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**PUBLIC HEARING MINUTES**  
The Hartwell Planning & Zoning Commission held a regularly scheduled Public Hearing on June 22nd, 2023 at 6:00 p.m. in the Council Chambers at City Hall.

Members present: Michelle Wetherbee, Tina Howard, Carter Schell, and Erin Gaines

Called to order at 6PM

The Pledge of Allegiance to the Flag was recited.

Minutes May – motion to approve minutes with capitalization corrections - Howard/Schell all approved.

Case 2023 – 07 – Rezone of parcel I70A 084 from R1 to B2 to accommodate 4 units of townhomes.

Scott Appling of Hartwell GA provided design concepts of what would be built if approved. The lot on qpublic is one lot, but it is recorded at the courthouse as two separate lots. He had no preference of doing two building with two units (1 on each lot) or 1 building with 4 units. He stated this would be a family project, so it would not be sold to somebody else to manage. He would be managing it. He stated the bank will add more than 4 customers per year so there is negligible impact on the area.

Herbert Hicks of Hart County GA spoke against the motion. He stated that he owned rental properties across the street. He believed this would be a hindrance to other people in the neighborhood. He said it would constitute spot zoning and there would be a lot of cars.

Zoning Administrator (ZA) explained the rationale for the staff report. It is attached. The ZA also asked about attached garages.

Scott Appling explained that attached garages often become used for activity other than parking cars and limits floor plan space. He believed the better use was to not have an attached garage, and then the product will be nicer. He stated he had rigorous standards for renting units.

Carter Schell asked about price. The applicant answered around $1750-$1850 per month.

Tina Howard asked if it would be a burden to limit the commercial use.

The applicant said he had no intentions of using it for commercial at this time and had no problem with coming back to the board.

The chair called for a motion.

Tina Howard made a motion to accept staff recommendations adding that any commercial use would have to come back to the zoning board. Carter Schell seconded. All voted in favor.

The Planning and Zoning Board heard recommendations from staff on updates the Chapter 32 and Chapter 43 ordinances. The draft is attached at the end of this document. They recommended minor changes like instead of having density at 7.4 in some areas, just make it 7. They also looked at consistent language for titles.

All voted unanimously to send the recommended changes to the city council for a 1st reading.

Faithfully submitted,

Jason Ford

Zoning administrator



Zoning Administrator Staff Report

June 22nd, 2023 Regular Meeting

6:00PM

**Case 2023-07**

Applicant – Scott Appling

Property Identification – Tax Parcel I70A 084

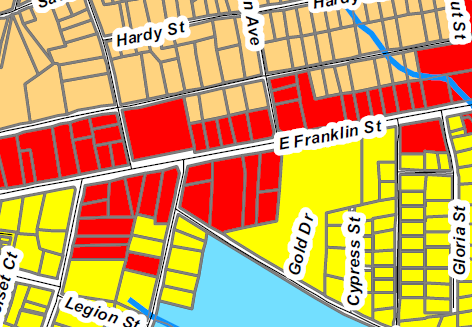
Impacted Property(s) – Neighboring properties on both sides of the street, and across

Development and Zoning History – This property has been a residential house and zoned R1- Single Family Residential for many years. The property is a vacant lot and is surrounded by B2 – General Business District lots to the rear of the lot and R1 – Single Family Residential on either side.

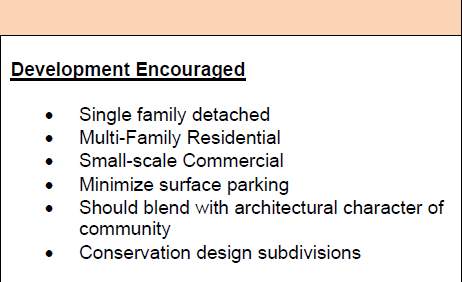
Request – Scott Appling is requesting that the aforementioned property be rezoned to B2 General Business District in order to build a multifamily residential development. Multifamily residential is currently a permitted use in B2.

Applicable Ordinances – Chapters 42 - Hartwell Municipal Code

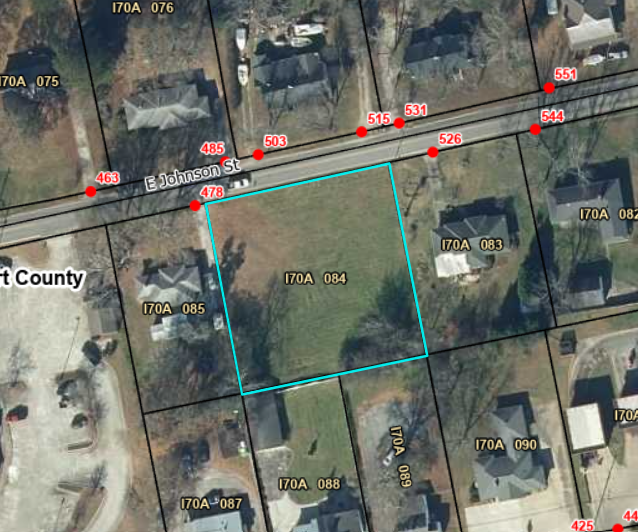
Narrative – When considering applications for zoning map amendment, according to Chapter 42-528, “the applicant, zoning administrator, planning commission, and city council should review the application for ten (10) factors.” The first factor is the existing use of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property. In this case, the rezoning of the parcel will potentially impact the neighboring properties. The parcel is located in an area that is mix-use commercial and residential already. That said, there are small single-family homes on either side of the property. The proposed density is too high for the lot. The second factor to consider is the extent to which property values are diminished by this particular development. There is no expectation that property values will be diminished by this rezone. Next is the extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public. Special consideration is taken by this Planning and Zoning Commission, as well as the City Council of the City of Hartwell when reviewing these requests. The next factor is the relative gain to the public. As residential use is retained as permitted in B2, there is no loss of housing supply, and a business opportunity is potentially gained. Having a multifamily development as permitted may be a burden to infrastructure as there is little storm water mitigation capacity on Johnson Street. Those considerations must be taken into consideration when developing this parcel. This potential rezone does provide the current owner the opportunity to expand the workforce housing footprint in Hartwell. Factor five asks if the property is suitable for development. This property has access to all of the required utilities and sits on E. Johnson St. To answer factor six, as mentioned in the history section, this property has been zoned R1 Single Family Residential for many years. According to the recorded plat, the property is actually two vacant lots; qpublic still has it showing as one single lot. In this case, the developer has provided a potential development plan. The request is for the three duplexes resulting in six (6) units, as compared to the single-family housing that is in the area. Factor eight asks all involved to consider the burden on streets, transportation, utilities, etc. The City of Hartwell is currently working on developing a new streetscape design for E. Johnson Street. The city has partnered with UGA engineering students, and a proposed engineering plan has been developed. Additionally, the city has been awarded a GDOT TAP Grant to improve walkability in the area. Factor nine asks if this proposed use conforms with the City of Hartwell’s Comprehensive Plan. This development does conform with Hartwell’s comprehensive plan. This parcel is listed in the Neighborhood Revitalization area of Hartwell’s Character map. As an empty lot, infill construction would be appropriate. Finally, there are no isolated districts created by approving this preliminary plat. The development encouraged in this area are single family detached, multi-family residential, and small-scale commercial developments. The comprehensive plan does encourage limiting surface parking, and development should blend with the architectural character of the community.



City of Hartwell Character Map – Neighborhood Revitalization



Page 33 – Hartwell Comprehensive Plan – Neighborhood Revitalization District



Qpublic Screenshot of lot and surrounding area

Findings of Fact - I move that the City of Hartwell Planning and Zoning Commission adopt the following Findings of Fact for rezoning application 2023-06

1. Staff analysis of Sec. 42-528. - Relevant factors in rezoning evaluation is thorough and complete.
2. The Agent or the applicant is present and has heard pro and con presentations as well as Commission Member Discussions
3. Information for parcel I57H 058 has been presented.
4. The applicant and Agent have provided basic information as required by the City of Hartwell Land Development ordinances.
5. Recommending denial of the application, at this time, would preclude the property owners from supporting another development application for a one-year period.
6. The analysis of Staff does provide for safeguards to protect public health and safety while protecting individual life, liberty, and property.
7. Chapter 42 of the Hartwell Code of Ordinances applies to this proposed rezone.
8. The Applicant has stated that rezoning this parcel is to correct Hartwell’s Official Zoning Map – to align the current use with the proper zoning classification.

STAFF RECOMMENDED MOTION TO RECOMMEND APPROVAL/DENIAL/APPROVAL WITH CONDITIONS

Hartwell Staff move that the rezoning of the aforementioned property be approved as presented with conditions. Conditional zoning is permitted in Georgia and the conditions below are imposed pursuant to the police power for the protection and benefit of neighbors (public health, safety, morality, and general welfare) to moderate the effects of the zoning change.

Conditions

* Two single-family attached homes per lot. Reference plat book 07323
* Single-family detached dwelling with Accessory Dwelling Unit per Hartwell Code of Ordinance for permitted uses in R1 – Single Family Residential
* Townhomes require attached garage
* Vegetative buffer on all sides specifically to mitigate stormwater issues
* If used for commercial, only one principal building is allowed
* Residential or Commercial building design must blend with the architectural design of existing structures
* Consider giving city 10 additional feet of permanent right of way and 20 feet of right of way for construction; pour sidewalk

**Chapter 32 SUBDIVISIONS**

***ARTICLE I. IN GENERAL***

**Sec. 32-1. 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:

*Alley* means a private or public thoroughfare that affords only a secondary access to a building or abutting property and is not intended for general traffic circulation.

*Arterial streets,* unless otherwise specified by the comprehensive plan, a transportation element of the comprehensive plan or major thoroughfare plan, means those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

*Auction* means a public sale of property to the highest bidder.

*Block* means a piece or parcel of land entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses or any other barrier to the continuity of development.

*Building* means any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals or property of any kind, including tents, awnings or vehicles used for purposes of a building.

*Building setback line* means a line establishing the minimum allowable distance between the building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street rights-of-way.

*Centerline of street* means that line surveyed and monumented by the city council and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or paved or improved sides of the street.

*City engineer* means the person appointed by the city council to review engineering aspects of plans.

*Clear site triangle* means an area of unobstructed vision at street intersections designed by the centerlines of the streets and by a line of sight between points on their centerlines at a given distance from the intersection of the centerlines.

*Collector streets,* unless otherwise specified by the comprehensive plan, a transportation element of the comprehensive plan or major thoroughfare plan, are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within commercial and industrial areas.

*Comprehensive plan* means those coordinated plans or portions thereof which have been prepared by or for the city council for the physical development of the jurisdiction, or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

*Corner lot* means a lot abutting upon two or more streets at their intersection.

*Cul-de-sac* means a street having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

*Culvert* means a drain or conduit that carries water under a driveway, roadway, railroad, pedestrian walk or public way.

*Curb* means a concrete boundary marking the edge of a paved area.

*Curb cut* means a provision for vehicular ingress or egress between property and an abutting street.

*Deceleration lane* means an added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

*Dedication plat* means a plat that indicates property to be dedicated for public right-of-way or land for public use.

*Development* means any manmade change of improved or unimproved real estate including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Double frontage lot* means a lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

*Drainage* means the removal of surface water or groundwater from land by drains, grading or other means.

*Easement* means:

(1) A nonpossessory interest in land; and

(2) A grant by a property owner for the use by the public, a corporation or persons of a portion of land for a specified purpose.

*Escrow account* means a type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond or some other instrument readily convertible to cash for a specific face value specified by the city to cover the costs of required improvements.

*Final plat* means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

*Flag lot* means a tract or lot of land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width for construction of a building or structure on that lot.

*Grade* means the slope of a street, or other public way, specified in percentage terms.

*Gridiron pattern* means a street and block system resulting in formal, regular, rectangular blocks and resulting in four-way intersections.

*Letter of credit* means a type of subdivision improvement guarantee whereby a subdivider secures a letter of credit from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the city. The letter pledges the creditor to pay the cost of improvements in case of default by the subdivider.

*Lot* means a portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public street. In determining the area and dimension of a lot, no part of the right-of-way may be included.

*Lot area* means the total horizontal area within the lot lines of a lot, exclusive of public street rights-of-way.

*Lot depth* means the average horizontal distance between the front and rear lot lines.

*Lot frontage* means the width in linear feet of a lot where it abuts the right-of-way of any public street. This width shall not be less than 30 feet.

*Lot width* means the distance between side lot lines measured at the regulatory/required building line.

*Major subdivision* means the division of a buildable lot of record into six or more lots complying with all zoning requirements.

*Minor subdivisions* are those that, because of their small size, can be administratively approved in expedited fashion by the planning and zoning administrator. A minor subdivision is a buildable lot of record divided into five or fewer lots and, where the following conditions exist, the proposed lot complies with all zoning requirements:

(1) Each proposed lot fronts on an existing public street and complies with the county health department requirements;

(2) All slope and utility easements as determined necessary by the city zoning administrator are provided to the city; and

(3) Each lot created is not resubdivided pursuant to the provisions for minor subdivisions, and the entire contiguous property owned by the subdivider is included.

*Mortgage lot* means a lot created out of a tract to enable the contract purchaser of the tract to finance construction of a single-family residence or other building thereon.

*Performance bond* means a type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the city to cover the costs of required improvements, and payable to the city. The performance bond may be cashed in by the city in the event the subdivider defaults on required improvements.

*Preliminary plat* means a drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its general design.

*Public street* means a dedicated and accepted public right-of-way which affords the principal means of paved access to abutting properties.

*Reservation* means a method of holding land for future public use by designating public areas on a subdivision plat.

*Resubdivision* means the further division of a lot within a subdivision previously approved and recorded.

*Right-of-way,* distinguished from an easement, means that area specified for the present or future use of roads, streets and highways, together with its drainage facilities and other supporting uses and structures.

*Shade tree* means a tree in a public place, street, special easement or right-of-way adjoining a street.

*Sidewalk* means a hard surfaced area provided for pedestrian use, usually located alongside a road within the right-of-way.

*Street* means a public or private thoroughfare which is open to the general public and which affords the principal means of paved access to abutting property.

*Structure* means anything constructed or erected, the use of which requires permanent location on the ground, or which is attached to something having more or less a permanent location on the ground, not including utility poles.

*Subdivision* means the division, proposed division, redivision or proposed redivision of any land into two or more lots, parcels, sites, units, plots or interests for the purpose, whether immediate or future, of offer, sale, lease, gift, charitable donation or development.

(1) The term "subdivision" includes the division or development of residential and nonresidential land, whether by deed, metes and bounds description, intestacy, lease, map, plat or other recorded instrument.

(2) The term "subdivision" also means the land to be so divided, as the context may indicate.

(3) Certain types of subdivisions are exempted from the procedural requirements of this chapter, but otherwise require compliance with the provisions of this chapter.

*Subdivision improvement guarantee* means a legal device used by local governments to ensure that the required capital improvements are, in fact, completed in a satisfactory manner by subdivision developers.

*Temporary cul-de-sac* means a nonpermanent vehicular turnaround located at the termination of a street.

*Variance* means a minimal relaxation or modification of the strict terms of this chapter as applied to specific property when, because of particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

*Zoning administrator* means the city manager or his authorized representative.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-2. Purpose; intent.**

These regulations are adopted for the following purposes:

(1) To protect and provide for the public health, safety and general welfare;

(2) To guide the future growth and development of the city in accordance with the comprehensive plan;

(3) To provide for adequate light, air and privacy;

(4) To secure safety from fire, flood and other dangers;

(5) To prevent the overcrowding of land and undue congestion of population;

(6) To protect the character and social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city;

(7) To protect and conserve the value of land and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;

(8) To guide public and private policy and action in order to:

a. Provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities; and

b. Ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;

(9) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, with particular regard to:

a. Avoiding congestion in the streets and highways;

b. The pedestrian traffic movements appropriate to the various uses of land and buildings;

c. Providing for the proper location and width of streets and building lines;

(10) To establish reasonable standards of design and procedures for subdivisions, resubdivisions and land development in order to further the orderly layout and use of land;

(11) To ensure proper legal descriptions and monumenting of subdivided land;

(12) To preserve the natural beauty and topography of the city to:

a. Ensure appropriate development with regard to natural features;

b. Prevent the pollution of air, streams and ponds;

c. Ensure the adequacy of drainage facilities; and

d. Encourage the wise use and management of natural resources to preserve the integrity and stability of the community and the value of land;

(13) To ensure that all building lots have adequate access and circulation, especially for firefighting equipment and other emergency and service vehicles;

(14) To ensure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes;

(15) To ensure the equitable handling of all subdivision plans by providing uniform submittal requirements, approval procedures and improvement standards for the subdivider;

(16) To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration given to various public purposes;

(17) To protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-3. Authority of planning commission.**

The city planning commission shall administratively review, approve and disapprove certain plats for the subdivision of land and all land development plans within the corporate city limits, as more specifically provided in this chapter, provided the plats do not involve dedication of land for any purpose to the city (minor subdivisions), nor involve variance to the development standards provided in this chapter. The chairperson of the planning commission or the zoning administrator is authorized to sign and record plats approved by the planning commission.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-4. Applicability.**

These regulations shall apply to the development of all lands located within the corporate city limits, whether the development involves the subdivision of land or pertains only to the construction of buildings or other improvements on a single lot or parcel. No person shall subdivide or develop land within the city except in accordance with these regulations.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-5. Plat approval and recording required.**

(a) It shall hereafter be unlawful for any person, owner, agent or subdivider, by deed, map or other instrument, to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a final plat is approved by the planning commission and recorded in the county superior court clerk's office in accordance with this chapter. No subdivision plat or part thereof shall be recorded unless it has been approved for recording by the planning commission.

(b) Each approved plat must contain the signature of the chairperson of the planning and zoning commission or the zoning administrator and the date signed along with an "Approved" stamp of the city.

(c) No street, sanitary sewer, storm sewer, water main or other improvement in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this chapter. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from this chapter or from the penalties established in this chapter. The city, through its attorney or other designated official, may enjoin any transfer of, sale, or agreement by appropriate action.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-6. Development approval required.**

No person shall commence construction of any improvements on any land within the corporate city limits, and no development permits, land disturbing activity permits, building permits, certificates of occupancy or other instrument of approval shall be issued by the building official prior to the approval of a preliminary plat, or prior to the approval and recording of a final subdivision plat, as the case may be, as provided in this chapter, nor prior to the approval of land development plans which demonstrate compliance with this chapter and other applicable land development regulations in effect in the city. This provision shall not be construed as requiring a new plat for existing lots of record, as defined in this chapter.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-7. Recording of unapproved plats prohibited.**

From and after the date of passage of the ordinance from which this chapter is derived, the planning commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to be recorded in the county superior court clerk's office unless it shall have the planning commission's approval inscribed thereon. The filing or recording of a plat of a subdivision without the approval required in this section is declared to be a misdemeanor.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-8. Dedication of public streets.**

No land dedicated as a public street or for other public purpose shall be opened, extended or accepted as a public street or for other purpose unless such improvements are constructed in accordance with the specifications fixed by this chapter and formally approved and accepted as public improvements by the city council at a public meeting.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-9. Compliance with city zoning regulations required.**

No person shall subdivide or develop land, and the planning and zoning commission shall not approve any subdivision or development of land, unless the lots created pursuant to a subdivision meet or exceed all applicable requirements of the city zoning regulations, as may be amended from time to time.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-10. Conflicts.**

Whenever the provisions of this chapter, other provisions of this Code or those of some other ordinance or statute apply to the same subject matter, that regulation requiring the highest, or more strict, standard shall govern.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-11. Compliance with state and federal laws required.**

(a) The subdivision of land within the city shall comply with the Interstate Land Sales Full Disclosure Act (15 USC 1701 et seq.) and the Georgia Land Sales Act (O.C.G.A. § 44-3-1 et seq.).

(b) All subdivision plats shall also comply with the provisions of O.C.G.A. § 15-6-67 regarding the accuracy and content of all recorded subdivision plats.

(c) In an effort to control erosion and sedimentation caused by stormwater runoff from construction sites, developers and landowners with plats of one acre or more must comply with the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et seq.) and the Georgia Erosion and Sedimentation Control Act (O.C.G.A. § 12-7-1 et seq.). Developers and landowners must also comply with the federal Clean Water Act (33 USC 1251 et seq.).

(d) The city may provide assistance as to how to abide by these laws by implementing a schedule or a checklist for developers to follow while submitting various plans and various plats for their developments. Unless otherwise exempt, developers and landowners shall submit plans to the issuing authority in compliance with the Georgia Water Quality Act (O.C.G.A. § 12-5-20) and the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-1).

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-12. Exemptions—Plat approval.**

The exemptions provided in this section shall not apply to the land development requirements of this chapter, shall not require the city to issue permits should the resulting lots or parcels not meet applicable zoning or subdivision regulations, and do not exclude the land transfers specified in this chapter from recording requirements in cases where a plat is the method of land conveyance. Otherwise, the following types of land transfer are specifically exempted from plat approval requirements of this chapter:

(1) The sale of cemetery plots;

(2) The sale of lots consistent with a previously approved and recorded plat or deed;

(3) The creation of a leasehold for a space within a multiple-occupant building or the division of property into leaseholds for commercial, industrial or institutional uses (e.g., shopping center);

(4) The creation of a leasehold for agricultural use of a property where the use does not involve the construction of a building to be used as a residence or for any purpose not directly related to agricultural use of the land, or crops or livestock raised thereon; and

(5) Mortgage lots and other parcel transfers by lawsuits for partition, inheritance, the probate of an estate, merger of title or by a court of law.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-13. Same—City council approval.**

The following are exempt from city council approval:

(1) The division of a tract or parcel for purposes of creating a dedication plat;

(2) The combination, recombination or aggregation of properties for land assembly purposes; and

(3) Minor subdivisions as defined in this chapter.

However, these exemptions shall require approval by the planning and zoning commission to ensure minimum lot sizes and dimensions as may be required by the city zoning ordinance are met and to ensure the subdivision is properly recorded.

(Ord. No. 2004-01, 3-1-2004)

**Secs. 32-14—32-44. Reserved.**

***ARTICLE II. PROCEDURE FOR OBTAINING APPROVAL***

*DIVISION 1. GENERALLY*

**Sec. 32-45. Preapplication conference.**

(a) Whenever the subdivision of a tract of land is proposed to be made, or when land is proposed to be developed, the subdivider or land developer is encouraged, but not required, to consult early and informally with the zoning administrator.

(b) The subdivider or land developer may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision or parcel of land. Plans shall be clearly marked "Sketch Plans."

(c) This preapplication conference is intended to permit an early evaluation of the subdivider's or land developer's intentions and coordination with the city's comprehensive plan, and to inform and provide the subdivider or land developer with the necessary regulations in order to properly accomplish the proposed project.

(d) No fee shall be charged for the preapplication review and no formal application shall be required.

