

FIRST READING March 15, 2023

SECOND READING March 21, 2023

PASSED March 21, 2023

PRESENTED TO MAYOR March 24, 2023

MAYOR VETO April 3, 2023

COUNCIL OVERRIDE April 6, 2023

AN ORDINANCE NO. BR2023-06

AN ORDINANCE TO AMEND CHAPTER 125 (“ZONING ADMINISTRATION AND ENFORCEMENT”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA WITH RESPECT TO THE ADMINISTRATION AND ENFORCEMENT OF THE CITY’S ZONING ORDINANCE GENERALLY; TO AMEND CHAPTER 140 (“ZONING”), ARTICLE I (“IN GENERAL”), ARTICLE II (“ZONING DISTRICTS AND BOUNDARIES”), ARTICLE III (“R-A RESIDENTIAL AGRICULTURAL DISTRICT REGULATIONS”), ARTICLE IV (“R-1 LOW-DENSITY RESIDENTIAL DISTRICT REGULATIONS”), ARTICLE V (“R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT REGULATIONS”), ARTICLE VI (“R-3 HIGH-DENSITY RESIDENTIAL DISTRICT REGULATIONS”), ARTICLE VII (“C-1 LIMITED COMMERCIAL DISTRICT REGULATIONS”), ARTICLE VIII (“C-2 GENERAL COMMERCIAL DISTRICT REGULATIONS”), ARTICLE IX (“CBD CENTRAL BUSINESS DISTRICT REGULATIONS”), ARTICLE X (“URBAN DWELLINGS, MIXED USE DEVELOPMENTS, AND OTHER DEVELOPMENTS WITHIN THE CENTRAL BUSINESS DISTRICT”), ARTICLE XI (“M-1 MANUFACTURING DISTRICT REGULATIONS”), ARTICLE XII (“PERMISSIBLE AND CONDITIONAL USES”), ARTICLE XVI (“SIGNS AND OUTDOOR ADVERTISING”), ARTICLE XX (“ADMINISTRATION”), ARTICLE XXII (“ZONING BOARD OF APPEALS”), AND ARTICLE XXIII (“AMENDMENTS”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA WITH RESPECT TO THE DIVISION OF THE CITY INTO CERTAIN ZONING CATEGORIES, THE PERMISSIBLE AND CONDITIONAL USES WITHIN EACH ZONING CATEGORY, THE DEVELOPMENT STANDARDS WITHIN EACH CATEGORY, THE REGULATION OF SIGNS WITHIN THE CITY, VARIANCES FROM THE ZONING ORDINANCE, AND APPEALS FROM CERTAIN ADMINISTRATIVE DECISIONS; TO EXTEND THE EXISTING MORATORIUM UNTIL THE EFFECTIVE DATE OF THE

SECTION 3.

EXTENSION OF MORATORIUM

The existing moratorium first adopted by the City Council by virtue of its approval of Resolution BR2022-21 and then extended by the City Council by affirmative vote on September 20, 2022 and then extended (with exceptions) by affirmative vote of the City Council on November 15, 2022 is hereby extended until the effective date of this ordinance or, should this ordinance be vetoed pursuant to Section 3.23 of the City's Charter, until such time as the City Council shall affirmatively vote to override said veto or otherwise take action to further extend or terminate the moratorium.

SECTION 4.

SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 5.

REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

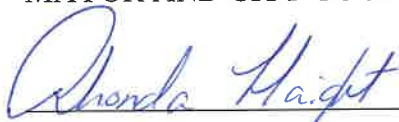
SECTION 6.

EFFECTIVE DATE.

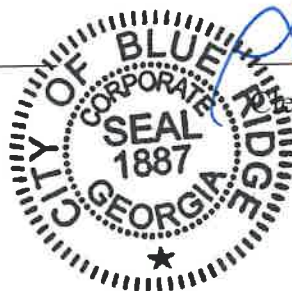
The effective date of this ordinance shall be upon its passage by the City Council.

SO ORDAINED this 6 day of April, 2023.

MAYOR AND CITY COUNCIL OF BLUE RIDGE



Mayor, City of Blue Ridge




Clerk, City of Blue Ridge

EXHIBIT "A"

EXHIBIT "B"

Chapter 125 ZONING ADMINISTRATION AND ENFORCEMENT

Sec. 125-1. Enactment clause.

For the purpose of insuring that due process is afforded to the general public when the city regulates the use of property through the exercise of zoning power, and pursuant to the authority and mandates of the Ga. Const. art. IX, § II, ¶ IV and O.C.G.A. § 36-66-1 et seq., the city does adopt, order and enact into law this chapter.

(Code 2003, § 154.01; Ord. of 11-14-2000)

Sec. 125-2. Definitions.

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

City means the City of Blue Ridge, Georgia.

Conditional use (~~special use~~) means a use approved that is permissible within a zoning district only by approval by the city council, rather than by right or administrative permission, and, generally considered compatible with the other uses allowed in the district, only after due consideration of objective criteria as applicable to the proposed conditional use. The term shall be synonymous with "special use" as used in the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

Day means a calendar day unless otherwise specified as a "work day" or "business day," which mean Monday through Friday exclusive of city-recognized holidays.

Planning commission means the city municipal planning commission created, organized, and existing as set forth in Section 2-213 through 2-220 of this Code or any other agency hereafter designated by the governing authority of the city which is authorized to investigate any proposal for a zoning decision properly coming before it, to conduct any public hearings necessary for the exercise of any zoning power and to provide an advisory recommendation to the governing authority concerning the proposed zoning decision.

Territorial boundaries mean the incorporated areas of the city.

Zoning means the power of the city to provide within its territorial boundaries for the zoning and districting 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.

Zoning decision means the final legislative action by the city, which results in:

- (1) The adoption or repeal of a zoning ordinance;
- (2) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance ("text amendment");
- (3) The adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another ("map amendment" or "rezoning");
- (4) The adoption or denial of an amendment to a zoning ordinance which to zones property that is to be annexed to the territorial boundaries of the city; or
- (5) The approval or denial of a conditional use (special use) of property; or

-
- (6) The approval or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (3) or (5) of this paragraph ("concurrent variance").

Zoning ordinance means an ordinance for the city establishing procedures and zones or districts within its territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term "zoning ordinance" also includes the zoning map (as hereinafter amended) adopted in conjunction with the zoning ordinance of the city, which shows the zones and districts and zoning classification of property herein.

(Code 2003, § 154.02; Ord. of 11-14-2000)

Sec. 125-3. AdoptionAmendment of zoning ordinance.

The zoning ordinance may be amended from time to time in whole or in part by the city council. Any amendment shall be considered and acted upon by the city council under the provisions of this chapter. Initial adoption of the zoning ordinance by the city shall comply with the following sections of this chapter:

- (1) ~~Section 125-5(1) regarding written notice;~~
- (2) ~~Section 125-6 regarding a public hearing;~~
- (3) ~~Section 125-7 regarding conduct of hearings;~~
- (4) ~~Section 125-8 regarding zoning standards; and~~
- (5) ~~Section 125-9 regarding official action.~~

(Code 2003, § 154.03; Ord. of 11-14-2000)

Sec. 125-4. Text and Map Aamendments.

This chapter and the city zoning ordinance may be amended from time to time, subject to the following conditions:

- (1) No text amendment shall become effective unless it shall have been initiated by either the mayor and council of the city, the municipal planning commission, or the city administrator and/or his designee, the property owners or an individual who has the owners' power of attorney authorizing him to act, or a request signed by 60 percent of the property owners who hold not less than 60 percent of the affected land or valid annexation procedures as defined by O.C.G.A. § 36-36-1 et seq.;
- (2) No rezoning or map amendment shall become effective unless it shall have been initiated by either the mayor and council of the city, the planning commission, the city administrator and/or his designee, the property owner(s) or an individual who has the owners' power of attorney authorizing him to act, or a request signed by 60 percent of the property owners who hold not less than 60 percent of the affected land or valid annexation procedures as defined by O.C.G.A. § 36-36-1 et seq.; and
- (23) All proposed amendments or conditional use reviews shall be initiated by an application filed with the city clerk on forms provided by the city. A standard fee to be set from time to time by the mayor and council shall be paid with the application.

(Code 2003, § 154.04; Ord. of 11-14-2000)

Sec. 125-5. Application for map amendments.

Each application to amend the official zoning map shall be filed with the city clerk. Each application shall be submitted in conformance with the requirements of this section.

(1) Application information.

- a. Original notarized signatures of titleholder and representative.
 1. If the titleholder is a domestic or foreign corporation, then the following documentation shall also be required: 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 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 floodplain and acreage of floodplain;
 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 the 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. Any other information which may be required under the laws of the state, as amended.
- i. Every application for rezoning involving a request for a nonresidential 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 chapter.
- (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.
- (3) Application submission. An application shall be filed with the 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.
- (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. The application shall include 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.

Sec. 125-56. Public notice.

The planning commission shall hold a public hearing on each application for a zoning decision as defined in Section 125-2 above. Notice of the public hearing on a proposed amendment to this chapter or for a proposed zoning decision shall be given as hereinafter set forth:

- (1) At least 15, but not more than 45, days prior to the date set for the public hearing, a written notice shall be published in a newspaper of general circulation in the city setting forth the time, place and purpose of the hearing;
- (2) In addition to the requirements of subsection (1) of this section, if the ~~proposed amendment~~ application is for a zoning decision for the rezoning of property, annexation to the territorial boundaries of the city, ~~or approval of a conditional (special) use permit, or approval of a concurrent variance,~~ and the ~~proposed amendment~~ application is initiated by a person other than the mayor and council of the city, the planning commission, or the city administrator and/or his designee:
 - a. The published notice shall also include the location of the property and state the present zoning classification of the property (if applicable), ~~and the proposed zoning classification of the property (if applicable), and the proposed use requiring a special use (conditional use) review; (if applicable), and/or the type of concurrent variance sought (if applicable);~~
 - b. Not less than 15 days prior to the public hearing, A sign shall be placed in a conspicuous location on the property that is the subject of the zoning decision setting forth the time, place and purpose of the public hearing, the present zoning classification of the property (if applicable), and the proposed zoning classification of the property; (if applicable), and, if applicable, the proposed use requiring a special use (conditional use) review (if applicable), and/or the type of concurrent variance sought (if applicable). Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed amendment; and
 - c. The city shall notify by regular mail all abutting property owners, including those that would abut if not separated by the width of a public street or railroad right-of-way, as to the date, time and purpose of the proposed zoning decision, at least seven working days prior to the date of the public hearing. Notification shall be sent to those property owners shown to be the owners by the county tax records upon the date of the filing of the application for zoning decision. Failure of an abutting owner to receive timely notice shall not void the proceedings.
- (3) If the zoning decision is for property to be annexed into the city, then:
 - a. The city shall complete the procedures required by this chapter for such zoning, except for the final vote of the ~~municipal governing authority~~ city council, prior to adoption of the annexation ordinance or resolution or the effective date of any local act, but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county and to any impacted school system as required under O.C.G.A. §§ 36-36-6 and 36-36-111;
 - b. ~~In addition to the notice requirements of subsection (1) of this section, the city shall provide notice of the hearing as required under the provisions of section 125-6;~~
 - eb. The hearing required by section 125-6 shall be conducted prior to the annexation of the subject property into the city; and

4c. The zoning classification approved by the city following the hearing required herein shall become effective on the later of:

1. The date the zoning is approved by the city; ~~or~~
2. The date that the annexation becomes effective pursuant to O.C.G.A. § 36-36-2; or
3. If the county has interposed an objection pursuant to O.C.G.A. § 36-36-11, the date provided for in O.C.G.A. § 36-36-11(c)(8).

(4) When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the additional procedures set forth in O.C.G.A. § 36-66-4(f) shall apply.

(Code 2003, § 154.05; Ord. of 11-14-2000)

Sec. 125-~~67~~. Public hearing.

~~(a) A public hearing for the initial adoption of this chapter or the city zoning ordinance shall be held before the municipal planning commission and the mayor and council. Public notice shall apply as set forth in section 125-5(1) and the public hearing shall be conducted as set forth in section 125-7, with the mayor or his delegate conducting the public hearing before the city council as would the chairperson of the planning commission or his delegate.~~

~~(b) Thereafter, a A public hearing on any proposed amendment to this chapter or the city zoning ordinance shall be held before the ~~municipal~~ planning commission on behalf of the mayor and council. A public hearing shall be conducted at the time and place specified by the planning commission and as set forth in the public notice described in section 125-5~~6~~. The purpose of such hearing shall be to present to the public the proposed zoning amendment and to receive comments thereon from the public. The planning commission shall consider the proceedings and comments of such hearing in making any zoning recommendation on the proposed zoning amendment. The planning commission shall prescribe the rules of order for its deliberations on matters with which it is charged under this chapter, and the rules of order shall be consistent with the general requirements and purposes set forth in this chapter and other laws of the state concerning conduct of proceedings of public commissions, bodies and governmental units.~~

(Code 2003, § 154.06; Ord. of 11-14-2000)

Sec. 125-~~78~~. Conduct of hearings.

The following policies and procedures shall govern the conduct of public hearings under this chapter:

- (1) The chairperson of the planning commission or his delegate on the commission shall open any hearing with an explanation of the purpose of the hearing and a description of the general rules for the conduct of the hearing. The chairperson or his delegate may describe the authority and role of the planning commission in any zoning decision. An individual requesting to be heard on a matter germane to the purpose of the hearing must be recognized by the chairperson or his delegate before addressing the planning commission. The chairperson or his delegate shall chair the hearing and shall determine germaneness of any proposed comment or presentation to the planning commission in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not germane to the published purpose of the hearing. Any person requesting to address the planning commission, upon being recognized by the chairperson or his delegate, shall state his name and residence address before proceeding with any comment, remarks or presentation. Any person addressing the planning commission shall respond to questions of the chairperson or any member of the commission. The

chairperson or his delegate may pre-determine the length of any hearing allotting equal time to proponents and opponents of any proposed zoning amendment to the extent that there are both proponents and opponents who desire to be heard. The chairperson or his delegate shall only be required to offer equal time to both proponents and opponents of any proposed zoning amendment and the fact that equal time is not, in fact, utilized by either position shall not invalidate any proceedings or action taken on the proposed amendment. The chairperson, however, shall allow a minimum time period to be no less than ten minutes per side for the presentation of data, evidence and opinion.

- (2) The chairperson or his delegate shall determine whether any application for a zoning amendment is properly filed and the type of zoning decision for which the proposed amendment calls. The chairperson or his delegate shall confirm the giving of proper public notice of the hearing on the proposed zoning amendment in accordance with this chapter.
- (3) The chairperson or his delegate shall allow the person initiating the proposed zoning amendment or his designee to present a description of the proposed zoning amendment and the reason for initiating the proposed zoning amendment. A failure of the applicant or his representative holding power-of-attorney to be present for the hearing shall result in automatic termination of any proceedings on the amendment and an adverse recommendation on the proposed amendment shall be forwarded to the mayor and council, unless the applicant can show just cause by reason of health emergency, in which case the application may be refiled by the applicant for consideration at a later date.
- (4) The chairperson or his delegate shall enter into the record after the presentation of the applicant or his representative any written comment, petition or similar written statement received by the planning commission prior to the hearing, and the same shall be considered by the mayor and council with comments and proceedings of the hearing in making any zoning decision concerning the proposed zoning amendment.
- (5) The chairperson or his delegate shall give persons opposed to the proposed amendment the opportunity to address the planning commission.
- (6) The chairperson or his delegate may alternate the presentations of persons speaking in favor of and opposed to the proposed zoning amendment beginning with the presentation of the applicant or his representative, or the chairperson or his delegate may divide such presentations into blocks of time beginning with proponents of the proposed zoning amendment and thereafter moving to the presentations of opponents of the proposed zoning amendment. Further, the chairperson or his delegate may direct that proponents and opponents designate one or more spokespersons for presentations of favorable and opposing views of the proposed zoning amendment. The chairperson or his delegate may poll the public assemblage at the hearing concerning their concurrence in the remarks of any speaker.
- (7) Any remark amounting to attack on the character or personal integrity of another individual, or comment not factually supportable, or comment in the form of an emotional outburst, shall be non-germane to the purpose of any hearing and may be ruled out of order.
- (8) Upon conclusion of the presentation of persons opposing the proposed zoning amendment, the chairperson or his delegate shall afford the person initiating the petition an allotted time to address the planning commission in rebuttal of any issues raised by persons addressing the planning commission in opposition to the proposed zoning amendment. The chairperson or his delegate may rule out of order the raising of any new issues in rebuttal unless he deems the raising of such new issues useful to the purposes of the hearing, in which case those persons present and opposing the proposed zoning amendment shall be allocated an equal amount of time through a spokesperson or otherwise to address such new issues.

-
- (9) When proponents and opponents of the proposed zoning amendment have been heard in accordance with the foregoing procedures, the chairperson or his delegate shall declare the public hearing closed. No further public hearing on the proposed zoning amendment shall be required prior to the final zoning decision.

(Code 2003, § 154.07; Ord. of 11-14-2000)

Sec. 125-89. Zoning standards.

Exercise of the zoning power of the city shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality or general welfare against the right of property owners to the unrestricted use of their property. The following standards are determined to be relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to unrestricted use of the property. Copies of these standards shall be printed and available for distribution to the general public at meetings of the planning commission and the city council when zoning decisions are being considered.

- (1) Standards for rezonings (map amendments). The city shall consider proposed rezonings using the following standards:
- a. The existing land uses and zoning classifications of nearby property;
 - b. The suitability of the subject property for the uses allowed under the existing zoning;
 - c. Whether the proposed amendment rezoning would allow a use that is generally suitable for the site compared to other possible uses and the uses and zoning of adjacent and nearby properties;
 - bd. Whether the proposed amendment rezoning would adversely affect the economic value or the uses of adjacent and nearby properties;
 - ee. Whether the subject property to be affected by the proposed amendment can be used as currently zoned;
 - ef. Whether the proposed amendment rezoning, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection or other utilities;
 - eg. Whether the subject property under the proposed rezoning amendment is in conformity with the vision, goals, policies, and intent, and Future Land Use Map for the city in of the adopted joint comprehensive plan for the county and the cities of Blue Ridge, McCaysville, Mineral Bluff and Morganton, as amended; and
 - fh. Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed amendment rezoning.
- (2) The city shall consider any proposed zoning amendment properly initiated in light of the standards set forth in subsection (1) of this section. In evaluating the standards set forth in subsection (1) of this section, it shall be the policy of the city to exercise its zoning power in conformity with the policy and intent of the joint comprehensive plan for the county and the cities of Blue Ridge, McCaysville, Mineral Bluff and Morganton insofar as that plan is current in its application to the specific property that is the subject of the proposed amendment. It is further the policy of the city to exercise the zoning power for purposes of assuring the compatibility of the use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties while enabling a reasonable use of all property.

