

**PART SIX: USE-BASED RESTRICTIONS THAT DO NOT USE A MAP**

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[\[See Commentary\]](#)

**§6-1 ACCESSORY USE OR STRUCTURE**

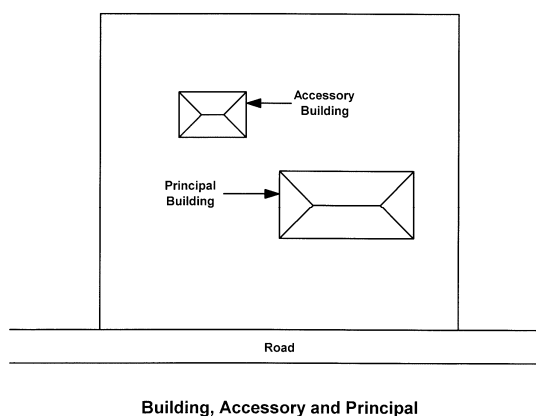
- §6-1-1 DEFINITIONS
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- §6-1-4 CUSTOMARY RESIDENTIAL ACCESSORY USES AND STRUCTURES

§6-1-1 DEFINITIONS

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

Building, accessory: A building subordinate to the main (principal) building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

Building, principal: A building in which is conducted the main or primary use of the lot on which said building is situated. In any residential land use district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which same is situated, except for detached accessory apartments.



§6-1-2 LOCATION

Buildings, structures, and uses shall be located in a rear yard or side yard, except for well houses, decorative landscape structures, guard buildings, or similar building or structure required to be located in a front yard, as may be approved by the Land Use Officer.

§6-1-3 RELATIONSHIP TO PRINCIPAL USE

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

§6-1-4 CUSTOMARY RESIDENTIAL ACCESSORY USES AND STRUCTURES

Each of the following uses is considered to be a customary accessory use to a dwelling and shall be situated on the same lot with the principal use to which it serves as an accessory. This list is not necessarily exhaustive of possible permitted accessory uses and structures on a residential lot.

- (a) Garage or carport for storing vehicles.
- (b) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- (c) Children's playhouse and play equipment.
- (d) Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties.
- (e) Private recreational facility, such as a swimming pool and bathhouse or cabana, tennis court, subject to applicable requirements of this Article.
- (f) Deck or patio, whether on water or over land.
- (g) Fences and walls, subject to compliance with this Code.
- (h) Guest houses, subject to the requirements of this Code.
- (i) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- (j) Vehicle parking, except as may be otherwise limited by this Code.

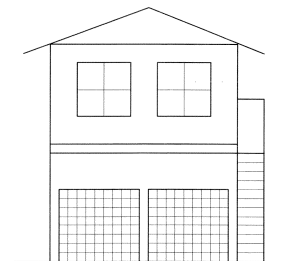
**§6-2 ACCESSORY DWELLING UNIT**

- §6-2-1 DEFINITIONS
- §6-2-2 REGULATIONS

§6-2-1 DEFINITIONS

Accessory dwelling unit, attached: A second dwelling unit that is added to the structure of an existing site-built, single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the attached accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory dwelling unit, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling. Includes the term garage apartment.



Accessory Apartment, Detached  
(Above Garage Shown)

§6-2-2 REGULATIONS

Accessory dwelling units (detached or attached) shall meet the following requirements:

- (a) Number limited. Only one accessory dwelling unit shall be permitted on a lot. An accessory apartment shall not be permitted on the same lot as a home occupation.
- (b) Minimum floor area. At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory dwelling unit shall be at least 300 square feet and shall not exceed 900 square feet or the size of the principal dwelling, whichever is less.
- (c) Entrance to Unit. The entrance to an accessory dwelling unit shall be from a rear or side yard and shall not face the road to which the principal dwelling is oriented.
- (d) Exterior Finish. Accessory dwelling units, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (e) Water and Sewer. The \_\_\_\_\_ County Health Department must certify that the water and sanitary sewer or septic tank facilities meet applicable countywide health rules and are adequate to serve both the principal dwelling and the accessory dwelling unit.
- (f) Occupancy. Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

**§6-3 ADULT BUSINESSES**

- §6-3-1 DEFINITIONS
- §6-3-2 LOCATION RESTRICTIONS
- §6-3-3 OBSCENE MATERIAL

§6-3-1 DEFINITIONS

Adult business: Any “adult bookstore,” “adult movie house,” “explicit media” outlet, or any place involving “sexual conduct” or “sexually explicit nudity” for commercial purposes, as those terms are defined in O.C.G.A. 36-60-3 and as reiterated below.

- (1) Adult bookstore: Any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct.
- (2) Adult movie house: Any movie theater which on a regular, continuing basis shows films rated “X” by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called “adult films” depicting sexual conduct.
- (3) Explicit media outlet: Any commercial establishment which has an inventory of goods that is composed of 15 percent or more of books, pamphlets, magazines, or other printed publications, films, or other median which depict sexually explicit nudity or sexual conduct, or that devotes 15 percent or more of its floor area to such inventory of goods.
- (4) Sexual conduct: Acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such a person is female, breast which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.
- (5) Sexually explicit nudity: A state of undress so as to expose the human male or female genitals or pubic area with less than a full opaque covering or the depiction of covered or uncovered male genitals in a discernibly turgid state which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

§6-3-2 LOCATION RESTRICTIONS

No adult business shall be located:

- (a) Within one thousand (1,000) feet of a lot used for single-family, two-family or multi-family residential uses.
- (b) Within one-thousand (1,000) feet of the lot line of any library, school, park, playground, governmental building, civic center, church or place of worship.
- (c) Within one-thousand (1,000) feet of the lot line of any other adult business.