(Ord. No. 2004-01, 3-1-2004)

**Secs. 32-46—32-63. Reserved.**

*DIVISION 2. PRELIMINARY PLAT*

**Sec. 32-64. Application.**

This section shall apply only to applicants for subdivision plat approval not exempted as a minor subdivision. Following the preapplication review of a subdivision involving the grading of land or the installation of roads, streets, utilities or other improvements, the subdivider shall submit to the zoning administrator the following:

(1) An application on a form furnished by the city zoning administrator;

(2) Five copies of the preliminary plat, with appropriate information required by this chapter; provided, however, that the zoning administrator may require more or less copies depending upon the nature and extent of review;

(3) An application fee, in an amount as established from time to time by city council resolution;

(4) A review of the owner's plans and the development's impact on soil erosion control.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-65. Specifications.**

(a) The preliminary plat shall be drawn at a suitable scale (one inch equals 100 feet, unless another scale is approved) on a sheet size not exceeding 24 inches by 36 inches. If the complete plat cannot be shown on one sheet at this size and scale, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

(b) The preliminary plat shall include the following information; provided, however, that the zoning administrator may waive individual information requirements established in this section when, in his opinion, the information is not essential to the review process:

(1) Ground elevations at contour intervals of not less than five feet, based on sea level datum and a tie to one or more benchmarks (if available within 1,000 feet);

(2) Name, address and telephone number of the owner of record and subdivider;

(3) Proposed name of subdivision, its acreage, density and location by land lot and district;

(4) North arrow, graphic scale and date;

(5) Vicinity map showing location of subdivision;

(6) Exact boundary lines of the tract by bearings and distances, as certified by a state-registered land surveyor on the plat or by reference to a certified boundary survey, including all adjacent land owned by the subdivider;

(7) Names of the owners of record of adjoining land;

(8) Existing streets, utilities and easements on or adjacent to the tract, including the length and width of all new streets;

(9) Other physical features of the land such as streams and direction of flow, lakes, floodplains, and bodies of water identified by the United States Geological Survey data, and existing buildings;

(10) Proposed layout including streets, alleys, street names, right-of-way widths, lot lines with dimensions and acreage, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;

(11) All lots, numbered sequentially, regardless of number of phases or sections, indicating lot size;

(12) Provisions for water supply, sewage disposal, storm drainage and other utilities such as gas, electricity, telephone and cable television;

(13) Location and results of percolation tests or soils information for lots which will not be served by a public sanitary sewage system, as required by the county health department;

(14) Existing and proposed covenants and restrictions;

(15) Name, address and telephone number of the person to contact;

(16) Location of all utilities;

(17) Zoning classification or any variance or special exception granted;

(18) Signature block for planning and zoning commission approval;

(19) Driveway access points on corner lots;

(20) Proposed minimum building setback lines for each street;

(21) Playgrounds or public areas and parcels of land proposed to be dedicated or reserved for public use;

(22) Stormwater retention facilities, with calculations for runoff; and

(23) Setbacks for existing buildings.

**Sec. 32-66. Transmittal to review agencies.**

At his discretion, the zoning administrator may transmit for review and comment a copy of the plat to applicable internal and external review agencies including, but not limited to:

(1) City engineer;

(2) City attorney;

(3) City police chief;

(4) City fire chief;

(5) City building official;

(6) County health department;

(7) U.S. Postal Service (local postmaster); and

(8) State department of natural resources.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-67. Procedure for city action.**

(a) Within 30 working days of receipt of the completed application for preliminary plat, the plat shall be submitted for action by the planning and zoning commission at its next regularly scheduled public meeting or specially called public meeting. Approval of the preliminary plat shall not constitute approval of the final plat; rather it shall be approval of the layout submitted on the preliminary plat to be used as a guide for the preparation of the final plat.

(b) One copy of the plat shall be given to the erosion and sedimentation control office of the state soil and water conservation commission. One copy of the plat shall be given to the erosion and sedimentation control permitting office of the state EPD, along with fees that may be associated with obtaining a NPDES general permit to discharge stormwater from the work site.

(c) Preliminary plat approval shall continue in effect for a period of one year. Each application shall be given written notification of planning and zoning commission action when the preliminary plat is not approved as filed. The decision shall specify the defects found in the plan and describe the requirements which have not been met and cite the provisions of the regulations relied upon.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-68. Soil erosion and sedimentation control permit.**

(a) A soil erosion and sedimentation control permit (NPDES general permit) may be issued by the erosion and sedimentation office of the state EPD following approval of the preliminary plat and planning and zoning commission action.

(b) Upon issue of the soil erosion and sedimentation control permit, erosion control measures must be installed by the landowners and approved by the erosion and sediment control permitting office of the state EPD prior to any grubbing and grading. Sediment retention facilities must be installed and operational prior to major grading operations, as specified in the Georgia Soil and Water Conservation Commission's Manual for Erosion and Sediment Control in Georgia.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-69. Waiver of approval.**

Where a proposed subdivision does not involve the grading of land prior to the sale or installation of streets or utilities, or which does not require storm drainage facilities or other such improvements, the planning and zoning commission may waive the requirement of a preliminary plat.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-70. Development plans—Required; contents.**

This section applies to all applicants for preliminary subdivision plat and land development approval. Prior to the issuance of a development permit as required by the city zoning regulations, three copies of plans and specifications for the improvements shall be submitted to the zoning administrator. Plans shall consist of the following:

(1) Utility plans providing information regarding the location, size, length and type of all water, sanitary sewer, fire hydrants, electricity, telephone, gas, cable television, and storm drainage improvements showing their minor structures, appendages and connections with existing systems, and the approximate location of service lines from the lots to the proposed utility lines. The city layout shall be used for all utility locations. Plans must show existing utility services at the connection point.

(2) Street plans providing street profiles and cross sections as required by this chapter, type of sub-base, type of paving base, type of curb and gutter, type of street paving, and type of improvements within the street right-of-way outside of the paved area.

(3) A grading plan and soil sedimentation and erosion control plan.

(4) In addition to utility, street, grading and erosion control plans, if required by the city, a hydrological study or other engineering studies as may be necessary, depending upon the scope and extent of the development project.

(5) Tree species acceptable to the city's tree committee.

(6) Concrete curbs and sidewalks.

(7) Signage including, but not limited to, stop signs, speed limit signs, warning signs and development name signage.

(8) Traffic devices, which must meet state department of transportation (DOT) approval.

(9) Traffic stop bars, centerline and crosswalks.

(10) Type and location of all streetlights, which shall meet IES standards.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-71. Same—Review; approval.**

(a) This section shall apply to all applicants with approved preliminary plats and all applicants for land development approval, unless specifically exempted as provided in this chapter or the city zoning regulations.

(b) Upon receipt of the completed development plans by the zoning administrator, he shall initiate review and forward a copy of the plans to the city engineer, fire department, building official or other personnel as appropriate for review and comment.

(c) Approval of the final plan by the planning and zoning commission constitutes final approval of land development as to the character and intensity of development, the layout and the dimensions, lots and other planned features. Approval binds the developer to the scheme shown on the final plan.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-72. Issuance of development permit.**

(a) Upon receipt and approval of development plans, the building official shall issue a building permit in accordance with established procedures. Issuance of a building permit shall constitute authorization to begin land disturbing activities and the construction of improvements.

(b) A prerequisite to the issuance of a development permit shall be the completion and signature of an indemnification agreement.

(c) Soil erosion control permits must be issued prior to development permits.

(Ord. No. 2004-01, 3-1-2004)

**Secs. 32-73—32-102. Reserved.**

*DIVISION 3. FINAL PLAT*

**Sec. 32-103. Application.**

(a) This section shall not apply to land developers not requiring final subdivision plat approval.

(b) Upon completion of the required improvements, the subdivider may submit an application for final plat approval, which shall consist of the following:

(1) An application form furnished by the zoning administrator;

(2) Five copies of the final plat, with appropriate information required by this chapter, and one time-stable reproducible film (Mylar or linen) copy or the original of the plat;

(3) An application fee in an amount as established from time to time by city council resolution;

(4) A letter from the applicant's engineer that all required improvements have been constructed and meet the city's specifications;

(5) A letter from the applicable electricity service company may be required indicating that service points for individual lots and streetlights have been installed;

(6) A performance bond for required improvements not yet completed (e.g., pavement topping), if a delay in the completion of required improvements is permitted by the zoning administrator, such bond to be:

a. Conditioned on the faithful performance by the subdivider or developer of all work required within a specified time;

b. Payable to or for the indemnification of the city in an amount equal to the cost of construction of the required improvements not yet completed plus an additional ten percent of such costs, as approved by the city manager;

c. With surety by a company entered and licensed to do business in the state; and

d. Approved as to form and content by the city attorney;

(7) A maintenance bond, cash deposit, escrow account or other guarantee or instrument of financial security as approved by the city attorney to ensure maintenance of the required improvements in the subdivision for a period of one year after acceptance by the city, payable to the city and in the amount of ten percent more than the city's estimate of actual construction cost. If, upon being notified of the failure of the required improvements, and the subdivider does not correct the deficiency or commence work within ten days of notice, it shall be deemed to be a failure on the bond, and the city shall have the right to make the necessary repairs, either by public work or by private contract, and the bond or instrument of financial security shall be liable for the full amount of the cost and repairs, as determined by the city;

(8) "As-built" drawings acceptable to the city engineer of all streets showing the planned and actual location of all utility lines, centerline profile of all streets with final grades, and horizontal and vertical alignment including profiles and invert elevations of all storm and sanitary sewer lines; provided, however, the planning and zoning commission may waive this final plat submittal requirement for a set period of time if improvements or "as-built" drawings are not complete, subject to subsequent denial of building permits should such drawings not be submitted.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-104. Specifications.**

The final plat shall be drawn in permanent ink at a suitable scale (one inch equals 100 feet, unless another scale is approved) on a sheet size of 17 inches by 22 inches or otherwise approved by the planning and zoning commission. If the complete plat cannot be shown on one sheet at this size and scale, it may be shown on more than one sheet with an index map on a separate sheet of the same size. Ten copies of the final plat shall be filed with the city planning and zoning commission or five copies and an electronic format on computer disc. The final plat shall include the following information:

(1) Name of the subdivision and street names.

(2) Name, address and telephone number of the owner of record.

(3) Name, address and phone number of the subdivider. If the subdivider is different from the owner, the owner's signature must appear on the final plat cover sheet.

(4) Date of plat drawing, graphic scale, north point, notation as to the reference of bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned or taken from compass readings.

(5) Location of tract (land district and land lot), location sketch and acreage.

(6) Courses and distances to the nearest existing street intersections or benchmarks or other recognized permanent monuments.

(7) Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-hundredth foot and bearings to the nearest second, determined by an accurate field survey.

(8) Street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

(9) Municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or immediately adjoin the subdivision.

(10) Exact locations, rights-of-way and pavement widths, and names of all streets and alleys within such immediately adjoining the subdivision.

(11) Lot lines with dimensions to the nearest one-hundredth foot, necessary internal angles, arcs and chords and tangent or radii of rounded corners.

(12) The acreage or square footage of the area of each lot and the total number of lots in the subdivision.

(13) Front yard/building setback lines with dimensions.

(14) Lots numbered in numerical order, regardless of the number of phases or sections.

(15) Accurate location, material and description of monuments, markers, signs and lights.

(16) Locations, dimensions and purposes of easements and areas to be reserved or dedicated for public use.

(17) A statement, either directly on the plat or in an identified attached document, of private covenants, if any.

(18) Areas within the intermediate regional flood (IRF), such as a 100-flood, shall be determined by a professional engineer and shall be shown on the plat, including the location and elevation of the intermediate regional flood.

(19) Names of the owners of record of adjoining unplatted land, and the names of subdivisions and blocks and lot numbers for adjoining platted land.

(20) The following certifications:

a. Final surveyor's certificate.

b. Owner's certificate of ownership and dedication to public use streets, alleys, easements and other public areas, signed by the owner.

c. Certification by the county health department that the plat and proposed water and sewage facilities are acceptable.

d. The planning and zoning commission's signature indicating approval of the final plat.

e. Certificate of recording. The owner/subdivider must file the plan in the county court clerk's office within ten days of final approval.

(21) A statement that final plat approval does not constitute acceptance of public streets, easements and areas; however, recording of a final plat shall constitute a dedication of rights-of-way.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-105. Procedure for city action.**

Upon receipt of the completed final plat application materials, the planning commission may transmit for review and comment a copy of the plat to applicable review agencies. The plat shall be submitted for action by the planning and zoning commission at its next regularly scheduled meeting or specially called meeting. If approved by the planning and zoning commission, the signature of the chairperson of the planning and zoning commission or the zoning administrator shall be placed on the reproducible film copy or original of the plat and his signature shall constitute the city's final approval.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-106. Combinations and replats.**

Where separate lots of land are proposed to be combined or replatted, but where the resulting number of lots is not increased, they shall be submitted to the zoning administrator as a final plat for review, approval and recording. The plat shall contain all information and certificates as specified in section 32-104; provided, however, the planning and zoning commission may waive certain of these specific information requirements if determined not to be essential. Any combinations or replats shall indicate in writing on the plat in a conspicuous place, numbered and dated consecutively, of all revisions to the plat. Any plat shall require a fee in an amount as established from time to time by city council resolution as a final plat.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-107. Recording.**

Upon approval and within ten days, the owner/developer shall have the final plat recorded in the records of the superior court clerk's office, and a time-stable reproducible film copy or original filed in the zoning administrator's office. A copy of the original shall require an engineer's or surveyor's stamp to protect the liability of the professional involved. The superior court clerk shall indicate on the filed copy, as well as the time-stable reproducible film copy or original, the book and page number in the county records where the final plat is recorded. Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots. Proof of such recording shall be furnished to the city within ten days.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-108. Street addresses assigned.**

Upon recording of a final plat, the county 911 director shall assign each lot a street address and shall note each address in permanent ink on the time-stable, reproducible film copy or original.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-109. Recorded final plat distributed.**

The final plat is a source of essential information to tax officials, public safety officials, and utility officials, among others. The zoning administrator shall be responsible for ensuring that each agency listed in this section receives a copy of the final recorded plat with assigned addresses:

(1) The county tax commissioner.

(2) The county tax assessor.

(3) The county health department.

(4) The city police chief.

(5) The city fire chief.

(6) The city engineer.

(7) The U. S. Postal Service (local postmaster).

At the discretion of the zoning administrator, additional agencies or persons may be added to the above list.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-110. Acceptance of public streets and improvements.**

At any date after one year has passed since the date of final plat approval, the subdivider or land developer may petition the city council in writing to accept public streets and other improvements, in whole or in part, within the subdivision. Any improvement shall not be accepted for maintenance until approved by the city council. Any instrument of financial guarantee shall be returned to the subdivider upon acceptance of public streets and improvements by the city council.

(Ord. No. 2004-01, 3-1-2004)

**Secs. 32-111—32-133. Reserved.**

***ARTICLE III. GENERAL DESIGN AND OTHER REQUIREMENTS***

**Sec. 32-134. Suitability of land.**

Land subject to flooding, improper drainage or erosion, or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor any other use that will continue or increase the danger to health, safety or proper construction, unless hazards can be and are corrected.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-135. Name of subdivision.**

The name of the subdivision must have the city council's approval. The name shall not duplicate nor closely approximate the name of an existing subdivision in the city or county.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-136. Access from public street.**

Access to every subdivision shall be provided over a public street.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-137. Conformance to adopted major thoroughfare and other plans.**

(a) All streets and other features of the Major Thoroughfare Plan of the City of Hartwell, Georgia, if adopted by the city council, shall be platted by the subdivider in the location and to the dimension indicated on the major thoroughfare plan. The state department of transportation's approval shall be required by the planning and zoning commission in subdivisions related to or affecting any state or federally numbered highway.

(b) When features of other plans adopted by the city (and as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a land subdivision, such features shall either be dedicated or reserved by the subdivider for acquisition within a six-month period from the date of preliminary plat submittal to the city council.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-138. Continuation of existing streets.**

Existing streets shall be continued at the same or greater width, but in no case less than the required width.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-139. Street names.**

Street names shall be approved by the city council. Streets that are in alignment with existing named streets shall be given the names of the existing streets. Names of new streets shall not duplicate or closely approximate those of existing streets in the city or county.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-140. Street jogs.**

Street jogs with centerline offsets of less than 125 feet shall not be permitted.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-141. Development along arterial street or limited access highway.**

Where a subdivision abuts or contains an arterial street or limited access highway, the city may require a street approximately parallel to and right-of-way at a distance suitable for an appropriate use of the intervening land with a nonaccess reservation suitably planned. Lots shall have no access to arterial streets or limited access highways but only to approved access streets.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-142. Easements.**

(a) Easements having a minimum width of 20 feet shall be provided where required for utility lines, storm drains and underground mains and cables.

(b) When a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater or drainage easement of adequate width (minimum 20 feet) approved by the city council.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-143. Cul-de-sacs.**

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs shall not be greater in length than 500 feet unless approved by the city council and shall be provided at the closed end with a turnaround. Dead-end streets are prohibited.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-144. Right-of-way widths.**

The right-of-way width shall be the distance across a street from property line to property line. The minimum street right-of-way widths shall be as follows:

|  |  |
| --- | --- |
| Arterial streets | 80 feet or as shown in the major thoroughfare plan |
| Collector streets | 40 feet |
| Minor streets | 40 feet (60 feet for nonresidential streets) |
| Cul-de-sacs, commercial and industrial subdivisions | 100-foot radius |
| Cul-de-sacs, local residential streets | 100-foot radius |

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-145. Pavement widths.**

Minimum street pavement widths shall be as follows measured from back of curb to back of curb.

|  |  |
| --- | --- |
| Arterial streets | 60 feet |
| Collector streets | 26 feet |
| Minor streets | 20 feet |
| Minor streets, commercial and industrial subdivisions | 24 feet |
| Cul-de-sacs, commercial and industrial subdivisions | 80-foot radius |
| Cul-de-sacs, local residential streets | 80-foot radius |

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-146. Street grades.**

Maximum and minimum street grades shall be as follows:

|  |  |
| --- | --- |
| Arterial streets | Not to exceed 6 percent |
| Collector streets | Not to exceed 7 percent |
| Minor streets | Not to exceed 10 percent |
| No street grade | Less than one-half percent |
| Cul-de-sacs | Not to exceed 6 percent |

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-147. Horizontal curvature.**

The minimum radii of centerline curvature shall be as follows:

|  |  |
| --- | --- |
| Arterial streets | No less than 800 feet |
| Collector streets | 300 feet |
| Minor streets | 100 feet |

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-148. Tangents.**

Between reverse curves, there shall be a tangent having a length not less than the following:

|  |  |
| --- | --- |
| Arterial streets | 200 feet |
| Collector streets | 100 feet |
| Minor streets | 50 feet |

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-149. Vertical alignment.**

The following requirements for the vertical alignment shall be met:

(1) Major streets shall have a sight distance of at least 500 feet at four feet above ground level.

(2) Collector streets shall have a sight distance of at least 300 feet at four feet above ground level.

(3) Minor streets shall have a sight distance of at least 200 feet at four feet above ground level.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-150. Street intersections.**

Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than 75 degrees, unless required by unusual circumstances.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-151. Curbline radius.**

The curbline radius at street intersections shall be at least 30 feet. Where the angle of street intersections is less than 90 degrees, a longer radius may be required. For commercial and industrial subdivision streets, a minimum 40-foot curbline radius shall be provided.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-152. Block lengths and widths.**

Block lengths and widths shall be as follows:

(1) In general, residential blocks shall be not greater than 1,800 feet nor less than 600 feet in length.

(2) Blocks shall be wide enough to provide two tiers of lots of minimum depth, except where abutting upon major arterial streets or limited-access highways, or where other situations make this requirement impracticable.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-153. Lot sizes.**

(a) Lots shall meet the minimum lot width and lot area requirements of the city zoning regulations.

(b) Residential lots shall have a depth of not less than 100 feet and not greater than three times the width of the lot at the building line, unless unusual circumstances make these limitations not practicable.

(c) Where individual septic tanks are used, the county health department shall approve minimum lot sizes to conform to the health standards of the state department of public health.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-154. Lot lines.**

All lot lines shall be perpendicular or radial to street lines unless not practicable because of topographic or other features.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-155. Building lines.**

A building line meeting the front yard setback requirements of the city zoning regulations, as a minimum, shall be established on all lots.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-156. Lot frontage.**

Each lot shall abut a minimum of 30 feet on a public street.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-157. Double and reverse frontage lots.**

Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or overcome specific disadvantages of topography or orientation.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-158. Panhandle or flag lots.**

Any panhandle or flag lot is discouraged, but if designed with the required width and area they may be allowed where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 30 feet wide, and the panhandle access shall be not more than 200 feet long. Not more than two flag and panhandle lots shall abut each other.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-159. Sight distances.**

Proper sight lines must be maintained at all street intersections. Clear sight triangles of 150 feet measured along street centerlines from their points of junction shall be provided at all intersections and no buildings, structures, grade or planting higher then 2½ feet above the centerline of the street shall be permitted within such triangles.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-160. Distance between intersections.**

(a) The distance between intersections shall be in accordance with the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Distance/  Separation | Type of Intersection | | | | |
|  | Arterial with arterial | Arterial with collector and minor | Collector with collector | Collector with minor | Minor with minor |
| Minimum distance between centerline of intersections | 800 feet | 800 feet | 600 feet | 500 feet | 500 feet |
| Minimum separation of centerlines for streets not in alignment | Must be in alignment with planned or proposed streets entering from opposite side | | | 200 feet | 200 feet |

(b) Multiple intersections involving a junction of more than two streets are prohibited.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-161. Other street provisions.**

(a) *Access.* Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development.

(b) *Access drives.* Within ten feet of a street right-of-way line, an access drive width shall not exceed 20 feet or be less than ten feet.

(1) On a street frontage, the number of access drives shall not exceed two per lot or dwelling.

(2) An access drive shall not cross a street right-of-way line:

a. Within 40 feet of the right-of-way line of an intersecting street.

b. Within 25 feet of a fire hydrant.

c. Within 25 feet of another access drive on the same property.

d. Within three feet of a property line.

(3) The minimum angle between the centerline of the access drive and the street shall be not less than 65 degrees. An access drive must be located in safe relationship to sight distance and barriers to vision. The drive slope shall not exceed five percent within 25 feet of the street right-of-way and may not exceed 12 percent for the remainder of the drive. Where a drive enters the right-of-way through a cut, the banks of the cut shall not exceed 50 percent in slope within 25 feet of the street right-of-way. The height of the bank shall not exceed three feet within 20 feet of the street.

(c) *Street names.* Street names shall not duplicate existing or platted street names, or approximate and names by the use of suffixes such as "lane," "way," "drive," "court," or "avenue." In approving names of streets cognizance may be given to an existing or platted street named within the postal delivery district served by the post office. New streets shall bear the same name of the existing or platted street of which they are a continuation or with which they are in alignment. Street names must be approved by the city council.