(32) Standards for conditional uses. The city shall consider proposed conditional uses using the following standards:

The granting of a conditional use (special use) does not constitute a permanent change in zoning or use. The conditional use can be forfeited if it does not meet the review criteria. To ameliorate the impact of a conditional use on surrounding property, no conditional use may be granted without special provisions for conditions, criteria, standards and/or requirements as to the particular use. A permit for a conditional use (special use) shall be approved or denied, provided that due consideration is given to the following objective criteria as applicable to the specific use proposed at the specific site requested:

- a. Whether the proposed use impacts negatively or positively the anticipated volume of traffic flow or pedestrian safety in the vicinity;
- b. Whether the hours and manner of operation of the conditional use (special use) have no adverse effects on other properties/uses in the vicinity;
- c. Whether refuse areas, parking or loading/service areas on the property will be located or screened to protect other properties in the vicinity from noise, light, glare or odors;
- d. Whether the height, size or location of the building or other structures on the property are compatible with the height, size or location of buildings or other structures on neighboring properties;
- e. Whether the size of the lot is sufficient for the proposed use, accounting for growth opportunity that will not infringe upon the requirements of the zoning ordinance nor infringe upon the relationship to surrounding land;
- f. Whether the proposed use is consistent with the stated purpose of the zoning district in which it will be located;
- g. Whether the proposed use is in conformity with the vision, goals, policies, intent, and Future Land Use Map for the city in the adopted joint comprehensive plan for the county and the cities of Blue Ridge, McCaysville, Mineral Bluff and Morganton, as amended; and
- fh. ~~And~~ Satisfying the criteria of subsections (32)a through eg of this section, whether the benefits of and need for the proposed use are greater than any possible depreciating effects and damages to the neighboring properties.

(3) Standards for text amendments. The city shall consider text amendments using the following standards:

- a. Whether the proposed amendment is consistent with the purpose and intent of the zoning ordinance;
- b. Whether the proposed amendment is compatible with the vision, goals, policies, intent, and Future Land Use Map for the city in the adopted joint comprehensive plan for the county and the cities of Blue Ridge, McCaysville, Mineral Bluff and Morganton, as amended; and
- c. Whether the proposed amendment is required to adequately address new or changing conditions or to properly implement the comprehensive plan.

(Code 2003, § 154.08; Ord. of 11-14-2000)

Sec. 125-910. Official action.

Consideration of any proposed zoning decision properly initiated and subsequent to the public hearing shall be as follows:

- (1) The planning staff of the city shall make a report of its investigation of the proposed zoning decision to the planning commission, commenting on the advisability of adopting any proposed zoning amendment. The report of the planning staff shall be in writing, addressed to the planning commission. Further, the planning staff's report shall provide an evaluation of ~~each of the standards set forth in section 125-89(1) (or section 125-8(3)),~~ (as applicable) and describe how the planning staff's advice is considered to be consistent with the exercise of zoning power set forth in subsection (2) of this section. A summary of the proceedings of the public hearing shall accompany the planning commission's written recommendation to the mayor and council.
- (2) Powers of the planning commission.
 - a. Upon conclusion of the public hearing, the planning commission may recommend approval, or disapproval of or table the proposed zoning decision. The planning commission may recommend and/or the mayor and council may amend an application prior to acting thereon:
 1. To reduce the size of the area affected by the amendment;
 2. To change the requested zoneing district to a less intensive or lower density district than the requested zoneing; or
 3. To specify conditions that are deemed relevant to the public interest regarding site plans, ingress/egress, buffers and infrastructure related to drainage, utilities, traffic and other matters.
 - b. The powers provided in subsection (2)a of this section are not in limitation of any other zoning powers accorded to the city under the laws of the state. If the planning commission fails to recommend action on the zoning decision in writing within 45 days of the close of the public hearing and the applicant does not agree in writing to an extension of the time limit, the applicant may take the proposed zoning decision to the mayor and council without a planning commission recommendation.
 - c. If consideration of the proposed zoning amendment is tabled, it shall be reconsidered by the planning commission no later than its next regular monthly meeting. In any event, the planning commission shall have 45 days from the date of the close of the public hearing before the planning commission to review and submit its written recommendation to the mayor and council. Once an application for a zoning decision has been filed and the planning commission holds the public hearing, the application may not be withdrawn. ¶Thereafter, the planning commission shall make a recommendation on the proposed zoning decision and the mayor and council shall take a final action, regardless of whether or not the applicant withdraws his or its the application for the proposed amendment.
- (3) The authority of the planning commission and planning staff in any zoning decision shall be advisory only. Any zoning decision shall be made by the mayor and city council, who shall either approve or disapprove the proposed zoning amendment. Any approval of a proposed zoning decision may be subject to any and all lawful conditions, as set forth in Section 125-11 determined by the governing authority that are attached to the ordinance approving the proposed zoning decision.
- (4) If the mayor and city council shall take official action defeating a proposed zoning amendment which seeks to rezone property or approve seeks a conditional use (~~special use~~), the same property may not

be considered again for rezoning or conditional use (~~special use~~) until the expiration of 12 months from the date of the official action of the mayor and council.

- (5) The city shall notify the applicant in writing of the action taken by the city council within ten days of the date of the city council's action on the application. Notice shall be sent by regular mail. Failure to receive the written decision within ten days shall not constitute a procedural error on the part of the city, nor affect the decision of the city council in any manner.
- (6) The action of the city council regarding the application shall be the final legislative action taken by the city. Any party aggrieved by the final action of the city council may within 30 days thereafter appeal therefrom to the Superior Court of Fannin County as provided by state law.

(Code 2003, § 154.09; Ord. of 11-14-2000)

Sec. 125-10. Distribution.

~~Copies of this chapter, as amended, shall be printed and copies thereof made available for distribution to the general public in the offices of the city clerk. Distribution to the general public shall be upon request of a member of the general public who shall be entitled to one copy. The city clerk is authorized to print copies of this chapter and any amendments thereto from time to time for purposes of meeting distribution requirements of The Zoning Procedures Law, O.C.G.A. title 36, chapter 66.~~

~~(Code 2003, § 154.10; Ord. of 11-14-2000)~~

Sec. 125-11. Conditions of approval.

In approving the rezoning of a property or a conditional use, the city council may impose conditions of approval that it deems necessary to make the requested action acceptable and consistent with the purposes of the zoning ordinance and of the zoning district(s) involved, to ameliorate negative impacts from the proposed use, or to further the goals and objectives of any city-adopted plan. Any such conditions of approval:

- (1) shall be included in the motion approving the rezoning or conditional use;
- (2) shall be in effect as long as the zoning or conditional use is in effect;
- (3) shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
- (4) shall be interpreted and continuously enforced by the zoning administrator in the same manner as any other provision of this chapter.

ARTICLE I. IN GENERAL

...

Sec. 140-5. Use of land.

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

(Ord. of 9-11-2018, § 3.1)

Sec. 140-6. Lot of record.

Any lot existing at the time of the adoption or amendment of the ordinance from which this chapter is derived that has an area or width that is less than required by this chapter may be used.

- (1) *Single lots.* Where the owner of a lot at the adoption or amendment of the ordinance from which this chapter is derived or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, 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, said lot may be used 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 zoning administrator is empowered to administratively review a variance request reducing-waive the side yard requirements, the minimum amount necessary for a reasonable dwelling, but in no case shall any side yard be less than five feet in width. See also 'Administrative Approval' standards under Article XXII of this chapter.
- (2) *Adjoining lots.* When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of the ordinance from which this chapter is derived 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.

(Ord. of 9-11-2018, § 3.2)

Sec. 140-7. Location of buildings.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot ~~except as approved by the zoning board of appeals under article XXII of this chapter.~~

(Ord. of 9-11-2018, § 3.3)

Sec. 140-8. 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.

(Ord. of 9-11-2018, § 3.4)

Sec. 140-9. Height of buildings.

(a) *Generally.* 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.

(b) *Exceptions to height regulations.*

(1) The height limitations of this chapter shall not apply to:

- a. Belfries.
- b. Chimneys.
- c. Church spires.
- d. Conveyors.
- e. Cooling towers.
- f. Elevator bulkheads.
- g. Fire towers.
- h. Flag poles.
- i. Ornamental towers and spires.
- j. Public monuments.
- k. Silos.
- l. Smoke stacks.
- m. Stage towers or scenery lofts.
- n. Tanks.
- ~~o. Telecommunications towers.~~
- ~~p. Towers less than 125 feet in height.~~
- q. Water towers and stand pipes.

(2) 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.

(Ord. of 9-11-2018, § 3.5)

Sec. 140-10. 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.

(Ord. of 9-11-2018, § 3.6)

Sec. 140-11. Access for lots.

Each building shall be located on a lot or parcel which has frontage of not less than 40 feet on a public street, a private street, or a recorded access easement.

(Ord. of 9-11-2018, § 3.7)

Sec. 140-12. Use of yards.

The minimum yards, parking spaces and open spaces required by this chapter for each building existing at the time of passage of the ordinance from which this chapter is derived, 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 chapter for the district in which such lot is located, except as otherwise provided in this chapter.

(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 chapter, 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 chapter, 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 chapter, 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 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.

(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 the ordinance from which this chapter is derived 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) *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.

(4) *Rear yards.* 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.

(5) *Corner visibility.* No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three 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 subsection (1)d of this section regarding the required front yard and the side yard adjacent to a street.

(6) *Fences and walls.* Fences or freestanding walls in a yard shall have a maximum height of eight 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 subsection (1)d of this section.

(Ord. of 9-11-2018, § 3.8)

Sec. 140-13. Off-street parking and loading.

No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with this Chapter 140, including the the off-street parking and loading regulations of article XVII of this chapter.

(Ord. of 9-11-2018, § 3.9)

Sec. 140-14. Signs.

No sign as herein defined shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with this Chapter 140, including the general sign regulations of article XVI of this chapter.

(Ord. of 9-11-2018, § 3.10)

Sec. 140-15. 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.

- (1) Such structures shall be located on the same lot as the principal building to which it is accessory.
- (2) Such structures shall not be permitted in any required front yard.
- (3) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (4) Residential accessory ~~uses-structures~~ such as garages, greenhouses, ~~or workshops or sheds~~ shall not be rented or occupied for commercial purposes. See subsection (15) for height limits on certain residential accessory structures.
- (5) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
- (6) 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.
- (7) No garage or other accessory building shall be located closer than ~~three~~ five feet to a side or rear lot line in a residential district.
- (8) 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.
- (9) 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 40 percent of the area of the rear yard.~~
- (10) Areas in which the accessory storage of a boat, boat trailer or travel trailer is permitted shall not include the required front yard.
- (11) Filling station pumps and pump islands where permitted may occupy the required yards, provided, however, that they are not less than 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

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.

- (12) No nonresidential accessory building shall be used by anyone other than employees of the owner, lessee, or tenant of the premises.
- (13) 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.
- (14) 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 ten 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.

(15) Residential sheds and workshops shall have a maximum height of 20 feet.

(Ord. of 9-11-2018, § 3.11)

Sec. 140-16. 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.

(Ord. of 9-11-2018, § 3.12)

Sec. 140-17. 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 variance by the zoning board of appeals city council in accordance with the provisions of Article XXII of this chapter.

<i>Appearance Standards for Single-Family Dwellings</i>		
<i>Type</i>	<i>Type I</i>	<i>Type II</i>
<i>Permitted Zones</i>	<i>R-1, R-A, C-1, CBD</i>	<i>R-2, R-3</i>
Min. dwelling width	24'	24'
Min. roof pitch	4/12	4/12
Minimum floor area	1,000 sf.	1000 sf.
Roof materials	Footnote (1)	N/A
External siding materials	Footnote (2)	N/A
Foundation	Footnote (3)	Footnote (4)
Electrical 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 zoning administrator.

-
- (2) The exterior siding materials shall consist of wood, masonry, ~~concrete~~ fiber cement siding (HardiPlank), real stucco, ~~masonite, metal~~ or vinyl lap or other materials of similar appearance and as approved by the zoning administrator.
 - (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.

(Ord. of 9-11-2018, § 3.13; Ord. No. BR2021-06, § 3.13, 7-13-2022)

Sec. 140-18. Supplementary use regulations.

(a) *Customary home occupation.*

- (1) 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.
- (2) Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
- (3) No more than 25 percent of the dwelling unit may be used for the operation.
- (4) There shall be no group instruction, assembly or activity.
- (5) No commodity shall be stocked or sold on the premises.
- (6) 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 1½ 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.

(b) *Electric transformer station, gas regulator station, telephone exchange and other public utility substations.*

- (1) Such uses shall be essential for service to the area in which located.
- (2) Any building or structure, except an enclosing fence, shall be set back not less than 20 feet from any property line and shall meet all applicable yard requirements in excess thereof.
- (3) Such uses shall be enclosed by a fence not less than eight feet in height.
- (4) 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.
- (5) The storage of vehicles and equipment on the premises shall be prohibited.
- (6) Site and development plans shall be approved by the zoning administrator to ensure compatibility of facilities with the neighborhood in which they are to be located.

(c) *Manufactured building as office or commercial establishment.*

- (1) *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 subsection (d) of this section, shall be considered a permanent structure and is subject to the code requirements for commercial structures.

- (2) *Minimum site improvements.* Such structure, other than those authorized for temporary use, shall comply with the following minimum improvements:
- a. Each structure shall be supported by and firmly anchored to a permanent concrete block or brick foundation, fully closed and vented.
 - b. 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.
 - c. Each structure shall have an individual connection to public electrical power.
 - d. Uses within the lot shall meet the parking requirements according to article XVII of this chapter.

(d) *Manufactured home; temporary use provisions.*

- (1) *Residential use.* Temporary placement of manufactured homes may be allowed for a period up to six months, renewable in increments of six months, ~~provided temporary~~ (subject to approval of a special exception variance approval is granted by the zoning board of appeals/City Council to extend the period for using the manufactured home), provided the zoning administrator determines the conditions of this section are met, 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:

- a. 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.
- b. 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 the 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.~~
- c. 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.

(2) *Commercial use.*

- a. *Real estate sales office.* Temporary real estate sales offices may be permitted in residential districts provided that the following criteria is met:
 1. The structure used as a temporary real estate sales office shall comply with the methods of building construction permitted in the applicable zoning district and must:
 - (i) Be supported on adequate masonry foundation which meets the minimum requirements of the state building code as adopted by chapter 105 (Building Regulations) in this Land Use Code;

- (ii) Be appropriately anchored to meet minimum requirements of the state building code as adopted by chapter 105 (Building Regulations) in this Land Use Code; and
 - (iii) Be underpinned and landscaped.
2. The temporary real estate sales office shall meet the area, yard and parking requirements of the applicable zoning district.
 3. The temporary sales office shall not be illuminated in such a manner as to be a nuisance to the surrounding residences.
 4. All signs and advertising material shall conform with ~~section 140-466(a)~~ Article XVI-Signs of this chapter pertaining to the residential districts.
 5. The ~~municipal planning commission~~ zoning administrator shall review all applications for a temporary permit for a real estate sales office in a residential district. If the ~~planning commission~~ zoning administrator finds that the criteria of this subsection (2)a ~~has~~ been met, ~~they or she~~ shall instruct the building inspector to issue a temporary use permit for a 12-month period. The ~~planning commission~~ zoning administrator may review the temporary permit annually and grant two 12-month extensions if the use is in compliance with the standards listed in this subsection (2)a and provided the developer has not sold 70 percent of the lots in the development. The temporary use permit shall be terminated after three years or when 70 percent of the property is sold, whichever occurs first.
 6. If the ~~building inspector~~ zoning administrator finds that the temporary use permit conditions are in violation, he shall void the permit and the permitted use shall cease.

(Ord. of 9-11-2018, § 3.14)

Secs. 140-19—140-39. Reserved.

ARTICLE II. ZONING DISTRICTS AND BOUNDARIES

Sec. 140-40. Establishment of districts.

In order to carry out the intent and purpose of this chapter, the city is hereby divided into the following districts:

- (1) R-A Residential Agriculture.
- (2) R-1 Low Density Residential.
- (3) R-2 Medium Density Residential.
- (4) R-3 High Density Residential.
- (5) C-1 ~~Limited Neighborhood~~ Commercial.
- (6) C-2 ~~General Community~~ Commercial.
- (7) CBD Central Business District.
- (8) M-1 Manufacturing.

(Ord. of 9-11-2018, § 4.1)

Sec. 140-41. 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 chapter 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.

(Ord. of 9-11-2018, § 4.2)

Sec. 140-42. 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. Where a zoning district boundary line divides a lot the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary lines.

(Ord. of 9-11-2018, § 4.3)

Sec. 140-43. Environmental conservation districts.

Article XV of this chapter identifies special environmental districts which are included as part of the official zoning district map.

(Ord. of 9-11-2018, § 4.4)

Secs. 140-44—140-74. Reserved.

ARTICLE III. R-A RESIDENTIAL AGRICULTURE DISTRICT REGULATIONS

Sec. 140-75. Purpose.

The R-A Residential Agriculture District is intended to provide for areas appropriate for low density detached single-family residential dwelling units and light farming uses~~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 patterns are not yet well established.~~

(Ord. of 9-11-2018, § 5.1)

Sec. 140-76. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the R-A Residential Agriculture District.

(Ord. of 9-11-2018, § 5.2)

Sec. 140-77. Area, yard and height regulations.

The following shall apply^{**}:

<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Maximum Stories</i>	<i>Maximum Height (Feet)</i>	<i>Max. Lot Coverage Residential:</i>
Residential*: 1/2 acre with public water or sewer [*] ; additional 10,000 sq. ft. for second dwelling unit (includes condominiums; see section 140-342(v)) ^{**}	100'	30'	20'	30'	2-1/2	30'	25%
15,000 sq. ft. with public water and sewer; additional 4,000 sq. ft. for second dwelling unit (includes condominiums; see section 140-342(v)) ^{**}	90'	30'	15'	30'	2-1/2	30'	25%
Townhouses ^{**} (2-unit building only; 19,000 sq. ft. site area with public water and sewer only; see section 140-342(w))	45' (per unit/lot)	30'	15'	30'	2-1/2	30'	25%
All other uses: 1 acre	110'	30'	20'	30'	2-1/2	30'	25%

* If public sewer is not available, the minimum lot size for each use shall meet the minimum requirements of the county health department for the installation of individual sewage disposal systems or alternative systems complying with the rules of the state 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 units per building only.

^{**} The approval of a conservation design subdivision per article V of chapter 135 allows the typical lot-by-lot design criteria of this zoning 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.

