uses permitted by this Ordinance may be established as a new use within any existing structure which does not conform with the development requirements of the district, provided the off-street parking requirements of that use are complied with, and provided further that if any structure or any part thereof is remodeled or rebuilt to an extent exceeding one-third of its then replacement value, exclusive of foundations, as determined by the Zoning Administrator, or if any additions or new structures are erected, the entire such building or structure must be in conformance with the development requirements of the district.

20.4 Restoration. Any nonconforming building or any building containing a nonconforming use, which has been damaged by fire or other causes may be reconstructed and used as before if it be done within one year of such damage, unless such building or structure has been declared by the Zoning Administrator to have been damaged to an extent exceeding 60 percent of its then replacement value, in which case any repair, reconstruction, or use shall be in conformity with the provisions of this Ordinance.

20.5 Existence of a Nonconforming Use. In case of doubt, and on a specific question raised, whether a nonconforming use existing shall be a question of fact and shall be decided by the Zoning Board of Appeals after public notice and hearing and in accordance with the rules of the Board.

20.6 Continued Construction of a Nonconforming Use. Any nonconforming use, nonconforming only as being in a district where such use is not permitted, if such nonconforming use was existing and established before the Zoning Ordinance became effective, shall be permitted to continue construction until such time as contemplated construction is completed, provided such construction complies with all other district regulations pertaining to yard area, etc. This shall apply only to the immediate property which was recorded in the developers name before the effective date of this Ordinance. It shall be the duty of the Mayor and Council to determine the eligibility of the owner to continue construction. This shall not include signs and billboards, or junkyards.

ARTICLE 21 - ADMINISTRATION

21.1 Administration. Except as otherwise provided in these regulations the Zoning Administrator shall administer, interpret, and enforce this Ordinance.

21.2 Building and Development Permit Required.

21.2-1 A building permit shall be required for any proposed use of lands or building to indicate and insure compliance with all provisions of this Ordinance before any improvements or grading of lands or any alteration or construction of buildings commences.

21.2-2 A development permit shall be required for a planned center in any commercial or industrial district, a planned unit development (Article 15), subdivision or manufactured home park (Article 19), before any improvements or grading of the land commences. Such development permits shall not be in lieu of building permits required for any structures within such developments.

21.3 Application and Site/Sketch Plans -- Review. All applications for development and building permits shall be made to the Zoning Administrator and an administrative fee may be charged to review such application and site/sketch plan. In addition to the site plans required by Article 15, 16, and 19 of this ordinance, complete sketch plans and other information as may be necessary to determine and provide for the enforcement of this Ordinance are required. Two (2) copies of the sketch plan shall be submitted to the Zoning Administrator for review. Such review shall occur within twenty (20) days of submission. The applicant will receive written notification of the findings of the review and one (1) copy shall be returned to the owner either approved, approved with needed changes or comments, or denied.

The minimum criteria for a sketch plan include the following items:

- a. **Name.** Name of the development or name of the owner including mailing address and telephone numbers; name, address, and phone of the designer of the sketch plan with seal, if applicable;
- b. **Date.** Date, north arrow, and graphic scale (not smaller than 1 inch equals 100 feet).
- c. **Survey Boundaries.** Boundaries of the entire tract showing the relationship to adjoining properties, public right-of-ways, easements, and driveways, including local zone district designations. Such existing right-of-ways and easements, railroads, and public crosswalks shall be identified by width and name or purpose.
- d. **Location Map.** A general location map indicating adjacent and nearby street connections.
- e. **Building Locations.** All existing and proposed buildings, their shape, size, and setback in appropriate scale.