(Ord. No. 2004-01, 3-1-2004)

**Secs. 32-162—32-190. Reserved.**

***ARTICLE IV. REQUIRED IMPROVEMENTS AND CONSTRUCTION SPECIFICATIONS***

**Sec. 32-191. Applicability.**

All subdivisions and land developments, as applicable, shall be required to have the improvements contained in this article installed before lots are permitted for sale or any building permits will be issued.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-192. Right-of-way clearance.**

All trees, brush, stumps, rocks or other debris shall be cleared from the street right-of-way as required, except in cases where shade trees are required to be preserved by the city.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-193. Street grading to comply with plans.**

All streets shall be graded to lines, grades and cross sections approved on the plans.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-194. Street paving and base.**

(a) Base and sub-base shall be installed in compliance with the city engineer's specifications. Residential streets shall consist of either:

(1) Type 1 paving (Mix 200 pounds/square yard crusher run into top six inches of sub-base if required; place and compact five inches crusher run base; place 1½ inches plant mix binder; place one inch plant mix topping, Type "E"); or

(2) Type II paving (Mix 200 pounds/square yard crusher run into six inches of sub-base if required; place and compact five inches soil cement base; place 1½ inches plant mix binder; place one inch plant mix topping, Type "E").

(b) For commercial and industrial street paving base, use six inches crusher run base, prime and place two inches of plant mix asphaltic binder and surface with one inch of compact hot plant mix topping, Type "E."

(c) The final wearing surface (topping) shall be installed at the end of construction within the street easement.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-195. Concrete curb.**

Concrete curb shall be installed along both sides of all paving. All concrete shall conform to city specifications. Concrete curb construction shall be of 3,000 psi concrete.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-196. Street signs.**

Street signs shall be furnished and installed at all street intersections on the rights-of-way by the developer and shall be green "scotchlite" with white legends to meet city standards. The city street department shall approve exact location prior to installation. All signs must meet state department of transportation (DOT) criteria. Traffic signs shall be placed by the city at the developer's cost.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-197. Right-of-way improvements.**

All street rights-of-way outside of the paved portions shall be graded to conform to the approved cross section and shall be grassed as directed by the zoning administrator.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-198. Street trees.**

Street trees and other shrubbery that may be retained or planted shall be placed or retained so as not to obstruct sight distances at street intersections. Developers shall plant street tree species, as approved by the street tree committee, at 200-foot intervals on both sides of the right-of-way. Trees shall be 1½-inch caliper and planted between the sidewalk and right-of-way line.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-199. Sidewalks.**

When concrete sidewalks are provided, the subdivider or land developer shall furnish and install all required paving materials without cost to the city, in accordance with city specifications. Sidewalks shall have a minimum width of four feet and consist of four-inch thick concrete (3,000 psi at 28 days). Sidewalks in residential areas shall not be less than two feet from street curbs. All driveway aprons over sidewalk areas shall be paved with concrete by the developer or builder. Driveway aprons and sidewalks shall be six feet thick.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-200. Storm drainage system.**

Storm drains along with catchbasins and manholes shall be installed in compliance with the plans and specifications, and as indicated in this section.

(1) Every subdivision shall be served by storm drainage facilities, including drains, catchbasins, culverts and other facilities as required by standards and specifications of the city and as designed by a registered engineer. Stormwater facilities shall be installed in accordance with approved plans and profiles at the developer's expense.

(2) All drainage facilities shall be so designed to serve the entire drainage area in which these facilities are located. The subdivider, at his own cost, shall install all street drains serving lots in the subdivision.

(3) All surface water drainage shall be transported to existing storm drainage facilities as approved by the city.

(4) Whenever surface drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety or create erosion problems.

(5) All drainage features shall be in accordance with the city's standards and specifications, and no extension shall be made from the street drainage through the abutting property without city approval.

(6) When the construction of a proposed public road makes it necessary to cross a storm drain, the developer shall provide and install the required size and length of an acceptable grade of concrete pipe. The length of the pipe required shall be measured from a point 60 feet to the rear of the established building line on the upstream side of the road to a point 60 feet beyond the building line on the downstream side of the road and in no case shall the extension be less than 30 feet from the rear of any proposed dwelling; provided, however, the drain runs through building lots proposed to be platted.

a. In cases where the developer or owner chooses not to develop the land through which the drain runs, the trench may be left open; however, in such cases the plat must be so marked and an easement shown thereon, indicating that no building or driveway shall be built over or within 40 feet of the open drain.

b. Where the developer chooses to leave the drain open and a driveway crosses the same, the size of the pipe shall be determined by the city and no building permit will be approved unless the installation meets city requirements.

c. Notwithstanding the controls stated in this section, the building official may refuse to issue a building permit on any lot where the land is subject to floods or where, in the city's opinion, the topographic features of the property are such that a building could not be properly maintained on the lot.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-201. Water system and fire hydrants.**

All water mains shall be installed along with a service connection for each lot and be in operating condition prior to final plat approval and paving installation. This system shall be connected to the city water system. All pipes, valves, hydrants, and other components shall conform to the city's standard fire protection code and NFPA 24 specifications and regulations. Fire hydrants shall be located and set in accordance with city specifications.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-202. Sanitary sewerage system.**

(a) When a public sanitary sewer is within 1,000 feet of the subdivision, the subdivider shall provide sanitary sewer services to each lot within the bounds of the subdivision. The developer, at his own cost, shall install all street sanitary sewers serving lots in the subdivision, including a lift station, if required. A formula may be developed by the city to provide for a sharing of the costs of other sewer facilities needed to serve the subdivision when certain of the required sewer facilities are necessary to serve other subdivisions in the same drainage basin.

(b) When a public sanitary sewer is not within 1,000 feet of the subdivision an alternate method of sewage disposal for each lot may be used when in compliance with the standards of the county health department. If public sewerage is not available, but is expected to be available within a reasonable time period after completion of the subdivision, an alternate method for sewage disposal for individual lots will be required on an interim basis. In this instance, and at the city's discretion, the developer will be required to construct a complete sanitary sewer system for the subdivision, including outfall lines, street sewers and service stubs to individual lots. All sewers will be plugged and otherwise protected to ensure serviceability at the time of connection to the public system and will conform to city specifications.

(c) When a public sanitary sewer is within 300 feet of a lot to be developed, the developer shall provide sanitary sewer services to the subject development at the developer's cost.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-203. Utility systems.**

All underground utility systems to be installed in a subdivision or land development shall be installed along with service connections, before any paving is laid, at the developer's cost. This applies to water, sewer, gas, cable television, telephone and electrical systems.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-204. Monuments.**

(a) Permanent monuments shall be accurately set and established at the following points:

(1) Where the plat boundary lines intersect with land lot lines.

(2) Monuments shall consist of one-half-inch diameter metal pin or pipe, a minimum of 18 inches in length.

(3) The accurate location, material and size of all existing monuments shall be shown on the final plat, as well as the future location of monuments to be placed after street improvements have been completed.

(b) Monuments shall be placed at all corners of each lot and driven so they are set two inches above the finished grade. Monuments must be set by a registered engineer or surveyor at the developer's expense.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-205. Streetlights.**

Streetlights shall be approved by the utility company, which will be responsible for the maintenance of the facilities, and the city. Streetlights shall meet IES standards for lighting conditions.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-206. Acceleration/deceleration lanes.**

(a) For development accessing state routes, the state department of transportation and city require the installation of acceleration/deceleration lanes.

(b) The city may require the installation of an acceleration/deceleration lane for a distance of 200 feet and a 50-foot taper from all project entrances serving commercial and industrial subdivisions, any residential subdivisions serving 50 lots or more, and any individual land development on any street where such developments generate more than 300 vehicle trips per day as determined by the city. The developer shall be required to obtain the necessary driveway permits from the state department of transportation prior to commencing work.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-207. Additional construction specifications.**

For those improvements where construction specifications have not been set forth in this article, the city shall determine the specifications and the construction of improvements shall be as required by the city.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-208. Local recreation sites.**

(a) Where a proposed park, playground, open space or other local or neighborhood recreation site is shown on the comprehensive plan or where the planning commission considers that a local recreation site is necessary to carry out the purpose of this chapter, the planning commission may require the dedication of all or a portion of such site in accordance with the following standards:

(1) The land to be dedicated must be of suitable site, dimensions, topography, access and general character for the proposed use.

(2) The amount of land so required for this purpose must not exceed 0.02 acres of land for each lot or dwelling unit shown on the final plan.

(b) Where the application of these area standards would result in an open space or recreation site too small to be usable, or if the planning commission calls for a local recreation site to be located elsewhere, or if a suitable local recreation site cannot be properly located in the land development, as determined by the planning commission, a payment of a fee in lieu of dedication of such land is required. The following procedures must be followed:

(1) The amount of the fee must be substantially equal to the value of the land that could be set aside if the standards specified in subsection (a) of this section were applied.

(2) The fee must be paid to the city prior to approval of the final plat.

(3) All moneys paid to the city in this manner must be kept in a capital reserve fund established as provided by law. Moneys in such capital reserve fund must be used only for the acquisition of land for park and recreation or open space purposes.

(4) The provisions of these regulations governing the setting and collection of fees in lieu of land dedication shall not be utilized until the city has established a capital reserve fund.

(c) In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, the city council may permit a private site to be used if:

(1) In its judgment the purposes of these regulations regarding recreation and park sites will be accomplished; and

(2) The private site is permanently devoted to recreation and park use and adequately secured for such use by deed covenants or other private restrictions.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-209. Regulatory approval.**

All state and federal permits and approvals must be obtained before final plan consideration by the planning and zoning commission.

(Ord. No. 2004-01, 3-1-2004)

**Secs. 32-210—32-245. Reserved.**

***ARTICLE V. ADMINISTRATIVE AND LEGAL STATUS PROVISIONS***

**Sec. 32-246. Zoning administrator to administer and interpret chapter.**

The zoning administrator shall administer and interpret the provisions of this chapter.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-247. Enforcement.**

It shall be the duty of the building official, zoning administrator or other and duly authorized representative of the city to hereby enforce this chapter. The enforcement officer is hereby given the power and authority to enforce the provisions of this chapter as stipulated in the provisions of this chapter and as stipulated in the city Charter. The enforcement officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the enforcement officer has certified that the site for the proposed building, alteration or use complies with all the provisions of the chapter and conforms to the site description as indicated on the approved and recorded final plan.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-248. Penalty.**

(a) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by fine not to exceed $200.00, or by imprisonment for not more than 60 days, or both, as determined by the city municipal court.

(b) In any case where any land is, or is proposed to be, used in violation of this chapter, the city attorney may, in addition to other remedies provided by law, institute an injunction, abatement or any appropriate action or proceeding to prevent, enjoin or abate and unlawful use.

(Ord. No. 2004-01, 3-1-2004)

**Sec. 32-249. Variances.**

The city council may approve variances to the provisions of this chapter, after a public hearing before the city council, notice of which shall be published at least 15 days prior to any hearing in a newspaper of general circulation in the city.

(Ord. No. 2004-01, 3-1-2004)

**Chapter 42 ZONING[[1]](#footnote-1)**

***ARTICLE I. IN GENERAL***

**Sec. 42-1. Definitions.**

When used in this chapter, the following words and phrases shall have the meaning given in this section.

*Abandonment* means the cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

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

*Accessory apartment* means a second dwelling unit either in or added to an existing owner-occupied single-family dwelling, for use as a complete, independent living facility for a single housekeeping unit, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use or structure to the main dwelling that shall not be rented.

*Accessory building or use* means:

(1) A building that is not more than two stories in height;

(2) A use that is subordinate to and serves a principal building or principal use;

(3) A use that is subordinate in area, extent or purpose to the principal building or use served;

(4) Contributes to the comfort, convenience or necessity of the occupants of the principal building or principal use; and

(5) Is located on the same lot as the principal building or principal use.

*Adaptive reuse* means the development of a new use for an older building or for a building originally designed for a specific purpose.

*Agriculture* means the cultivation or growth of a field or horticultural crop, including dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

*Airport* means any area of land, water or mechanical structure which is used for the landing and takeoff of aircraft, including any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-way or easements.

*Alley* means a private or public thoroughfare that affords only a secondary means of access to a building or abutting property and is not intended for general traffic circulation.

*Alteration* means:

(1) Any change in the supporting members of a building;

(2) Any modification or change in construction;

(3) Any addition which increases the area or height; or

(4) Any change in use from that of one district classification to another.

*Amusement arcade* means a building or part of a building in which three or more pinball machines, coin-operated billiard tables, video games or other similar player-operated amusement devices are maintained.

*Amusement park* means a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including:

(1) Rides;

(2) Booths for the conduct of games or sale of items;

(3) Buildings or structures for shows and entertainment; and

(4) Food services and souvenir sales areas.

*Animal hospital* means a facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

*Antique shop* means a store or shop for the sale of relics, objects of ancient times or of an earlier period, works of art, pieces of furniture or decorative objects made at a much earlier period than present.

*Apartment house* means a multifamily dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

*Art gallery* means a facility, structure or building used for the display of sculptures, paintings, photographs or other artistic works for public viewing with only incidental sales.

*Auction house* means a place where objects of art, furniture and other goods are offered for sale to persons who bid on the object in competition with each other.

*Automated teller* means an accessory facility through which certain banking functions such as deposits and withdrawals can be completed without the personal assistance of a bank employee.

*Automobile sales lot* means an area of land on which more than one car, truck, van, boat, agricultural vehicle or implement, motorcycle, recreational vehicle or other motorized vehicle exists, and where such vehicles are indicated as for sale, as evidenced by "for sale" signs, dealer tags, warranty signs in windows or other such indications.

*Automotive repair garage* means a use of land or structures involving maintenance, repair, conversion and other such services on cars, trucks, boats, motorcycles, recreational vehicles and mobile/manufactured homes, typically including vehicle storage and incidental sales of parts. Also referred to as automotive services.

*Bed and breakfast inn* means a dwelling unit, or portion thereof, where short-term lodging rooms, with or without meals, are provided for compensation, and where the operator of the inn resides on the premises.

*Berm* means an earthen structure used as a screening device in conjunction with the planning of grass, shrubbery and trees.

*Biomedical waste* means:

(1) Pathological waste;

(2) Biological waste cultures and stocks of infectious agents and associated biologicals;

(3) Contaminated animal carcasses (body parts, their bedding and other wastes from such animals);

(4) Sharps;

(5) Chemotherapy waste; and

(6) Discarded medical equipment and parts.

*Boardinghouse* means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal services may be offered as well.

*Broadcasting studio* means a room of suite or rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs.

*~~Buffer~~* ~~means:~~

~~(1) A landscaped open space or screen located between incompatible land uses for the purpose of visibly separating uses through distance and to shield or block noise, light, glare, or visual or other nuisances;~~

~~(2) The portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extending the developed portion of the common property line; and~~

~~(3) A buffer consisting of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.~~

*Buffer* refers to a strip of land located between a side or rear property line and a building, structure, or use; or a strip of land lying adjacent to a stream. A buffer is intended to separate and provide screening of the view of the site on which the buffer is located from an abutting property, and/or to provide stream protection, as defined and as may be required by this article. The following buffer types are recognized in this article:

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

(2) Buff*er, planted*: A buffer consisting of newly planted evergreen and deciduous trees and shrubs native to the region. Deciduous trees shall be a minimum of two-inch caliper and evergreen trees a minimum of six (6) feet in height at time of planting. Required deciduous and evergreen shrubs shall be a minimum of three (3) feet at time of planting.

(3) *Buffer, structural*: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

*Buildable area* means the portion of a lot remaining after required yards, buffers and building setbacks have been provided, where construction of principal buildings is permitted. Also known as "building envelope."

*Building* means any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind.

*Building inspector* means the city building inspector or his authorized representative.

*Building, principal,* means a building or structure in which is conducted the main use of the property on which the building or structure is located. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which said structure is located.

*Building setback line* means a line establishing the minimum allowable distance between the main or front wall of a building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto.

*Bus terminal* means an area and building where buses stop to load and unload passengers and luggage or packages and which may include the sale of bus tickets.

*Carport* means an accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor vehicles or boats.

*Carwash* means an establishment engaged in the business of washing vehicles with self-serve automated or staffed facilities.

*Cemetery.*

(1) The term "cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

(2) The term "cemetery" does not include crematories and mortuaries.

*Centerline of street* means that line surveyed and monumented by the city and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches, right-of-way edges, or pavement edges of such street.

*Certificate of appropriateness* means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

*Certificate of occupancy* means a legal statement or document issued by the building inspector indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

*Change of use* means any use that substantially differs from the previous use of a building or land.

*Church* means an institution that people regularly attend to participate in or hold religious services, meetings and other purposes, including education, day care and recreation facilities when owned and operated by such church.

*Circus* means the temporary use of land offering entertainment and instruction in the form of such things as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term "circus" also includes carnivals and fairs.

*City engineer* means the engineer or engineering firm in the employ of the city, or its authorized representative.

*Clinic* means a building designed and used for the diagnosis and treatment of patients that does not include overnight care facilities.

*Club, nonprofit,* means a building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit or to render a service that is customarily carried on for gain.

*Commercial recreation facility* means any use of a building and/or land that involves the provision of sports and leisure activities to the general public for a fee including, but not limited to, the following:

(1) Amphitheaters and stadiums;

(2) Assembly halls, auditoriums and meeting halls;

(3) Billiard halls, poolrooms and amusement/video arcades;

(4) Bowling alleys;

(5) Firearms shooting ranges and turkey shoots;

(6) Golf driving ranges, public golf courses, miniature golf courses and baseball batting cages;

(7) Private clubs operated for profit, racetracks for animals and motor-driven vehicles, ice and roller skating rinks;

(8) Horse and pony-riding rinks;

(9) Circuses and carnivals;

(10) Indoor and drive-in theaters;

(11) Physical fitness facilities and health clubs;

(12) Botanical gardens and zoological gardens;

(13) Commercial museums and art galleries;

(14) Racquetball courts; and

(15) Bungee jumping.

*Compatibility* means the characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include:

(1) Intensity of occupancy as measured by dwelling units per acre or gross square footage per acre;

(2) Pedestrian or vehicular traffic generated;

(3) Volume of goods handled; and

(4) Such environmental effects as noise, vibration, odor, glare, air pollution or radiation.

*Comprehensive plan* means:

(1) Those coordinated plans or portions thereof which have been prepared by or for the city for the physical development of the jurisdiction; or

(2) Any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

*Conditional use* means a use (principal and, in some cases, accessory) which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the city. Such uses may be permitted only if approved by the city in accordance with the regulations established in this chapter.

*Conditional zoning* means the granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the city to mitigate adverse impacts that are anticipated without imposition of such conditions.

*Condominium (residential building)* means a building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

*Continuing care retirement community* means an age restricted development or facility that provides, to individuals of retirement status, accommodations and care such as board, independent living, licensed nursing care and medical or other health-related services, and that typically enters into contracts to provide care.

*Contractor's establishment* means an establishment engaged in the provision of construction activities including, but not limited to, plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles.

*Convalescent home* means a home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, wherein two or more persons are professionally cared for.

*Convenience store* means a small retail store which sells prepackaged food products, household items and other items and which may include the sale of gasoline and diesel fuel.

*Conversion* means any change in the original use or purpose of a building or lot to a different use.

*Curb cut* means a provision for vehicular ingress and/or egress between property and an abutting public street.

*Day care center* means any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven or more children under 18 years of age. A day care center of six children or less may be considered to be a home occupation.

*Density* means the number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

*Development* means any manmade change on improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials or equipment.

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

*District, zoning,* means a geographical area designated with the use of symbols on the official zoning map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

*Dormitory* means a building, the primary purpose of which is to provide living accommodations for individuals, but does not include individual kitchen facilities.

*Drive-in* means a retail or service enterprise wherein service is provided to the customer who is within a motor vehicle on the outside of the principal building.

*Drive-in theater* means a facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

*Dry cleaners* means an establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

*Dry cleaning plant* means an establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

*Dwelling* means a building, or portion thereof, designed, arranged or used for permanent living, and/or sleeping quarters.

*Dwelling, multifamily.*

(1) The term "multifamily dwelling" means a building designed for or occupied exclusively by three or more single housekeeping units with separate kitchen and bath facilities for each family or housekeeping unit, including apartment houses, row houses, townhouses and similar housing types.

(2) The term "multifamily dwelling" does not including motels, hotels, lodginghouses, hospitals, nursing homes or public institutions such as prisons and mental institutions.

*Dwelling, single-family,* means a building designed or arranged to be occupied by one single housekeeping unit only.

*Dwelling, two-family (duplex),* means a building designed or arranged to be occupied by two single housekeeping units living independently of each other.

*Dwelling unit.*

(1) The term "dwelling unit" means a building, or portion thereof, designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities.

(2) The term "dwelling unit" does not include units in hotels or other structures designed for transient residence.

*Easement* means:

(1) A nonpossessory interest in land; and

(2) A grant by a property owner for the use by the public, a corporation or person, of a portion of land for a specified purpose.

*Emergency shelter* means a facility providing temporary housing for one or more individuals who are otherwise temporarily or permanently homeless.

*Enlargement* means an increase in the size of an existing structure or use, including the physical size of the property, building, parking and other improvements.

*Erect* means to build, construct, attach, hang, place, suspend or affix.

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

*Exterior environmental features* mean all those aspects of the landscape or the development of a site that affect the historical character of the property.

*Exterminator* means an establishment or person engaged in the service of killing insects, mice, rats or other pests.

*Family* means an individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided, however, that domestic servants employed on the premises may be housed on the premises without being counted as a separate family. The term "family" includes any group that is licensed by the state, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two supervisors or surrogate parents residing on the premises at one time.

*Farm* means an area of land principally devoted to agriculture.

*Farm supply store* means an establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

*Fence* means:

(1) A structural barrier for enclosure, screening or demarcation presenting a solid face or having openings amongst or between its constituents members; and

(2) A wall separate from or extending from a building.

*Finance, insurance and real estate establishments* includes, but is not limited to:

(1) Banks, savings and loan institutions and credit unions;

(2) Security and commodity exchanges;

(3) Insurance agents, brokers and service;

(4) Real estate brokers, agents, managers and developers;

(5) Trusts; and

(6) Holding and investment companies.

*Flea market* means the use of land, structure or buildings for the sale of produce or new or used goods, usually of second quality or at cut-rate prices, in which more than two vendors are accommodated in spaces on the same lot or within the same building.

*Floor area* means the gross heated, finished horizontal area of the floor of a dwelling unit, exclusive of the basement, attic, carport or garage.

*Funeral home* means a building or part thereof used for human funeral services, which may contain space and facilities for:

(1) Embalming and the performance of other services used in preparation of the dead for burial;

(2) The performance of autopsies;

(3) The storage of caskets; and

(4) Chapel services.

*Garage* means an accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use.

*Glare* means a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

*Grade* means the average of the finished ground levels at the center of all walls of a building.

*Greenhouse.*

(1) The term "greenhouse" means a building designed or used for growing or propagating plants with walls or a roof usually designed to transmit light.

(2) The term "greenhouse" does not include commercial horticultural activities.

*Guesthouse* means a lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

*Hazardous waste* means any solid waste that is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise, based on factors set forth in applicable regulations of the Environmental Protection Agency (EPA).