(Ord. of 4-10-2007, § 2; Ord. of 10-12-2007(1), § 1; Ord. of 11-13-2007, § 1; Ord. of 9-11-2018, § 5.3)

Sec. 140-78. Off-street parking.

See section 14-508 for off-street parking regulations.

(Ord. of 9-11-2018, § 5.4)

Sec. 140-79. Buffer requirements.

See article XIII of this chapter for buffer requirements.

(Ord. of 9-11-2018, § 5.5)

Sec. 140-80. Appearance standards.

All single-family residential dwellings within the R-A district shall meet the requirements of the appearance standards, section 140-17.

(Ord. of 9-11-2018, § 5.6)

Secs. 140-81—140-103. Reserved.

ARTICLE IV. R-1 LOW-DENSITY RESIDENTIAL DISTRICT REGULATIONS

Sec. 140-104. Purpose.

The purpose of the R-1 Low-Density Residential District is to ~~provide for low density detached single-family residential dwelling units, each located on a single legal lot~~ encourage low density single family development and to protect such development from unrelated and incompatible uses.

(Ord. of 9-11-2018, § 6.1)

Sec. 140-105. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the R-1 Low-Density Residential District.

(Ord. of 9-11-2018, § 6.2)

Sec. 140-106. Area, yard and height regulations.

The following shall apply:**

<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Maximum Stories</i>	<i>Maximum Height [Feet]</i>	<i>Maximum Lot Coverage Single-family:</i>
Single-family:							
½ acre without public sewer*	100'	30'	15'	20'	2-1/2	30'	25%
12,000 sq. ft. with public water & sewer	90'	30'	15'	20'	2-1/2	30'	25%
All other uses: 12,000 sq. ft.	90'	30'	15'	20'	2-1/2	30'	25%

* If public sewer is not available, the minimum lot size for each use shall meet the minimum requirements of the county health department for the installation of individual sewage disposal systems or alternative systems complying with the rules of the state 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 V of chapter 135 allows the typical lot-by-lot design criteria of this zoning 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.

(Ord. of 4-10-2007, § 3; Ord. of 9-11-2018, § 6.3)

Sec. 140-107. Off-street parking.

See section 14-508 for off-street parking regulations.

(Ord. of 9-11-2018, § 6.4)

Sec. 140-108. Appearance standards.

All single-family residential dwellings within the R-1 district shall meet the requirements of the appearance standards according to section 140-17.

(Ord. of 9-11-2018, § 6.5)

Secs. 140-109—140-129. Reserved.

ARTICLE V. R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT REGULATIONS

Sec. 140-130. Purpose.

The R-2 Medium-Density Residential District is ~~designed to~~intended to provide areas for medium-density single-family detached dwellings on lots smaller than the minimum for the R-1 District and duplexes and townhomes. ~~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.~~

(Ord. of 9-11-2018, § 7.1)

Sec. 140-131. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the R-2 Medium-Density Residential District.

(Ord. of 9-11-2018, § 7.2)

Sec. 140-132. 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	Maximum Height (Feet)	Maximum Lot Coverage
Single-family: 10,000 sq. ft.;	80'	25'	10'	20'	2-1/2	30'	30%
with septic/public water*	100'	25'	10'	20'	2-1/2	30'	30%
Duplex:** 12,000 sq. ft.;	90'	25'	10'	20'	2-1/2	30'	30%
with septic/public water*	110'	25'	10'	20'	2-1/2	30'	30%
Townhouses: 12,000 sq. ft. (min. site area) (2 units)	45'*** (per lot)	25'	10'	20'	2-1/2	30'	30%
Triplex:** 20,000 sq. ft.;	90'	25'	10'	20'	2-1/2	30'	30%
with septic/public water*	130'	25'	10'	20'	2-1/2	30'	30%
Townhouses: 20,000 sq. ft. (min. site area) (3 units)	***	25'	10'	20'	2-1/2	30'	30%
Four-plex:** 25,000 sq. ft.;	90'	25'	10'	20'	2-1/2	30'	30%
with septic/public water*	150'	25'	10'	20'	2-1/2	30'	30%
Townhouses: 25,000 sq. ft. (min. site area) (4 units)	***	25'	10'	20'	2-1/2	30'	30%
All other uses: no minimum required	80'	25'	10'	20'	2-1/2	30'	30%

* If public sewer is not available, the minimum lot size for each use shall meet the minimum requirements of the county health department for the installation of individual sewage disposal systems or alternative systems complying with the rules of the state department of natural resources, environmental protection division.

** These uses are allowed with one building per lot and may include condominiums (see section 140-342(v)).

*** Public water and sewer only; see section 140-342(w).

**** The approval of a conservation design subdivision per article V of chapter 135 allows the typical lot-by-lot design criteria of this zoning 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.

(Ord. of 4-10-2007, § 3; Ord. of 9-11-2018, § 7.3)

Sec. 140-133. Off-street parking.

See section 14-508 for off-street parking regulations.

(Ord. of 9-11-2018, § 7.4)

Sec. 140-134. Appearance standards.

All single-family residential dwellings within the R-2 district shall meet the requirements of the appearance standards according to section 140-17.

(Ord. of 9-11-2018, § 7.5)

Secs. 140-135—140-151. Reserved.

ARTICLE VI. R-3 HIGH-DENSITY RESIDENTIAL DISTRICT REGULATIONS

Sec. 140-152. Purpose.

The R-3 High-Density Residential District is designated and intended for higher density residential including townhomes, and multi-family (two attached dwelling units and up) and manufactured homes 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 zoning district.

(Ord. of 9-11-2018, § 8.1)

Sec. 140-153. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the R-3 High-Density Residential District.

(Ord. of 9-11-2018, § 8.2)

Sec. 140-154. Area, yard and height regulations.

The following shall apply:

<i>Minimum* Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Maximum Stories</i>	<i>Maximum Height (Feet)</i>	<i>Max. Lot Coverage</i>
Single-family: 7,500 sq. ft.	60'	20'	10'	20'	2 1/2	30'	40%
Duplex:** 10,000 sq. ft.	70'	20'	10'	20'	2 1/2	30'	40%
Townhouses 10,000 sq. ft. (2 units)	35' (per lot)***	20'	10'	20'	2 1/2	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	80'	20'	10'	20'	2 1/2	45'-30'	40%

(Supp. No. 1)

Created: 2022-08-27 19:01:34 [EST]

(includes condominiums)							
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'	2-1/2	30'	40%
Manufactured home parks: 7,500 sq. ft. per unit	50'	20'	10'	20'	2-1/2	30'	40%
All other uses: no minimum required	60'	20'	10'	20'	3	45'	40%

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

** Includes condominiums (see section 140-342(v)).

*** See section 140-342(w).

(Ord. of 9-11-2018, § 8.3)

Sec. 140-155. Off-street parking.

See section 14-508 for off-street parking regulations.

(Ord. of 9-11-2018, § 8.4)

Sec. 140-156. Appearance standards.

All single-family residential dwellings within the R-3 district shall meet the requirements of the appearance standards according to section 140-17.

(Ord. of 9-11-2018, § 8.5)

Secs. 140-157—140-180. Reserved.

***ARTICLE VII. C-1 LIMITED-NEIGHBORHOOD COMMERCIAL DISTRICT
REGULATIONS***

Sec. 140-181. Purpose.

The C-1 ~~Limited-Neighborhood~~ Commercial District encourages professional small-scale service establishments and limited residential uses that serve nearby residential neighborhoods and are 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-office~~ uses, while allowing some residential uses to remain as part of the district. ~~These residential uses are limited detached single family dwellings and second story lofts.~~ New construction

should be designed so that its architectural characteristics and site features (including parking, landscaping and signage) are consonant with those of established residential properties in the area and of adjacent properties. This district encourages small-scale developments that would only allow one principal building to occur per lot and do not generate adverse impacts which would detract from the desirability of adjacent neighborhoods for residential use, 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 freestanding signage, if any, is limited to ground signs, which, if lighted, can only be externally lighted.

(Ord. of 9-11-2018, § 9.1)

Sec. 140-182. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the C-1 Limited Neighborhood Commercial District.

(Ord. of 9-11-2018, § 9.2)

Sec. 140-183. Area, yard and height regulations.

The following shall apply:

<i>Minimum* Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Maximum Stories</i>	<i>Maximum Height (Feet)</i>	<i>Maximum Lot Coverage</i>
Single family 10,000 sq. ft.	60'	25'	10'	20'	2 1/2	30'	30%
Duplex 12,000 sq. ft.	90'	25'	10'	20'	2 1/2	30'	30%
Townhouses (2 units only; 12,000 sq. ft.)	45'	25'	10'	20'	2 1/2	30'	30%
All other uses	60'	25'	10'	20'	2 1/2	30'	30%

* Public water and sewer only; also see section 140-342(w) regarding townhouses.

(Ord. of 9-11-2018, § 9.3)

Sec. 140-184. Off-street parking.

See section 14-508 for off-street parking regulations.

(Ord. of 9-11-2018, § 9.4)

Sec. 140-185. Appearance standards.

All single-family residential dwellings within the C-1 district shall meet the requirements of the appearance standards according to section 140-17.

(Ord. of 9-11-2018, § 9.5)

Sec. 140-186. Buffer requirements.

See article XIII of this chapter for buffer requirements.

(Ord. of 9-11-2018, § 9.6)

Secs. 140-187—140-210. Reserved.

ARTICLE VIII. C-2 ~~GENERAL COMMUNITY~~ COMMERCIAL DISTRICT REGULATIONS

Sec. 140-211. Purpose.

The purpose of the C-2 ~~General Community~~ Commercial District is to provide locations for office, retail and service uses that serve through-city and surrounding areas. Uses within this district are more impact-intensive than neighborhood commercial uses and should be located along major thoroughfares and outside of downtown and residential areas~~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 zoning district.

(Ord. of 9-11-2018, § 10.1)

Sec. 140-212. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the C-2 ~~General Community~~ Commercial District.

(Ord. of 9-11-2018, § 10.2)

Sec. 140-213. Area, yard and height regulations.

The following shall apply:-

<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Maximum Stories</i>	<i>Maximum Height (Feet)</i>	<i>Max. Lot Coverage</i>
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 15 feet of buffer shall create a greater required minimum setback. The buffer is required on the side and rear lines.

(Ord. of 9-11-2018, § 10.3)

Sec. 140-214. Off-street parking.

See section 14-508 for off-street parking regulations.

(Ord. of 9-11-2018, § 10.4)

Sec. 140-215. Required buffers between commercial and residential uses.

See article XIII of this chapter for buffer requirements.

(Ord. of 9-11-2018, § 10.5)

Secs. 140-216—140-238. Reserved.

ARTICLE IX. CBD CENTRAL BUSINESS DISTRICT REGULATIONS

Sec. 140-239. Purpose.

The CBD Central Business 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.

(Ord. of 9-11-2018, § 11.1)

Sec. 140-240. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the CBD Central Business District.

(Ord. of 9-11-2018, § 11.2)

Sec. 140-241. Area, yard and height regulations.

The following shall apply:

<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Max Height [Feet]</i>	<i>Max Stories**</i>
None required	None	5 ft	None*	15 ft	35 ft	2.5

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

All existing buildings as of 6/15/2021 in CBD zone if destroyed by fire or natural disaster can be replaced at current height.

(Ord. of 9-11-2018, § 11.3; Ord. No. BR2021-06 , § 11.3, 7-13-2022)

Sec. 140-242. 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 140-508.

(Ord. of 9-11-2018, § 11.4)

Sec. 140-243. Required buffers between commercial and residential uses.

See article XIII of this chapter for buffer requirements.

(Ord. of 9-11-2018, § 11.5)

Sec. 140-244. Appearance standards.

All single-family residential dwellings within the CBD district shall meet the requirements of the appearance standards according to section 140-17.

(Ord. of 9-11-2018, § 11.6)

Secs. 140-245—140-266306. Reserved.

~~ARTICLE X. URBAN DWELLINGS, MIXED-USE DEVELOPMENTS, AND OTHER DEVELOPMENTS WITHIN THE CENTRAL BUSINESS DISTRICT~~[RESERVED]

~~**Sec. 140-267. Additional regulations.**~~

~~This article provides 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 this article with article IX of this chapter, then the regulations of this article shall control.~~

~~(Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.1)~~

~~**Sec. 140-268. 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.~~

~~(Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.2)~~

~~**Sec. 140-269. Urban dwelling at grade.**~~

~~An urban dwelling may be located on the floor at grade provided it occupies no more than 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.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.3}

~~Sec. 140-270. Parking.~~

Two 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-premises parking is subject to review and approval by the zoning administrator that it meets the requirements set out herein.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.4}

~~Sec. 140-271. Urban dwelling living space.~~

The living space of urban dwelling units shall average 1,000 square feet in area per building in which they are located.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.5}

~~Sec. 140-272. 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 also meet the requirements of the fire district.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.6}

~~Sec. 140-273. Trash receptacle.~~

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

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.7}

~~Sec. 140-274. Stand-alone residential development.~~

Stand-alone residential developments (those without commercial uses) located within the central business district, 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.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.8}

Sec. 140-275. Setback.

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

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.9}

Sec. 140-276. 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 central business district.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.10}

Sec. 140-277. Green space.

Ten percent of the lot area associated with stand-alone residential developments shall be developed as an on-site green space/amenity area.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.11}

Sec. 140-278. 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 city street superintendent is required for the issuance of permits that said improvements meet the requirement set out herein.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.12}

Sec. 140-279. 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.

{Ord. No. 2016-04-22(a), § 1(2), 4-22-2016; Ord. of 9-11-2018, § 11A.13}

Secs. 140-280—140-306. Reserved.

ARTICLE XI. M-1 MANUFACTURING DISTRICT REGULATIONS

Sec. 140-307. Purpose.

The purpose of the M-1 Manufacturing 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.

(Ord. of 9-11-2018, § 12.1)

Sec. 140-308. Permitted uses.

See the table of permissible and conditional uses in section 140-341 for permitted uses in the M-1 Manufacturing District.

(Ord. of 9-11-2018, § 12.1)

Sec. 140-309. Area, yard and height regulations.

The following shall apply:*

<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Yard</i>	<i>Minimum Rear Yard</i>	<i>Maximum Stories</i>	<i>Maximum Height (-Feet)</i>
None required	70'	25'	20 [*]	20 ^{**}	3-2-5	45'-35'

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

(Ord. of 9-11-2018, § 12.3)

Sec. 140-310. Off-street parking.

See article XVII of this chapter for street, traffic and parking regulations.

(Ord. of 9-11-2018, § 12.4)

Sec. 140-311. Required buffers between industrial and residential uses.

See article XIII of this chapter for buffer requirements.

(Ord. of 9-11-2018, § 12.5)

Secs. 140-312—140-340. Reserved.

ARTICLE XII. PERMISSIBLE AND CONDITIONAL USES

Sec. 140-341. Table of pPermissible and conditional uses.

- (a) No principal building, structure, or land use shall be permitted except in the zoneing districts indicated and for the purposes permitted in Table 140-341(a). Each use is mutually exclusive and does not encompass other uses listed in the table.
- (b) A principal use denoted by the letter "X" is allowed in that zoneing 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 chapter 125, pertaining to zoning procedures and standards.
- (c) Specific requirements may apply to certain uses and are referenced by section number.
- (d) For uses not listed in the following tables, the zoning administrator ~~can~~ shall determine whether that said use is similar in impact and intensity to another use that is currently allowed in a zoneing 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 the city. Appeals from the judgment from the board of zoning appeals zoning administrator shall be in accordance with section 140-645. In the event that the board of zoning appeals cannot rule about a specific use, then amendment of the zoning ordinance set forth in this chapter shall be required to determine where such use is properly allowed.~~Article XXII. Of this chapter.
- (e) Accessory and temporary uses that are allowed in conjunction with a principal use are shown on Table 140-341(b). An accessory use is a use that is allowed on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use. A temporary use is a use having a specific duration or the end of which is related to a specific action.

Table 140-341(a). Table of Permissible and Conditional Principal Uses

<i>Commercial Zones</i>				<i>Permitted Uses</i>	<i>Addit. Req'mt.</i>	<i>Residential Zone</i>			
<i>C-1</i>	<i>C-2</i>	<i>CBD</i>	<i>M-1</i>			<i>See Sections</i>	<i>R-A</i>	<i>R-1</i>	<i>R-2</i>
X	X	X	X	Accessory uses—subject to the requirements of section 140-15		X	X	X	X
X	X	X	X	Accessory uses (all solar systems with the exception of a solar energy facility or farm)	140-342(y)	X	X	X	X
			C	Acid manufacture					
	X			Adult business, provided that they meet all the	140-342(t)				

				requirements of chapter 4, pertaining to adult businesses					
				Agriculture		✗			
	✗		✗	Agri-businesses, cooperatives					
	✗	✗	✗	Agricultural equipment sales, supply & storage					
	✗	✗		Ambulance service					
	✗	✗	✗	Amusement parks; fairgrounds; carnivals; rodeos; horseshows; recreational and entertainment activities; athletic events, community fairs and similar activities of a commercial or charitable purpose	140-342(a)				
	✗		✗	Animal hospital					
✗	✗	✗		Antique shop	140-342(x)				
✗	✗	✗		Apparel and accessory store	140-342(x)				
	✗	✗		Appliance, radio and TV, sales and repair					
✗	✗	✗		Art gallery	140-342(x)				
		✗		Assisted living, family		✗		✗	✗
		✗		Assisted living, group				✗	✗
	✗	✗		Assisted living, congregate					✗
	✗	✗		Assembly halls including union halls, conference halls, civic halls, clubs and lodges, and activities of a similar nature					
	✗	✗		Athletic/health club and facilities					
	✗	✗		Auditorium, assembly hall, civic center					
	✗			Bait shop					
	✗	✗		Bakery/pastry shop					
	✗	✗		Bank or financial institution, full service					
	✗	✗	✗	Bank, auto teller					
	✗	✗		Bank, drive-in					
	✗	✗		Bar, cocktail lounge, tavern					

	X	X		Barber and beauty shop					
	X			Baseball batting cages, golf driving range, par 3 and miniature golf	140-342(b)(1)				
X	X	X		Bed and breakfast (home)	140-342(j)	X			X
	X	X		Bed and breakfast (inn)	140-342(k)				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	140-342(x)				
			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					
				Camp, private	140-342(d)	C			
	X			Campgrounds, commercial, including accessory buildings or uses	140-342(d)	C			
	X		X	Car/truck/vehicle wash, manual or automatic					
	X	X	X	Carpenter shop, woodworking					
			C	Cement, lime gypsum manufacture					