- f. **Parking and Loading.** All required parking and loading facilities for residential buildings exceeding three or more dwelling units and for all commercial/industrial uses.
- g. **Buffers.** Show the location and design of the proposed buffer, if applicable.
- h. **Proposed improvements.** If applicable, show central mailbox locations, solid waste disposal areas, recreation areas and facilities, proposed street and easement locations with names/purpose and widths.
- i. **Environmentally Sensitive Areas.** Location, boundary, and elevation of the 100-year floodplain as determined by maps of the Federal Emergency Management Agency or the best available data, like the past history of flooding. Further, the sketch plan shall show, as appropriate, other information required by Article 16 Environmental Conservation Districts (See Section 16.6).

21.4 Issuance. All development or building permits shall be issued by the Zoning Administrator, who shall in no case grant any development or building permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Ordinance or any other codes and laws of the City, County, or the State, except as provided herein.

21.5 Duration of Permit Validity. A development or building permit shall be valid for two (2) years from its issuance providing the work described in any development or building permit has begun within ninety (90) days from the date of issuance, otherwise said permit shall expire.

21.6 Appeals From Decisions of the Zoning Administrator. It is the intention of this Article that all questions arising in connection with the administration and enforcement of this Ordinance shall be presented to the Board of Appeals only on appeals from the decision of such official.

ARTICLE 22 - REMEDIES AND PENALTIES

22.1 Remedies. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, City Attorney or other appropriate authority of the City or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedy, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

22.2 Penalties. Any firm, person or corporation who shall do anything prohibited by these regulations as the same exist or as they may hereafter be amended or who shall fail to do anything required by these regulations as they now exist or as they may hereafter be amended is hereby declared to be guilty of a misdemeanor and shall be punished as provided by law. Each and every day that such violation occurs shall be deemed a separate offense.

ARTICLE 23 - ZONING BOARD OF APPEALS

23.1 Creation and Membership. The City of Blue Ridge Zoning Board of Appeals is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the Zoning Board of Appeals. The Board shall be composed of five members, with at least three (3) members of the Board maintaining a primary residence located within the corporate limits of the City of Blue Ridge, Georgia and that all appointed members be residents of Fannin County, Georgia. In the discretion of the City Council all five members may be residents of the City of Blue Ridge, Georgia. The members of the Board shall be appointed by the Mayor and City Council of the City for the terms as provided herein. The members of the Board shall have designated posts, with those posts being Post 1, Post 2, Post 3, Post 4, and Post 5. The initial term of the Post 1 member of the Board shall be for one year. The initial term of the Post 2 member of the Board shall be two years. The initial term of the Post 3 member of the Board shall be three years. The initial term for the Post 4 and Post 5 members of the Board shall be four years each. Thereafter, each member of the Board, or his/her successor, shall serve a term of four years. Vacancies upon the Board shall be filled by appointment by the Mayor and City Council for the unexpired term of the member. There shall be no compensation for members of the Board, but they shall receive reimbursement of reasonable and necessary expenses incurred in the performance of their duties if the prior approval of such expenses is made by the City Administrator. Notwithstanding the foregoing regarding the terms of the members of the Board, each member of the Board serves upon the Zoning Board of Appeals at the pleasure of the Mayor and City Council, and the Mayor and City Council shall have the full and complete right to remove any member at any time, for any reason, or for no reason.

23.1-1. Qualifications of Members. No member of the Board shall serve as a member of the City Council, or hold any office or employment with the City of Blue Ridge. Members shall be of good character and shall be at least 18 years of age.

23.1-2. Staff. The Mayor and Council shall provide such staff as the Mayor and Council deem necessary for the orderly operation of the Board. The staff provided for the Board may be the same employees and consultants provided for the City of Blue Ridge Planning Commission, and which regularly handle the administrative matters regarding zoning for the City of Blue Ridge, Georgia.

23.1-3. Meetings and Quorum. The Board may adopt by-laws or its own rules of procedure, but said rules of procedure shall comply with the requirements of Georgia law regarding zoning matters. Meetings of the Board shall comply with the requirements of the Open Meetings Act under Georgia law. Three present and voting members of the Boards shall constitute a quorum. A majority of the quorum present in a meeting of the Board may take action on any matter before it. The Board may take action on any planning and zoning matter brought before it, unless a quorum is not present. A failure of the Board to have a quorum present and voting, or a voting decision resulting in a tie, shall constitute a denial by the Board, and the planning and/or zoning matter shall then be forwarded to the Mayor and City Council of the City of Blue Ridge as an automatic appeal, and for final action by the Mayor and City Council.