*Height, building,* means the vertical distance measured from the grade:

(1) To the highest point of the coping of a flat roof;

(2) To the declines of a mansard roof; or

(3) To the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

*Heliport* means an area, either at ground level or elevated on a structure, licensed or approved for the landing and taking off of helicopters, and including auxiliary facilities such as parking, waiting room, or fueling and maintenance equipment.

*Helistop* means a heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

*Historic district* means a geographically definable area designated as a historic district pursuant to the criteria established by chapter 20.

*Historic property* means an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof, designated by the city as a historic property pursuant to the criteria established by chapter 20.

*Home occupation* means any occupation or profession engaged in by any occupant of a dwelling.

*Hospital* means an institution providing health services, for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel* means a public commercial lodging facility intended for use as temporary residence which may make provisions for meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes in which ingress and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

*Household pet* means an animal which is customarily kept for company or pleasure within a home or yard which is not exhibited to the public and raised for commercial purposes, (e.g., "show dogs"). The term "household pets" include domestic canines, felines, tropical birds, fish, rabbits, rodents and other animals customarily sold in pet stores.

*Impervious surface* means any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land.

(1) The term "impervious surface" includes, but is not limited to, buildings, paved roads, parking lots and driveways, decks, swimming pools and patios.

(2) The term "impervious surface" does not include graveled driveways and parking areas.

*Inoperable vehicle* means any motorized vehicle, other than those vehicles temporarily disabled, incapable of immediately being driven. The term "inoperable vehicle" includes any motorized vehicle without a current vehicle registration tag.

*Junk* means any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. The term "junk" includes inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber.

*Junkyard/salvage yard* means any property involving the abandonment, parking, storage or disassembly of junk including inoperable vehicles or junked machinery, the abandonment, storage, sale, or resale of used auto parts, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and/or other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

*Kennel* means the housing, breeding, boarding or training of four or more dogs, cats or other domestic animals, operated for the purpose of providing income or revenue.

*Laboratory.*

(1) The term "laboratory" means a place devoted to experimental study, such as testing and analyzing.

(2) The term "laboratory" does not include the manufacturing of products.

*Land disturbing activity.*

(1) The term "land disturbing activity" means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands of the state including, but not limited to:

a. The clearing, dredging, grading, scraping, excavating, transporting or filling of land; and

b. Any construction, rebuilding or alteration of a structure.

(2) The term "land disturbing activity" does not include agricultural and gardening practices.

*Landfill.*

(1) The term "landfill" means an area wherein solid wastes are placed, under license, compacted and covered.

(2) The term "landfill" does not include hazardous or radioactive wastes.

*Landscape strip* means that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from a given property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or side development but is maintained as landscaped open space. The term "landscape strip" includes grass lawns, decorative planting, berms, walls, fences or other features designed and arranged to produce an aesthetically pleasing effect within and outside of the development.

*Landscaping* means changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. The term "landscaping" includes reshaping the land by moving the earth, as well as preserving the original vegetation.

*Landscaping service* means an establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping.

*Laundromat* means a business that provides home-type washing and drying machines for hire to be used by customers on the premises.

*Library* means a building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

*Loading and unloading space* means a space, typically with dimensions of 12 feet by 60 feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

*Lodginghouse* means a fraternity house, sorority house, dormitory or other such building designed and occupied, with or without separate kitchen or housekeeping facilities for each unit.

*Lot* means:

(1) A parcel of land having principal frontage on a public street;

(2) A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

*Lot area* means the total horizontal area within the lot lines of a lot, exclusive of public street rights-of-way but inclusive of easements.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection.

*Lot coverage.*

(1) The term "lot coverage" means the part or percent of a lot occupied by buildings and structures, including accessory buildings and structures.

(2) The term "lot coverage" does not include unenclosed parking areas.

*Lot depth* means the mean horizontal distance from the front lot line to the rear lot line.

*Lot, double frontage,* means any lot, other than a corner lot, which has frontage on two streets that do not intersect at a point abutting the property.

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

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

*Lot of record* means:

(1) A lot that is part of a subdivision, a plat of which has been recorded in the records of the county superior court clerk; or

(2) A parcel of land, the deed of which has been recorded in the county superior court clerk's office as of the date of adoption of the ordinance from which these regulations are derived.

*Lot width* means the horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building setback) line.

*Mail order office.*

(1) The term "mail order office" means an establishment that engages in the taking of requests for mail order or telephone or facsimile machine for catalog merchandise.

(2) The term "mail order office" does not include:

a. The storage or distribution of catalog merchandise.

b. An establishment where orders are picked up or taken in person.

*Manufactured home* means a structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body-feet or more in width or 40 body-feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes mandatory plumbing, heating, air-conditioning and electrical systems contained therein. A manufactured home displays a certificate from the U.S. Department of Housing and Urban Development.

*Manufactured home park* means a parcel of land under single ownership which has been planned or improved for the placement of two or more manufactured homes for residential use, including land, buildings and facilities used by the occupants of manufactured homes on such property.

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

*Manufactured home subdivision* means parcels of land planned or improved for the placement of manufactured homes on individual lots for residential use.

*Manufacturing, processing and assembling* means the mechanical or chemical transformation of materials or substances into new products. The term "manufacturing, processing and assembling" includes:

(1) Land uses described as plants, factories or mills and characteristically use power driven machines and materials handling equipment;

(2) Establishments engaged in assembling component parts of manufactured products if the new product is neither a fixed structure nor other fixed improvement; and

(3) The blending of materials such as lubricating oils, plastic resins or liquors.

*Marina* means a facility for the storing, servicing, fueling, berthing and securing of boats.

*Marquee* means a permanent roof-like structure made of metal or other durable material affixed to the wall of a building.

*Material change in appearance* means:

(1) A change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as a reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

(2) Demolition or relocation of a historic structure;

(3) Commencement of excavation for construction purposes;

(4) A change in the location of advertising visible for the public right-of-way; or

(5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

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

*Metes and bounds* means a system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

*Miniwarehouse* means a building or group of buildings that contains varying sizes of individual, compartmentalized stalls or lockers used for storage. The term "miniwarehouse" also means a self-service storage facility.

(1) The term "miniwarehouse" includes any accessory office or night watchman's residence.

(2) The term "miniwarehouse" does not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

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

*Mobile home park* means a parcel of land or any portion thereof under single ownership that has been designed, planned or improved for the placement of two or more mobile homes for residential use, including land, buildings and facilities used by the occupants of mobile homes on such property.

*Modular structure* means a factory-fabricated, transportable building consisting of units designed to be incorporated on a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

*Motel* means a public commercial lodging facility intended for use as temporary residence, which may also include the provision of meals, entertainment and various personal services, provided for compensation to persons traveling for business, tourism or other visitation purposes, distinguished from a hotel in that ingress and/or egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.

*Museum* means an establishment engaged in the procurement, care, study and display of objects of historical, educational and cultural value and interest.

*Nonconforming lot* means a lot, the area, width or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was of record as of the date of adoption of the ordinance from which these regulations are derived. Any lot that was subsequently annexed into the city limits which does not meet the requirements of the particular zoning district shall also be considered a nonconforming lot.

*Nonconforming structure* means any building or structure that does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district.

*Nonconforming use* means any building or use of land or building lawfully existing at the date of adoption of the ordinance from which these regulations are derived or as a result of subsequent amendments to these regulations, which does not conform to the permitted use provisions established in this chapter for the district in which it is located.

*Nuisance* means:

(1) Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses; or

(2) Anything that causes hurt, inconvenience or damage to another even though it may otherwise be lawful.

*Nursing home* means a long-term care facility that admits patients by medical referral and provides for continuous medical supervision via 24-hour-a-day nursing care and related services in addition to food, shelter, and personal care. A nursing home may be licensed as a skilled nursing facility, an intermediate care facility or an intermingled facility.

*Off-street* means not located on a street as defined by this section.

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

*Official zoning map* means the map, which accompanies this chapter text and is on file in the city clerk's office, that delineates the geographic location of the boundaries of the zoning districts established in this chapter in relation to natural features, manmade features and/or property uses.

*Open air business* means any commercial establishment that displays products in a nonenclosed area.

*Open space, landscaped,* means that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

*Outdoor display.*

(1) The term "outdoor display" means the keeping of any goods, junk, material or merchandise outside of a business, building or establishment or in an area visible from a public street, for display, advertisement or purposes of attracting rental or sales.

(2) The term "outdoor display" does not include the temporary loading or unloading of such goods, junk, material or merchandise to or from an enclosed area.

*Outdoor storage* means the keeping of any goods, junk, material, merchandise or commercial vehicles in the same outdoor place for more than 24 hours.

*Parking lot* means any public or private open area used for the express purpose of temporary parking of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

*Parking space* means an area having an area of at least 160 square feet, or 300 square feet including maneuvering space within a parking lot, to be used exclusively as a temporary parking space for a motor vehicle.

*Permitted use* means a use that is specifically authorized in a particular zoning district.

*Personal care* means protective care and watchful oversight of a resident who needs a watchful environment but who does not have an illness, injury or disability which requires chronic or convalescent care including medical and nursing services.

*Personal care home* means a building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care for nonfamily ambulatory adults.

*Personal care home, congregate,* means a personal care home for adults offering care to 16 or more persons.

*Personal care home, family,* means a personal care home for adults in a family-type residence, non-institutional in character, which offers care to two through six persons.

*Personal care home, group,* means a personal care home for adult persons in a residence or other type building, non-institutional in character, which offers care to seven through 15 persons.

*Photography studio* means an establishment engaged in photography for hire for the general public including, but not limited to, portrait, passport, wedding and other special occasion photographs.

*Planned unit development* means a form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a more dense setting than allowable on separate zoned lots.

*Planning commission* means the city planning commission as previously established in this Code.

*Pool hall* means an establishment containing one or more billiard tables, operated for profit, and open to the general public.

*Premises* means a lot as otherwise used in this chapter.

*Public use* means any building, structure or use owned and/or operated by the federal government, state, this county or other county, the city or other municipality, or any authority, agency, board or commission of the governments enumerated in this definition, which is necessary to serve a public purpose, such as, but not limited to, the following:

(1) Government administrative buildings;

(2) Police and fire stations;

(3) Public health facilities and hospitals;

(4) Public works camps;

(5) Parks and community centers;

(6) Public roads and streets;

(7) Airports;

(8) Water and sanitary sewerage storage, intake, collection and treatment and pumping facilities;

(9) Public housing facilities; and

(10) Jails and correctional centers.

*Quarry* means a place where rock, ore, stone and similar materials are excavated for sale or off-tract use.

*Recreational vehicle* means a vehicular type of portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

*Recreational vehicle (RV) park* means any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

*Recycling collection center* means a principal or accessory use that serves as a neighborhood or regional dropoff point for temporary storage of recoverable resources such as cans, bottles and newspapers, but specifically excluding processing of such resources.

*Recycling plant* means a facility in which recoverable resources such as cans, bottles and newspapers are recycled, reprocessed and treated to return such products to a condition in which they may again be used in packaging or for production.

*Rehabilitation* means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

*Rehabilitation center* means facilities authorized or licensed by appropriate agencies for the primary purpose of rehabilitation of:

(1) Offenders against the law;

(2) Persons with drug or alcohol abuse problems;

(3) Mentally handicapped; and

(4) Physically handicapped.

*Residence for caretaker or night watchman* means an accessory residence, located inside or in addition to the principal structure or use of a parcel of land, designed or occupied by employees ~~security~~ ~~personnel~~ of the occupying business or landowner for ~~security reasons only~~ reasons of security, maintenance, operation, or comparable activities.

*Residential district* means any R-1, R-1A, R-1B, R-2 or MHP zoning district as indicated on the official zoning map.

*Restaurant* means any place or premises used for sale, dispensing or service of food, refreshment or beverage.

*Restaurant, drive-in,* means any place or premises used for sale, dispensing or service of food, refreshment or beverage to persons in automobiles, including those establishments where customers may eat or drink on the premises.

*Retail sales* means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

*Retail trade establishment, enclosed,* means any business offering goods and products for sale to the public, which operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. Incidental repair is also included in this definition. The term "enclosed retail trade establishments" includes, but is not limited to:

(1) Paint, glass and wallpaper stores;

(2) Grocery and miscellaneous food stores, including convenience stores that sell gasoline and retail bakeries;

(3) Apparel, shoe and accessory clothing stores;

(4) Furniture, floor covering and home furnishing stores;

(5) Household appliance stores;

(6) Radio, television and computer stores;

(7) Musical instrument stores;

(8) Record, tape and compact disc stores;

(9) Eating and drinking places not involving drive-in or drive-through facilities;

(10) Drug stores and proprietary stores;

(11) Liquor stores;

(12) Used merchandise stores;

(13) Sporting goods and bicycle shops;

(14) Book, art and stationary stores;

(15) Hobby, toy and game shops;

(16) Jewelry, gift, novelty, souvenir and antique shops;

(17) Camera and photographic supply stores;

(18) Luggage and leather goods stores;

(19) Sewing, needlework and piece goods stores;

(20) Catalog and mail order stores;

(21) Florists;

(22) Tobacco stores;

(23) Optical goods stores;

(24) Newsstands;

(25) Automotive parts stores not involving repair;

(26) Video rental and sales stores;

(27) Watches and clocks;

(28) Pawnshops; and

(29) Convenience stores with or without retail gasoline sales.

*Retail trade establishment, unenclosed* means any business offering goods and products for sale to the public, which does not operate entirely within a structure containing a roof and walls on all sides, and which all or a portion of the goods and products are displayed and/or stored, or business transacted, in the open-air or other shelter not completely enclosed. The term "unenclosed retail trade establishment" includes, but is not limited to:

(1) Lumber and building materials;

(2) Retail nurseries and garden supply stores;

(3) Mobile and manufactured home/modular building dealers;

(4) New and used car, truck, boat, recreational vehicle, camper, motorcycle and other motorized vehicle sales and leasing;

(5) Eating and drinking places, including drive-in and drive-through facilities;

(6) Fuel oil and liquefied petroleum dealers;

(7) Agricultural implement and equipment sales and rental;

(8) Christmas tree sales;

(9) Flea markets;

(10) Monument sales establishments;

(11) Automatic teller facilities;

(12) Gas stations;

(13) Produce stands; and

(14) Firewood sales.

*Rezoning* means an amendment to or a change in the official zoning map.

*Right-of-way* means that area, distinguished from an easement, which is owned in fee-simple title by the city or other government, for the present or future use of roads, streets and highways, together with its drainage facilities and other supporting uses and structures.

*Roominghouse* means a building where, for compensation, lodging only is provided.

*Sanitarium* means a hospital used for treating chronic and usually long-term illness.

*Satellite dish antenna* means a round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

*Scale of development* means the relationship of a particular project or development, in terms of size, height, bulk, intensity and aesthetics, to its surroundings.

*School* means a facility that provides a curriculum of elementary and secondary academic instruction. A school is considered public if operated by a unit of government.

*School, trade, technical or business* means an establishment in which is offered, for compensation, instruction in a trade, craft, technical field or business skills.

*Screening* means:

(1) A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; or

(2) A visual and acoustical barrier which is of such nature and density that provides yearround maximum opacity from the ground to a height of at least six feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot. Screening methods include opaque fences, walls, hedges, berms and other features.

*Semi-public use* means any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as, but not limited to, underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles, railroad facilities and bus and air terminals.

*Septic tank* means an approved watertight tank designed or used to receive sewage from a building sewer and to effect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

*Service, automotive* means an establishment providing services and repairs to motor-driven vehicles including, but not limited to:

(1) Rental care facilities;

(2) Automobile parking lots;

(3) Top and body, paint, automotive glass, transmission and tire repair shops;

(4) Carwashes, including automated and full-service facilities; and

(5) Oil change and lubrication.

*Service establishment, business,* means a facility engaged in support functions to establishments operating for a profit, on a fee or contract basis including, but not limited to:

(1) Advertising agencies;

(2) Photocopying, blueprinting and duplication services;

(3) Mailing agencies;

(4) Commercial art and graphic design;

(5) Disinfecting, exterminating and pest control;

(6) Personnel supply services and employment agencies;

(7) Computer and data processing services;

(8) Detective, protective and security system services;

(9) Accounting, auditing and bookkeeping services;

(10) Publications and business consulting firms;

(11) Food catering;

(12) Interior decorating; and

(13) Locksmiths.

*Service establishment, personal,* means a facility engaged in the provision of services to persons and their apparel including, but not limited to:

(1) Barbershops and beauty shops;

(2) Coin-operated and full-service laundries and dry cleaners;

(3) Photographic studios;

(4) Shoe repair and shoeshine parlors;

(5) Dance studios, schools and halls;

(6) Specialized instructional studios and schools;

(7) Day care centers;

(8) Massage parlors; and

(9) Travel agencies.

*Service, health,* means:

(1) Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services;

(2) Offices of doctors, dentists and other medical practitioners.

*Service, lodging,* means a facility which offers temporary shelter accommodations, or place for such shelter, open to the public for a fee including, but not limited to:

(1) Hotels, motels and motor hotels;

(2) Roominghouses and boardinghouses;

(3) Bed and breakfast inns; and

(4) Recreational vehicle parks and campgrounds.

*Service, miscellaneous,* means those service establishments not otherwise specifically classified including, but not limited to:

(1) Animal hospitals and veterinary clinics;

(2) Funeral homes, mortuaries and mausoleums;

(3) Construction contractors' establishments not involving outside storage of vehicles or materials;

(4) Palm reading and fortunetelling;

(5) Pet grooming, pet psychologists and dog obedience schools; and

(6) Taxidermists.

*Service station* means any building, structure or land used for the retail sale of motor vehicle fuel, oil, accessories and motor vehicle servicing, except that major repairs, body repairs and painting of motor vehicles shall not be considered motor vehicle servicing.

*Setback* means the minimum horizontal distance between a street, alley or the property boundary lines of a lot and the front, rear or sidelines of a building located on that lot.

*Shopping center* means a group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking on the property.

*Sign* means any surface, fabric, device or display that bears lettered, pictorial or sculptured matter designated to convey information visually and which is exposed to public view on the exterior of the building or on surrounding property. For purposes of this chapter, the term "sign" includes:

(1) All structural members.

(2) A display surface or device containing organized and related elements composed to form a single unit.

*Site plan* means a graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

*Slaughterhouse* means an establishment where animals are killed, butchered, prepared for further processing or processed in a final form.

*Solid waste* means discarded putrescible and nonputrescible waste, except water-carried body waste and recovered materials. The term "solid waste" includes, but is not limited to:

(1) Garbage;

(2) Rubbish such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery, or dunnage; ashes;

(3) Street refuse;

(4) Dead animals;

(5) Sewage sludges;

(6) Animal manures;

(7) Industrial waste, such as waste materials generated in industrial operations;

(8) Residue from incineration;

(9) Food processing wastes;

(10) Demolition wastes;

(11) Abandoned automobiles; and

(12) Drudging and construction waste.

*Story* means that portion of a building comprised between a floor and the floor or roof next above.

*Street* means a public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

*Street, arterial,* unless otherwise specified by the comprehensive plan, transportation element of the comprehensive plan or major thoroughfare plan, means those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

*Street, collector,* unless otherwise specified by the comprehensive plan, transportation element of the comprehensive plan or major thoroughfare plan, means those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

*Street, public,* means a dedicated and accepted public right-of-way that affords the principal means of access to abutting properties.

*Structure* means anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles. The term "structure" includes tents, bleachers, gasoline pumps, recreational vehicles, travel trailers signs and structures from which products are vended and similar objects.

*Subdivision* means the division of a parcel or tract of land into two or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

*Taxi cab station* means an establishment engaged in furnishing passenger transportation by automobile or van, not operating on regular schedules or between fixed terminals and containing space for taxicab fleets and related office facilities.

*Temporary ECHO unit* means a removable home which is placed as an accessory structure on the same lot as a detached single-family residence for a specified, limited duration of time. ECHO is an acronym for "Elder Cottage Housing Opportunity."

*Temporary use* means a use intended for a specified limited duration.

*Townhouse* means one of a group of three or more attached dwelling units under fee simple ownership. Townhouses are required to have attached garages for at least one vehicle.

*Transitional use* means a permitted use, building or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

*Transportation, communication and utility facilities,* includes, but is not limited to:

(1) Bus passenger stations and terminals;

(2) Airports, heliports and helistops;

(3) Taxi cab and limousine services;

(4) Radio and television studios and broadcasting towers;

(5) Recycling collection centers;

(6) Truck stops and truck terminals;

(7) Trucking and courier services;

(8) Marinas;

(9) Railroad facilities;

(10) Gas, electric and water supply services;

(11) Emergency medical services; and

(12) Ultralight flight parks.

*Travel trailer* means a portable dwelling or lodging unit having no other foundation than wheels, distinguished from a mobile or manufactured home, designed for short-term travel, recreational or vacation use. The term "travel trailer" includes pickup campers and motor homes.

*Tree* means any self-supporting, woody perennial plant having a single trunk diameter of two inches or more that normally grows at maturity to an overall height of a minimum of 15 feet.

*Truck stop* means an area principally devoted to the service, refueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

*Truck terminal* means an area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semitrailers and/or trucks are parked and stored.

*Underground storage tank* means any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten percent or more beneath the surface of the ground.

*Unenclosed area* means any area of a given lot or structure that is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

*Use* means any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

*Utility* means public or private water and sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, cable television lines, roads, driveways, river/lake access facilities, stormwater facilities, railroads, airports and bus terminals.

*Variance* means a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, the shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

*Warehouse* means a building or group of buildings for the storage of goods or wares, with controlled access to contents.

*Wholesale distribution* means an establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

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

*Yard* means a space on the same lot with a principal building, which is open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area unless otherwise specified by these regulations.

*Yard, front,* means a space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage shall be considered front yards. In the case of double frontage lots, the spaces as defined in this section shall both be considered front yards.

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

*Yard sale* means the temporary sale of home furniture, appliances, clothing or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving or relocating to another place of residence. Yard sales that do not take place on the premises on which such occupant resides are considered open-air businesses.

*Yard, side,* means a space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

*Zero lot line* means the location of a building on a lot in such a manner that one or more building sides have no side-building setback and rest directly on a side lot line.

*Zoning* means a legislative procedure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

*Zoning administrator* means the city manager or his authorized representative.

(Ord. of 10-2-1995, § 86-301)

**Secs. 42-2—42-20. Reserved.**

***ARTICLE II. ZONING DISTRICTS***

**Sec. 42-21. Established.**

For the purpose of this chapter, the city is hereby divided into use districts as set out in the following table:

|  |  |
| --- | --- |
| R-1 | Single-Family Residential District |
| R-1A | Single-Family Residential District |
| R-1B | Single-Family Residential District |
| R-2 | Multiple-Family Residential District |
| MHP | Mobile Home Park District |
| O-I | Office-Institutional District |
| B-1 | Neighborhood Business District |
| B-2 | General Business District |
| M-1 | Light Industrial District |
| M-2 | Heavy Industrial District |
| PUD | Planned Unit Development District |

(Ord. of 10-2-1995, § 86-401)

**Sec. 42-22. Official zoning map—Created.**

(a) The location and boundaries of the districts listed in section 42-21 are hereby established as shown on a map entitled "Official Zoning Map of the City of Hartwell, Georgia." The zoning map, together with all explanatory matter thereon, is hereby incorporated and adopted by reference as if fully set forth in this chapter.