	X			Cemetery, mausoleum, columbarium	140-342(I)	X			
	X		X	Cesspool builder, sales and service					
X		X		Churches and accessory uses except thrift stores	140-342(I)	X	X	X	X
	X	X		Clinic, public or private					
X	X	X		Clothing stores, apparel and accessory	140-342(x)				
	X	X		Clubs and lodges					
	X			College, university, technical school		€			
	X			Community center		€			
			€	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					

Commercial Zones				Permitted Uses	Addit. Req'mt. See Sections	Residential Zone			
C-1	C-2	CBD	M-1			R-A	R-1	R-2	R-3
	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		€	€	€	
	X	X		Cultural facilities such as art galleries, museums, drama theatres, libraries and uses similar in character					
	X	X		Curio and souvenir shops					

			*	Dairies, milk processing/bottling					
	*			Dance hall					
	*			Day care center, group	140-342(m)			*	*
	*			Day care facility	140-342(m)				*
*				Day care, family home		*	*	*	*
	*	*		Department and discount stores, general merchandise					
	*			Dog grooming shops					
	*			Driving range, golf		€			
	*	*		Drug stores, pharmacies					
			*	Dry cleaning, commercial					
	*			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					
*	*			Dwelling, loft	140-342(i)				
				Dwelling, multifamily (3 dwelling units only; buffer requirements of article XIII of this chapter are waived)				*	*
				Dwelling, multifamily (4 dwelling units only; buffer requirements of article XIII of this chapter are waived)				*	*
				Dwelling, multifamily (buffer requirements of article XIII of this chapter are waived)					*
*	*	*	*	Dwelling, single family attached (condominiums and townhouses)	140-342(v) 140-342(w)	*		*	*
*		*		Dwelling, single family detached (in CBD, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; buffer requirements of	140-17	*	*	*	*

Created: 2022-08-27 19:01:35 [EST]

				article XIII of this chapter are waived)					
X		X		Dwelling, two family (in CBD, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; buffer requirements of article XIII of this chapter are waived)		X		X	X
				Dwelling, senior	140-342(u)				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 50 feet to any property line					
	X		X	Feed mill, seed mill production & packing, provided that any structure for such processing is located no closer than 100 feet to any property line					

	X	X	X	Fire station, fire tower		€	€	€	€
	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	140-342(x)				
	X			Go kart, motor bike track					
				Golf courses and club houses		X	X		
	X			Golf driving range, par 3 golf	140-342(b)(1)				
€	X	X		Government buildings and facilities		€	€	€	€
		X		Group homes		X	X	X	X
	X	X		Grocery/general merchandise store					
		X		Halfway house	140-342(q)				X
	X	X		Hardware, paint & wallpaper store					
			€	Hazardous wastes handling and processing	140-342(f)				
	X	X		Hobby, toy and game store					
	X	X		Home appliance repair and related services					
X				Home occupations	140-18(a)	X	X	X	X
	X	X		Hospice					X

	X			Hospital, health and medical institution					
€	X	X		Hotel	140-342(z)				
			X	Ice, manufacturing & sales					
			X	Industry-associated research and training facilities					
	X	X		Institution					X
X	X	X		Jewelry store	140-342(x)				
			€	Junkyard, salvage yard					
	X		X	Laboratory research facilities					
			€	Landfill, inert or sanitary, private/public	140-342(g)				
	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 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 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	140-342(e)				
	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	140-342(f)				
	X		X	Manufacturing establishments involving only the assembly of pre-manufactured component parts					

				Manufactured home park (see article XVIII of this chapter)						*
	*			Manufactured home sales and services						
			€	Meat packing & processing, slaughter yards	140-342(p)					
	*	*		Medical and dental clinics and laboratories						
	*	*		Merchandise, general, department and discount stores						
*	*	*		Merchandise, specialized; photographic supplies and photo studios, floral shops, toy stores, stationary stores, craft shops, and other similar specialized merchandise	140-342(x)					
	*		*	Mini-warehouse (self- service storage facility)						
	*			Miniature golf game	140- 342(b)(1)					
		*		Mixed use developments	Article X of this chapter					
€	*	*		Motel	140-342(z)					
	*	*		Motor vehicle parts and tire store						
	*	*	*	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	140-342(s)					
	*	*		Motor vehicle sales leasing and rental						
	*	*		Movie/music rentals						
	*	*		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 greenhouses (retail)					
	X		X	Nursery and greenhouse (wholesale)					
	X			Nursing home; convalescent home					X
X	X	X		Office buildings: general and professional (legal, medical, engineering, surveying and similar uses)	140-3421 140-342(x)(2)				€
	X		X	Office centers, planned, of three or more commercial uses utilizing a permanent enclosed building with a single continuous land providing common parking, access and service. Planned centers may include combinations of following 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 regulations set forth in chapter 6					
			€	Paper or paper pulp manufacture	140-342(f)				
	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 XIV of this chapter.		X		X	
	X	X		Print shop (quick print copying)					
	X	X	X	Printing, photo engraving, publishing	140-342(b)(2)				
			X	Printing, publishing and sampling	140-342(b)(2)				
	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					

	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	140-342(b)(1)				
		X		Recreation, outdoor areas and park facilities (government owned) including accessory building, picnic shelters, swimming pools, etc. (does not include 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					
			€	Refining of petroleum products					
	X	X		Repair service, general merchandise					
	X	X		Repair service, light	140-342(b)(2)				
	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		X			

				100 feet from any property line and the minimum site acreage is 5.0 acres					
		X		Rooming and boardinghouse				X	X
	X			Recreational vehicle (RV) park; campground		€			
	X		X	Sawmill, lumber yard					
	€		€	Sawmill, temporary or portable	140-342(h)	€	€	€	€
	X			Schools: commercial, professional, vocational, technical		€			
				School: public, private or parochial; excluding professional, vocational, technical		X	X	X	X
	X	X		Service stations, motor vehicle					
	€		X	Sewage treatment facilities, public or private		€	€	€	€
	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					
			€	Solar energy facility or farm	140-342(y)				
X	X	X	X	Short term rentals	13.2-29				
	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	140-342I				
			€	Timber harvesting, logging, sawyer activities					
	X		X	Tire recapping and retreading establishments					
	X	X	X	Tire sales and service					
	€	€	X	Towers, telecommunications, for radio, television, cellular, PCS, broadband, and similar uses.	140-342I				
	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, upholstering, 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	Article X of this chapter				
	X	X	X	Utilities, public; electric, gas, telephone substations and facilities where necessary to serve the district	140-18(b)(1)	X	X	X	X

	X			Veterinary clinic/animal hospital/grooming house					
	X	X		Video sales and rental					
	€	€	€	Water treatment facilities		€	€	€	€
			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	140-342(s)				
X				Yard sales, garage/basement	140-342(n)	X	X	X	X

(Ord. No. 2012-10-23, § 1, 10-23-2012; Ord. No. 2016-04-22(a), § 1(3), 4-22-2016; Ord. No. 2016-04-22(b), § 1, 4-22-2016; Ord. No. 2016-11-08(a), § 1, 11-8-2016; Ord. No. 2016-11-08(b), § 1, 11-8-2016; Ord. of 9-11-2018, § 13.1; Ord. No. BR2021-06, § 13.1, 7-13-2022)

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			See Sections:	R-A	R-1	R-2
				AGRICULTURAL USES					
				Agriculture, excluding animal production		X			
	X		X	Agri-businesses, cooperatives					
	X			Farmer's Market	140-342(bb)				
	X		X	Farming, Horticulture for Commercial use including the growing of flowers, shrubs, fruits, tree nuts and vegetables	140-342(cc)				
			X	Kennel					
	X	X		Farm Winery	Chapter 6 of the City Code of Ordinances	X			
			X	Livestock Sales or Auction Facilities	140-342(ee)				
	X			Nursery and Greenhouse, Retail					
	X		X	Nursery and Greenhouse, Wholesale					
				Riding Stables and Academies	140-342(dd)	X			
	X		X	Sawmill, Lumber Yard					
	C		C	Sawmill, Portable	140-342(h)	C	C	C	C
				RESIDENTIAL USES					
		X		Assisted Living, Family		X		X	X
		X		Assisted Living, Group				X	X
	X	X		Assisted Living, Congregate					X
	X			Convent and Monastery					X
X		X		Dwelling, Single-Family Detached (site built or modular)	140-17 140-342(ff)	X	X	X	X
				Dwelling, Single Family Attached (Condominiums and Townhouses)	140-342(v) 140-342(w)			X	X
		X		Dwelling, Duplex	140-342(ff)	X		X	X
				Dwelling, Triplex					X
				Dwelling, Quadplex					X

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			See Sections:	R-A	R-1	R-2
				Dwelling, Multi-Family (Apartments)					X
X	X	X		Dwelling, Loft	140-342(i)				
				Dwelling, Senior	140-342(u)				X
		X		Group Homes		X	X	X	X
		X		Halfway House	140-342(q)				X
	X			Nursing Home; Convalescent Home					X
				Manufactured Home Park	140-17 Article XVIII				X
				Personal Care Homes: See Assisted Living					
	X			Rest Homes					X
		X		Rooming and Boardinghouse				X	X
INSTITUTIONAL USES									
	X	C		Assembly Halls including auditoriums, union halls, conference halls, civic halls, private clubs and lodges, and other civic and social organizations					
X	X	X		Churches and Other Facilities for Religious Organizations Worship	140-342(rr)	X	X	X	X
	X			Cemeteries, Mausoleum, Columbarium	140-342(l)	X			
	X			Community Center		C			
	X	X		Clinic, Public or Private					
	X			Day Care Center, Group	140-342(m)			X	X
	X			Day Care Facility	140-342(n)				X
	X	X	X	Fire Station, Fire Tower		C	C	C	C
C	X	X		Government Buildings and Facilities		C	C	C	C
	X	X		Hospice					X
	X			Hospital, Health and Medical Institution					
	X	X		Non-Profit Corporation or Establishment occupying a public or semi-public building for public use					

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS				
C-1	C-2	CBD	M-1		See Sections:	R-A	R-1	R-2	R-3	
	X		X	Schools: Commercial, professional, vocational, technical		C				
				School: Elementary, Middle and High Schools		C	C	C	C	
	X			School: College and Universities		C				
ARTS AND RECREATION USES										
	X			Adult Business	140-342(t)					
	X	X	X	Amusement parks; fairgrounds; carnivals; rodeos; horseshows; recreational and entertainment activities; athletic events, community fairs and similar outdoor activities of a commercial or charitable purpose	140-342(a)					
	X	X		Art Gallery						
	X	C		Athletic/Health Club and Facilities, Fitness Centers						
	X		X	Aquatic Center						
	X			Baseball batting cages, outdoor	140-342(b)(1)					
	X			Bowling Alley						
				Camp, Private (no RVs)	140-342(d)	C				
	C			Campgrounds, Commercial (tents, cabins and/or RVs)	140-342(d)	C				
	X			Campgrounds, Public (City-owned; tents, cabins and/or RVs)						
				Golf Course, with or without a Country Club	140-342(b)(1)	C	C	C		
	X			Dance Hall						
	X			Driving Range, Golf (not part of a Golf Course)	140-342(b)(1)	C				
	X	C		Game Room, Arcade						
	C			Go-Kart, Motor Bike Track						
	X	X		Library						
	X	X		Miniature Golf Game	140-342(b)(1)					
	X	X		Museum						
	X	X		Parks and Recreational Facilities, Public (City-owned; see also Campgrounds, Public)		X	X	X	X	

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS				
C-1	C-2	CBD	M-1		See Sections:	R-A	R-1	R-2	R-3	
	X			Recreational Sports Fields or Courts (commercial)	140-342(b)(1)					
				Recreational Vehicle (RV) Park (see Campgrounds, Commercial)						
	X		X	Shooting Range, Indoor	140-342(gg)					
	X		X	Skating Rink, Roller/Ice						
	X	X		Taxidermy						
	X	C		Theatre, Movie						
	X			Theatre, Drive-In	140-342i					
	X	C		Theatre, Performing Arts						
COMMERCIAL USES										
	X		X	Agricultural Equipment Sales, Rental, Supply & Storage						
	X		X	Animal Hospital						
	X	X		Antique Shop						
	X	X		Apparel and Accessory Store						
	X	X		Appliance, Radio and TV Sales and Repair						
	X			Bait Shop						
	X	X		Bakery/Pastry Shop						
	X	X		Bank or Financial Institution, Full Service						
	X	X		Bank, Drive-in						
	X	X		Bar, Cocktail Lounge, Tavern	Chapter 6 of the City Code of Ordinances					
	X	X		Barber and Beauty Shop						
	X	X		Bed and Breakfast (Inn)	140-342(k)				X	
	X			Bicycle and Sporting Goods Shops						
	X			Boat Sales, Services and Repair						
	X			Body Art Studios; Body Piercing; Tattoos						

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			See Sections:	R-A	R-1	R-2
	X	X		<u>Books, Cards and Stationery Stores</u>					
	X			<u>Building materials stores including electrical, lumber, hardware, paint, glass, plumbing and air/heating materials (may include outside storage.)</u>					
	X	X		<u>Building materials stores including electrical, lumber, hardware, paint, glass, plumbing and air/heating materials (with no outside storage.)</u>					
	X	X		<u>Brewery</u>	<u>Chapter 6 of the City Code of Ordinances</u>				
	X	X		<u>Brewpub</u>	<u>Chapter 6 of the City Code of Ordinances</u>				
	X		X	<u>Car/Truck/Vehicle Wash – Manual or Automatic</u>					
	X			<u>Caterer</u>	<u>Chapter 6 of the City Code of Ordinances</u>				
	X	X		<u>Coin-Operated Laundries</u>					
				<u>Clothing Stores (see Apparel and Accessory Store)</u>					
	X	X		<u>Convenience Stores without Fuel Pump Service</u>					
	X			<u>Convenience Stores with Fuel Pump Service, no vehicle repair</u>	<u>140-342(hh)</u>				
	X			<u>Department Stores, Warehouse Clubs and Supercenters</u>					
	X			<u>Discount Stores, Dollar Stores</u>					
	X	X		<u>Drug Stores, Pharmacies</u>					
	X			<u>Dry Cleaning and Laundry Services (except coin-operated; see Coin-Operated Laundries)</u>	<u>140-342(ii)</u>				
	X		X	<u>Equipment Rental, Retail Goods</u>					
	X		X	<u>Equipment Rental, Industrial and Construction</u>					
	X			<u>Event Center</u>	<u>Chapter 6 of the City Code of Ordinances</u>				

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			R-A	R-1	R-2	R-3
	X	X		Farm Winery	See Sections: Chapter 6 of the City Code of Ordinances	C			
	X	X		Fish, Meat Specialty Retail					
	C			Flea Market					
	X	X	X	Floor Covering Sales and Related Storage (indoor)					
	X	X		Florist					
	X			Funeral Homes					
	X	X		Furniture and Home Appliance Stores					
	X			Garden, Landscaping Supplies					
	X			Gasoline Station w/Repair Service (See also Convenience Stores with Fuel Pump Service)	140-342(s) 140-342(hh) 140-342(kk)				
	X	X		Gift, Novelty and Souvenir shop					
	X	X		Grocery Stores and Supermarkets					
	X	X		Hardware, Paint & Wallpaper Store					
	X	X		Hobby, Toy and Game Store					
	X	X		Home Appliance Repair and related services					
	C	C		Hotel (see also Motel)	140-342(z)				
	C	C		Hotel, Extended Stay (see also Motel, Extended Stay)	140-342(z)				
	X	X		Jewelry Store					
	X		X	Linen and diaper service					
	X			Massage Therapy and Day Spas	140-342(jj)				
	X		X	Manufactured Home Sales					
	X	X		Medical and dental clinics and laboratories					
				Mini-Warehouse / Self-Service Storage Facility (See under Industrial Uses category)					
	C	C		Motel	140-342(z)				
	C	C		Motel, Extended Stay	140-342(z)				

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			See Sections:	R-A	R-1	R-2
	X			Motor Vehicle Parts (not including tire stores; see Tire Sales and Service)					
	X		X	Motor Vehicle (automobile and light truck) repair and paint shops	140-342(s) 140-342(kk)				
	X			Motor Vehicle (automobile and light truck) Sales, Leasing and Rental					
	X	X		Nail Salon					
X	X	X		Office Buildings: General and Professional (legal, medical, engineering, surveying and similar uses)	140-18f 140-342(x)				
	X		X	Office Centers, Planned	140-342l				
	X	X		Office Supplies Store					
	C	C		Package Store, Alcoholic	Chapter 6 of the City Code of Ordinances				
	X	X		Personal Services: clothing rental, clerical and investigative services and health/sun spas.					
	X			Pet Shop and Dog Grooming Shop					
	X	X		Print Shop (Quick Print Copying)					
	X	X		Record Store					
	X		X	Recreational Vehicle (RV) Sales, Equipment and Service					
	X	X		Repair Service, General Merchandise (conducted within enclosed building)	140-342(b)(2)				
	X	X		Repair Service, Light (conducted within enclosed building)	140-342(b)(2)				
	X		X	Repair Service (Heavy Equipment) & Trade Shop					
	X	X		Restaurant, no drive-through window	140-342(ss)				
	X			Restaurant, with drive-through window					
				Self Storage / Self-Service Storage Facility (See Mini-Warehouse / Self-Service Storage Facility under the Industrial Uses category)					
	X	X		Shoe Repair Shop					

Created: 2022-08-27 19:01:35 [EST]

(Supp. No. 1)

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1		See Sections:	R-A	R-1	R-2	R-3
	X			Shopping Centers: Planned centers may include combinations of permitted commercial uses.					
	X	X		Specialty Snack Shops and Non-Alcoholic Beverage Shops, including Coffee Shops, Donut Shops, Ice Cream Shops and Bagel Shops					
	X	X	X	Studio for Art, Photography and Similar Uses					
	X	X		Tanning Salon					
	X		X	Tire Sales and Service, including tire recapping and retreading					
				Veterinary Clinic (see Animal Hospital)					
				Winery, Farm (see Farm Winery)					
	X	X		Yoga Studio					
INDUSTRIAL USES									
			X	Boat Storage					
			X	Bottled Gas, Storage & Distribution Center					
			X	Bottling Plant					
	X	X	X	Carpenter Shop, Woodworking					
			C	Cement, Lime Gypsum Manufacture					
			C	Concrete/Stone Cutting, Fabrication					
			X	Construction Contracting-Heavy, special trades and general building	140-342(II)				
			X	Milk Processing/Bottling					
			X	Dry Cleaning/Laundry, Industrial					
	X		X	Feed Mill, Seed Mill Production & Packing	140-342(mm)				
	X		X	Frozen Food, Cold Storage Locker					
			C	Hazardous Wastes Handling and Processing	140-342(f)				
			X	Ice, Manufacturing & Sales					
			X	Industry associated research and training facilities					