23.1-4. Conflicts of Interest. If any member of the Board shall find that his/her private or personal interests are involved in the matter coming before the Board, he or she shall disqualify himself or herself from all participation in that matter. No member of the Board shall appear before the board or the City Council as an agent or attorney, unless the matter involves property owned by the member.

23.2 Organization. The Board shall elect one of its members as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Meetings of the Board shall be held regularly each month and at such times as the Board may decide provided, however, that no meeting shall start later than 6:00 p.m. The meetings may be canceled by the Mayor or the Chairman if there are no matters to be acted upon by the Board. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Zoning Administrator and shall be a public record.

23.3 Powers and Duties. The Board of Appeals shall have the following powers and duties:

23.3-1 Variances. The Board shall hear and decide applications for variances from the requirements of this Ordinance. The Board shall have the power to:

a. Authorize upon application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Zoning Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of this Ordinance to this particular piece of property would create an unnecessary hardship.
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the Blue Ridge City Council, except for setback variances which are less than 25 percent than the underlying requirement and do not alter the basic tenets of any site plan included and approved as a stipulation.

23.3-2 Appeals. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, development or building permit, decisions, determination or refusal made by the Zoning Administrator or other administrative officials in the administration or enforcement of any provision of this ordinance. Such appeals shall be in accordance with the following:

a. An appeal to the Board of Appeals may be taken by any person, firm, or corporation aggrieved or by any governmental officer, department, board, or agency affected by any decision of the Zoning Administrator with respect to this Ordinance. Such appeal shall be made within ten (10) days following notification of the decision appealed from, by filing with the Zoning Administrator a notice of appeal and specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

b. An appeal stays all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would--in his opinion--cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

c. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Board.

d. The Board may, in conformity with this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the Zoning Administrator. The Board may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the Board.

23.3-3 Special exceptions and interpretations. To hear and decide the following exceptions to the terms of this Ordinance provided that such exceptions shall impose appropriate conditions and safe guards:

a. The extension of a district for a distance of not more than 50 feet where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this Ordinance.

b. Zone district boundary interpretations as provided in Article 4, Section 4.3.

c. Questions relating to interpretation of use restrictions.

d. Questions relating to the existence of a non-conforming use.

e. Questions related to the temporary use of a manufactured home for residential purposes outlined by Section 3.14-4(a) of this Ordinance.

23.4 Public Hearings. The Board shall hold a public hearing before making its decision on all requests for variances, appeals, and special exceptions on which it acts, and shall act within a reasonable time after receiving an application.

23.4-1 Applications. Application for a hearing and decision on requests for variances, appeals, and special exceptions shall be filed with the Zoning Administrator on provided forms at least 30 days prior to the meeting at which they are to be heard. Each application shall contain such information as the Zoning Administrator may require to enable the Board to make its decision. Each application for a variance shall include the following information:

- a. Original notarized signatures of titleholder(s) and representative(s).
- b. If the titleholder(s) is a domestic or foreign corporation, then the following documentation shall also be required:
 - (1) A notarized statement under oath that the individual signing on behalf of the Corporation is duly authorized to execute the variance application on behalf of the Corporation and that the execution of this specific variance application has been duly authorized;
 - (2) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - (3) That the execution of the document on behalf of the corporation has been duly authorized.
- c. A copy of the warranty deed that reflects the current owner(s) of the property.
- d. A current legal description of the subject property.
- e. A copy of current plot plan and current boundary survey drawn to scale and stamped by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. These plans must include: 1) north arrow; 2) land lot lines; 3) district lines; 4) lot lines 5) angles; 6) bearing and distances; 7) adjoining street with right-of-way (present and proposed); 8) paving widths; 9) the exact size and location of all buildings along with intended use; 10) buffer areas; 11) parking spaces; 12) lakes and streams; 13) utility easements; 14) limits of the 100-year floodplain and acreage of floodplain; 15) cemeteries; 16) wetlands; 17) access points; and 18) stream buffers.
- f. A copy of the paid tax receipt for the subject property. Properties with delinquent taxes may be withdrawn by Staff and/or delayed or denied by the Zoning Board of Appeals