(b) The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bear the city seal or that of a notary public under the following words:

"This is to certify that this is the Official Zoning Map referred to in Chapter 42 of the Code of the City of Hartwell, Georgia,"

together with the date of the adoption of the ordinance from which this chapter is derived. The official zoning map may be reproduced so that additional copies of said map are made available, upon proper certification as described in this subsection.

(c) If in accordance with the provisions of this chapter and the applicable laws of the state, changes are made in boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city, with appropriate entry or indication of such amendment on the official zoning map. The formal action by the city commission to change the boundaries of the official zoning map shall be sufficient to make such zoning district change effective. Upon such changes, the zoning administrator is authorized to enter such changes on the official zoning map, and readoption of the said map shall not be required.

(d) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter.

(e) Regardless of the existence of purported copies of the official zoning map that may from time to time be made or published, the official zoning map shall be located in the zoning administrator's office and shall be the final authority as to the current zoning status of land, water areas, buildings and other structures in the city.

(Ord. of 10-2-1995, § 86-402)

**Sec. 42-23. Same—Replacement.**

(a) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city may adopt a new official zoning map that shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bear the city seal or a notary public under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Chapter 42 of the Code of the City of Hartwell, Georgia."

(b) Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. of 10-2-1995, § 86-403)

**Sec. 42-24. Interpretation of district boundaries.**

(a) Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or railroad right-of-way lines or such lines extended, such centerline, street right-of-way lines, or railroad right-of-way lines shall be construed to be such boundaries.

(b) Where boundaries are indicated as approximately following the corporate city limit line, such corporate limit line shall be construed to be such boundaries.

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

(d) Where boundaries are indicated as approximately following the centerline of streambeds or riverbeds, such centerline shall be construed to be such boundaries.

(e) In the case where the exact location of a boundary cannot be determined by the foregoing methods, the city shall, upon application, determine the location of the boundary.

(Ord. of 10-2-1995, § 86-404)

**Sec. 42-25. District boundary line divides lot of single ownership.**

Where a boundary line as appearing on the official zoning map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot without recourse or amendment procedure; provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the restrictions of the district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

(Ord. of 10-2-1995, § 86-405)

**Sec. 42-26. Designation after street abandonment.**

Where a public street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street, alley or right-of-way.

(Ord. of 10-2-1995, § 86-406)

**Secs. 42-27—42-55. Reserved.**

***ARTICLE III. NONCONFORMING STRUCTURES AND USES***

**Sec. 42-56. Purpose; intent.**

Within the districts established by this chapter, there exist certain incompatible lots, buildings, structures, signs and uses of land which were lawful before these regulations were adopted but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments. It is the intention of this article to permit these nonconformities to continue but that nonconformities shall not be enlarged upon, neither expanded or extended, nor be used as grounds for variances or for adding other structures or uses prohibited elsewhere in the same district.

(Ord. of 10-2-1995, § 86-501)

**Sec. 42-57. Lots of record.**

(a) In any district, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings or any other permitted use may be erected on any single lot of record existing at the effective date of the ordinance from which this chapter is derived, even though such lot fails to meet the requirements for area or width, or both, applicable to the particular district involved; provided that building setbacks are observed and the lot shall otherwise conform to the regulations for the district in which the lot is located.

(b) Except for those lots described in subsection (a) of this section, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of the ordinance from which these regulations are derived, and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered an undivided parcel for the purposes of these regulations, and no portion of said parcel shall be used which does not meet lot width and area requirements established by these regulations, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the applicable requirements.

(Ord. of 10-2-1995, § 86-502)

**Sec. 42-58. Continuance of use.**

(a) The lawful use of any building, structure, sign or land existing at the time of enactment of the ordinance from which these regulations are derived may be continued, even though such use does not conform with the provisions of these regulations, except that the use of a building, structure or land containing a nonconforming use shall not be:

(1) Changed from its existing nonconforming use to any other nonconforming use;

(2) Reestablished after discontinuance or abandonment for six months. For purposes of this section a use shall be considered discontinued or abandoned if it has not been actively engaged in any nonconforming activity during the subject period;

(3) Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;

(4) Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement value at the time of destruction as determined by the building official and provided such rebuilding, alteration or repair is completed within one year of such damage;

(5) Moved in whole or in part to any other portion of the lot occupied by such use, except in conformity with these regulations.

(b) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure, or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official.

(c) Changes in ownership or tenancy of a nonconforming use are permitted.

(Ord. of 10-2-1995, § 86-503)

**Sec. 42-59. Expansion of buildings.**

A nonconforming building which contains a conforming use may be expanded, enlarged or extended provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a nonconforming building for a use which is not permitted by the regulations for the district within which such building is located.

(Ord. of 10-2-1995, § 86-504)

**Sec. 42-60. Buildings under construction.**

Nothing in this article shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the adoption of the ordinance from which these regulations are derived.

(Ord. of 10-2-1995, § 86-505)

**Secs. 42-61—42-78. Reserved.**

***ARTICLE IV. SPECIAL EXCEPTIONS***

**Sec. 42-79. Defined; purpose.**

Special exceptions and uses are those which would not normally be appropriate in a zoning district unless strictly controlled as to the size, lot coverage, impact on public services, visibility, traffic and other such related characteristics that are determined by the city council. A procedure is established in this article to integrate the special exception uses with other land uses located in the zoning district. These special exceptions shall be reviewed and authorized or rejected under the procedure set forth in this article.

(Ord. of 4-7-1997, § 506)

**Sec. 42-80. Application.**

(a) An application for a special exception permit shall be filed with the zoning administrator at least 30 days prior to the next regularly scheduled planning commission meeting.

(b) An application shall be on the forms prescribed by the zoning administrator. Such application shall contain floor plans, elevations and all information pertinent to the request that the city may require and shall contain the notation that appropriate fees have been paid.

(Ord. of 4-7-1997, §§ 506.1, 506.2)

**Sec. 42-81. General standards.**

A special exception may be granted when the city council finds from a preponderance of the evidence produced at the hearing that:

(1) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone. The specific use must be identified.

(2) Adequate water supply, sewage disposal, storm drainage, and fire and police protection are, or can be, provided for the use.

(3) The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences.

(4) The use will have proper location with respect to existing or future streets giving access to it, will not create traffic congestion or cause industrial or commercial traffic to use residential streets.

(5) The use will not have an adverse impact on the physical, visual or spatial characteristics of the overall plan for the tract to be developed.

(6) The use will enhance the overall development plan for the tract, and without the special exception there will be an adverse impact of the existing streetscape, neighborhood and/or district in which such development is located or the city generally.

(7) Adequacy of landscaping, lighting, signage, safety and other proposed site improvements are included in the plan.

(Ord. of 4-7-1997, § 506.3)

**Sec. 42-82. Authority to attach conditions.**

The city council may attach conditions considered to protect the public welfare and the comprehensive plan, including conditions more restrictive than those established for other uses in the same zone.

(Ord. of 4-7-1997, § 506.4)

**Sec. 42-83. Burden of proof.**

The applicant for a special exception shall have the burden of proof, including the burden of persuasion on all questions of fact that are to be determined by the city council.

(Ord. of 4-7-1997, § 506.5)

**Sec. 42-84. Hearing.**

The public hearing on the special exception shall be conducted pursuant to section 42-537.

(Ord. of 4-7-1997, § 506.6)

**Sec. 42-85. Reconsideration after denial.**

If the city council's decision is to deny a special exception permit, the same property may not again be considered for such a permit until the expiration of at least six months immediately following the denial of the special exception permit by the city council.

(Ord. of 4-7-1997, § 506.7)

**Sec. 42-86. Change in ownership or tenancy prohibited.**

Changes in ownership or tenancy of a special exception use will not be permitted.

(Ord. of 4-7-1997, § 506.8)

**Sec. 42-87. Expiration upon failing to obtain building permit or certificate of occupancy.**

Unless otherwise specified or extended by the city council, a special exception authorized by the city council will expire if the applicant fails to obtain, where required to do so, a building permit or certificate of occupancy within six months of the date of the authorization of the special exception.

(Ord. of 4-7-1997, § 506.9)

**Secs. 42-88—42-117. Reserved.**

***ARTICLE V. OFF-STREET PARKING AND LOADING***

**Sec. 42-118. Spaces—Required.**

(a) Off-street automobile parking and loading spaces shall be provided, as specified in this article, for uses and structures hereafter established in all districts at the time of initial construction of any principal building, unless otherwise exempted from this article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying to each particular time phase of development.

(b) Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this article for the enlarged or new use.

(c) Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations.

(d) Required parking and loading spaces shall be provided with vehicular access to a public street or alley.

(e) Off-street parking and loading facilities required shall be located contiguous to the principal building or use. However, as much as 25 percent of the required number of parking spaces may be located within 200 feet of the principal building or use, provided proof of ownership of such premises is provided to the zoning administrator. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use. If this option of nearby parking is utilized, the parking area may not be discontinued or otherwise converted to another use unless the parking area continues to meet the minimum required number of off-street parking spaces.

(Ord. of 10-2-1995, § 86-601)

**Sec. 42-119. Same—Minimum number.**

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the zoning administrator. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one additional space.

|  |  |
| --- | --- |
| Use Classification | Minimum Parking Space Requirements |
| Amusement park | One square foot of parking for each square foot of public activity area |
| Apartment and other multiple-family residential uses | Two spaces per dwelling unit plus four spaces per leasing office and ten spaces per clubhouse or recreation center |
| Art gallery | One space for each 300 square feet of gross floor area |
| Auction facility | One space for each four patron seats |
| Auditorium, stadium, assembly hall, gymnasium or community center | One space per four fixed seats in largest assembly room or area |
| Automobile service and repair | One space for each 150 square feet of gross floor area |
| Auto parts store | Three and one-third spaces for each 1,000 square feet of gross floor area |
| Automobile sales | Six spaces per 1,000 square feet of showroom gross floor area, plus one for each employee and one additional parking space for each service bay. Such parking spaces shall be for the exclusive use of customers and employees and shall not be used for sales |
| Automobile service and repair | One space for each 150 square feet of gross floor area |
| Bank or financial institution | One space for each 200 square feet of gross floor area |
| Barbershop and beauty shop | Two spaces for each operator or chair |
| Bed and breakfast inn | One space per guestroom, plus one space for each permanent resident |
| Billiard hall, amusement arcade | One space for each 200 feet of gross floor area |
| Boardinghouse or roominghouse | One space for each guestroom, plus one additional space for each manager or resident owner |
| Bowling alley | Four spaces for each alley plus one space for each employee |
| Church or place of worship | One space per three fixed seats in largest assembly room |
| Convenience retail store | One space for each 200 square feet of gross floor area |
| Dance studio or school | One space for each employee plus one space per 150 square feet of gross floor area |
| Day care center | One space for each eight children, plus one space per employee |
| Duplex | Two spaces per dwelling unit |
| Elderly housing | One space per two bedrooms |
| Exterminator | One space per 800 square feet of gross floor area |
| Funeral home or mortuary | One space for each four seats in largest assembly room |
| Furniture or appliance store | One space per 800 square feet of gross floor area |
| Gasoline service station | Two spaces per gasoline pump at the pump plus three spaces per service bay |
| Golf course (exclusive of pro shop or restaurant) | Three spaces for each hole plus one space for each employee |
| Hardware store | Three spaces per 1,000 square feet of gross floor plan |
| Health club, spa | One space for each 150 square feet of gross floor area |
| Hospital, clinic, nursing home | One space for each two beds plus one space for each staff doctor, plus one space for each two employees (non-doctors) |
| Hotel, motel | One space for each guestroom plus one space for each two employees on largest shift |
| Industrial or manufacturing | Two spaces for each three employees on largest shift |
| Laundry, self-service | One space for each two washer-dryer combinations |
| Library, museum | One space for each 200 square feet of gross floor area |
| Lodge, club | One space for each three seats in largest assembly room |
| Marina | One space for each boat slip |
| Miniature golf course | Two spaces per hole |
| Mobile home or park | Two spaces per dwelling unit plus one space for each on-duty manager and additional spaces for public park or use areas |
| Office, general or professional | One space for each 250 square feet of gross floor area |
| Office, medical or dental | Six spaces per practitioner |
| Personal service establishment | One space for each 200 square feet of gross floor area |
| Post office | One space per 150 square feet of gross floor area |
| Restaurant or lounge | One space for each 100 square feet of gross floor area, plus one additional space for every four outside seats |
| Retail business, indoor | One space for each 200 square feet of gross floor area |
| Retail business, outdoor | One space for each 500 square feet of open sales/display area, plus one space per employee |
| Sanitarium, rest and convalescent home, personal care home | One space for each four patient beds, plus one space for each doctor and staff member |
| School, college, trade, vocational, or high school | Ten spaces per classroom plus one space for each administrative or staff person |
| School, elementary | Two spaces per classroom and administrative or staff person |
| Self-service storage facility, miniwarehouse | One space for each twenty storage stalls, plus two spaces for resident manager's office |
| Shopping center | One space for each 200 square feet of gross floor area |
| Single-family residence | Two spaces for dwelling unit |
| Skating rink | One space for each 200 square feet of gross floor area |
| Theater, cinema | One space for each three seats |
| Veterinarian, animal hospital | Four space for each practitioner |
| Wholesale merchandise | One space for each 500 square feet of gross floor area |

(Ord. of 10-2-1995, § 86-602)

**Sec. 42-120. Handicapped parking requirements.**

Each parking area of six or more spaces devoted to uses other than residential shall provide handicapped parking spaces (a minimum of 12 feet in width) counted as a part of the total parking required, in accordance with the following scale:

|  |  |
| --- | --- |
| Total Parking  Requirements | Handicapped Spaces Required |
| 6—25 | 1 |
| 26—50 | 2 |
| 51—75 | 3 |
| 76—100 | 4 |
| 101—150 | 5 |
| 151—200 | 6 |
| 201—300 | 7 |
| 301—400 | 8 |
| 401—500 | 9 |
| 501 or more | 2 percent of total required |

(Ord. of 10-2-1995, § 86-603)

**Sec. 42-121. Parking space and lot design flexibility.**

Individual parking spaces shall be a minimum of 160 square feet. The angle of design for parking spaces and parking lots may be 30, 45, 60, 90 degrees or parallel to the curb provided that sufficient maneuvering isle width is provided subject to the zoning administrator's approval.

(Ord. of 10-2-1995, § 86-604)

**Sec. 42-122. Minimum number of loading spaces.**

(a) On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, retail business or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading services to avoid undue interference with public use of streets and alleys.

(b) The loading and unloading space, unless otherwise adequately provided for, shall be an area 12 feet by 60 feet, with 14-foot height clearance, and shall be provided according to the schedule contained in subsection (c) of this section.

(c) For the uses described in subsection (a) of this section, one loading space shall be provided for the first 25,000 square feet of gross floor area or fractional part thereof. Uses in excess of 25,000 square feet shall provide loading spaces according to the following schedule:

|  |  |
| --- | --- |
| Square Feet | Number of Spaces |
| 25,001—99,999 | 2 |
| 100,000—159,999 | 3 |
| 160,000—239,999 | 4 |
| 240,000—349,999 | 5 |
| For each additional 100,000 or fraction thereof | 1 additional |

All plans for off-street loading areas shall be subject to the zoning administrator's approval.

(Ord. of 10-2-1995, § 86-605)

**Sec. 42-123. Parking and loading area design requirements.**

(a) *Improvement of parking lots.* All parking areas containing more than five spaces shall meet the following requirements:

(1) They shall be graded to ensure proper drainage, surfaced with concrete or asphalt, and maintained in good condition free of obstructions.

(2) Parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.

(3) Each parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained at all times.

(4) A parking lot pavement setback of ten feet from any public street right-of-way and five feet from any exterior property line shall be provided, except where access points and interconnections to other parcels have been approved. The parking lot pavement setback shall be increased to ten feet where such lot abuts a residential district. Concrete or other suitable curb stops shall be installed so as to prevent vehicle encroachment onto setback areas.

(5) Not less than ten percent of the total area devoted to parking shall be landscaped open space.

(6) Any lighting facilities installed shall be so arranged to prevent the direct illumination of adjacent residential properties or public streets.

(7) A site plan indicating property lines, parking areas, location of parking spaces, pavement setbacks, drainage facilities, paving materials, access and other features required to ensure compliance with this article shall be submitted to the zoning administrator. A permit shall be required prior to the construction of new parking areas, or for the expansion or alteration of existing parking areas.

(b) *Curb cut and access specifications.* Access from public streets to all parking areas, regardless of the number of parking spaces provided, shall meet the following requirements:

(1) Curb cuts or access breaks for service drives, entrances and exits on public streets shall not be located within 50 feet of the intersections of two curblines, street pavement lines or such lines extended, or any street intersection nor within 40 feet of another curb cut or access break on the same side of the street.

(2) Curb cuts shall be no greater than 40 feet in width and no closer than 25 feet to any property line, unless common use of driveways for an abutting lot is required or approved by the city.

(3) No more than two curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of 200 feet or less on any one street.

(4) All curb cuts or access breaks onto public streets, except for those serving single-family detached residences, shall require a permit from the building inspector.

(5) Curb cuts for driveways that serve commercial, office or industrial zoning districts shall not be permitted to pass through residential zoning districts or to access alleys that abut a residential zoning district.

(6) Where the side of an accessed public street or alley does not contain curbing, such curbing or other method of approved access control shall be provided.

(Ord. of 10-2-1995, § 86-606)

**Secs. 42-124—42-144. Reserved.**

***ARTICLE VI. MINIMUM REQUIREMENTS***

**Sec. 42-145. Use, occupancy and erection.**

No building, structure, land, open space or water shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered or maintained, and no new use or change shall be made or maintained of any building, structure, land, open space or water, unless in conformity with all the regulations in this chapter specified for the district in which it is located.

(Ord. of 10-2-1995, § 86-701)

**Sec. 42-146. Applicability.**

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

(Ord. of 10-2-1995, § 86-702)

**Sec. 42-147. Height.**

(a) No building or structure shall hereafter be erected, constructed, reconstructed, or altered, except as otherwise specifically exempted in this article, to exceed the maximum height for the district in which said building or structure is located; provided, however, that the city may permit buildings and structures to exceed height limitations upon approval of a conditional use as specified in these regulations.

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

(Ord. of 10-2-1995, § 86-703)

**Sec. 42-148. Every use to be upon lot of record.**

No building or structure shall be erected or use established upon a lot of record as defined by these regulations except as otherwise provided in this chapter.

(Ord. of 10-2-1995, § 86-704)

**Sec. 42-149. One principal building on lot.**

Only one principal building and its accessory buildings may hereafter be erected on any one lot intended for such use; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building may be located upon a lot, subject to setbacks, separation and zoning district as provided in these regulations.

(Ord. of 10-2-1995, § 86-705)

**Sec. 42-150. Separation between principal buildings.**

No principal building shall be located closer than 20 feet to another principal building.

(Ord. of 10-2-1995, § 86-706)

**Sec. 42-151. Reduction in lot size prohibited.**

No lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of these regulations is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.

(Ord. of 10-2-1995, § 86-707)

**Sec. 42-152. Annexation.**

Any land area subsequently added to the incorporated area of the city shall at the time of annexation be placed under a moratorium for a period of not more than 90 days during which no permits of any type shall be issued. Upon application for annexation, the owners of the property to be annexed shall apply for zoning as required by this chapter and state law. Upon the property being rezoned, the moratorium shall be lifted and permits shall be issued according to law.

(Ord. of 10-2-1995, § 86-708)

**Sec. 42-153. Street frontage.**

No building or structure shall hereafter be erected on a lot, and no lot shall be subdivided, that does not abut for at least 30 feet on a public street.

(Ord. of 10-2-1995, § 86-709)

**Sec. 42-154. Use prohibited when not specified.**

Unless otherwise stated, any use not specifically permitted in a use district as provided in these regulations shall be prohibited in that district.

(Ord. of 10-2-1995, § 86-710)

**Sec. 42-155. Accessory buildings and uses.**

All accessory buildings and uses shall be permitted only in side or rear yards, unless otherwise provided by these regulations. Accessory buildings and uses shall be permitted only if they meet the following:

(1) Setback a minimum of seven feet from any lot line.

(2) Where a building housing an accessory use is structurally attached to the principal building, it shall be subject to and must conform to all regulations applicable to the principal building and shall not be considered an accessory building.

(3) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both streets.

(4) Detached accessory buildings shall be located a minimum of ten feet from the principal building on a lot.

(Ord. of 10-2-1995, § 86-711)

**Sec. 42-156. Regulations for specific accessory structures.**

The following specified structures shall conform to the following regulations:

(1) *Fences and walls.* All fences and walls shall conform to the following:

a. No fence or wall shall be erected closer than two feet from a public right-of-way or in such a manner as to obstruct vision on a public right-of-way.

b. Barbed wire top strands six feet above the ground may be permitted in commercial and industrial zoning districts.

(2) *Gasoline pumps.* Gasoline pumps and pump islands shall be setback a minimum of 25 feet from any public right-of-way or property line.

(3) *Canopies and carports.* Canopies and other attached or detached structures intended for cover shall be setback a minimum of ten feet from any public right-of-way or property line.

(4) *Nonresidential occupancy of mobile homes.* Mobile homes, manufactured homes or other temporary portable structures shall not be used as a permanent or temporary office, classroom, storage or for-hire work space in any district; provided, however, that such mobile homes or structures may be used for a temporary construction office for a licensed contractor in any district, upon issuance of a permit by the building inspector. Said permit shall be temporary but renewable once after a period of six months.

(5) *Portable structures and storage buildings.* Portable structures including, but not limited to, ministorage buildings, building sheds, greenhouses, playhouses, home workshops and other similar uses are allowed in residential districts provided that they meet side yard and rear yard setbacks as required by this chapter.

(6) *Swimming pools.* Swimming pools accessory to residences shall be considered accessory structures and shall be enclosed by a security fence a minimum of six feet in height. Said fence shall provide security against unauthorized use of the swimming pool. A permit shall be obtained from the building inspector for siting and construction of a swimming pool. Swimming pools that are operated as an accessory use to hotels, motels or other uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

(Ord. of 10-2-1995, § 86-712)

**Sec. 42-157. Home occupations—Conditions.**

A home occupation as defined by this chapter shall conform to the following requirements:

(1) Only residents of the dwelling may be engaged in the home occupation, with the exception that employment of one person not residing in the dwelling may be permitted.

(2) The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.

(3) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation.

(4) No internal or external alterations of the dwelling solely for the accommodation of a home occupation are permitted.

(5) One nonilluminated, nonanimated business identification sign or nameplate not exceeding 1½ square feet in area indicating the name and/or occupation of occupant shall be permitted.