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1		See Sections:	R-A	R-1	R-2	R-3
			C	Junk Yard, Salvage Yard					
	X		X	Laboratory Research Facilities					
			C	Landfill, Inert or Sanitary – Private/Public	140-342(g)				
	X		X	Machine Shop, Fabrication, Welding	140-342(o)				
	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.	140-342(nn)				
			C	Manufacturing Establishment – involving acid processing, tanning, paper/pulp manufacturing, or other materials having characteristics considered volatile, flammable, explosive, odorous, or hazardous.	140-342(f)				
	X		X	Manufacturing Establishments involving only the assembly of pre-manufactured component parts.					
			C	Meat Packing & Processing, Slaughter Yards	140-342(p)				
	X	X	X	Mini-Warehouse / Self-Service Storage Facility	140-342(tt)				
			C	Paper or Paper Pulp Manufacture	140-342(f)				
			X	Paving, Concrete and Asphalt Plant					
			X	Petroleum bulk stations					
	X	X	X	Photo-engraving	140-342(b)(2)				
			X	Printing, Publishing and Sampling	140-342(b)(2)				
			X	Recycling Center (w/processing facilities)					
	X		X	Recycling Collection Station					
			C	Refining of Petroleum Products					
	X		X	Septic Tank Sales and Service					
			C	Timber Harvesting, Logging, Sawyer Activities					
	X		X	Trades, Special- general building and heavy construction contracting	140-342(oo)				

COMMERCIAL DISTRICTS				PRINCIPAL USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			R-A	R-1	R-2	R-3
	X		X	Trade shops and Heavy Repair-including sheet metal, upholstering, electrical, plumbing, carpentry, sign painting and other similar activities	See Sections: 140-342(pp)				
			X	Transfer Station, Solid Waste					
			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	14-342(nn)				
				TRANSPORTATION, COMMUNICATION AND UTILITY USES					
	X	X		Ambulance Service					
	X	X		Broadcasting Studio (Radio, TV)					
	X	X		Bus Station					
	X	X		Parking, Commercial Lot or Garage					
		X	X	Railroad Station					
	C		X	Sewage Treatment Facilities, Public or Private		C	C	C	C
			C	Solar energy facility or farm	140-342(y)				
	X	X		Taxi Stands, Dispatching agencies					
	C	C	X	Towers, Telecommunication for radio, television, cellular, PCS, broadband, and similar uses	140-342l				
			X	Truck Terminals					
	X	X	X	Utilities, Public; electric, gas, telephone substations and facilities where necessary to serve the district	140-18(b)	X	X	X	X
	C	C	C	Water Treatment Facilities		C	C	C	C
	X		X	Wreckage Services, Temporary Storage	140-342(s)				

Table 140-341(b). Table of Permissible Accessory and Temporary Uses

COMMERCIAL DISTRICTS				ACCESSORY AND TEMPORARY USES	ADDIT. REQ'MT.	RESIDENTIAL DISTRICTS			
C-1	C-2	CBD	M-1			See Sections:	R-A	R-1	R-2
				ACCESSORY USES					
X	X	X	X	Accessory Uses, generally	140-15	X	X	X	X
C	C	C	C	Amateur Radio Tower		C	C	C	C
				Farming, Horticulture for Personal Use		X	X	X	X
				Livestock Raising/Keeping for Personal Use	140-342(dd)	X			
X	X	X	X	Solar energy systems (with the exception of a Solar Energy Facility or Farm)	140-342(y)	X	X	X	X
X				Home Occupations	140-18(a)	X	X	X	X
X		X		Bed and Breakfast (Home)	140-342(i)	X			X
		X		Short Term Vacation Rentals	140-342(aa)				
X				Day Care , Family Home		X	X	X	X
				Golf Courses and Club Houses in Residential Subdivision		X	X		
	X	X	X	Automated Teller Machine (ATM)					
	X	X		Newsstands					
	X			Produce Stands	140-342(aa)				
				TEMPORARY USES					
X	X	X	X	Manufactured Home, Temporary Residential Use	140-18(d)(1)	X	X	X	X
				Real Estate Sales Office	140-18(d)(2)	X	X	X	X
X				Yard Sales, Garage/Basement	140-342(n)	X	X	X	X

Sec. 140-342. Additional requirements for uses.

- (a) *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.
- (b) *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.*
 - (1) Provided the use is enclosed by a wall or fence or buffer area ten feet in depth around the property perimeter; loudspeakers 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.
 - (2) 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.
- (c) *Telecommunications towers for radio, television, cellular, PCS, broadband, microwave, analog, and similar uses.* The location of freestanding communication towers may be permitted under the provisions 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 and the county; to minimize adverse visual impacts, incompatibility, and the proliferation of towers and antennas by careful siting, screening, requiring co-location of antennas, landscaping and innovative camouflaging techniques; to promote safety through proper engineering; to encourage the use of existing structures as an alternative location for antennas; and to encourage and promote the location of new communication towers in areas which are not zoned for residential use.
 - (1) *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 antennas meeting stealth design requirements is a permitted use in all zoning 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 chapter 125, pertaining to zoning procedures and standards, and must submit an application with evidence of compliance with the minimum criteria below, plus the information under subsection I(11) of this section.
 - (2) *Height.* Height means 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 antennas 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.
 - (3) *Co-location capability required.*
 - a. No tower shall be built, constructed, or erected unless it is capable of supporting three or more antennas 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 or more antennas shall be erected upon the proposed tower immediately upon completion of the tower.
 - b. Speculative towers without commitment for at least one 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.

-
- (4) *Security and advertising.* All approved towers shall be enclosed by decay-resistant security fencing not less than six 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 antennas shall be prohibited.
 - (5) *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 12 feet wide.
 - (6) *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 2,500 square feet, so as to accommodate up to three maintenance/operation structures. For guyed or lattice towers the ground area available at the base of the tower shall contain a minimum of 6,000 square feet, so as to accommodate up to three maintenance/operation structures.
 - (7) *Buffers.* The perimeter outside the required security fence shall be screened from the view of public rights-of-way, public property and any residential zone district or residential use by evergreen plantings. The width of the buffer shall be no less than 12 feet. The zoning administrator at his discretion may reduce or waive the buffer requirements upon specific findings that the visual impact of the tower base would be minimal.
 - (8) *Lighting and safety standards.*
 - a. 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.
 - b. No illumination is permitted on an antenna or tower unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or other state or federal agency of competent jurisdiction.
 - (9) *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.
 - (10) *Regulatory compliance.* All towers and antennas 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 antennas. If such standards and regulations are changed, then the owners of the communications towers and antennas shall come into compliance with such revised standards and regulations within six 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.

(11) *Application process.* Application for a permit for any tower, antennas, 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:

- a. An inventory of the applicant's existing towers or antennas within a five-mile radius of the proposed site; regarding towers, such inventory shall include identification of all other owner/operators of existing antennas on said towers.
- b. Description of the proposed antenna/tower's area of service, including maps depicting radio frequency (RF) data and applicable coverage areas, both with and without the proposed tower/antenna.
- c. Photo simulations or rendering illustrating the potential visual impact (for conditional use review only).
- d. A report from a professional engineer citing heights, design; anticipated antenna capacity (i.e., co-location capability), structural integrity, and failure characteristics with scaled drawings showing required setbacks.
- e. 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.
- f. 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.)

(d) *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.

(e) *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, drive-way and parking areas shall be paved, ingress and egress ~~are shall be~~ designed and constructed to provide for safe traffic movement, central loudspeakers ~~are not shall not be~~ used, the movie upon the theater screen ~~is shall not be not~~ visible from a major street, and the theater ~~is shall be~~ enclosed by a wall or fence of adequate height to screen the parking area and vehicle movements from view of adjoining properties.

(f) *Hazardous materials facility/processing.* Site acreage shall consist of no less than ten 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 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.

-
- (g) *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.
- (h) *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.
- (i) *Dwelling, loft.* Provided that:
- (1) There shall be no more than four loft dwellings per building and they shall be located only on the floor above ground level.
 - (2) Each loft dwelling has a private entry door.
 - (3) Either a private access stairway to the ground floor or a common stairway in conjunction with a common upstairs foyer.
 - (4) Central heating and cooling with individual thermostats per loft dwelling.
 - (5) 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.
 - (6) The loft dwelling 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.
 - (7) No doorway or window interconnection between loft dwellings is allowed.
 - (8) Two off-street or leased parking spaces per loft dwelling are required. They may be located on site and placed to the side or rear of the property to which they serve, or they 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.
 - (9) ~~Dumpster-Onsite dumpster service~~ that is screened with materials that complement the building to which it serves is required.
 - (10) Compliance with all existing codes used in the city.
- (j) *Bed and breakfast (home).* Other requirements shall include:
- (1) Rooms for rent are within a single-family dwelling occupied by the owner as his principal residence and the structure shall be residential in character;
 - (2) The same rental occupants shall not reside in the single-family building for a period longer than seven consecutive days;
 - (3) Breakfast is the only meal served and only to overnight guests;
 - (4) Identifying signage shall be limited to one sign and a maximum size of two square feet, externally lighted;
 - (5) The resident owner provides one off-street parking space for every rental room;
 - (6) No person not resident on the premises is employed;
 - (7) The exterior appearance of the building shall not be altered from its single-family character, except to ensure safety.
- (k) *Bed and breakfast (inn).* Other requirements shall include:

-
- (1) Compliance with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants.
 - (2) If within a residential district, the building shall be residential in character.
 - (3) Breakfast is the only meal served and only to overnight guests.
 - (4) The owners may have employees.
 - (5) The owner shall provide one off-street parking space for each rental room and one space for each employee.
 - (6) In a residential zoning district, signage shall be limited to one sign and a maximum size of two square feet.
- (l) *Cemeteries, mausoleums, and columbariums.*
- (1) 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.
 - (2) Churches and synagogues, and fraternal organizations may operate cemeteries as an accessory use, wherever the principal use is allowed but only if a minimum site area of two acres is available for the cemetery. A minimum site area is not required for a columbarium.
 - (3) 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 acres or more. If such burial plots are established, the tract size cannot be reduced to less than five acres at any time in the future.
- (m) *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 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.
- (n) *Yard sales, garage/basement.* Provided that:
- (1) Sales last no longer than three 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.
- (o) *Noise, odor or fumes.* 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.
- (p) *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.
- (q) *Halfway houses.* 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. See also specific public notice and hearing requirements for halfway houses in chapter 125. For such uses and in compliance with O.C.G.A. 5-36-

66-4, any such location or relocation of such uses shall require a public hearing at least six months and not more than nine months prior to the date of final action on any zoning decision (i.e., 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 chapter 125, pertaining to zoning procedures and standards, 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 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.

- (r) Offices, Centers, Planned. Three or more commercial uses utilizing a permanent enclosed building with a single continuous lot and providing common parking, access and service may include combinations of the following commercial uses: Accounting, auditing and bookkeeping offices; Engineering, surveying and architectural offices; Finance, real estate, insurance and financial institutions; Health services clinics including a pharmacy as an accessory use; Legal services offices; Licensed health services practitioner offices; Medical and dental laboratories; Research and testing laboratories; Telephone business offices; Other general office uses. Professional. Veterinarian clinics are not allowed in the C-1 and CBD districts.
- (s) Vehicle storage. 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 feet.
- (t) 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. In addition, all requirements of the City's Ordinance for Licensing and Regulation of Adult Businesses shall be met.
- (u) 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.
- (v) Condominium criteria.
- (1) See section 140-12(1)f and g for separation distances between buildings.
 - (2) If common areas are provided for in a development, the developer or a homeowner'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.
 - (3) A complete site plan shall be required to consider any rezoning concerning condominiums or townhouses or to apply for a building permit as applicable.
- (w) Townhouse criteria.
- (1) The narrowest width of a single dwelling unit shall be 16 feet.
 - (2) No more than ten dwelling units shall exist in a single building, where such buildings are allowed.
 - (3) Each townhouse unit shall have frontage on a street and be served by public water and public sewer.
 - (4) 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.
 - (5) If common areas are provided for in a development, the developer or a homeowner'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.

-
- (6) A complete site plan shall be required to consider any rezoning concerning condominiums or townhouses or to apply for a building permit as applicable.
- (x) *Limited commercial.* In a C-1 district, office uses shall meet the following requirements:
- (1) ~~In a C-1 district, s~~Such uses shall ~~only~~may occupy an existing residential dwelling type, which is converted to the commercial use.
- ~~(2) In a C-1 district, n~~New construction of an office use shall be limited to ~~two stories~~thirty feet in height.
- (y) *Solar energy systems.*
- (1) *Roof-mounted.* A building-mounted solar energy system shall be subject to the following:
- a. In residential zoning districts, a solar energy system shall be placed on the front slope of a pitched roof of the principal structure.
- b. No part of a solar energy system, when roof mounted, shall extend above the principal ridgeline of the structure upon which it is affixed.
- (2) *Ground-mounted.*
- a. No ground-mounted solar energy system shall be located in a front or side yard.
- b. No ground solar energy system shall extend above a height of 12 feet.
- (3) *Maximum area coverage.* For ground-mounted solar energy systems located in residential districts, the area of the solar energy system shall not be more than 25 percent of the footprint of the principal building to which it is accessory. For nonresidential properties, the solar energy system shall not exceed 50 percent of the footprint of the principal building to which it is accessory.
- (4) *Solar energy facility or farm.* Solar energy facilities or farms 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.
- (5) *Setbacks.* A solar energy facility and its appurtenant components and structures shall be set back a minimum of 50 feet from all property lines and at least 100 feet from any residence located within a residential district.
- (6) *Screening.* A screening system shall be presented and approved during the conditional use review.
- (7) *Glare and lighting.* In order to prevent a glare that may constitute a nuisance, solar energy 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.
- (z) *Hotel or motel.* ~~Hotel or motel as a conditional use within the limited commercial zoning district (C-1) is also subject to the following requirements:~~
- ~~(1) In a C-1 district, new construction of a hotel or motel use shall be limited to two stories in height.~~
- ~~(21)~~ Compliance with the same licensing, inspection and taxation requirements as all other hotels or motels.
- ~~(32)~~ 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.
- ~~(4) 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 chapter 125, pertaining to zoning procedures and standards, including consideration of the zoning standards provided by section 125-8.~~

- ~~(53)~~ The maximum number of hotel or motel units (rooms) shall be ten 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 in the CBD zoning district, no hotel or motel as a conditional use shall be allowed, unless the property can meet the minimum requirements of the county health department for the installation of individual sewage disposal systems or alternate systems complying with the rules of the state 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 (rooms). Lot sizes which result in fractional units shall be rounded down to the nearest whole unit.
- ~~(6)~~ The maximum rental stay by the same customer shall be 21 consecutive days.
- ~~(7)~~ The facility shall meet the definition of a "hotel" or "motel" as provided by section 140-4, except the facility does not have to meet the 80 percent of the rooms occupied by a different registered guest every five days.
- ~~(84)~~ The facility shall have on-premises parking with a minimum of one off-street parking space for every rental room (unit) and a minimum of one off-street parking space for every two employees.
- ~~(9)~~ The facility shall meet at a minimum the screening and buffer requirements as provided by article XIII of this chapter. The city council, in considering the zoning standards and requirements of section 125-8, may impose greater buffering and screening requirements to mitigate any possible depreciating effects and damages to the neighboring properties.
- ~~(105)~~ In order for a subject property to be considered for a conditional use hotel or motel within the limited commercial CBD zoning district (C-1), the adjoining lots of record at a minimum on two 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.
- ~~(116)~~ 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 units per acre. All residential dwellings within the C-1 district shall meet the requirements of the appearance standards according to section 140-17 conditional use approval by city council.
- ~~(127)~~ 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.

~~(13) 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 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 24-hour desk/counter clerk service and a separate telephone switchboard service to receive incoming/outgoing messages, and be operated as separate facilities.~~

(148) 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.

~~(15) The requirements of this subsection 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 section 125-8.~~

- ~~(aa) Accommodation Lodging. For Additional Requirements, see Chapter 10, Article V-BR2019-07, the "City of Blue Ridge Short-Term Vacation Rental Ordinance" in the City Code of Ordinances.~~
- ~~(bb) Farmer's Market. Permanent sanitary facilities are permitted by applicable authority, no overnight camping on the property is allowed, and such use shall be located on a major or minor collector street only.~~
- ~~(cc) Farming, Horticulture for Commercial use. No structure used in such processing shall be located closer than fifty (50) feet to any property line.~~
- ~~(dd) Livestock Raising/Keeping for Personal Use and Riding Stables and Academies. 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.~~
- ~~(ee) Livestock Sales or Auction Facilities. No structure for feeding or housing animals shall be located closer than one hundred (100) feet to any property line and adequate off-street parking shall be provided for livestock trailers.~~
- ~~(ff) Dwelling, Single-Family Detached and Duplex. In the CBD district, shall meet the minimum lot and yard requirements of R-3 zone district when occupying individual lot; Article 14XIII buffer requirements are waived.~~
- ~~(aa) Shooting Range, Indoor. Must comply with safety requirements of recognized shooting sports associations and not be audible to the exterior.~~
- ~~(hh) Use with Fuel Pumps. All fuel pumps shall be at least 15 feet from the street right of way. 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.~~
- ~~(ii) Dry Cleaning and Laundry Services. Shall be 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.~~
- ~~(ii) Massage Therapy and Day Spas. Establishments shall be licensed by the Georgia Board of Massage Therapy.~~
- ~~(kk) Motor Vehicle (automobile and light truck) repair and paint shops. Shall be 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 such use shall not be adjacent to or directly across a street from a residential zone district.

- (ll) Construction Contracting-Heavy. All materials and equipment shall be stored within a building or fenced enclosure providing visual screening.
- (mm) Feed Mill, Seed Mill Production & Packing. Any structure for such processing shall be located no closer than one hundred (100) feet to any property line.
- (nn) Manufacturing, Wholesale and Distribution Establishments. 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.
- (oo) Trades, Special. All materials and equipment shall be stored within a building or fenced enclosure providing a visual screen.
- (pp) Trade Shops and Heavy Repair. Activities shall be conducted in a building or fenced area providing visual screening.
- (aq) Produce Stands. Shall meet the front setback requirements of the district and provide a minimum of four parking spaces off the road right-of-way.
- (rr) Churches. Thrift stores are prohibited as an accessory use.
- (ss) Restaurants. In the CBD district where the use is adjacent to an R-1 or R-2 zoned property, a minimum buffer of 75 feet must be maintained.
- (tt) Self-Service Storage Facility. In the CBD district, the use shall only be located in the basement of the building.

(Ord. No. 2016-04-22(b), § 1, 4-22-2016; Ord. No. 2016-11-08(a), § 1, 11-8-2016; Ord. of 9-11-2018, § 13.2)

Secs. 140-343—140-372. Reserved.