23.4-2 Notice of Hearing. At least 15 days notice of the time and place of hearing shall be sent to the applicant by regular mail. A notice to the address provided by the applicant that has a post marked envelope 15 days prior to the time, date and place of the hearing shall be deemed compliance with this Section. The Zoning Administrator shall also post, in a conspicuous place on the property, a sign or signs which shall contain information as to the date, time, and purpose of hearing before the Board, at least 15 days before the hearing. However, acts of vandalism or natural occurrences which limit the effectiveness of such public notice as to posting the property shall not void the proceedings or actions taken under this article. In addition, the Zoning Administrator, at least 15 days prior to the date of the hearing, shall cause to be published within a newspaper of general circulation within the territorial boundaries of the City, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing. The applicant shall pay for said publication of the notice, and the publication fee shall be an additional fee that must be paid by the applicant prior to the hearing being held by the Board.

23.4-3 Hearing Procedure. Subject to approval by the City Attorney, the Board shall adopt such rules and regulations for the conduct of the public hearings as are consistent with State law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

23.5 Assistance By Zoning Administrator. The Zoning Administrator shall provide such technical and clerical assistance as the Board may require, and shall maintain permanent and complete records of the activities of the Board.

23.6 Fees. To defray a portion of the costs occasioned thereby, no appeal from the decision of the Zoning Administrator and no application for an exception, variance or other matter, shall be entered on the docket of, heard by or ruled by the Board until there has been paid to the office of the Board by the appellant or applicant an administrative fee, which shall be remitted to the City Clerk of the City of Blue Ridge. No fee shall be required for an interpretation of this ordinance when there is a variance between the street layout on the ground and the street layout as shown on the zone district map. Neither the City nor any officer, agent or employee of the City acting in his official capacity, nor any agency of the County shall be required to pay a fee under this Article.

23.7 By-Laws. The Board shall adopt such rules for its own internal administration and procedures, including but not limited to, conflict of interest rules, to insure that no member is entitled to rule on or adjudicate a matter in which he has an interest directly or indirectly.

23.8 Appeals From Action of the Board. Any party aggrieved by a final judgment or decision of the Board shall have a right of appeal, by submitting a written appeal to the Zoning Administrator within 30 days of the decision of the Board, and requesting an appeal to the City Council of the City of Blue Ridge, Georgia, and stating the grounds upon which the appeal is based. The Zoning Administrator, after receiving the written notice of appeal, shall forward the written notice of appeal to the City Clerk of the City of Blue Ridge, Georgia, and the City Clerk shall place said appeal upon the agenda of the next regularly scheduled meeting of the City Council of the City of Blue Ridge which is at least 15 days after receipt of the notice of appeal by the City Clerk. The Mayor and Council in their public meeting, may take such action as they

deem appropriate regarding the appeal, considering the facts and circumstances of the matter appealed, and considering those factors as provided by the Blue Ridge Zoning Ordinance regarding the making of a decision for a variance, administrative zoning decision, special exception, or regarding a rezoning. The Mayor and Council notify the applicant of the final action taken. Any party aggrieved by a final judgment or decision of the City Council may within 30 days thereafter appeal there from to the superior court or court of like jurisdiction for a writ of certiorari in accordance with O. C. G. A. §5-4-1, et seq.

ARTICLE 24 - AMENDMENTS

24.1 Amendments. This Ordinance, including the Official Zoning Map, may be amended in accordance with the adopted Zoning Procedures and Standards Ordinance, as amended. (See Appendix).