(6) Use of a building for a home occupation shall not exceed 25 percent of one floor of the principal building. Home occupations are not permitted, in whole or part, within accessory buildings.

(7) A business license shall be obtained from the city prior to the operation of any home occupation. Said business license shall require approval by the zoning administrator.

(8) The following uses are allowable as home occupations (not all inclusive):

a. Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to six students at one time;

b. Day care centers serving six or fewer persons;

c. Professional services (e.g., attorneys, architects, accountants, realtors, insurance and travel agents, secretarial services and answering services);

d. Mail order and general offices not involving storage of equipment, materials or vehicles;

e. Phone solicitations;

f. Beauty salons and barbershops limited to two patrons at a time;

g. Food catering; and

h. Home products sales agents.

(Ord. of 10-2-1995, § 86-713)

**Sec. 42-158. Same—Prohibited uses.**

(a) The following uses are specifically prohibited as home occupations (not all inclusive):

(1) Cabinet shops and or metal cutting;

(2) Doctors, dentists or other medical professions;

(3) Automobile repair or related work, small engine repair shops, landscaping, nursery, or greenhouse operations;

(4) Retail business;

(5) Manufacturing; and

(6) Clairvoyance and fortunetelling.

(b) The failure of a home occupation licensee to comply with any of the conditions contained in section 42-157 shall be reasonable grounds for the revocation of a home occupation business license.

(c) Upon application, the city is authorized to approve as a conditional use home occupations that fail to meet up to two of these criteria.

(Ord. of 10-2-1995, § 86-713.1)

**Sec. 42-159. Standards for accessory apartments.**

All accessory apartments shall conform to the following:

(1) Only one accessory apartment shall be permitted per lot.

(2) The lot must meet the minimum lot size for the zoning district in which it is located, and there must be a minimum lot area of 3,000 square feet each for both dwellings.

(3) One additional off-street parking space for the accessory apartment is required, which must be located in a side or rear yard.

(4) The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed the size of the principal dwelling.

(5) An accessory apartment must have its entrance at the side or in the rear rather than the front of the principal dwelling, and the apartment shall have an architectural treatment (brick, wood, stucco, etc.) substantially similar to that of the principal dwelling.

(6) Accessory apartments must observe the principal building setbacks and maximum lot coverage for the zoning district in which they are located.

(Ord. of 10-2-1995, § 86-714)

**Sec. 42-160. Standards for temporary ECHO units.**

All temporary elder cottage housing opportunity (ECHO) units shall conform to the following:

(1) The unit shall have a minimum size of 280 square feet and a maximum area of 900 square feet.

(2) All dimensional requirements of the applicable zoning district (principal building setbacks, maximum lot coverage, etc.) must be met.

(3) The unit shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Such skirting shall comply with applicable federal, state, and local law, and may, but need not, consist of a complete masonry or concrete perimeter foundation. Each unit must be installed on a safe and satisfactory foundation, in compliance with applicable federal and state law. It shall not be necessary, however, for the unit to have a complete masonry or concrete perimeter foundation, as long as the foundation utilized is safe and complies with applicable federal, state, and local laws and regulations, and as long as complete skirting of an opaque material, properly ventilated, is installed around the entire perimeter of the unit to enclose the area between the bottom of the structure and the ground. The material utilized as skirting shall be a material or product designed or manufactured for the purpose of serving as skirting and enclosing the area between the bottom of such units and the ground. Further, each unit shall be properly ventilated.

(4) Conditions requiring unit design enhancements, such as color, siding, roof pitch, window detailing, skirting and roofing materials, may be attached to the necessary conditional use approval by the city to ensure the unit is compatible with adjacent and nearby residences.

(Ord. of 10-2-1995, § 86-715; Ord. No. 99-011, § 2, 9-7-1999)

**Sec. 42-161. Visibility at intersections.**

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between 2½ feet and 12 feet above any roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines, or such lines extended, and a line connecting such right-of-way lines at points 25 feet from the intersection of the right-of-way lines.

(Ord. of 10-2-1995, § 86-716)

**Sec. 42-162. Abandoned, wrecked or junked vehicles and materials.**

Except as otherwise expressly permitted, it shall be prohibited in all districts to park or continuously store abandoned, wrecked, junked or inoperable vehicles and power-driven construction equipment. Junk, as defined in section 42-1, that is visible from a public street or adjacent or abutting property is prohibited. These prohibitions shall not be construed as to prohibit the temporary repair or maintenance of automobiles owned by the property owner or the storage of such vehicles, equipment or other materials within an enclosed building provided that such vehicles, equipment or materials are not for commercial sale.

(Ord. of 10-2-1995, § 86-717)

**Sec. 42-163. Subdivision plats must comply with minimum requirements.**

No proposed plat of a subdivision, nor any plat of resubdivision, shall hereafter be approved by the city or by the planning commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various zoning districts in these regulations and unless such plat fully conforms with state statutes and city regulations.

(Ord. of 10-2-1995, § 86-718)

**Sec. 42-164. Reference to historic preservation chapter.**

New construction, signs and exterior material changes in appearance to structures, sites and objects of work proposed to take place within a historic property or historic district shall comply with all applicable provisions of chapter 20, including approval of a certificate of appropriateness.

(Ord. of 10-2-1995, § 86-719)

**Sec. 42-165. Signs and reference to sign regulations.**

Signs are considered permitted accessory uses in all zoning districts. Signs shall comply with all applicable provisions of chapter 26.

(Ord. of 10-2-1995, § 86-720)

**Sec. 42-166. Manufactured homes.**

In addition to any requirements specified for the zoning district in which it is located, all manufactured homes shall comply, as applicable, with the Rules and Regulations for Manufactured Housing made and promulgated by the state safety fire commissioner pursuant to the authority set forth in O.C.G.A. § 8-2-110 et seq.

(Ord. of 10-2-1995, § 86-721)

**Secs. 42-167—42-185. Reserved.**

***ARTICLE VII. R-1—SINGLE-FAMILY RESIDENTIAL DISTRICT***

**Sec. 42-186. Purpose; intent.**

The R-1—Single-Family Residential District is intended to establish and preserve stable single-family residential neighborhoods at low densities (up to approximately 2.9 units per acre), free from other uses except those that are compatible with and convenient to the residents of such a district. Manufactured homes are intended to be restricted to those meeting standards designed to ensure compatibility with conventional, site-built dwellings.

(Ord. of 10-2-1995, § 86-801)

**Sec. 42-187. Permitted uses.**

(a) Single-family detached dwellings.

(b) Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries provided:

(1) Such uses are located on a lot with a minimum area of one acre;

(2) Principal buildings are setback a minimum of 50 feet from any property line; and

(3) Parking areas are located outside of the required front yard and separated from any side or rear property line by a minimum six foot high, opaque fence or wall, or a densely planted landscape strip of at least ten feet in width.

(c) Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a nonprofit basis.

(d) Public and semi-public buildings, structures and uses.

(e) Schools, public elementary, middle and secondary.

(f) Schools, parochial and private offering courses in general education substantially similar to that of a public school not offered for profit.

(Ord. of 10-2-1995, § 86-802; Ord. No. 99-011, § 3, 9-7-1999; Ord. No. 2020-02, § 2, 6-1-2020)

**Sec. 42-188. Accessory uses and structures—Permitted.**

(a) Accessory buildings and uses customarily incidental to the principal residential use of the property including, but not limited to, storage buildings, sheds, guesthouses, enclosures for household pets and home gardens.

(b) Each lot with a principal residential building shall be allowed one of the following accessory uses and structures:

(1) A home occupation that meets the requirements of this chapter;

(2) An accessory apartment that meets the requirements of this chapter; or

(3) A conditional accessory use as provided in this chapter.

(Ord. of 10-2-1995, § 86-803)

**Sec. 42-189. Same—Conditional.**

(a) A home occupation that fails to meet up to two of the requirements for home occupations specified in this chapter.

(b) A temporary ECHO unit on a temporary basis not to exceed one calendar year, but renewable on an annual basis as long as the applicant can show suitable evidence of continuing medical hardship and as long as the temporary ECHO unit complies with section 42-160. The temporary ECHO unit shall be removed within 30 days after the medical hardship ceases to exist.

(c) A bed and breakfast inn may be allowed under the following conditions:

(1) External alterations must maintain and protect the residential and historic character of the neighborhood in which a bed and breakfast is located.

(2) Use of building for a bed and breakfast is limited to nine bedrooms for lease on a day-to-day temporary basis only.

(3) Bed and breakfast inns are not permitted, in whole or part, within accessory buildings.

(4) One externally illuminated, nonanimated business identification sign or nameplate not exceeding three square feet in area indicating the name of the bed and breakfast will be permitted.

(5) Bed and breakfast uses are subject to section 42-529 review.

(6) If located in a historic district, must be approved by the historic preservation committee.

(Ord. of 10-2-1995, § 86-804; Ord. of 9-9-1996; Ord. No. 2000-03, § 2, 10-2-2000; Ord. No. 2003-04, 6-2-2003)

**Sec. 42-190. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-805)

**Secs. 42-191—42-218. Reserved.**

***ARTICLE VIII. R-1A—SINGLE-FAMILY RESIDENTIAL DISTRICT***

**Sec. 42-219. Purpose; intent.**

The R-1A—Single-Family Residential District is intended to establish and preserve stable single-family residential neighborhoods at low-medium densities (up to approximately 4.3 units per acre), free from other uses except those that are compatible with and convenient to the residents of such a district. Manufactured homes are intended to be restricted to those meeting certain standards designed to ensure compatibility with conventional, site-built dwellings.

(Ord. of 10-2-1995, § 86-901)

**Sec. 42-220. Permitted uses.**

(a) Single-family detached dwellings.

(b) Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries, provided:

(1) Such uses are located on a lot with a minimum area of one acre;

(2) Principal buildings are setback a minimum of 50 feet from any property line; and

(3) Parking areas are located outside of the required front yard and separated from any side or rear property line by a minimum six feet high opaque fence or wall or a densely planted landscape strip of at least ten feet in width.

(c) Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities operated on a nonprofit basis.

(d) Public and semi-public buildings, structures and uses.

(e) Schools, public elementary, middle and secondary.

(f) Schools, parochial and private offering courses in general education substantially similar to that of a public school not offered for profit.

(g) Two-family dwellings (duplexes) with a minimum lot size of ~~20,000~~ 9,000 square feet.

(Ord. of 10-2-1995, § 86-902; Ord. No. 99-011, § 4, 9-7-1999; Ord. No. 2020-02, § 3, 6-1-2020)

**Sec. 42-221. Accessory uses and structures—Permitted.**

(a) Accessory buildings and uses customarily incidental to the principal residential use of the property including, but not limited to, storage buildings, sheds, guesthouses, enclosures for household pets and home gardens.

(b) Each lot with a principal residential building shall be allowed one of the following accessory uses and structures:

(1) A home occupation that meets the requirements of this chapter;

(2) An accessory apartment that meets the requirements of this chapter; or

(3) A conditional accessory use as provided in this chapter.

(Ord. of 10-2-1995, § 86-903)

**Sec. 42-222. Same—Conditional.**

(a) A home occupation that fails to meet up to two of the requirements for home occupations in this chapter.

(b) A temporary ECHO unit on a temporary basis not to exceed one calendar year, but renewable on an annual basis as long as the applicant can show suitable evidence of continuing medical hardship and as long as the temporary ECHO unit complies with the provisions of this chapter. The temporary ECHO unit shall be removed within 30 days after the medical hardship ceases to exist.

(Ord. of 10-2-1995, § 86-904; Ord. No. 2000-03, § 3, 10-2-2000)

**Sec. 42-223. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-905)

**Secs. 42-224—42-254. Reserved.**

***ARTICLE IX. R-1B—SINGLE-FAMILY RESIDENTIAL DISTRICT***

**Sec. 42-255. Purpose; intent.**

The R-1B—Single-Family Residential District is intended to establish and preserve stable single-family residential neighborhoods at low densities (up to approximately 5.8 units per acre), free from other uses except those that are compatible with and convenient to the residents of such a district. Manufactured homes are intended to be restricted to those meeting some minimum standards designated to ensure compatibility with conventional, site-built dwellings.

(Ord. of 10-2-1995, § 86-1001)

**Sec. 42-256. Permitted uses.**

(a) Single-family detached dwellings.

(b) Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries, provided:

(1) Such uses are located on a lot with a minimum area of one acre;

(2) Principal buildings are setback a minimum of 50 feet from any property line; and

(3) Parking areas are located outside of the required front yard and separated from any side or rear property line by a minimum six foot high opaque fence or wall or a densely planted landscape strip of at least ten feet in width.

(c) Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities operated on a nonprofit basis.

(d) Public and semi-public buildings, structures and uses.

(e) Schools, public elementary, middle and secondary.

(f) Schools, parochial and private offering courses in general education substantially similar to that of a public school not offered for profit.

(g) Two-family dwellings (duplexes) with a minimum lot size of ~~12,000~~ 9,000 square feet.

(Ord. of 10-2-1995, § 86-1002; Ord. No. 99-011, § 5, 9-7-1999; Ord. No. 2020-02, § 4, 6-1-2020)

**Sec. 42-257. Accessory uses and structures—Permitted.**

(a) Accessory buildings and uses customarily incidental to the principal residential use of the property including, but not limited to, storage buildings, sheds, guesthouses, enclosures for household pets and home gardens.

(b) Each lot with a principal residential building shall be allowed one of the following accessory uses and structures:

(1) A home occupation that meets the requirements of this chapter;

(2) An accessory apartment that meets the requirements of this chapter; or

(3) A conditional accessory use provided for in this chapter.

(Ord. of 10-2-1995, § 86-1003)

**Sec. 42-258. Same—Conditional.**

(a) A home occupation that fails to meet up to two of the requirements for home occupations specified in this chapter.

(b) A temporary ECHO unit on a temporary basis not to exceed one calendar year, but renewable on an annual basis as long as the applicant can show suitable evidence of continuing medical hardship and as long as the temporary ECHO unit complies with this chapter. The temporary ECHO unit shall be removed within 30 days after the medical hardship ceases to exist.

(Ord. of 10-2-1995, § 86-1004; Ord. No. 2000-03, § 4, 10-2-2000)

**Sec. 42-259. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1005)

**Secs. 42-260—42-281. Reserved.**

***ARTICLE X. R-2—MULTIPLE-FAMILY RESIDENTIAL DISTRICT***

**Sec. 42-282. Purpose; intent.**

The R-2—Multiple-Family Residential District is intended to establish and preserve quiet, stable residential neighborhoods at high densities (~~approximately~~ ~~10.4~~ Maximum 7.4 units per acre without onsite parking, or 8 units with onsite parking), with the potential for more variety in housing types than in the R-1, R-1A and R-1B zoning districts, free from other uses except those which are compatible with and convenient to the residents of such a district.

(Ord. of 10-2-1995, § 86-1101)

**Sec. 42-283. Permitted uses.**

~~(a) Single-family detached dwellings.~~

(a) Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities operated on a nonprofit basis.

(b) Public and semi-public buildings, structures and uses.

(c) Schools, public elementary, middle and secondary.

(d) Schools, parochial and private offering courses in general education substantially similar to that of a public school, not offered for profit.

(e) Two-family dwellings (duplexes) with a minimum lot size of 9,000 square feet.

(f) Single-family attached dwellings (townhouses) subject to the requirements of this chapter.

~~(g) Apartments, subject to the requirements of this chapter.~~

(g) Condominiums, with a minimum lot size of two acres for any condominium development, and subject to the requirements of this chapter.

(h) Personal care homes, "family" and "group."

(i) Continuing care retirement communities not to exceed accommodations for 16 residents.

(j) Day care centers serving not more than 16 children.

(k) Churches, temples, synagogues and places of worship.

(Ord. of 10-2-1995, § 86-1102; Ord. No. 99-011, § 6, 9-7-1999; Ord. No. 2020-02, § 5, 6-1-2020)

**Sec. 42-284. Accessory uses and structures—Permitted.**

(a) Accessory buildings and uses customarily incidental to the principal residential use of the property including, but not limited to, storage buildings, sheds, guesthouses, enclosures for household pets and home gardens.

(b) Each lot with a principal residential building shall be allowed one of the following accessory uses and structures:

(1) A home occupation which meets the requirements of this chapter; or

(2) An accessory apartment which meets the requirements of this chapter.

(Ord. of 10-2-1995, § 86-1103)

**Sec. 42-285. Same—Conditional.**

(a) A home occupation which fails to meet up to two of the requirements for home occupations specified in this chapter.

(b) A temporary ECHO unit on a temporary basis not to exceed one calendar year, but renewable on an annual basis as long as the applicant can show suitable evidence of continuing medical hardship and as long as the temporary ECHO unit complies with section 42-160. The temporary ECHO unit shall be removed within 30 days after the medical hardship ceases to exist.

(c) Apartment structures.

(Ord. of 10-2-1995, § 86-1104; Ord. No. 2000-03, § 5, 10-2-2000)

**Sec. 42-286. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1105)

**Sec. 42-287. Development regulations—Townhouse.**

All developments containing fee-simple townhouses shall conform to the following requirements:

(1) *Lots.* Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the city subdivision regulations (chapter 32).

(2) *Minimum lot size; frontage; width.* Each townhouse lot shall contain a minimum lot area of 2,000 square feet. The minimum lot width and frontage for each lot shall be 18 feet. The minimum lot area for a townhouse development shall be one acre.

(3) *Setbacks.* Townhouses shall conform to the setbacks established for the R-2 district; provided, however, that the zero lot line (no side building setback) is permitted between individual townhouse units forming the same building. Between buildings, there shall be a side yard of not less than 25 feet. The rear setback shall be a minimum of 25 feet. Dwelling units that form a part of a single building shall have the front setbacks and rooflines varied or staggered by a minimum of two feet.

(4) *Maximum units per building.* No more than six townhouses shall be permitted to form any building.

(5) *Streets.* All streets within a townhouse development shall be built to city specifications as provided in the city subdivision regulations and dedicated to the city.

(6) *Maximum density.* Townhouse developments shall not exceed the maximum density permitted within the particular zoning district.

(7) *Parking.* Each townhouse shall have an attached garage for at least one vehicle. Additional off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

(Ord. of 10-2-1995, § 86-1106)

**Sec. 42-288. Same—Apartment.**

(a) Site plan approval by the city shall be required.

(b) Apartment buildings shall be constructed with a separation of at least 20 feet if one or more buildings contain two stories, and a separation of at least 30 feet if one or more buildings contain three or more stories.

(c) No principal building shall be constructed less than 40 feet from any property line.

(d) Each apartment development shall have a minimum of 20 percent of the development's total land area as landscaped open space.

(Ord. of 10-2-1995, § 86-1107)

**Sec. 42-289. Same—Condominium.**

All developments containing residential condominiums shall conform to the following requirements:

(1) Site plan approval by the city shall be required.

(2) Condominium developments shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.).

(3) Proposed condominium bylaws shall be submitted with the application for site plan approval.

(4) Residential condominiums shall conform to the setbacks established for the R-2 district; provided, however, that the rear setback for all residential condominium buildings shall be 25 feet.

(5) Maximum density. Residential condominium developments shall not exceed the maximum density permitted within the R-2 zoning district.

(6) Parking. Off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

(Ord. of 10-2-1995, § 86-1108)

**Secs. 42-290—42-311. Reserved.**

***ARTICLE X. R-3—TWO-FAMILY RESIDENTIAL DISTRICT***

**Sec. 42-282. Purpose; intent.**

The R-3 - Two-Family Residential District is intended to establish and preserve quiet, stable residential neighborhoods at high densities (Maximum 7.4 units per acre without onsite parking, or 8 units with onsite parking), specializing in duplexes and townhouse structures, free from other uses except those which are compatible with and convenient to the residents of such a district.

(Ord. of 10-2-1995, § 86-1101)

**Sec. 42-283. Permitted uses.**

(a) Two-family dwellings (duplexes) with a minimum lot size of 9,000 square feet.

(b) Single-family attached dwellings (townhouses) subject to the requirements of this chapter.

(Ord. of 10-2-1995, § 86-1102; Ord. No. 99-011, § 6, 9-7-1999; Ord. No. 2020-02, § 5, 6-1-2020)

**Sec. 42-284. Accessory uses and structures—Permitted.**

(a) Accessory buildings and uses customarily incidental to the principal residential use of the property including, but not limited to, storage buildings, sheds, guesthouses, enclosures for household pets and home gardens.

(b) Each lot with a principal residential building shall be allowed one of the following accessory uses and structures:

(1) A home occupation which meets the requirements of this chapter; or

(2) An accessory apartment which meets the requirements of this chapter.

(Ord. of 10-2-1995, § 86-1103)

**Sec. 42-285. Same—Conditional.**

(a) A home occupation which fails to meet up to two of the requirements for home occupations specified in this chapter.

(b) A temporary ECHO unit on a temporary basis not to exceed one calendar year, but renewable on an annual basis as long as the applicant can show suitable evidence of continuing medical hardship and as long as the temporary ECHO unit complies with section 42-160. The temporary ECHO unit shall be removed within 30 days after the medical hardship ceases to exist.

(Ord. of 10-2-1995, § 86-1104; Ord. No. 2000-03, § 5, 10-2-2000)

**Sec. 42-286. Area, height, density and placement requirements.**

As specified in article **XVIII** of this chapter.

(Ord. of 10-2-1995, § 86-1105)

**Sec. 42-287. Development regulations—Townhouse.**

All developments containing fee-simple townhouses shall conform to the following requirements:

(1) *Lots.* Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the city subdivision regulations (chapter 32).

(2) *Minimum lot size; frontage; width.* Each townhouse lot shall contain a minimum lot area of 2,000 square feet. The minimum lot width and frontage for each lot shall be 18 feet. The minimum lot area for a townhouse development shall be one acre.

(3) *Setbacks.* Townhouses shall conform to the setbacks established for the R-2 district; provided, however, that the zero lot line (no side building setback) is permitted between individual townhouse units forming the same building. Between buildings, there shall be a side yard of not less than 25 feet. The rear setback shall be a minimum of 25 feet. Dwelling units that form a part of a single building shall have the front setbacks and rooflines varied or staggered by a minimum of two feet.

(4) *Maximum units per building.* No more than six townhouses shall be permitted to form any building.

(5) *Streets.* All streets within a townhouse development shall be built to city specifications as provided in the city subdivision regulations and dedicated to the city.

(6) *Maximum density.* Townhouse developments shall not exceed the maximum density permitted within the particular zoning district.

(7) *Parking.* Each townhouse shall have an attached garage for at least one vehicle. Additional off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

(Ord. of 10-2-1995, § 86-1106)

**Secs. 42-290—42-311. Reserved.**

***ARTICLE X. RC - RESIDENTIAL COTTAGE DISTRICT***

**Sec. 42-282. Purpose; intent.**

The RC - Residential Cottage District is intended to establish and preserve quiet, stable residential neighborhoods at high densities (Maximum \_\_\_ per acre) that allows for smaller individual lot sizes with off-site parking and a requirement for units to be oriented around a shared, quasi-public open space.