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XVI. SIGNS AND OUTDOOR ADVERTISING

...

ARTICLE XVI. SIGNS AND OUTDOOR ADVERTISING

Sec. 140-464. Short title.

This article shall be known and may be cited as the "Sign Ordinance of the City of Blue Ridge."

Sec. 140-464. 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.~~

~~(Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.1)~~

Sec. 140-465. Purpose and scope.

(a) The mayor and city council find that adoption of sign regulations serves the following purposes:

- (1) The public health, safety and general welfare of the city is enhanced by ensuring the prohibition and removal of dangerous and unsafe signs.
- (2) Pedestrian and motorist safety is promoted by reducing and limiting the number and area of signs, which can unduly distract motorists and pedestrians, create traffic hazards, confuse motorists when such signs are similar to traffic signs, and reduce the effectiveness of signs needed to direct the public.
- (3) This chapter/article is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of the city are affected by the location, size, construction and graphic design of its signs.
- (4) The mayor and council find that development in the CBD, the central business zoning district, is unique from other areas of the city due to: its history, architecture, cultural heritage and integrity; its substantial contribution to the economic vitality of the city; the compactness of buildings and businesses in the districts; the geometry of public road intersections; and the special mixture of pedestrian and slower speed vehicular traffic.
- (5) The economic well-being of the city is enhanced by allowing individual businesses to identify themselves and the goods and services offered in a clear and distinctive manner, by creating a more attractive district to tourists, and by preserving and improving the appearance of the historic downtown and surrounding area, thereby ensuring that signs are properly integrated with and harmonious to the buildings and sites in the historic downtown.
- (6) The purpose of the city's elimination of mobile signs and limitation on billboards is to promote the safe movement of vehicular traffic, to reduce vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city.

(b) By enacting this chapter, the city intends:

-
- (1) To balance the rights of individuals, businesses, and government to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - (2) To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination;
 - (3) To preserve and promote the public health, safety, and welfare of the citizens of the city;
 - (4) To improve traffic and pedestrian safety;
 - (5) To maintain and enhance the visual environment, and preserve the right of citizens and visitors to enjoy the city's scenic beauty;
 - (6) To protect property values of nearby public and private property by minimizing possible adverse effects and visual blight caused by signs;
 - (7) To avoid the harmful aspects of the unrestricted proliferation of signs;
 - (8) To promote economic development;
 - (9) To enable the fair and consistent enforcement of sign regulations; and
 - (10) To promote the purposes stated in this chapter/article by regulating signs based on objective standards, including, but not limited to, height and size, and without regard to the content of the sign message.

Sec. 140-465. 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 seq.) In general, except for governmental signs as allowed by state law, all signs shall be located on private property. (Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2019, § 17.2)

Sec. 140-466. Definitions.

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

A-frame sign means any portable sign or structure composed of up to two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces.

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

Alterations means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

Area of sign means the entire area including any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, circle or triangle.

Awning means a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

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

Building means any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.

Building face or wall means all window and wall area of building in one plane or elevation.

Canopy means a structure constructed of fabric or other material other than an awning placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building or supports extended to the ground directly under the canopy or cantilevered from the building.

Central Business District (CBD) means the city's zoning district, central business district (CBD), as established in the zoning ordinance of the city, as amended, and as such boundaries are established on the official zoning map, as may be amended from time to time.

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

Developed lot means any lot on which a building is located. The building must be occupied or in such a physical condition that it is capable of being occupied.

Freestanding sign means a sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation on the ground. A permanently affixed sign which is wholly independent of a building for support.

Grandfathered sign means the same as definition of the term "nonconforming."

Hanging sign means a sign that is suspended parallel, or perpendicular from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks or chains and the like.

Height of sign means the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including the air space between the ground and the sign.

Inflatable sign means a sign that holds its shape by receiving a one-time or continuous supply of air or other gas. Inflatable signs include balloons.

Mobile sign means a sign on any vehicle or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of displaying commercial and/or noncommercial messages.

Monument/ground sign means a sign supported entirely by a base structure.

Neon sign means luminous-tube signs that contain neon or other inert gases at a low pressure.

Nonconforming signs (also known as a grandfathered sign) means any sign which was lawfully erected and maintained prior to such time as it became illegal under purview of this chapter/article.

Portable sign means a sign which is not intended to be anchored or secured to a building or to the ground.

Projecting sign means a sign attached to and projecting from the wall or overhang of a building that has a plane that is at a 90-degree angle from the wall.

Public property means any property owned by a governmental entity.

Rope lighting means lighting made up of tiny lights, usually incandescent bulbs or light emitting diodes (LEDs), which are spaced about an inch apart and covered in heavy-duty plastic tubing.

Sign means any structure, display or device containing an advertising message, announcement, declaration, demonstration, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

Sign, internally lit, means any sign lighted by a source which is inside of or behind an enclosed sign or sign face made of translucent material.

Signage plan means a plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

Structure means the supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

Wall sign means a sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building or mansard.

Window sign means a sign adjacent to or installed upon a window for the purpose of being viewed from outside of the premises. Signage that is located inside the building within three feet of the window that is intended to be viewed from the outside is considered a window sign for purposes of this chapter.

Sec. 140-466. Visibility, measurement, lighting and other guidelines.

(a) Corner visibility clearance. In any district no sign or sign structure above a height of four feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street with a railroad right-of-way which setback shall be measured along an arc with a 15-foot radius. However, a singular sign structure or supporting structure not more than ten inches in diameter, or ten inches by ten 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 feet above ground level. The provisions of this subsection shall control over all other setbacks when right-of-way intersections are involved.

(b) Measuring signs.

(1) Display surface. See the definition for sign display surface in section 140-4. The display area is measured in terms of square feet.

(2) 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.

(3) 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 feet from the property line, but in no case shall the sign display surface extend across any property line.

(c) Lighting restrictions.

(1) 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.

(2) 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 feet over the property line of the sign premises is adverse.

-
- (3) ~~No internally illuminated ground or pole signs shall be erected within 50 feet of any dwelling within a residential district.~~
 - (4) ~~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.~~
 - (5) ~~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.~~

(d) ~~Other guidelines.~~

- (1) ~~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.~~
- (2) ~~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.~~
- (3) ~~Enter-exit type sign (i.e., on-premises 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 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 feet from the R/W if less than four feet high, otherwise the setback is ten feet.~~

~~(Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.3)~~

Sec. 140-467. Applicability, authority, interpretation and enforcement.

- (a) ~~*Applicability.* This chapter/article shall apply to all properties within the corporate limits of the city. The requirements of this section/article shall apply to all signs that are or intended to be viewed from a street, public right-of-way, adjacent property, property in public ownership, or any outdoor space. No sign shall be placed or maintained on any property, building or other structure within the city except in conformity with this section/article.~~
- (b) ~~*Interpretation and enforcement.* The zoning administrative officer (zoning administrator) shall be responsible for the interpretation of the provisions of this chapter/article and for enforcement of this chapter/article. A violation of this chapter/article is a misdemeanor, and Violations shall be enforced in the same manner as violations of the zoning ordinance.~~
- (c) ~~*Construction standards.* All signs permitted under this chapter/article shall be constructed and maintained in accordance with the applicable building codes.~~

Sec. 140-467. Sign types and standards.

The following sign standards apply to all districts except as specified elsewhere in this article:

- (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 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 feet above ground level must be erected ten feet from the right of way line.
 - a. ~~*Sign locations on property with direct frontage a minimum of 100 linear feet parallel with the right of way on the Appalachian Development Highway (Georgia Route 515).* The maximum sign display shall be 140 square feet, and the maximum height shall be 50 feet. Any sign more than 25 feet in height shall be erected 20 feet from the right of way line.~~~~

-
- b. ~~Other locations.~~ The maximum sign display area shall be 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 35 feet.
- (2) ~~Ground signs.~~ Ground signs less than four feet high shall be setback at least three feet from the right-of-way line. The maximum area of a ground sign shall be 40 square feet. If the subject property has frontage (a minimum of 100 linear feet parallel with the right-of-way) on Georgia 515, the maximum area of a ground sign shall be 60 square feet and on these frontage properties, the minimum setback shall be ten feet from the right-of-way line.
- (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 inches from the building surface, they shall maintain a clear height of eight 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 sign, and the total sign display surface of each wall shall not exceed ten percent of the wall area. For uses in the limited commercial (C-1) zone district under this chapter and for office uses approved in the high density residential (R-3) zone district under this chapter through the conditional use process, the use is limited to one wall sign not to exceed 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 percent of the front facade of each individual business.
- (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 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 square feet.~~
- e. ~~The horizontal dimension of projecting sign shall not exceed three with the innermost edge of the sign located not more than one from the building facade.~~
- f. ~~The placement of any projecting sign shall comply with all codes, i.e., electrical system clearance requirements.~~
- g. ~~The uppermost section of projecting signs shall not exceed 12 feet above grade and in no case shall exceed the height of the building to which it is attached.~~
- (5) ~~Hanging canopy signs.~~ All hanging canopy signs shall not exceed six square feet in size and the lowest extremity of the sign shall not be less than eight feet above the grade of walkways or rights-of-way beneath the cover of said canopy.
- (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 50 square feet.
- (7) — *Window signs.* Each ground level business having glass directly oriented to a street shall count all of the glass area towards one allowable sign, but no single window shall be covered more than 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 25 percent.
- (8) — *Banners.* The maximum size of a banner (when allowed) shall not exceed 32 square feet.
- (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 this chapter.
- d. — Such sign, designed as a double face sign, is counted as one sign, but stacked or v-shaped are counted as two 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 this subsection (9) 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.
- g. — 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.

(Ord. of 1-25-2005, § 1; Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.4)

Sec. 140-468. Sign Permit required.

- (a) Purpose. The purpose of this section is to provide a timely and standardized mechanism for reviewing applications for sign permits to ensure signs within the city comply with the objective standards of this chapterarticle, including, but not limited to, the height and size provisions.
- (b) Authority. The zoning administrator is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures of this section and the standards of this chapterarticle.
- (c) Applicability. No sign, except those specified in this chapterarticle, shall be erected, placed, reconstructed or structurally altered without the sign owner having first obtained a sign permit from the Planning and Zoning Department pursuant to the procedures in this section and the standards of this chapterarticle.
- (e) Procedure. The following procedure shall govern the application for, and the issuance of, all sign permits under this chapterarticle. Application for a sign permit shall be made on the form provided by the zoning administrator as required by the city. An application will only be deemed as complete when all required information and accompanying documents are received.
- (f) Action by the zoning administrator.
 - (1) Within seven calendar days of submission of an application, the zoning administrator shall inform the applicant in writing, via email or mail, of any information or documents necessary for completion of an application. Until such time as the application is complete, the city will not consider the application properly filed.
 - (2) Within 25 calendar days after the application is determined complete, the zoning administrator shall review the application in accordance with this section and determine whether the application complies with the standards in this chapterarticle.
 - a. Approval. If the zoning administrator finds that the application complies with the standards of this chapterarticle, the zoning administrator will issue the sign permit. Sign applications for which no action has been taken after 25 calendar days after the application is complete shall be deemed approved.
 - b. Fails to comply. If the zoning administrator determines the application fails to comply with the standards of this chapterarticle, the applicant shall be provided a written notification via email or mail, with an explanation of why the application has been denied. If the applicant resubmits the application within 60 calendar days of the written notification of denial, the resubmitted application will require payment of the review fee. The time for resubmission may be extended an additional 30 calendar days for good cause, if requested of the zoning administrator prior to the original deadline for re-submittal.
 - c. Re-submittal. A revised application shall be resubmitted to the zoning administrator and reviewed in the same manner as an original application.
 - d. Criteria. A sign permit shall be approved upon a finding that the applicant has demonstrated that the application complies with the standards of this chapterarticle.
 - e. Expiration. A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within 60 calendar days after the date of issuance; provided, however, that when an applicant can demonstrate that a commercial entity was timely engaged

to construct the permitted sign, but the fabrication has not yet been completed, the zoning administrator may grant one 30-calendar day extension. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If, later, an individual desires to erect a sign at the same location, a new application must be submitted and another fee paid in accordance with the fee schedule applicable at such time.

- (g) *Amendments.* A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.
- (h) *Maintenance of permit.* The owner or lessee of a lot containing signs requiring a permit under this chapter article shall, at all times, maintain in force a sign permit for such property. Sign permits shall be issued to the owner of a sign for each individual sign and are not transferable.
- (i) *Vested rights.* No person applying for a sign permit or erecting a sign under this chapter article shall acquire any vested rights to continue maintenance of such signs.
- (j) *Non-transferability.* Sign permits issued pursuant to this chapter article are not transferable.
- (k) *Appeals.* See Article XXII of this chapter. ~~The following procedure shall govern the appeal of any decision regarding an application for a sign permit under this chapter:~~
 - (1) ~~Any applicant or person aggrieved or affected by the denial or grant of an application for a sign permit may appeal the determination to the city council by filing a written notice of appeal with the zoning administrator within 30 calendar days following the decision. The appeal shall be heard within 30 calendar days of the filing of the written notice of appeal.~~
 - (2) ~~The city council shall have 30 calendar days following the hearing to issue a written decision.~~
 - (3) ~~Any party aggrieved or affected by the decision of the city council may appeal the decision by filing a writ of certiorari with the superior court pursuant to O.C.G.A. title 5, ch. 4 (O.C.G.A. § 5-4-1 et seq.).~~

Sec. 140-468. Use of signs permitted by districts.

- (a) ~~Agriculture/residential districts.~~
 - (1) ~~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 square feet. (For public safety and convenience purposes, each entrance/exit driveway for:~~
 - a. ~~An approved Planned Unit Development (PUD) in Residential Agricultural (R-A) and Medium Density Residential (R-2) zone districts;~~
 - b. ~~A subdivision development; or~~
 - c. ~~A residential development under construction is allowed one ground sign as described in section 140-467(2).~~
 - (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 140-470(b)(2).~~
- (b) ~~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 140-468, unless otherwise specified. All such signs shall meet the standards according to section 140-467.
- (c) ~~In the central business district, those conventional lots, having front, side, or rear yards meeting setback requirements of this chapter compared to a lot that contains a building occupying 100 percent of the lot,~~

may use one ground sign or one pole sign, as provided herein. Otherwise, ground signs or pole signs are prohibited in the central business district.

- (1) Only those properties zoned CBD with the main building located a minimum of 25 feet 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 50 square feet, including the supporting framework. Dimensions shall not exceed 60 inches in width and ten feet in height. Pole signs shall be limited to a single support pole not to exceed eight inches in diameter or a single eight inch by eight inch support structure.
- (2) Pole signs located within the CBD shall have a maximum height of 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 feet above grade, the edge of the signage area closest to the right of way shall be located a minimum of ten 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).
- (d) 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 140-470(b)(2).
- (e) Residential uses in these commercial or industrial districts shall comply with the signage requirements of subsection (a) of this section.

Table 140-468. Sign Types and Maximum Number of Signs

Sign Types/Max. Number	Individual Establishment	Shopping Center		Business/Industrial Park	
	3 total per establishment When allowed, one pole or ground sign per road frontage only	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
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 one per individual business or as the primary signage for a shopping center.

^{**}See section 140-468(b) regarding the CBD.

^{***}Allowed only in C-2 and M-1 zones; see section 140-467(9).

(Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.5)

Sec. 140-469. Exempt signs.

The following signs are exempted from the permit requirements of this section/article; however, exemption from the permit requirement does not relieve a sign owner from compliance with the remaining provisions of this section/article:

- (a) Any sign or banner erected and maintained by a governmental entity.
- (b) Official notices or advertisements posted or displayed by or under the direction of any public official or court officer in the performance of official or court-directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments.
- (c) Directional signs measuring less than two and one-half square feet along private streets and driveways, and in off-street parking areas. Notices of any railroad, bridge or other transportation or transmission company necessary for the direction or safety of the general public.
- (d) Drive-thru menu sign accessory panel exchanges.
- (e) Signs erected more than two feet inside a building.
- (f) Historic signs.
- (g) Any sign that is not visible from a street, adjacent property, outdoor space, public right-of-way or other public property, including any sign that is placed within a business, office, or other enclosed area.
- (h) Building, suite, apartment and/or house numbers and letters used for the address identification of premises.

Sec. 140-469. 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:

- (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 of 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 140-472.
- (2) Animated signs; except as permitted in temporary events, section 140-470(b)(2).
- (3) Portable signs.
- (4) Pendants and streamers; except as permitted in temporary events, section 140-470(b)(2).
- (5) Banners; except as permitted in temporary events, section 140-470(b)(2).
- (6) Billboards; except as permitted herein.
- (7) Flags. Flags are allowed as follows:

-
- a. ~~One building mounted flag on a pole and not exceeding 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 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 this chapter and the pole is set back from the building and sign structure setback line at least ten feet. The pole must be permitted as to construction standards as other poles in accordance with this article. The maximum height of any flagpole shall not exceed the building height of the zoning district in which the flag pole is erected.~~

(Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.6)

Sec. 140-470 Prohibited signs and devices.

The following signs or devices are prohibited in all zoning districts:

- (1) Signs creating traffic hazards. No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (2) Hazardous signs. No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.
- (3) Signs resembling traffic signals or signs. No sign shall be constructed, erected or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by the city or other governmental entities.
- (4) Flashing signs or lights. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
- (5) Rope lights. In nonresidential zoning districts, rope lights may not be used on the exterior of a structure or anywhere on the property other than use upon stairways for illumination purposes. An occupant may use rope lights in the interior of a building, as long as the rope lights are more than three feet from the windows and are not intended to be viewed from outside.
- (6) Electronic message signs. A sign which changes copy electronically using switches and electric lamps, or any other electronic means, or which flashes, blinks or scrolls. This prohibition includes, but is not limited to, fiber optics, neon and light-emitting diodes (LED), unless otherwise provided for herein.
- (7) Signs with dynamic display. Signs that appear to have movement or appear to change, caused by any method other than physically removing and replacing the sign or its components, including, but not limited to, electronic messaging signs, except as provided herein.
- (8) Roof signs.
- (9) Animated signs. A rotating or revolving sign, or signs where all or a portion of the signs move in some manner are prohibited.
- (10) Wind signs. Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include pendants and streamers.
- (11) Bench signs. Any outdoor bench or furniture with signage.