24.2 Application for Map Amendments. Each application to amend the Official Zoning Map shall be filed with the Blue Ridge City Clerk. Each application shall be submitted in conformance with the requirements of this section.

24.2-1 Application Information.

- a. Original notarized signatures of titleholder(s) and representative(s).
 - (1) If the titleholder(s) is a domestic or foreign corporation, then the following documentation shall also be required:
 - (i) A notarized statement under oath that the individual signing on behalf of the corporation is duly authorized to execute the rezoning application on behalf of the corporation and that the execution of this specific rezoning application has been duly authorized;
 - (2) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - (3) That the execution of the document on behalf of the corporation has been duly authorized.
- b. A copy of the warranty deed that reflects the current owner(s) of the property. Security deeds are not acceptable.
- c. A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than what has been requested for rezoning.
- d. A copy of the paid tax receipt for the subject property. Properties with delinquent taxes may be withdrawn by Staff and/or delayed or denied by the City Council.
- e. A copy of current site plan and current boundary survey drawn to scale by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. (Plans must be stamped). These plans must include: (1) north arrow; 2) land lot lines; 3) district lines; 4) lot lines; 5) angles; 6) bearing and distances; 7) adjoining street with right-of-way (present and proposed); 8)

paving widths; 9) the exact size and location of all buildings along with intended use; 10) buffer areas; 11) parking spaces; 12) lakes and streams; 13) utility easements; 14) limits of the 100-year flood plain and acreage of flood plain; 15) cemeteries; 16) wetlands; 17) access points; and 18) stream buffers.

f. The mailing addresses of the owners of all adjacent abutting properties, including those which would be abutting if not separated by the width of a public street R/W, as shown on the tax records of Fannin County upon the filing date of the said application.

g. The financial disclosure statements regarding: 1) Campaign Contributions and Gifts by Applicants; and 2) Property/Financial Interests by the Applicant, as required by O.C.G.A. § Title 36, Chapter 67A.

h. After the adoption of this ordinance, any other information which may be required under the laws of Georgia, as amended.

i. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

(5) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

(6) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

j. Any other information required under other sections of this Ordinance.

24.2-2 Conformance with Development Standards. The property and its use proposed in the map amendment application shall conform to the applicable development standards of the district for which application is made.

24.2-3 Application Submission. An application shall be filed with the Blue Ridge City Clerk at least 30 days prior to the date on which it is to be heard by the Planning

Commission. It shall be accompanied by an administrative fee that is established to defray the public expense of processing the application and under no condition shall said administrative fee be refunded for failure of such proposed amendment to be enacted. Such fees shall not be charged if an official governmental agency files the application.

24.2-4 Supporting Information and Data. The applicant shall present a map showing the location of the property for which an application is submitted, and its relationship to adjoining properties and public facilities and services. He shall submit applicable information concerning the service demands that will be placed on public facilities and services including, but not limited to, information on total anticipated population density; traffic volumes, effect on schools, drainage, traffic and utility facilities and related matters.

24.2-5 Application Withdrawal or Amendment. An application may not be amended by the applicant after the legal advertising as required by the Zoning Procedures and Standards Ordinance shall have first appeared. However, the Planning Commission may allow an application to be withdrawn without prejudice prior to conducting the public hearing.

24.3 Planning Study. Upon the filing of the application for a zoning decision, City departments or governmental units shall evaluate the impact of the proposed zoning decision upon public facilities and services and may otherwise study the application with reference to appropriateness and effect on existing and proposed land use. The Planning Staff shall report any such findings to the Planning Commission, along with review of the Zoning Standards as required by the Zoning Procedures and Standards Ordinance. The latter report, upon completion, shall be a matter of public record.