(Ord. of 10-2-1995, § 86-1101)

**Sec. 42-283. Permitted uses.**

(a) Single-family detached dwellings.

(b) Two-family dwellings (duplexes) with a minimum lot size of 9,000 square feet.

(c) Single-family attached dwellings (townhouses) subject to the requirements of this chapter.

(Ord. of 10-2-1995, § 86-1102; Ord. No. 99-011, § 6, 9-7-1999; Ord. No. 2020-02, § 5, 6-1-2020)

**Sec. 42-284. Accessory uses and structures—Permitted.**

(a) Accessory buildings and uses customarily incidental to the principal residential use of the property including, but not limited to, storage buildings, sheds, guesthouses, enclosures for household pets and home gardens.

(b) Each lot with a principal residential building shall be allowed one home occupation which meets the requirements of this chapter

(Ord. of 10-2-1995, § 86-1103)

**Sec. 42-285. Same—Conditional.**

(a) A home occupation which fails to meet up to two of the requirements for home occupations specified in this chapter.

(Ord. of 10-2-1995, § 86-1104; Ord. No. 2000-03, § 5, 10-2-2000)

**Sec. 42-286. Area, height, density and design requirements.**

Except where directed in this section, all other design elements should be as specified in article **XVIII** of this chapter.

1. A requirement of the Residential Cottage District is the inclusion of one or more shared, quasi-public spaces, such as common lawns, community squares, or gardens, with a minimum three thousand (3,000) square feet and a minimum dimension of twenty (20) linear feet per side. Such spaces are for passive use only, and should not feature swimming pools, athletic fields, or other active use facilities.
2. All residential lots shall be oriented facing toward the enhanced open space, with sidewalks or paved pedestrian paths for navigation between individual lots and the public space.
3. The provided public space is to be fully vegetated except for man-made impervious surfaces and structures.
4. Parking is to be provided via communal lots, apart from individual residential lots. Parking should be accessible from the residential lots via sidewalks or paved pedestrian pathways. Parking lots should accommodate a minimum 1.1 spaces per residential unit. *(Check for parking lot design standard)*
5. Street frontage requirements in section \_\_\_ of the Code shall not apply to individual lots within the Residential Cottage District provided the overall site complies with minimum street frontage requirements and a private drive provides access directly to a public street.
6. Each residential dwelling unit shall be metered for water individually, and an easement for water and sewer shall be required and subject to the approval of the Public Works Department.

(Ord. of 10-2-1995, § 86-1105)

**Sec. 42-287. Development regulations—Townhouse.**

All developments containing fee-simple townhouses shall conform to the following requirements:

(1) *Lots.* Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the city subdivision regulations (chapter 32).

(2) *Minimum lot size; frontage; width.* Each townhouse lot shall contain a minimum lot area of 2,000 square feet. The minimum lot width and frontage for each lot shall be 18 feet. The minimum lot area for a townhouse development shall be one acre.

(3) *Setbacks.* Townhouses shall conform to the setbacks established for the R-2 district; provided, however, that the zero lot line (no side building setback) is permitted between individual townhouse units forming the same building. Between buildings, there shall be a side yard of not less than 25 feet. The rear setback shall be a minimum of 25 feet. Dwelling units that form a part of a single building shall have the front setbacks and rooflines varied or staggered by a minimum of two feet.

(4) *Maximum units per building.* No more than six townhouses shall be permitted to form any building.

(5) *Streets.* All streets within a townhouse development shall be built to city specifications as provided in the city subdivision regulations and dedicated to the city.

(6) *Maximum density.* Townhouse developments shall not exceed the maximum density permitted within the particular zoning district.

(7) *Parking.* Each townhouse shall have an attached garage for at least one vehicle. Additional off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

(Ord. of 10-2-1995, § 86-1106)

**Secs. 42-290—42-311. Reserved.**

***ARTICLE XI. MHP—MOBILE HOME PARK DISTRICT***

**Sec. 42-312. Purpose; intent.**

The MHP—Mobile Home Park District is intended to provide areas for mobile home and manufactured home pads, which are leased rather than subdivided for individual ownership, that are served by public water, sanitary sewer and recreational amenities.

(Ord. of 10-2-1995, § 86-1201)

**Sec. 42-313. Permitted uses.**

(a) Mobile homes and manufactured homes that shall not include mobile homes on individual lots under separate ownership. Replacement of nonconforming mobile homes in a conforming or nonconforming mobile home park is permitted. Commercial uses with an individual mobile or manufactured homes are not permitted. Each mobile home or manufactured home must be installed on a safe and satisfactory foundation, in compliance with applicable federal, state and local law. It shall not be necessary, however, for the mobile home or manufactured home to have a complete masonry or concrete perimeter foundation, as long as the foundation utilized is safe and complies with applicable federal, state and local laws and regulations, and as long as complete skirting of an opaque material, properly ventilated, is installed around the entire perimeter of the manufactured home or mobile home to enclose the area between the bottom of the structure and the ground. The material utilized as skirting shall be a material or product designed or manufactured for the purpose of serving as skirting and enclosing the area between the bottom of such manufactured home or mobile home and the ground. Further, each mobile home or manufactured home shall be properly ventilated.

(b) Administration buildings and customary laundry and service buildings.

(c) Community centers and recreation facilities intended to serve residents of the district.

(d) Customary accessory uses and structures clearly incidental to one or more permitted uses and structures.

(e) Public and semi-public buildings, structures and uses.

(Ord. of 10-2-1995, § 86-1202; Ord. No. 99-011, § 7, 9-7-1999)

**Sec. 42-314. Development regulations.**

Development for mobile home parks in the MHP—Mobile Home Park District shall conform to the following regulations:

(1) *Site plan approval required.* All mobile home park developments or expansions of existing development shall require site plan approval by the city.

(2) *Location and frontage.* A MHP—Mobile Home Park District development shall be located on property with a minimum frontage of 200 feet on a public street.

(3) *Street requirement.* Interior roads serving the development shall be constructed to city standards as specified in the city subdivision regulations and in addition shall have a minimum pavement width of 20 feet. If dedicated to the public, the roads within the development shall have a minimum right-of-way width of 40 feet.

(4) *Lot area and width.* A MHP—Mobile Home District development shall have a minimum area of 15 contiguous acres and a lot width of at least 200 feet.

(5) *Density.* The maximum density of a MHP—Mobile Home Park District development is 10.4 units per acre.

(6) *Recreation and other community facilities.* Not less than ten percent of the total area of the development shall be devoted to recreation and other community use facilities for those mobile home parks designed for or containing ten or more mobile homes.

(7) *Perimeter setback required.* No mobile home or other building or structure shall be located closer than 40 feet to any mobile home park perimeter property boundary.

(8) *Perimeter screening required.* A landscaped screen consisting of dense evergreen trees and/or shrubs and having a minimum width of 35 feet adjacent to all public rights-of-way and 15 feet along all other property lines shall be required. A minimum six-foot high opaque fence or wall may be erected along property lines not abutting a public right-of-way in lieu of such landscaped screen. All perimeter screening must be maintained.

(9) *Utilities.* All mobile home parks shall be served by approved public water and public sanitary sewer systems.

(10) *Refuse collection.* Each mobile home park shall provide refuse collection pads at locations convenient to each mobile home space, but in no case more than 50 feet from the street serving each mobile home.

(11) *Space numbering.* Each mobile home space shall be provided with a sign, not less than one-half square foot in area, which indicates the appropriate space number or address.

(Ord. of 10-2-1995, § 86-1203)

**Sec. 42-315. Mobile home and mobile home space requirements.**

Each mobile home shall be located on a separate pad in accordance with the following regulations:

(1) *Space size and width.* Each mobile home space within the development shall contain a minimum space size of 3,500 square feet and a minimum space width of 20 feet.

(2) *Setbacks.* Each mobile home shall be setback a minimum of ten feet from the front space line or street right-of-way, three feet from the side space line, and five feet from the rear space line.

(3) *Foundations and tie-downs.* Each mobile home shall be supported by piers and foundations and shall be anchored to the ground in accordance with building code requirements to secure the mobile home against uplift, sliding, rotation and overturning. Each dwelling must be installed on a safe and satisfactory foundation, in compliance with applicable federal, state and local law. It shall not be necessary, however, for the dwelling to have a complete masonry or concrete perimeter foundation, as long as the foundation utilized is safe and complies with applicable federal, state and local laws and regulations, and as long as complete skirting of an opaque material, properly ventilated, is installed around the entire perimeter of the mobile home to enclose the area between the bottom of the structure and the ground. The material utilized as skirting shall be a material or product designed or manufactured for the purpose of serving as skirting and enclosing the area between the bottom of such mobile home and the ground. Further, each mobile home shall be properly ventilated.

(4) *Recreational vehicles.* Recreational vehicles in mobile home parks shall be limited to motor homes and travel trailers that have toilet, bath and kitchen facilities and such use shall be limited to 120 days with no extensions.

(Ord. of 10-2-1995, § 86-1204; Ord. No. 99-011, § 8, 9-7-1999)

**Sec. 42-316. Responsibilities—Management.**

(a) The person to whom a permit for a mobile home park is issued shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities under this article and regulations issued pursuant to this article.

(c) The park management shall supervise the placement of each mobile home on its mobile home space that includes securing its stability and installing all utility connections.

(d) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(Ord. of 10-2-1995, § 86-1205)

**Sec. 42-317. Same—Occupant.**

(a) The park occupant shall comply with all applicable requirements of this article and shall maintain such occupant's mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of such occupant's mobile home on its mobile home space and proper installation of all utility connections in accordance with the instructions of the park management.

(c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park.

(Ord. of 10-2-1995, § 86-1206)

**Secs. 42-318—42-337. Reserved.**

***ARTICLE XII. B-1—NEIGHBORHOOD BUSINESS DISTRICT***

**Sec. 42-338. Purpose; intent.**

The B-1—Neighborhood Business District is intended to provide areas for limited small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. The district is not intended to accommodate automotive or other types of more intensive commercial activities that are of such magnitude or type that would result in the generation of excessive traffic, noise, odors, pollution, safety hazards or other adverse impacts that would detract from the desirability of adjacent properties for residential use. In general, the neighborhood business district includes offices and retail and service establishments but excludes those highway-oriented, high-traffic-generating uses and those which involve use of chemicals and outside sales, storage or display. Institutionalized residential facilities are considered compatible uses in this district.

(Ord. of 10-2-1995, § 86-1301)

**Sec. 42-339. Permitted uses.**

(a) Accessory uses and structures normally incidental to principal permitted uses and structures.

(b) Art galleries and museums.

(c) Churches, temples, synagogues and places of worship, and their customary accessory uses and structures, including cemeteries.

(d) Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, nonprofit or for profit, not to exceed l0,000 square feet of gross floor area.

(e) Continuing care retirement communities.

(f) Convalescent homes.

(g) Day care centers.

(h) Finance, insurance and real estate establishments.

(i) Nursing homes.

(j) Offices.

(k) Personal care homes, family, group and congregate.

(1) Public and semi-public buildings, structures and uses.

(m) Residences operated as a principal use or in conjunction with one or more permitted uses. Home occupations are permitted as accessory uses, without being subject to the limitations of section 42-157. As used in this section, the term "residences" shall mean and refer to single-family dwellings, two-family dwellings (duplexes), and multifamily dwellings, such as apartment houses, condominiums (residential buildings), and townhouses.

(n) Restaurants, but not including drive-in or drive-through facilities.

(o) Retail trade establishments, enclosed.

(p) Schools, public elementary, middle and secondary, and public and private colleges and universities.

(q) Schools, parochial, private vocational, technical, business and others, nonprofit or operated for profit.

(r) Services, business.

(s) Services, health.

(t) Services, personal.

(u) Shopping centers.

(Ord. of 10-2-1995, § 86-1302; Ord. No. 2015-04, § 2, 7-20-2015)

**Sec. 42-340. Conditional uses.**

Planned unit developments, with a minimum lot size of ten acres is permitted as a conditional use.

(Ord. of 10-2-1995, § 86-1303)

**Sec. 42-341. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1304)

**Secs. 42-342—42-370. Reserved.**

***ARTICLE XIII. B-2—GENERAL BUSINESS DISTRICT***

**Sec. 42-371. Purpose; intent.**

The B-2—General Business District is intended to provide adequate space for various types of general business uses that serve residents on a community level rather than neighborhood level, including the retailing of major goods and services of large scale, automotive and other types of more intensive commercial activities and establishments that rely on highway-oriented, passerby traffic. Institutional residential facilities are considered compatible uses in this district.

(Ord. of 10-2-1995, § 86-1401)

**Sec. 42-372. Permitted uses.**

(a) Any non-residential use permitted in the B-1—Neighborhood Business District as enumerated in section 42-339, but not subject to any specified square footage limitations.

(b) Accessory uses and structures normally incidental to permitted principal uses.

(c) Automobile sales lots, new or used.

(d) Commercial recreation facilities, enclosed only.

(e) Contractor's establishments, building, electrical and plumbing.

(f) Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.

(g) Hospitals.

(h) Miniwarehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.

(i) Parking garages and parking lots.

(j) Residence for caretaker or night watchman.

(k) Restaurants, including drive-in and drive-through facilities.

(l) Retail trade establishments, unenclosed, and open air businesses.

(m) Services, automotive, including service stations.

(n) Services, lodging.

(o) Services, miscellaneous.

(p) Transportation, communication and utility facilities.

(q) Warehousing and storage uses which occupy no more than 20,000 square feet of floor area.

(r) Wholesale and wholesale distribution establishments which occupy no more than 20,000 square feet of floor area.

(Ord. of 10-2-1995, § 86-1402)

**Sec. 42-373. Conditional uses.**

(a) Commercial recreation facilities, unenclosed.

(b) Planned unit developments with a minimum lot size of ten acres.

(c) Residential uses…

(Ord. of 10-2-1995, § 86-1403)

**Sec. 42-374. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1404)

**Secs. 42-375—42-391. Reserved.**

***ARTICLE XIV. O-I—OFFICE-INSTITUTIONAL DISTRICT***

**Sec. 42-392. Purpose; intent.**

The O-I—Office-Institutional District is intended to establish and preserve a compatible land use arrangement and provide suitable areas for the development of offices and professional enterprises, medical and dental facilities, and institutions. This district is also intended to apply to areas with a transitional character, where such permitted uses provide a buffer or transition between more intensive nonresidential and residential districts. It is most appropriately located on non-local (collector and arterial) streets.

(Ord. of 10-2-1995, § 86-1501)

**Sec. 42-393. Permitted uses.**

~~(a) Single-family detached dwellings.~~

(a) Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, nonprofit, not to exceed 10,000 square feet of gross floor area.

(b) Continuing care retirement communities.

(c) Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.

(d) Day care centers serving not more than 24 children.

(e) Finance, insurance and real estate establishments.

(f) Hospitals and clinics.

(g) Offices, but not involving retail sales of any kind.

(h) Personal care homes, family, group and congregate.

(i) Public and semi-public buildings, structures and uses.

(j) Restaurants, retail shops, snack bars and personal service establishments, but only in conjunction with the operation of one or more permitted principal uses, enclosed, and predominantly serving the residents or patrons of the facility on site, as opposed to the general public, and provided further that said uses shall have no direct access to a street or public sidewalk.

(~~l) Single-family residences, operated in conjunction with one or more permitted uses.~~

(k) Schools, nonprofit or operated for profit.

(l) Services, health.

(Ord. of 10-2-1995, § 86-1502)

**Sec. 42-394. Conditional uses.**

(a) Planned unit developments with a minimum lot size of ten acres.

(b) Commercial recreation facilities, enclosed, when developed in conjunction with one or more permitted uses.

(c) Services, business.

(d) Services, miscellaneous.

(e) Services, personal.

(Ord. of 10-2-1995, § 86-1503)

**Sec. 42-395. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1504)

**Secs. 42-396—42-418. Reserved.**

***ARTICLE XV. M-1—LIGHT INDUSTRIAL DISTRICT***

**Sec. 42-419. Purpose; intent.**

The M-1—Light Industrial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. Uses within this district do not require substantial quantities of water for manufacturing operations and do not necessary require rail, air and water transportation. Certain commercial uses having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included within this district.

(Ord. of 10-2-1995, § 86-1601)

**Sec. 42-420. Permitted uses.**

(a) Accessory uses and structures normally incidental to permitted principal uses, including offices, showrooms and administrative facilities.

(b) Contractor's establishments.

(c) Distribution of products and merchandise.

(d) Dry cleaning plants.

(e) Exterminators and pest control businesses.

(f) Kennels.

(g) Lumber yards, planning and sawmills.

(h) Machine shops.

(i) Miniwarehouses and mini-storage facilities.

(j) Parking garages and parking lots.

(k) Public and semi-public buildings, structures and uses.

(l) Racetracks for animals or motor-driven vehicles; provided the site contains a minimum of 15 acres.

(m) Radio and television broadcasting towers and cellular phone antennas.

(n) Repair of household appliances.

(o) Recycling plants, including any processing activities.

(p) Research and scientific laboratories.

(q) Residences for caretaker or night watchman.

(r) Sign fabrication and painting shops.

(s) Services, automotive.

(t) Storage buildings and storage yards, including unenclosed.

(u) Soft drink bottling and distributing plants.

(v) Transportation, communication and utility facilities.

(w) Welding shops.

(x) Wholesaling, wholesale distribution and warehousing facilities.

(Ord. of 10-2-1995, § 86-1602)

**Sec. 42-421. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1603)

**Secs. 42-422—42-440. Reserved.**

***ARTICLE XVI. M-2—HEAVY INDUSTRIAL DISTRICT***

**Sec. 42-441. Purpose; intent.**

The M-2—Heavy Industrial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities and access to arterial streets for industrial operations, which are objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do create fire or explosion hazards or other objectionable conditions. Uses within this district may require substantial quantities of water for manufacturing operations and may require rail, air and water transportation. Conditional uses permitted in this district are primarily those known to create a severe safety hazard or to be major producers of air pollution, thus being subject to state and or federal environmental controls. This district is not suitable adjacent to residential districts.

(Ord. of 10-2-1995, § 86-1701)

**Sec. 42-442. Permitted uses.**

(a) Any use permitted in the M-1—Light Industrial District, as enumerated in section 42-420.

(b) Canning establishments.

(c) Ceramic production facilities.

(d) Cold storage, frozen food lockers and ice manufacture.

(e) Feed, grain or fertilizer manufacture or storage.

(f) Food processing plants, excluding fish and poultry facilities and slaughterhouses.

(g) Manufacturing, processing and assembling of the following products: chemicals, floor coverings, glass, machinery, metals, rubber, textiles, tobacco and wood unless more specifically listed under conditional uses.

(h) Residences for a caretaker or night watchman.

(Ord. of 10-2-1995, § 86-1702)

**Sec. 42-443. Conditional uses.**

(a) Automotive and light duty truck manufacturing.

(b) Bulk gasoline terminals and bulk gasoline plants.

(c) Coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper and flat wood paneling.

(d) Conical burners.

(e) Cotton gins.

(f) Cupola furnaces for metallurgical melting.

(g) External floating roof tanks.

(h) Fertilizer manufacturing plants.

(i) Fiberglass insulation manufacturing plants.

(j) Kaolin processing facilities.

(k) Petroleum liquid storage.

(l) Pulp mills.

(M) Data Center (Digital Mining).

(Ord. of 10-2-1995, § 86-1703)

**Sec. 42-444. Area, height, density and placement requirements.**

As specified in article XVIII of this chapter.

(Ord. of 10-2-1995, § 86-1703)

**Secs. 42-445—42-471. Reserved.**

***ARTICLE XVII. PUD—PLANNED UNIT DEVELOPMENT DISTRICT***

**Sec. 42-472. Purpose; intent**

The PUD—Planned Unit Development District is intended to:

(1) Provide flexibility in the application, height, bulk, placement and other zoning controls;

(2) Provide for mixing a wide variety of residential housing types and arrangements;

(3) Provide for the mixing of compatible residential, office and commercial land uses;

(4) Encourage imaginative and innovative design for the unified development of tracts of land;

(5) Provide an alternative for more efficient use of land, resulting in smaller networks of utilities and streets, thereby resulting in lower construction and maintenance costs to the public;

(6) Reserve the natural amenities of the land by encouraging scenic and functional open areas within the development; and

(7) Promote land development in proper relation to the surrounding neighborhood.

(Ord. No. 2006-04, § P-1, 7-6-2006)

**Sec. 42-473. Permitted uses.**

Any land uses and combinations thereof, including signs and accessory buildings and uses, which have been specifically proposed by the applicant and approved by the city as a part of a planned unit development site plan, report or other supporting information are permitted in a PUD district.

(Ord. No. 2006-04, § P-2, 7-6-2006)

**Sec. 42-474. Summary report required.**

Applications for rezoning of, or development within, a PUD—Planned Unit Development District shall require a written report that explains the type, nature, size, intent and characteristics of the proposed development.

(Ord. No. 2006-04, § P-3, 7-6-2006)

**Sec. 42-475. Site plan approval required.**

(a) Applications for rezoning of, or development within, a PUD—Planned Unit Development District shall require a site plan, including, as a minimum, those items enumerated in these regulations. The city manager or his designee, planning commission, or city council may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.

(b) A licensed professional engineer, licensed architect, licensed land planner or licensed landscape architect shall prepare the site plans, and his seal of registration or professional initials shall be indicated on such plans.

(Ord. No. 2006-04, § P-4, 7-6-2006)

**Sec. 42-476. Filing.**

Any person desiring to subdivide land or develop a planned unit development shall file with the planning commission (through the zoning administrator's office) five copies of the preliminary plat accompanied by a letter of application. The letter of application shall contain the name and address of the developer and his agent, the zoning of the property to be subdivided, whether or not the subdivision or planned unit development will be developed in phases, any plans for potential annexation of adjoining property and plans for serving the proposed subdivision with city gas, sewer and water facilities. The plat shall be prepared in accordance with these regulations and with applicable city specifications:

(1) *Title block and north arrow.* The plat will show the name of the proposed subdivision or planned unit development, its location by county and city, the name, address and registration number of the surveyor preparing the plat and the date of the plat. A north arrow shall be included with a notation referencing the bearings to magnetic north.

(2) *General layout.* The plat shall show information as to the proposed street layout and widths, layout of lots with a notation as to the minimum size and width of lots and any proposed open space. Any lands to be dedicated will be identified. Plat scale, total acreage of the site and total number of lots created shall also be indicated.

(3) *Topography.* The plat shall show existing contour lines dashed and any proposed contour lines solid, both sets of lines to be at two-foot intervals, mean sea level (MSL). Prominent drainage features such as lakes, depressions, streams, etc., which could affect the design of the subdivision shall be shown. Engineering data showing the high-water elevation and how it was established shall be submitted.

(4) *Existing features.* The plat shall show the locations and names of existing and platted property lines, streets (and their rights-of-way), railroads (and their rights-of-way), public and private rights-of-way, sanitary sewer (and size), easements, storm drainage (and size), parks and other public open spaces, land lot and land district lines, city limits lines and names of adjoining property owners or subdivisions.