-
- (12) Off premises sign. A sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site is prohibited unless allowed as a billboard.
 - (13) Pole signs. Pole signs shall only be allowed in areas zoned C-2 with frontage adjacent to Georgia Route 515 and Blue Ridge Drive.
 - (14) Video signs. Animated visual messages which are projected on-screen.
 - (15) Outdoor displays. Outdoor display of merchandise is considered advertisement and is permitted only on the property in which the owner of the merchandise has a property interest.
 - (16) Signs on trees, utility poles, or telecommunication towers.
 - (17) Signs in the right-of-way and public sidewalk. Signs in a public right-of-way or public sidewalk, other than those belonging to a government or public service agency, except certain A-frame signs as provided for herein.
 - (18) Reader boards.
 - (19) Inflatable signs.
 - (20) Abandoned or defective signs.
 - (21) Neon signs.
 - (22) Banners, except as permitted in temporary events.
 - (23) All signs located on or over public property or right-of-way, except those installed by government authorities.
 - (24) Signs not otherwise allowed by this chapter/article.

Sec. 140-470. Administration.

(a) Construction and maintenance.

- (1) 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.
- (2) The provisions and regulations of this chapter shall not apply to the ordinary servicing, repainting, cleaning, or changing of the message without a change in structure.

(b) Sign permit.

(1) General requirements.

- a. 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 60 percent of its total replacement value. All signs require a permit, except temporary signs as provided in subsection (b)(2) of this section and building mount flags.
- b. 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 chapter 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.

- c. Each application shall contain an agreement to indemnify and hold the city harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure.
- d. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six months after the date of issuance.

~~(2) Temporary signs.~~

- a. For public safety purposes, to prevent litter and blight, and to avoid depreciating effects on private property, the city 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, thus enhancing the purposes stated above.
- b. 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 32 square feet; the setback shall be ten feet from the right-of-way; and the maximum height shall be ten 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 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 90 days prior to the special event. Removal of the signage is expected within seven days after the event. Such special event signs, for the same event, are only allowed one time per calendar year.
 - 2. *Political signs.* Political signs shall be restricted to 32 square feet in area and shall be located on private property only and with the permission of property owner.

~~(c) Permit fee.~~

- ~~(1) 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.~~
- ~~(2) A permit fee as set from time to time by resolution of the city council shall be paid to the city for each permit required by this chapter.~~

~~(Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.7)~~

Sec. 140-471 Temporary signs.

Temporary signs shall comply with the following restrictions and conditions:

- (1) Real estate signs. One non-illuminated real estate sign per street frontage that meets the following requirements is permitted as follows: Maximum sign area shall be limited to four square feet with a maximum height of eight feet. Multiple listing strips, sale pending and sold signs may be allowed when attached to a real estate sign and are subject to the same maximum area and maximum height requirements. One on-premises open house or open for inspection sign, not exceeding four square feet in area with a maximum height of eight feet, may be allowed in addition to the above requirements of

this subsection. All real estate signs shall be removed within 30 days after ownership or occupancy has changed.

- (2) *Yard sale signs.* Signs for temporary yard sales, estate sales, and the like, located in residential districts and subject to the following provisions are permitted: Requires registration with the city. There shall be no more than one sign per parcel of property. The sign shall require permission of the property owner on whose property they are erected. The maximum area of the sign shall be two square feet. Signs are permitted to be posted from 3:00 p.m. on the Thursday before the event to 7:00 a.m. on the Monday following the event
- (3) *Temporary signs shall not be illuminated.*
- (4) *Special Event signs.* Temporary special event signs are allowed to be erected in the City 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 sixty (60) days prior to the special event. Removal of the signage is ~~expected~~ required within seven (7) days after the event. Such special event signs, for the same event, are only allowed one (1) time per calendar year. Locations to be approved by the City Administrator or his/her designee. Requires registration with the city.
- (5) *Grand Opening Banners.* One per establishment, limited to thirty-two square feet and one per year. May be posted up to thirty days after issuance of business tax license. Requires registration with the city.
- (6) *Political Signs* shall not be placed on the right-of-way or other public property.
- (7) *Location near easement or street.* No temporary sign shall be placed within five feet of any easement of the property upon which the sign is located. No temporary sign shall be located within ten feet of the edge of the right-of-way. Temporary signs shall be located solely on the property side of the sidewalk if there is a sidewalk unless held by an individual occupying the sidewalk or right-of-way.
- (8) *Signage during construction.* One temporary sign shall be allowed during construction of a residential or nonresidential subdivision. Requires registration with the city. The signs shall not be internally illuminated.
 - a. *Duration.* The signs shall be allowed beginning with the issuance of a land disturbance permit and ending with the issuance of a certificate of occupancy or installation of a permanent sign at the subdivision entrance, whichever comes first.
 - b. *Size.* The sign shall not exceed 16 square feet in area and five feet in height.
 - c. *Location.* The minimum front setback shall be 15 feet from the edge of the pavement or outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(9) Handheld and portable signs. Handheld and portable signs not exceeding four square feet. A staff or pole attached or otherwise associated with a sign must be blunt at both ends. Such signs must be held at all times and may not be left unattended. Persons with handheld or portable signs may not display the signs in the right-of-way or on private property without the property owner's written consent. A person must be able to produce the written consent of the property owner if requested during the time of the display of the handheld or portable sign. Persons with handheld or portable signs shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

Sec. 140-471. Nonconforming signs.

- (a) ~~All signs shall be subject to the provisions of this section governing nonconforming structures/uses. Such provisions, however, shall not be construed to prevent a legally operating nonconforming user from using signs otherwise permitted for similar conforming uses.~~
- (b) ~~The lawful use of land area or sign structure existing at the time of enactment of or subsequent amendment to the ordinance from which this chapter is derived may be continued subject to the following restrictions, even though such use does not conform with the provisions of this chapter. Existing nonconforming sign structure shall not be:~~
- ~~(1) Changed to another nonconforming sign;~~
 - ~~(2) Torn down and rebuilt as a nonconforming sign;~~
 - ~~(3) Rebuilt, altered, or repaired after damage exceeding 60 percent of its then replacement value.~~
- (c) ~~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.~~

~~(Ord. No. 2016-08-02, § 2, 8-2-2016; Ord. of 9-11-2018, § 17.8)~~

Sec. 140-472. Use of permanent signs permitted by districts

- a. Residential Agricultural (R-A) zoning district and Low Density Residential (R-1) zoning district shall be allowed no more than one permanent sign which can be either a ground sign or wall sign. The display surface of a ground sign shall not exceed six square feet and the height shall be limited to five feet. A wall sign shall have a maximum height of two feet and a maximum sign area of three square feet per sign. On vacant and undeveloped lots in the above residential districts, permanent signs are not allowed.
- b. Medium Density Residential (R-2) zoning district and High Density Residential (R-3) zoning district shall have the option of
 - i. A maximum of one projecting or swinging sign, mounted on a post, for each building with a maximum height of two feet and a maximum sign area of four square feet per side with a maximum of two sides;
 - ii. Or a maximum of one wall sign mounted per building to a structural member of the building. The sign shall have a maximum height of two feet and a maximum sign area of three square feet per sign;

iii. Or a maximum of one wall-mounted shingle per building with a maximum sign area of three square feet with a maximum of two sides.

On vacant and undeveloped lots in these residential districts, permanent signs are not allowed.

C. 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 zoning districts are shown in Table 140.472, unless otherwise specified. All such signs shall meet the standards according to Section 140.473. On vacant and undeveloped lots in the above commercial and industrial districts, permanent signs are not allowed. In the CBD, those conventional lots, having front, side, or rear yards meeting setback requirements of this chapter Zoning code compared to a lot that contains a building occupying 100 percent of the lot, may use one (1) ground sign

Sec. 140 472. Enforcement.

- (a) *Violation.* It shall be unlawful to erect or maintain any sign in violation of the provisions of this chapter. 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 days shall be sufficient notice of violation.
- (b) *Penalties.* If such violation is not remedied within ten 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 chapter considered a separate violation.
- (c) *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:
- (1) Is structurally unsafe;
 - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or inhibits the visibility of vehicular traffic;
 - (3) Is not kept in good repair; or
 - (4) Is capable of causing electrical shocks, to be removed following notice of 24 hours to the owner at the expense of the owner thereof, and to destroy or otherwise dispose of the same.

(Ord. of 9 11 2018, § 17.9)

Table 140.4732

Permanent Sign Types and Maximum Number of Signs

<u>SIGN TYPES/ MAX. NUMBER</u>	<u>INDIVIDUAL BUSINESS ESTABLISHMENT</u>	<u>SHOPPING CENTER</u>		<u>BUSINESS/ INDUSTRIAL PARK</u>	
		<u>1 total per road frontage</u>	<u>3 total per business within the shopping center</u>	<u>1 total per Park road entrance</u>	<u>2 total per industry/ business within the Park</u>
	<u>3 total per establishment</u> <u>When allowed, one ground sign per road frontage only.</u>				
<u>Ground Sign</u>	<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>
<u>Wall Sign</u>	<u>X</u>		<u>X</u>		<u>X</u>
<u>Flush Canopy Sign</u>	<u>X</u>		<u>X</u>		<u>X</u>
<u>Hanging Canopy Sign</u>	<u>X</u>		<u>X</u>		
<u>Window Sign</u>	<u>X</u>		<u>X</u>		<u>X</u>

X - Permitted by Right

Sec. 140-473. Variances.

- (a) Variances from the regulations of this article 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 article would deprive the applicant of rights commonly enjoyed by other similar properties.
 - (2) 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 article.
 - (7) The mere existence of a nonconforming 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 article 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 this chapter and following the same procedures.~~
- ~~(Ord. of 9-11-2018, § 17.10)~~

Sec. 140-4734. Design and location standards.

- (a) *Area of sign.* The area of a sign shall consist of the entire area of the sign, including any type border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of that parallelogram, circle, or triangle. If the sign has two faces that are parallel (not more than two feet apart) the size of the sign is one-half the area of the two faces, and shall be considered one sign.
- (b) *Location.* In general, except for governmental signs as allowed by sState law, all signs shall be located on private property.
- (c) *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.
- (d) *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 feet from the property line, but in no case shall the sign display surface extend across any property line.
- (e) *Corner visibility clearance.* In any zoning district, no sign or sign structure above a height of four feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street with a railroad right-of-way which setback shall be measured along an arc with a 15 foot radius. However, a singular sign structure or supporting structure not more than ten inches in diameter, or ten inches by ten 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 feet above ground level. The provisions of this subsection shall control over all other setbacks when right-of-way intersections are involved.
- (f) *Sign materials.* In C-1, C-2 and CBD, the exposed surfaces of all sign structures and supports shall be constructed using natural materials and should match local architectural styles. Natural materials include, but are not limited to, concrete, stucco, natural and painted wood, brick, stone, or manmade materials such as

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

metal and glass with similar texture and appearance that are considered appropriate to maintain the character of the existing building and structures on the property on which the sign is located.

(g) Illumination.

(1) Externally illuminated signs.

- 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. Spot lights and flood lights shall be directed only at the sign surface. Light shall not be directed off the property.
- b. 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 feet over the property line of the sign premises is ~~adverse~~ prohibited. Colored lighting is prohibited.

(2) Illumination restrictions. No internally illuminated ground or pole signs shall be erected within 50 feet of any dwelling within a residential district..

Sec. 140-4754. Sign types and standards

The following sign standards apply to all districts except as specified elsewhere in this article:

(1) Pole signs. Pole signs shall only be allowed in areas zoned C-2 with frontage adjacent to Georgia Route 515 and Blue Ridge Drive. 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 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 feet above ground level must be erected ten feet from the right-of-way line.

a. Height limit.

1. Blue Ridge Drive. The maximum sign display area shall be 60 square feet, and the maximum height shall be no greater than the maximum building height allowed in the zoning district where the sign is located. Any sign more than 25 feet in height shall be erected 20 feet from the right-of-way line.

(2) Ground/monument signs. The height of any monument/ground sign base or other structure erected to support or adorn the sign is measured as part of the sign height. The base structure shall be a minimum of two feet by four feet in size, entirely enclosed or solid with no visible open space and permanently affixed to the ground. A monument sign shall not be mounted on a pole. Ground signs less than five feet high shall be setback at least three feet from the right-of-way line. The maximum area of a ground sign shall be 40 square feet. If the subject property has frontage (a minimum of 100 linear feet parallel with the right-of-way) on Georgia 515, the maximum area of a ground sign shall be 60 square feet and on these frontage properties, the minimum setback shall be ten feet from the right-of-way line.

(3) Wall 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. Wall signs may not extend higher than the building upon which they are mounted and cannot extend more than six inches from the wall. If such signs project more than four inches from the building surface, they shall maintain a clear height of eight feet above ground level.

- a. Individual Businesses. The total number of wall signs or canopy signs on all facades of a building is counted as one sign, and the total sign display surface of each wall shall not exceed ten percent of the wall area. For uses in the (C-1) zoning district under this chapter and for office uses

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

approved in the high density residential (R-3) zoning district under this chapter through the conditional use process, the use is limited to one wall sign not to exceed 16 square feet.

b. Multi-Businesses/Shopping Centers. The maximum display surface of wall signs or canopy signs for each business shall not exceed ten percent of the front facade of each individual business.

(4) Projecting and hanging signs. Projecting signs and hanging signs are allowed in C-2, CBD and MI districts.

a. One projecting sign per facade of a building is allowed.

b. The maximum display area, including framework, shall not exceed six square feet and are allowed to extend over a pedestrian way, but not over a roadway, provided a clear height of eight feet above grade is maintained.

c. The horizontal dimension of projecting sign shall not exceed three feet with the innermost edge of the sign located not more than one foot from the building facade.

d. The placement of any projecting sign shall comply with all codes, i.e., electrical system clearance requirements.

e. The uppermost section of projecting signs shall not exceed 12 feet above grade and in no case shall exceed the height of the building to which it is attached.

(5) A-frame signs. Any portable sign or structure composed of up to two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces, provided that the A-frame sign is no greater than two feet wide and three feet high and that the A-frame sign is located on a public or private sidewalk and shall not encroach into a minimum of 60 inches of unobstructed pedestrian access along said sidewalk. Said sign must be located in front of the business served and no greater than 12 feet from the main entrance to the business served.

(6) Window signs. Each ground level business having glass directly oriented to a street shall count all of the glass area towards one allowable sign, but no single window shall be covered more than 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 25 percent.

(7) 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 zoning 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) zoning district or manufacturing (M-1) zoning district under this chapter.

d. Such sign, designed as a double-face sign, is counted as one sign, but stacked or v-shaped are counted as two signs and not allowed.

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

- 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 this subsection (67) 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.
- 6g. 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.

Sec. 140-4765. 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. All future signs will require conformity to this section. Non-conforming portable signs, and banners, shall be removed within thirty (30) days of the effective date of this section. All illegal signs shall be removed immediately. Abandonment of a non-conforming sign shall terminate its non-conforming status. The lawful use of land area or sign structure existing at the time of enactment of or subsequent amendment to this section may be continued subject to the following restrictions, even though such use does not conform with the provisions of this ordinance. Minor repairs and maintenance of nonconforming signs, such as repainting or electrical repairs, shall be permitted. 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.
4. Continued if use of the premises served by the sign ceases for any reason for a period of more than 60 days. After such time, the sign shall lose its legal nonconforming status and shall be removed. Any subsequent sign erected on the premises shall conform with all requirements of this code.

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

5. Enlarged or altered except in conformance with this chapterarticle, but it may be repaired to the extent necessary to maintain it in a safe condition

Sec. 140-4776. Violation of section; enforcement and removal of violating signs.

- a. It shall be unlawful to erect or maintain any sign in violation of the provisions of this Aarticle. The Ccity Administrator or his /her designee 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.
- b. A violation of this chapterarticle shall result in the sign permit being revoked. Additionally, any person violating this chapterarticle shall be guilty of a misdemeanor and upon conviction, may be fined up to \$250 for each violation. Each day an illegal sign remains beyond the period of time the Ccity Administrator or his /her designee gives the person responsible for maintaining the sign to correct the illegality shall be considered a separate violation.
- c. If the sign is not removed within the time required by the city, the city shall remove or cause to be removed the sign and collect the costs thereof through appropriate legal proceedings.
- d. The city shall have removed any sign in violation of this chapter, without giving notice to any party if: the sign is upon the public right-of-way or upon other public property or if the sign poses an immediate safety threat to the life or health of any member of the public, or injury to property.
- e. Signs removed by the city will be destroyed after 14 days if they are not claimed; however, this holding period shall not apply to signs which were removed from any public right-of-way.

Sec. 140-4787. Variances

- (a) Authority. The Planning Commissioncity council is authorized to consider applications for variances to the provisions of this chapterarticle.
- (b) Procedure. The procedure for filing and hearing variance applications shall be the same as for variances to the zoning ordinance.
- (d) Standards. Variances from the regulations of this sectionarticle 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 Ccity 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;

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

- (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; and
 - (10) The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.
- (e) Findings. Relief from the application of the provisions of this ordinance by use of variances shall be granted only upon a finding of hardship as previously defined.

Sec. 140-4798. Murals.

(a) *Mural defined.* The term "mural" means an artistic rendering of an image located on an exterior wall of a building located in the Central Business District. It can be an image or word(s) painted on the side of a building, in replacement of, or an embellishment of, the typical mono-color painting of a building side. The mural may or may not include the name of the business operating in the building where the mural is placed. A stylized rendering of the business name without any additional visual imagery shall not be construed to be a mural but rather will be regulated as a wall sign as set forth in this article. A standalone billboard shall not constitute a mural.

(b) *Purpose.* The following type of murals shall be permitted within the Central Business District: (1) historic murals and (2) original art murals. All other similar forms of outdoor visual art that do not meet the definitions of these forms of murals shall be regulated as wall signs as set forth in this article.

- (1) *Historic murals.* Historic murals are original works of visual art or signs produced by hand that were tiled, painted directly on or affixed directly to a wall or building prior to the date of adoption of this ordinance. Murals that recreate a historic image bearing a relationship to a historic City of Blue Ridge theme established after the date of adoption of this ordinance constitute historic murals. Original historic murals and recreations of historic images are permitted.
- (2) *Original art murals.* Original art murals are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a wall or building. Original art murals are permitted and shall be content neutral (non-political, non-religious, and non-offensive). Original art murals may be mechanically produced or computer-generated prints or images, but shall not include the use of digitally printed vinyl.
 - a. Original art murals shall comply with the following standards:
 - 1. Original art murals shall not contain a commercial message.
 - 2. The mural shall remain in place, without alteration, a minimum of five (5) years. The applicant shall attest to this standard in the permit application.

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

3. No part of any mural shall extend beyond the building wall or freestanding wall on which it is tiled, painted, or affixed.
 4. No part of the mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
 5. An appropriate graffiti resistant sealer or topcoat shall be applied to the finished mural.
- b. The following forms of original art murals are prohibited:
1. Any mural that contains an element that moves, rotates, or otherwise creates a changing image or message.
 2. Any mural that uses flashing or scrolling lights, an internal light source, or other light feature.
 3. Any mural containing electrical or mechanical components.
 4. Any mural that is applied to a surface as a vinyl or other non-permanent material.