24.4 Planning Commission Authority. The Planning Commission, in addition to other duties authorized by the Mayor and Council, are hereby appointed with the responsibility to conduct legal public hearings for zoning decisions of the city of Blue Ridge. The Planning Commission shall review and take an advisory action upon each application at a regular monthly meeting held for that purpose; and a report of the Planning Commission's recommendation shall be submitted to the Mayor and Council.

24.5 Action by the Mayor and Council. The Mayor and Council after receiving the recommendations of the Planning Commission shall take appropriate action on the application and shall notify the applicant of the final action taken by a written notification. The action of the Mayor and Council regarding the application shall be the final legislative action taken by the City of Blue Ridge. Any party aggrieved by the final action of the City Council may within 30 days thereafter appeal therefrom to the Fannin County Superior Court by way of the court procedure for a writ of certiorari in accordance with O.C.G.A. § 5-4-1, et seq.

ARTICLE 25 - LEGAL STATUS PROVISIONS

25.1 Validity. Should any article, clause or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid, each article, clause, and provision hereof being declared severable.

25.2 Effective Date. This Ordinance shall be effective immediately upon its adoption by the Mayor and Council of Blue Ridge.

25.3 Repeal of Conflicting Ordinances and Validity of Prior Approvals and Actions. This is the Zoning Ordinance of the City of Blue Ridge, Georgia and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those 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 as provided by this Ordinance.

All variances and exceptions heretofore granted by the Zoning Board of Appeals shall remain in full force and effect, and all terms, conditions, and obligations imposed by the Zoning Board of Appeals shall remain in effect and be binding. Prior Ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

Date of Adoption

APPENDIX

RECORD OF AMENDMENTS

<u>Date of Amendment</u>	<u>Summary of Amendment</u>	<u>Pages Affected</u>
February 13, 2001	1) Delete, add, and revise definitions; 2) add, delete, reorganize the list of permitted uses; 3) amend appearance standards; 4) add and revise special requirements for some permitted uses; 5) reorganize the presentation of buffers; 6) add new Article on Environmental Conservation Districts; 7) amend and update signage regulations; 8) amend street, traffic and parking regulations; 9) amend MHP requirements; 10) amend administration; 11) amend powers of Board of Zoning Appeals; 12) recodify the ordinance; 13) add an Appendix and 14) make other amendment to update, clarify, and correct typographical errors.	All pages
February 12, 2002	Amendment of Article 2 by striking or deleting therefrom the definitions for “Billboard” and for “Sign, Billboard” in their entirety and inserting new definitions; Amending Subsection 16.4-8 by adding “Prohibition of future billboards or billboards signs” sentence; Amending Section 16.6 by addition of Subsection 16.6-8 “Billboards”; and Amending Section 16.8 by deleting in its entirety and inserting new language.	2-3, 2-18, 16-4, 16-6, 16-8
January 25, 2005	Addition of Section 16.4-8(f) allowing for the movement of existing billboards on the same property.	17-4 thru 17-10
April 4, 2005	Multiple amendments including: 1) definitions; 2) frontage for lots; 3) fence heights; 4) adding new C-1 zone district; 5) new buffer section; 6) additions to permitted use table; 7) PUD changes; 8) signage changes relative to new C-1 district; 9) parking; 10) changes on the map to show C-1; 11) to recodify the text as necessary; and 12) for other purposes.	All pages; especially after Article 8