(5) *Location map.* The plat shall include a small-scale map of sufficient clarity so that the location of the proposed subdivision can be readily determined.

(6) *Water, gas and sewer.* A statement from the subdivider or developer shall be submitted with the preliminary plat, which will describe the method by which sanitary sewer, gas and water facilities will be provided. As a minimum, the report shall include the following:

a. A complete listing of every land use proposed within the development, including total acreage and the amount of acreage devoted to each use. All uses not specifically included in the report or site plan and approved by the city are prohibited unless subsequently the application is amended in accordance with applicable procedures.

b. Proposed development standards including minimum lot sizes, minimum lot widths, minimum lot frontages, minimum floor areas or residential dwelling unit sizes, maximum number of dwelling units, maximum square footage figures for nonresidential developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants, and any other such applicable standard or requirement. The report should also indicate any proposed exceptions or variations from the size, setback, frontage, density or other standards that are required in other conventional zoning districts, along with justification for such proposed exceptions or variations.

c. Timeframe of development and provisions for ownership and management of the development.

d. Intended plans for the provision of utilities, including water, gas, sewer and drainage facilities.

e. All streets shall be built to state DOT and the city standards and dedicated to the city upon completion and approval. All streets shall be named by developer and approved by the city.

(7) *Future tract plan.* In cases where a subdivision or planned unit development is to be developed in stages, with additional plats being filed with the planning commission at a later date, the filing of the initial plat will be accompanied by a future tract plan, a reasonably accurate plat in sketch form of the entire tract, which will show the future street system and topography for the entire tract. Once the required tract plan has been reviewed by appropriate city staff and given approval by the planning commission, seven copies of the approved future tract plan must be provided for distribution to the mayor and city council for their review and approval.

(8) *Completeness.* If any of the facts enumerated in subsections (1) through (7) of this section are omitted or misrepresented on the plat, the chairperson of the planning and zoning commission or the zoning administrator may refuse to review the plat and shall return the plat to the subdivider or developer to be completed or revised.

(9) *City, county and state requirements.* The plat shall comply with all city, county and state requirements for filing in the deed records.

(Ord. No. 2006-04, § P-5, 7-6-2006)

**Sec. 42-477. Report and site plan to establish minimum requirements.**

The approved development summary report, site plan and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the city, shall establish the standards and minimum requirements for the subject property and shall become the zoning regulations that apply to the subject property, regardless of changes in property ownership.

(Ord. No. 2006-04, § P-6, 7-6-2006)

**Sec. 42-478. Revisions to approved application.**

Any additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes which, in the opinion of the city manager or his designee, result in a development of such intent and character which has not been conceptually approved by the city, shall require additional approval. Otherwise, minor changes may be approved by the city manager prior to issuance of building permits.

(Ord. No. 2006-04, § P-7, 7-6-2006)

**Sec. 42-479. Minimum site area and frontage required.**

The minimum site area for a PUD—Planned Unit Development District shall be subject to approval by the planning commission and city council according to preliminary plat. The planned unit development shall have a minimum of 100 feet of frontage on a public street, which shall provide access to such public street. Lots within the planned unit development should be consistent with current zoning requirements for like type housing or be approved as a variation in the planned unit development.

(Ord. No. 2006-04, § P-8, 7-6-2006)

**Sec. 42-480. Site planning guidelines.**

The following specifications are guidelines to be utilized in preparing of site plans for planned unit developments:

(1) Land uses that have traditionally been viewed as incompatible (e.g., single-family subdivision and a manufacturing plant) shall not be proposed in the same planned unit development.

(2) Office and commercial uses shall be located adjacent to major thoroughfares or in other areas with suitable access that will not result in traffic through residential areas.

(3) Lot sizes, lot widths, unit sizes and other characteristics of residential development within the planned unit development should be similar to those characteristics of adjacent or nearby residential subdivision, or provide a suitable transition from such adjacent uses.

(4) Location of land uses should conform substantially with land use plan goals, policies and suggested types of uses.

(5) Street lengths, alignments, patterns and other characteristics should conform to city subdivision regulations or standard planning principles.

(6) Proposed developments should make maximum use of natural features of the land.

(7) For developments that are predominantly residential, only limited commercial uses for up to ten percent of the total development site area can be of a retail nature.

(8) The commercial and retail portion of predominantly residential developments shall be limited to those that do not affect the traffic volume or the character and nature of traffic (i.e., no trucks or vehicles with more than two axles). Commercial uses within these predominately residential areas shall be limited to those uses that do not produce waste that cannot be handled by a standard solid waste handler; those uses that produce waste that must be disposed of in a hazard waste facility shall be prohibited.

(Ord. No. 2006-04, § P-9, 7-6-2006)

**Secs. 42-481—42-498. Reserved.**

***ARTICLE XVIII. MINIMUM DIMENSIONAL REQUIREMENTS***

**Sec. 42-499. By zoning districts.**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| District | Maximum Height (in feet) | Minimum Lot Width (in feet) | Minimum Lot Size (in sq. ft.) | Maximum Lot Coverage (percentage) | Principal Building Setback | | | Maximum Density (in units per acre) | Minimum Gross Floor Area Per Dwelling Unit |
|  |  |  |  |  | Front | Side | Rear |  |  |
| R-1 | 35 | 100 × 150 | 15,000 | ~~30~~ 45 | 25 | 10 | 20 | 2.9 | 900 |
| R-1A | 35 | 75 × 134 | 10,000 | ~~35~~ 45 | ~~20~~ 25 | ~~7~~ 10 | ~~15~~ 20 | 4.3 | 750 |
| R-1B | 35 | 60 × 100 | 6,000 | ~~40~~ 45 | ~~15~~ 25 | ~~5~~ 10 | ~~10~~ 20 | 5.8 | 600 |
| R-2 | 45 | 50 × 90 | 4,500 | 45 | ~~15~~ 25 | ~~5~~ 10 | ~~10~~ 20 | ~~10.4~~  7.4 – 8\* | 480 |
| MHP | 35 | (See article XI of this chapter) | | | | | | | |
| B-1 | 45 | 50 | 4,500 | 45 | 25 | 10 | 20 | Conditional | 480 |
| B-2 | 60 | N/A | N/A | ~~N/A~~ 45 | 25(a) | 10(a) | 20(a) | Conditional | N/A |
| O-I | 45 | 50 | 10,000 | 45 | 25 | 10 | 20 | 4.3 | 480 |
| M-1 | 150 | N/A | N/A | 45 | 40 | 25(b) | 50(b) | N/A | N/A |
| M-2 | 150 | N/A | N/A | 60 | 40 | 25(c) | 50(c) | N/A | N/A |

\*= 7.4 units per acre without onsite parking, 8 units per acre with onsite parking.

N/A= Not applicable or no minimum

(a) = A setback shall not be required when one or more buildings or structures on an abutting lot to the side does not meet the specified setback.

(b) = When development in this district abuts a residential district, a buffer (natural undisturbed or planted) with a minimum of ~~40~~ 50 feet in width shall be provided along the entire property line abutting the residential district.

(c) = When development in this district abuts a residential or O-I district, a buffer (natural undisturbed or planted) with a minimum of 75 feet in width shall be provided along the entire property line abutting said district.

(Ord. of 10-2-1995, § 86-1801)

**Secs. 42-500—42-521. Reserved.**

***ARTICLE XIX. AMENDMENTS***

**Sec. 42-522. Authority.**

The city may from time to time amend:

(1) The number, shape, boundary or area of any zoning district, or may amend any regulation pertaining to any district; or

(2) Any article or section of this chapter.

This chapter shall provide the procedure for amending these regulations.

(Ord. of 10-2-1995, § 86-1901)

**Sec. 42-523. Initiation.**

A petition to amend the text of this chapter or the official zoning map may be initiated by the city council, the planning commission, or any person that owns property involved in a petition for amendment, subject to the provisions established in this chapter.

(Ord. of 10-2-1995, § 86-1902)

**Sec. 42-524. Application—Frequency.**

(a) The city or the planning commission may at any time file, in its own name, an application for amendment to the text of this chapter or the official zoning map, except that if a zoning decision of the city council is for the rezoning of property, and the amendment to this chapter and map to accomplish the rezoning is defeated by the city council, the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the city.

(b) A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit or variance affecting the same or any portion of property more often than once every 12 months from the date of any previous decision of denial rendered by the city.

(c) A property owner or subsequent property owner shall not initiate action for an amendment to this chapter text affecting the same or any portion of property more often than once every 12 months from the date of any previous decision of denial rendered by the city.

(d) This section shall not be construed as to limit new applications involving the same property for which the application was made, provided the new application contains substantive differences from the original application as determined by the zoning administrator.

(Ord. of 10-2-1995, § 86-1903)

**Sec. 42-525. Same—Withdrawal.**

Any petition for an amendment to this chapter text, official zoning map, conditional use approval or variance may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to closing the required public hearing by the city council upon written notice to the zoning administrator. If the public hearing before the city has been completed, withdrawal by the applicant is not permitted. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the zoning administrator.

(Ord. of 10-2-1995, § 86-1904)

**Sec. 42-526. Same—Requirements.**

Application materials specified in this section shall be required for the following petitions, amendments to the official zoning map, conditional use permits, variances and appeals:

(1) An application form furnished by the zoning administrator;

(2) A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless the zoning administrator accepts an alternative legal description (such as a tax plat map). Boundary surveys of the property should be submitted with the application whenever available;

(3) A letter of intent that at a minimum describes the general characteristics of the proposed development such as type and timeframe of development, background information in support of such application and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in section 42-530. For zoning map amendment applications, the letter of intent shall address the standards specified in section 42-528. For conditional use permit applications, the letter of intent shall address the standards specified in section 42-529;

(4) Applicants for variances, conditional use permits and map amendment to commercial or industrial zoning districts shall require a site plan with all information specified in section 42-527. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed;

(5) A fee for said application in an amount as established from time to time by city council resolution; and

(6) Applications which require action by the city council shall also require disclosure of any conflicts of interest as specified in O.C.G.A. § 36-67A-1 et seq., Conflict of Interest in Zoning Actions.

Applicants shall submit 15 copies of any required site plans and letters of intent to the zoning administrator for distribution to the applicable bodies and/or review agencies. The zoning administrator may require more or less copies depending on the nature and extent of required review.

(Ord. of 10-2-1995, § 86-1905)

**Sec. 42-527. Site plan requirements.**

All site plans required by this chapter shall, at a minimum, contain the following information:

(1) Title of the proposed development and the name, address and telephone number of the property owner.

(2) The name, address and telephone number of the architect, engineer or other designer of the proposed development.

(3) Scale, date, north arrow and general location map showing relationship of the site to streets or natural landmarks.

(4) Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, watercourses, parking and loading areas and other physical characteristics of the property and proposed development.

(Ord. of 10-2-1995, § 86-1906)

**Sec. 42-528. Criteria—Map amendments.**

The applicant, zoning administrator, planning commission and city council should review an application for zoning map amendment with regard to the following criteria:

(1) The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

(2) The extent to which property values are diminished by the particular zoning restrictions.

(3) The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

(4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

(5) The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

(6) The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

(7) The zoning history of the subject property.

(8) The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities.

(9) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan or other adopted plans.

(10) The possible creation of an isolated district unrelated to adjacent and nearby districts.

The zoning administrator, planning commission and city may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

(Ord. of 10-2-1995, § 86-1907)

**Sec. 42-529. Same—Conditional uses.**

The applicant, zoning administrator, planning commission and city council should review applications for conditional uses with regard to the following criteria:

(1) Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.

(2) The number, size and type of signs proposed are compatible with the surrounding area.

(3) The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.

(4) Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.

(5) The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.

(6) Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.

(7) Public facilities and utilities are capable of adequately serving the proposed use.

(8) The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.

(9) The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.

(10) The proposed use is consistent with the goals and objectives of the city's comprehensive plan.

(11) The proposed use and development are compatible with adjacent and nearby uses and buildings in terms of density and scale of development.

The zoning administrator, planning commission and city may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

(Ord. of 10-2-1995, § 86-1908)

**Sec. 42-530. Same—Variances.**

The city is hereby empowered to authorize upon application in specific cases such variance from the dimensional requirements of zoning regulations (any provisions requiring a number to be achieved, such as height in feet, setback, lot area, lot width, parking and loading requirements, etc.) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of permitted or nonconforming use of neighboring land, buildings or structures in the same zoning district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with section 42-526, upon specific findings that all of the following conditions exist. The absence of any one condition shall be grounds for denial of the application for variance.

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district;

(2) A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located;

(3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

(4) Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value;

(5) The special circumstances are not the result of the actions of the applicant;

(6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure;

(7) The variance is not a request to permit a use of land, building or structures that is not permitted by right in the district involved; and

(8) A variance shall not be granted in cases where the requested relief to the property owner can be remedied by a change to a zoning district which otherwise would not require a variance.

(Ord. of 10-2-1995, § 86-1909)

**Sec. 42-531. Procedures for appeals.**

(a) The city council is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the zoning administrator in the interpretation or enforcement of these zoning regulations.

(b) Such appeal shall be taken within 30 days, or as provided by city rules, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the city.

(c) The city council shall select a reasonable time and place for the hearing of the appeal and give at least 15 days of public notice thereof and due notice to the parties in interest and shall render a decision on the appeal within a reasonable time.

(d) This section shall not be construed as permitting an appeal of the city's denial of a rezoning request or conditional use, the appropriate remedy of which would be a suit filed in the county superior court.

(Ord. of 10-2-1995, § 86-1910)

**Sec. 42-532. Simultaneous consideration of multiple applications.**

A petitioner may simultaneously submit multiple applications involving the same property, such as a rezoning request, conditional use, and variance. The planning commission and city council may simultaneously hear and consider multiple applications, provided the applicable public notice and other specified requirements are met. The proper order of consideration of multiple applications shall be the rezoning request first, conditional use second and variance third. The city council may consider and act upon a variance request at the same meeting as a rezoning request and/or conditional use is approved, in accordance with section 42-530. For multiple applications, specified filing fees shall be paid for each individual application, to defray the cost of newspaper advertisements and posting of signs on the subject property.

(Ord. of 10-2-1995, § 86-1911)

**Sec. 42-533. Conditional approval permitted.**

(a) The letter of intent, site plan, and other information submitted as a part of any approved application for zoning map amendment, variance, appeal or conditional use, as well as any statements of intent made by the petitioner in public meetings recorded in the minutes of the body considering the application, shall be considered a part of the approval and must be followed.

(b) In addition to the conditions of following the submitted site plan, letter of intent and other assurances made by the petitioner, the planning commission may recommend, and the city council may attach, any conditions to its approval which it finds necessary to render the proposed development compatible with adjacent and nearby properties and land uses.

(c) Applications to modify the approved site plan, letter of intent or other conditions of approval may be considered by the city after review and recommendation by the planning commission, without the requirement of any public hearings. Any request, however, which in the zoning administrator's opinion constitutes a change that is tantamount to a new application that would otherwise require a rezoning, new conditional use or variance to articles and sections of this chapter not previously contemplated shall require resubmittal and reconsideration of the request as a new application that meets all submittal, notification and public hearing requirements specified in this chapter.

(Ord. of 10-2-1995, § 86-1912)

**Sec. 42-534. Notice and hearing required.**

(a) This section shall apply to all applications for amendments to this chapter, amendments to the official zoning map, petitions for variances and appeals to the city council, and requests for conditional use approval. Except as otherwise noted, this section shall apply to the adoption and readoption of a zoning chapter and official zoning map.

(b) Upon receipt of a completed application, fees and other information required by this chapter, the zoning administrator shall cause notice of such application to be published at least one time in a newspaper of general circulation in the city council at least 15 days but not more than 45 days prior to the date of public hearing before the city. Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing before the planning commission and city council, the location of the property being considered, the present zoning classification of the property, and proposed action to be taken, as appropriate (such as proposed zoning district, type of conditional use, variance to particular articles and sections, and so forth). The zoning administrator shall also cause to have posted in a conspicuous place on said property one or more signs, each of which shall contain the information specified for published notices. The public hearing before the planning commission and the city shall not take place until said signs have been posted for a least 15 days but not more than 45 days prior to the date of the public hearing. The posting of signs shall not be required for appeals, since an appeal only applies to interpretation of zoning regulations that apply to all similarly situated properties. The city shall not require the posting of signs when adopting or readopting a zoning chapter and official zoning map.

(c) Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is announced.

(Ord. of 10-2-1995, § 86-1913)

**Sec. 42-535. Recommendation—Zoning administrator.**

The zoning administrator may, as appropriate, customarily submit to the planning commission and city council, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include the reasons for said recommendation, considered within the context of the appropriate criteria as specified by this chapter. The zoning administrator's recommendation shall have an advisory effect only and shall not be binding on the city. Copies of the zoning administrator's recommendation shall be made available upon request to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

(Ord. of 10-2-1995, § 86-1914)

**Sec. 42-536. Same—Planning commission.**

(a) Prior to the public hearing held by the city council, the planning commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, conditional use applications and variances. The planning commission shall also provide a recommendation regarding adoption or readoption of a zoning chapter or official zoning map.

(b) After completing its studies of the particular petition, the planning commission shall submit a recommended action in writing to the city council. The planning commission may submit any additional report it deems appropriate. The planning commission's recommendation shall have an advisory effect only and shall not be binding on the city. Copies of the planning commission's recommendation and report shall be made available upon request to the applicant and other interested parties upon completion and distribution to the city council and at the public hearing before the city.

(c) The planning commission shall have 30 days within which to submit its recommendation. The city council shall not take action on any of said applications, until it has received the planning commission's recommendation within the specified time period; provided, however, that this shall not be construed to limit the city council from conducting its scheduled public hearing on the matter, should it desire to do so. If the planning commission fails to submit a recommendation within the 30-day period, it shall be deemed to have approved the recommended application.

(Ord. of 10-2-1995, § 86-1915)

**Sec. 42-537. Conduct of public hearings.**

All public hearings regarding applications considered by the planning commission and city council shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedures:

(1) The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time the presiding officer may summarize the public hearing procedures.

(2) The zoning administrator or other staff may present a description of the proposed application, any applicable background material, his recommendation regarding action on said application as appropriate, and the planning commission's recommendation and report, as appropriate.

(3) Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, is expected to attend the public hearing unless written notice of hardship is received prior to such meeting. A time limitation may be imposed at the discretion of the presiding officer.

(4) Persons who oppose the application or who have questions about the subject application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and stating their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion of the presiding officer.

(5) The petitioner shall have an opportunity to answer any questions raised by the public, for summary remarks and for rebuttal concerning the proposed application.

(6) Upon the completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.

(7) All public comments having been heard, the members of the body considering the application may publicly discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition. Additional questions from the general public may not be asked once the public hearing has been closed. Unrecognized responses from the petitioner shall be ruled out of order by the presiding officer once the public hearing is closed and a vote or other action is being considered.

(Ord. of 10-2-1995, § 86-1916)

**Sec. 42-538. Action by city council.**

After the public hearing has been completed, the city council may take action to approve or deny the request, refer the application back to the zoning administrator or planning commission for further study, or table or defer action until a later meeting. In voting on a petition, the city council shall follow applicable bylaws for such body, or in lieu of adopted bylaws, shall generally follow the "Robert's Rules of Order."

(Ord. of 10-2-1995, § 86-1917)

**Secs. 42-539—42-569. Reserved.**

***ARTICLE XX. ADMINISTRATION AND ENFORCEMENT***

**Sec. 42-570. Authority of zoning administrator.**

The zoning administrator shall administrate the provisions of this chapter. The zoning administrator shall be responsible for interpretation of the provisions of these regulations and for maintenance of the official zoning map.

(Ord. of 10-2-1995, § 86-2001)

**Sec. 42-571. Enforcement.**

The zoning administrator shall enforce the provisions of these regulations.

(Ord. of 10-2-1995, § 86-2002)

**Sec. 42-572. Development permit required.**

(a) A development permit shall be required for any proposed use of land or buildings to indicate and ensure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land or buildings commences; provided, 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. If a land disturbance permit is required pursuant to the city's soil erosion and sediment control chapter, the development permit and land disturbance permit shall be considered one and the same. Approval of a preliminary plat in accordance with all applicable provisions of the subdivision regulations shall constitute approval of the development permit for each subdivision.

(b) All development permits shall be issued by the zoning administrator, who shall in no case approve a development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any other codes and laws. Development permits shall be valid for two years from its issuance. If work described in any development permit has not begun within 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.

(Ord. of 10-2-1995, § 86-2003)

**Sec. 42-573. Building permit required.**

(a) No building or structure, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the building inspector has issued a building permit for such work in conformity with the provisions of these regulations.

(b) The building inspector shall issue all building permits. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within these regulations, the zoning administrator shall make the determination. Building permits shall become invalid unless the work authorized by it shall have been commenced within 90 days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six months or more.

(Ord. of 10-2-1995, § 86-2004)

**Sec. 42-574. Certificate of occupancy required.**

(a) A certificate of occupancy issued by the building inspector is required in advance of:

(1) Occupancy or use of any lot or change or extension in the use of any lot;

(2) Any building or structure hereafter erected; or

(3) Any change in the use of an existing building or structure.

(b) No certificate of occupancy shall be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations. Business licenses shall not be issued until the business conforms to the regulations of the district in which it is located and a valid certificate of occupancy is issued.

(Ord. of 10-2-1995, § 86-2005)

**Sec. 42-575. Penalties.**

Any person violating, neglecting or refusing to comply with any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $50.00 nor more than $200.00 for each offense, or as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

(Ord. of 10-2-1995, § 86-2006)

**Sec. 42-576. Remedies.**

(a) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is or is proposed to be used in violation of any provision of these regulations, the zoning administrator or any other appropriate authority may, in addition to other remedies, and after due notice to the owner of the violation:

(1) Issue a citation for violation of these regulations requiring the presence of the violator in the court of proper jurisdiction; or

(2) Institute an injunction or other appropriate action or proceeding to prevent:

a. Such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation; or

b. The occupancy of such building, structure or land.

(b) Where a violation of these regulations exists with respect to a structure or land, the zoning administrator may, in addition to the remedies listed in subsection (a) of this section, require that utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

(Ord. of 10-2-1995, § 86-2007)

**Sec. 42-577. Conflicts.**

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other statute, the provisions of these regulations shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by these regulations, the provisions of such statute shall govern.

(Ord. of 10-2-1995, § 86-2101)

1. State law reference(s)—Downtown development authorities, O.C.G.A. § 36-42-1 et seq.; municipal business improvement districts, O.C.G.A. § 36-43-1 et seq.; redevelopment authority of municipalities, O.C.G.A. § 36-44-1 city and county development authorities, O.C.G.A. § 36-62-1 et seq.; county and municipal urban development, O.C.G.A. § 36-61-1 et seq.; city and county zoning procedures, O.C.G.A. § 36-66-1 et seq.; local zoning proposal review procedures, O.C.G.A. § 36-67-1 et seq.; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; coordinated and comprehensive planning and service delivery by counties and municipalities, O.C.G.A. § 36-70-1 et seq. [↑](#footnote-ref-1)