(c) *Mural permitting process.* All murals require approval by the City Council following review and recommendation by the City of Blue Ridge Downtown Development Authority. The decision of the City Council shall be final. The action to approve a mural shall be by resolution of the City Council, following submission of an application to the City of Blue Ridge Planning and Zoning Department, which will be forwarded to the Downtown Development Authority for review.

- (1) The following application process must be followed for consideration by the City Council and Downtown Development Authority:
 - a. The mural application process will be a bi-annual application window, open in January and again in July, limited to one approval of a mural and a maximum of five applications per bi-annual session.
 - b. Applications shall be made on the form provided by the City with an application fee of \$50.00.
 - c. The business owner or their designee must complete the application and location agreement.
 - d. The application must include signatures by the building owner and the artist painting the mural, attesting that what is to be painted is accurately depicted on the application.

PART III - LAND USE CODE
Chapter 140 - ZONING
ARTICLE XX. ADMINISTRATION

- e. A full color rendering/picture of the mural must be included in the application.
 - f. The subject matter must be content neutral (non-political, non-religious, and non-offensive).
 - g. Once an application is approved and a permit issued, work must begin within six months or an otherwise approved timetable.
 - h. Work must be completed within 90 days.
- (2) The standards to be utilized by the Downtown Development Authority to recommend a mural shall include the following:
- a. The size, scale, and relationship of the mural to the historic context in the case of historic murals. Original art murals may or may not bear any relationship to the City of Blue Ridge.
 - b. Repainting of historic advertising shall be guided by exacting documentation concerning the mural and input from the Historical Committee.
 - c. A permanent plan for maintenance and exact repainting according to the plan of the original artist shall be submitted with the application. The exact matching of color and application technique shall be specified in the plan.
 - d. Any mural proposed must be on a wall surface that will not mar a key historic feature and will be compatible with the streetscape. The image of any faded advertising murals shall be stabilized using appropriate preservation techniques and shall remain otherwise unchanged in its original setting.
 - e. The standards of this section applicable to each mural type shall be considered by the Downtown Development Authority and City Council.

(d) *Maintenance.* The property owner, in addition to the business owner and/or artist, must sign the application form affirming their promise to maintain the mural in good condition for five years or, in the case a mural is not maintained, have it repainted a typical monochrome color within 90 days' notice from the City. In the event, the building is sold, the new owner shall have the right to remove the mural.

(e) *Removal of Murals/Failure to comply.* The failure of an applicant to comply with this ordinance will result in the applicant being required to remove the mural and restore the façade upon which the mural was placed to its prior condition or compatible appearance. Failure to obtain approval from the City to install a mural will result in a stop work order and a citation being issued. If the City is required to remove a mural for non-compliance, it will be at the owner's expense.

Secs. 140-4749—140-499. Reserved.

...

ARTICLE XX. ADMINISTRATION

Sec. 140-586. Authority to administer chapter.

Except as otherwise provided in these regulations, the zoning administrator shall administer, interpret, and enforce this chapter. In addition, the zoning administrator shall also have the following responsibilities:

- _____ (1) Issue permits under the conditions and procedures required by this ordinance the Code of Ordinances.
- _____ (2) Dispense and receive applications as required by city code the Code of Ordinances.
- _____ (3) Provide assistance and guidance to applicants concerning compliance with this chapter.
- _____ (4) Act as liaison for the planning commission with other officials.
- _____ (5) Issue administrative variances/waivers as prescribed herein.

(Ord. of 9-11-2018, § 21.1)

Sec. 140-587. Building and development permit required.

- (a) A building permit shall be required for any proposed use of lands or building to indicate and ensure compliance with all provisions of this chapter before any improvements or grading of lands or any alteration or construction of buildings commences. 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.
- (b) A development permit shall be required for any proposed use of land(s) or building(s) to indicate and insure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land(s) or building(s) commences; for a planned center in any commercial or industrial district, a planned unit development (article XIV of this chapter), or a subdivision or manufactured home park (article XVIII of this chapter), 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. However, that development permits for individual structures within approved single-family residential subdivisions or for single-family dwelling units on individual lots shall not be required.

(Ord. of 9-11-2018, § 21.2)

Sec. 140-588. Application and site/sketch plans; review.

- (a) 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 articles XIV, XV and XVIII of this chapter, complete sketch plans and other information as may be necessary to determine and provide for the enforcement of this chapter are required. Two copies of the sketch plan shall be submitted to the zoning administrator for review. Such review shall occur within 20 days of submission. The applicant will receive written notification of the findings of the review and one copy shall be returned to the owner either approved, approved with needed changes, conditions, or comments, or denied.
- (b) The minimum criteria for a sketch plan include the following items:
- (1) *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.
 - (2) *Date.* Date, north arrow, and graphic scale (not smaller than one inch equals 100 feet).
 - (3) *Survey boundaries.* Boundaries of the entire tract showing the relationship to adjoining properties, public rights-of-way, easements, and driveways, including local zone district designations. Such existing rights-of-way and easements, railroads, and public crosswalks shall be identified by width and name or purpose.
 - (4) *Location map.* A general location map indicating adjacent and nearby street connections.
 - (5) *Building locations.* All existing and proposed buildings, their shape, size, and setback in appropriate scale.
 - (6) *Parking and loading.* All required parking and loading facilities for residential buildings exceeding three or more dwelling units and for all commercial/industrial uses.
 - (7) *Buffers.* Show the location and design of the proposed buffer, if applicable.
 - (8) *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.
 - (9) *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 XV of this chapter (see section 140-440).

(Ord. of 9-11-2018, § 21.3)

Sec. 140-589. 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 chapter or any other codes and laws of the city, county, or the state, except as provided herein.

(Ord. of 9-11-2018, § 21.4)

Sec. 140-590. Duration of permit validity.

Development permits shall be valid for two (2) years from its issuance. If work described in any development permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained. A development or building permit shall be valid for two years from its issuance providing the work described in any development or building permit has begun within 90 days from the date of issuance, otherwise said permit shall expire. Building permits shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months or more.

(Ord. of 9-11-2018, § 21.5)

~~Sec. 140-591. 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 chapter shall be presented to the board of appeals only on appeals from the decision of such official.~~

(Ord. of 9-11-2018, § 21.6)

Secs. 140-5921—140-615. Reserved.

ARTICLE XXII. ZONING BOARD OF APPEALS
**HARDSHIP VARIANCES, SPECIAL
EXCEPTION VARIANCES, APPEALS, AND ADMINISTRATIVE WAIVERS**

Sec. 140-638. Creation and membershipTypes of relief.

The city zoning board of appeals is hereby established. The term "board," when used in this chapter, shall be construed to mean the zoning board of appeals. The board shall be composed of five members who either reside within the city or the county. The members of the board shall be appointed by the city council of the city to four years terms which are to run concurrently with the terms of the mayor and city council. Each member of the city council shall have one appointment to the board. Vacancies upon the board shall be filled by appointment by the 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 mayor or the mayor's designee. 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 city council member who appointed said member, and the city council member shall have the full and complete right to remove his appointee at any time, for any reason, or for no reason. Persons may appeal for relief from the requirements of this chapter under the following circumstances:

- (1) Qualifications of membersHardship variance. A hardship variance may be granted by the city council, subject to the provisions in this section. No member of the board shall serve as a member of the city council, or hold any office or employment with the city. Members shall be of good character and shall be at least 21 years of age. Any member of the board may also serve as a planning commissioner on the planning commission. With the costs paid for by the city, all members shall be required to attend reasonable training regarding their duties while serving on the board.
- (2) Special exception variance. As set forth in this chapter and in this article below. The city council may grant special exception variances subject to the provisions of this chapter and as set forth below.
- (3) StaffAppeal from an administrative decision. Persons may appeal to the city council from certain decisions made by the zoning administrator as set forth in this section. 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 planning commission, and which regularly handle the administrative matters regarding zoning for the city.
- (34) Meetings and quorumAdministrative waiver. The city administrator is authorized to waive certain requirements of this chapter subject to the provisions in this section. The board may adopt bylaws or its own rules of procedure, but said rules of procedure shall comply with the requirements of state law regarding zoning matters. Meetings of the board shall comply with the requirements of the Open Meetings Act under state law. Three present and voting members of the board 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 as an automatic appeal, and for final action by the mayor and city council.

- (4) ~~Conflicts of interest.~~ If any member of the board shall find that his private or personal interests are involved in the matter coming before the board, he shall disqualify himself 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.

(Ord. No. 10-06-08-02, § 1, 6-8-2010; Ord. No. 2010-12-22, § 1, 12-22-2010; Ord. No. 2018-05-08(1), § 1, 5-18-2018; Ord. of 9-11-2018, § 23.1)

Sec. 140-639. ~~Organization~~Hardship variances generally.

A request for a hardship variance shall be made on forms provided by the city administrator and shall be submitted by the property owner or the property owner's agent or designee. The city council shall hear applications for hardship variances, and the city council may authorize such variances from the terms of this chapter as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Hardship variances may only be granted to the extent necessary to alleviate such unnecessary hardship, and such variances shall not be granted merely for convenience to the applicant or to allow the applicant to gain advantage over similarly zoned properties. The board of appeals shall elect one of its members as chairperson, 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 chairperson 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.

(Ord. of 9-11-2018, § 23.2; Ord. No. 2018-09-11(3), § 1, 9-11-2018)

Sec. 140-640. ~~Standards for hardship variances~~Powers and duties.

(a) Hardship variances may be granted in such individual cases of unnecessary hardship upon a finding by the city council that:~~The board of appeals shall have the following powers and duties:~~

- (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 chapter 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 chapter.

(b) No variance may be granted for a use of land or building or structure that is prohibited by this chapter. No variance may be granted that would conflict with or alter a condition imposed by the city council as part of a rezoning, 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 condition.

(c) Sign variances are governed by Section 140-4787.

(d) If denied, an application for the approval for the same hardship variance affecting the same property shall not be made or considered for a period of six (6) months from the date of denial.

(1) ~~Variances:~~

-
- a. ~~The board shall hear and decide applications for variances from the requirements of this chapter. The board shall have the power to: authorize upon application in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter 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 chapter 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 chapter.~~
- b. ~~No variance may be granted for a use of land or building or structure that is prohibited by this chapter. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the 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.~~
- (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 chapter. 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 chapter. Such appeal shall be made within ten 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 chapter, 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.~~
- (3) ~~Special exceptions and interpretations. To hear and decide the following exceptions to the terms of this chapter provided that such exceptions shall impose appropriate conditions and safeguards:~~

-
- 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 the ordinance from which this chapter is derived.~~
 - b. ~~Zone district boundary interpretations as provided in section 140-42.~~
 - c. ~~Questions relating to interpretation of use restrictions.~~
 - d. ~~Questions relating to the existence of a nonconforming use.~~
 - e. ~~Questions related to the temporary use of a manufactured home for residential purposes outlined by section 140-19(d)(1).~~

~~{Ord. of 4-10-2007, § 3; Ord. No. 10-06-08-02, § 2, 6-8-2010; Ord. of 9-11-2018, § 23.3}~~

Sec. 140-641. Public hearings.

The ~~board of appeals~~city council shall hold a public hearing before making its decision on all requests for hardship variances, ~~appeals, and special exceptions on which it acts,~~ and shall act within a reasonable time after receiving an application.

- (1) *Applications.* Application for a hearing and decision on requests for hardship 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~~city council to make its decision. Each application for a variance shall include the following information:
 - a. Original notarized signatures of titleholder and representative.
 - b. If the titleholder 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 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~~ city council.
- (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 postmarked 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~~ city council, at least 15 days before the hearing. However, acts of vandalism of 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~~ city council.
- (3) *Hearing procedure.* ~~The applicant shall be entitled to present evidence on matters before the city council. Following the presentation of the applicant's case, anyone in opposition to the application may present evidence in opposition to the application. Similarly, the zoning administrator, by and through the city attorney, may present evidence bearing on the application. Following the close of evidence, the city council shall make its decision on the application. 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.~~

(Ord. No. 10-06-08-02, § 3, 6-8-2010; Ord. No. 2018-05-08(1), § 1, 5-18-2018; Ord. of 9-11-2018, § 23.4; Ord. No. 2018-09-11(3), § 1, 9-11-2018; Ord. No. 2018-09-11(4), § 1, 9-11-2018)

Sec. 140-642. Special exception variances.

A request for a special exception variance on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property. The City Council shall hear and decide special exception variances as set forth in this chapter and as set forth below:

(a) *General limitations on relief.* Special exception variances shall be limited to relief from the following requirements of this zoning code: :

- (1) ~~Questions related~~ Time limitations on the temporary use of a manufactured home for residential purposes outlined by section 140-18(d)(1).
- (2) Appearance standards of the code pertaining to single family dwelling.
- (3) Maximum building height.
- (4) Minimum building setbacks.
- (5) Minimum lot width.
- (6) Automobile parking requirements.
- (7) Screening and buffer requirements.

(b) *Standards for special exception variance approval.* A special exception variance may be granted upon finding that the relief, if granted:

- (1) Would not cause substantial detriment to the public good; and
- (2) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- (3) Would not diminish and impair property values within the surrounding neighborhood
- (4) Would not impact the purpose and intent of the Code.

(c) *Limitations on special exception variance approval.* In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the city council.

(d) *Restrictions on re-filing a special exception variance if denied.* If denied, an application for the same approval of a special exception variance affecting the same property shall not be reconsidered for a period of six (6) months from the date of denial.

Sec. 140-643. Appeals from an administrative decision.

The city council 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, decision, determination, or refusal made by the zoning administrator in the administration or enforcement of any provision of this chapter. Such appeals shall be in accordance with the following:

- (1) An appeal may be taken by any person, firm, corporation, governmental officer, department, board, or agency affected or aggrieved by any decision of the zoning administrator with respect to this chapter.
- (2) Such appeal shall be made within ten 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 city council all the papers constituting the record upon which the action appealed from was taken.

- (3) The appellant shall be entitled to present evidence on matters before the city council. Similarly, the zoning administrator, by and through the city attorney, may present evidence bearing on the appeal.
- (4) The city council may, in conformity with this chapter, 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 city council may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the city council.

Sec. 140-6442. Assistance by zoning administrator ~~Administrative waivers.~~

The city administrator is authorized to reduce specific site design and development standards of this chapter where the intent of the chapter can be achieved and equal performance obtained by granting a waiver of standards. The authority to grant a waiver shall be limited to the following:

- (1) A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:
 - a. The reduction is necessary because of geologic conditions, topography, or the inability to adhere to landscaping, buffer and tree protection standards of this chapter.
 - b. The reduction is limited to a maximum of twenty (20) percent of the minimum standard.
- (2) A reduction in the parking requirement, provided the following standards are met:
 - a. The reduction is necessary in order to implement landscaping, buffer, and tree protection standards of this chapter; and
 - b. The reduction is limited to either two (2) spaces or two (2) percent of the parking requirement, whichever is greater; and
 - c. The reduction does not limit the availability or location of required handicapped parking.
- (3) A reduction in landscaping or buffer requirements, provided the following standards are met:
 - a. The reduction is necessary due to particular physical conditions of the property, such as the shape of the lot, topography, presence of bodies of water, or other natural features;
 - b. The reduction is limited to ten (10) percent of the otherwise required width of the buffer; and
 - c. The reduction is limited to ten (10) percent of the otherwise required plant materials.

The zoning administrator shall provide such technical and clerical assistance as the board of appeals may require, and shall maintain permanent and complete records of the activities of the board.

(Ord. of 9-11-2018, § 23.5)

Sec. 140-6435. Fees.

To defray a portion of the costs occasioned thereby, the city council may, by resolution, adopt a fee schedule for applications for hardship variances, special exception variances, appeals, and requests for administrative waivers, and no hardship variance, , special exception variances, appeal, or administrative waiver shall be heard or considered until such time as the fee, if any, is paid 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 of appeals 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. No fee shall be required for an interpretation of this chapter 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.

(Ord. of 9-11-2018, § 23.6)

Sec. 140-644. Bylaws.

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

(Ord. of 9-11-2018, § 23.7)

Sec. 140-6456. Appeals from action of the ~~board~~city council.

Any party aggrieved by a final judgment or decision of the board of appeals 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, 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, and the city clerk shall place said appeal upon the agenda of the next regularly scheduled meeting of the city council 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 this chapter regarding the making of a decision for a variance, administrative zoning decision, special exception, or regarding a rezoning. The mayor and council shall 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 therefrom 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.

(Ord. No. 10-06-08-02, § 4, 6-8-2010; Ord. of 9-11-2018, § 23.8)

Secs. 140-6467—140-663. Reserved.

ARTICLE XXIII. ~~[RESERVED]~~ AMENDMENTS

Sec. 140-664. General procedure to amend.

This chapter, including the official zoning map, may be amended in accordance with chapter 125, pertaining to zoning procedures and standards. (See Appendix 1 for record of amendments.)

(Ord. of 9-11-2018, § 24.1)

Sec. 140-665. Application for map amendments.

Each application to amend the official zoning map shall be filed with the city clerk. Each application shall be submitted in conformance with the requirements of this section.

(1) Application information:

- a. Original notarized signatures of titleholder and representative.
 1. If the titleholder is a domestic or foreign corporation, then the following documentation shall also be required: 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 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 floodplain and acreage of floodplain;
 15. Cemeteries;
 16. Wetlands;
 17. Access points; and
 18. Stream buffers.
- f. The mailing addressed 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 the 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 the ordinance from which this chapter is derived, any other information which may be required under the laws of the state, as amended.
- i. Every application for rezoning involving a request for a nonresidential 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 chapter.

(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.

(3) ~~Application submission.~~ An application shall be filed with the 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.

(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.

(5) ~~Application withdrawal or amendment.~~ An application may not be amended by the applicant after the legal advertising as required by chapter 125, pertaining to zoning procedures and standards, shall have first appeared. However, the planning commission may allow an application to be withdrawn without prejudice prior to conducting the public hearing.

{Ord. of 9-11-2018, § 24.2; Ord. No. 2018-09-11(4), § 1, 9-11-2018}

Sec. 140-666. 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 chapter 125, pertaining to zoning procedures and standards. The latter report, upon completion, shall be a matter of public record.

{Ord. of 9-11-2018, § 24.3}

Sec. 140-667. 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. 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.

{Ord. of 9-11-2018, § 24.4}

Sec. 140-668. 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. Any party aggrieved by the final action of the city council may within 30 days thereafter appeal therefrom to the 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.

(Ord. No. 2016-11-08(b), § 1, 11-8-2016; Ord. of 9-11-2018, § 24.5)

Secs. 140-669—140-694. Reserved.