April 10, 2007	Amending Section 2 by adding the “Conservation Design Subdivision” and “Stop Work Orders” definitions. Amending Section 5.3, Section 6.3, and Section 7.3 each entitled “ Area, Yard and Height Regulations ” add “***” [three asterisks for Section 5.3 (the R-A District)], add “**” [two asterisks for Section 6.3 (the R-1 District)], and add “****” [four asterisks for Section 7.3 (the R-2 District)]. Further, at the bottom of the table following each of the above Sections, insert the appropriate number of asterisks per zone district (as dictated above), then follow with the following two (2) sentences: [appropriate number of asterisks inserted] <i>The approval of a Conservation Design Subdivision per Article 6 of the Blue Ridge Subdivision Regulations allows the typical lot-by-lot design criteria of this zone district, as shown in the above table, to be waived. The minimum lot size per district is used only for computing the maximum allowed density on the property that is under review, rather than establishing a minimum lot size or individual lot criteria for any particular dwelling/lot proposed on-site.</i> Amending Section 23.3-3 Special Exceptions and Interpretations by adding “item e”.	2-5, 2-21, 5-1, 6-1, 7-1, 23-3
November 13, 2007	Change minimum lot size for a two-unit building from 22,500 to 19,000; also reduced square footage for second unit from 7,500 to 4,000 square feet	5-1
June 10, 2010	To Amend Article 23 Which Establishes the Zoning Board of Appeals; To Re-establish the Zoning Board of Appeals and its Membership; To Provide for Qualification of Members; To Provide for Staff; To provide for a Quorum for Action; To Provide for Notice Regarding Any Hearing; To Provide for Appeals From Action of the Board; and for Other Purposes.	23-1
December 22, 2010	Revocation of the First Paragraph of Section 23.1 of the Zoning Ordinance of the City of Blue Ridge, as amended, and adoption of a new first paragraph for Section 23.1 regarding the Zoning Board of Appeals.	23-1
October 23, 2012	Change to allow Dwelling, Loft in C-1 and C-2 zones.	13-4

April 22, 2016	To Amend Article 2 – Rules and Definitions with the addition of definitions for Photovoltaic Systems, Solar Array, Solar Array Tracking, Solar Access Easement, Solar Energy, Solar Energy Facility (Farm), Solar Energy System, Solar Energy System Building Mounted, Solar Energy Ground Mounted, Solar Energy System Thermal, Dwelling Urban, and Mixed Use Development. Amending the Table of Permissible and Conditional Uses regarding Solar Systems and amended by including urban dwellings and mixed use developments as being permitted with the Central Business District (CBD) but eliminating certain residential uses in CBD. Amending Article 11 – CBD Central Business District Regulations by adding a new chapter, to be designated as Chapter 11A, to Article 11.	2-8, 2-21, 2-22, 11-2, 13-1, 13-4, 13-10, 13-19
August 2, 2016	To delete in its entirety Article 17 and to provide for a new Article 17 as to the regulation of signs as provided by this ordinance; to amend Article 2 of the Zoning Ordinance as to the definitions of certain signs; to provide for the purpose of this ordinance; location of signs, and general provisions regulating signs; to establish sign types and standards; to further regulate billboards within the City of Blue Ridge, to permit certain types of signs within certain zoning districts; to prohibit certain signs including dangerous or defective signs; to establish sign permit requirements; to provide for non-conforming signs; to exempt temporary signs from the permitting requirements and for other purposes.	2-9, 2-18, 2-19, 2-20, 2-21, 17-1 through 17-12

November 8, 2016	To amend the Zoning Ordinance to provide that a hotel or motel may be a conditional use within the limited commercial district (C-1) in accordance with the terms and provisions of the Zoning Ordinance, to provide additional requirements as the conditional use of a hotel or motel within the limited commercial zoning district (C-1). Changes to Table of Permissible Uses, being Section 13.1 of the Zoning Ordinance. The addition of a new Section 13.2-28 regarding hotel or motel being a conditional use subject to requirements met. To provide that interested parties can appeal the decision of the Board of Zoning Appeals regarding an administrative interpretation to the Blue Ridge City Council; To revise Section 24.5 by adding provisions regarding appeals from Action by the Mayor and Council; and for other purposes.	13-1, 13-5, 13-7, 13-19 through 13-22, 24-2
September 11, 2018	To amend Article 23, Zoning Board of Appeals Section 23.2 – Organization; Section 23.3-1 – Variances; Section 23.4-1 - Applications; Section 23.4-3 - Hearing Procedures; To amend Article 24, Section 24.2-1 – Application Information	23-2, 23-4, 23-5, 24-1