The distance restrictions set out above shall apply in any and all directions from the lot line of the proposed adult use at the point closest to the lot line of the other property, as measured in a straight line to the point on the lot line of the other property that is located closest to the lot line

of the proposed adult use property. This distance shall be verified by plat showing distances furnished by the applicant, prepared by a land surveyor registered in the State of Georgia. This plat shall accompany and be made part of the application for a conditional use approval.

§6-3-3            OBSCENE MATERIAL

Nothing contained herein shall be construed to authorize or legalize the selling, lending, renting, leasing, giving, advertising, publishing or other dissemination to any person, any book, magazine, movie film, still picture or any other written material, pornographic matter, novelty, device or related sundry item which is obscene material under the law of the State of Georgia.

**§6-4 AIRCRAFT LANDING AREA**

- §6-4-1 DEFINED
- §6-4-2 REGULATIONS

§6-4-1 DEFINED

Aircraft landing area: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft (airplanes, helicopters, gliders, ultralights, and any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air) and which may include, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances. This term includes private use heliports. This use may be a principal or accessory use.

§6-4-2 REGULATIONS

No person shall construct or use or authorize the construction or use of an aircraft landing area (including private use heliport) on any property owned, leased, or controlled by such person, unless and until the following requirements are met:

- (a) No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000 per claim.
- (b) The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) The owner of the aircraft landing area shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence or wall no less than six (6) feet in height and fully enclosed with a self-locking gate.
- (e) An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The Land Use Officer shall review the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and make a recommendation to the Governing Body regarding approval or denial of the application.

- (f) In approving an aircraft landing area, the Governing Body may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within six-hundred (600) feet of a residential land use district or existing residential use may form the basis for denial of the application.



**§6-5 ANIMAL FEEDING OPERATIONS**

- §6-5-1 PURPOSE
- §6-5-2 DEFINITIONS
- §6-5-3 EQUIVALENT ANIMAL NUMBERS
- §6-5-4 ENVIRONMENTAL PROTECTION
- §6-5-5 WATER RESOURCE SETBACKS
- §6-5-6 ODOR SETBACKS
- §6-5-7 PERMIT REQUIRED
- §6-5-8 APPLICATION REQUIREMENTS
- §6-5-9 ACTION ON PERMIT
- §6-5-10 ENFORCEMENT
- §6-5-11 APPEAL

§6-5-1 PURPOSE

This Ordinance addresses the need to reduce land use conflicts between farms and rural property owners. Normal farming operations such as animal production can create odors, flies, and noise. Concentrated animal feeding operations present safety hazards, affect natural resources and surrounding areas, and infringe on the rights of others if left unregulated. This Resolution [Ordinance] is intended to protect the rights to practice farming while fostering compatibility with nearby land uses. It sets reasonable standards for concentrated feeding operations based on the size of operation.

§6-5-2 DEFINITIONS

Animal feeding operation: A place where livestock have been, are, or will be, confined, concentrated, and fed for 45 or more days in any 12-month period. Pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season and animal waste or manure accumulates. Adjoining animal feeding operations under common ownership are considered to be one animal feeding operation if they use common areas or systems for manure handling.

Livestock: Any animal raised for food, raw materials or pleasure, including, but not limited to, beef and dairy cattle, sheep, swine, poultry and horses.

Manure: Fecal material and urine from livestock, as well as animal-housing wash water, bedding material, and precipitation that comes in contact with fecal material or urine.

Operator: An individual or group of individuals, a partnership, a corporation, a joint venture, or any other entity owning or controlling one or more animal feeding operations.

Surface water: Waters of the state located on the ground surface such as lakes, reservoirs, rivers, streams and creeks.

Waters of the state: All waters within the jurisdiction of the state, including all creeks, streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partially within or bordering upon the state, except those private

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waters that do not combine or effect a junction with natural surface or underground waters just defined.

**§6-5-3 EQUIVALENT ANIMAL NUMBERS**

An “animal unit equivalent” is a unitless number developed from the nutrient and volume characteristics of manure for a specific livestock type. The term “animal units” is used to normalize the number of animals (e.g., head) for each specific livestock type that produces comparable bulk quantities of manure. The animal unit equivalents for types of livestock and the numbers of livestock for facility size thresholds of 300 animal units (a.u.), and so forth, are listed in the following table.

Livestock Type	Animal Unit Equivalent	Equivalent Numbers of the Livestock (Head) for Four Sizes (Animal Units) of Animal Feeding Operations			
		300 Animal Units	1,000 Animal Units	2,000 Animal Units	5,000 Animal Units
1 horse	2.0	150 head	500 head	1,000 head	2,500 head
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1.0	300	1,000	2,000	5,000
1 beef feeder – finishing	1.0	300	1,000	2,000	5,000
1 beef feeder – backgrounding	0.75	400	1,333	2,667	6,667
1 swine, > 55 lbs	0.4	750	2,500	5,000	12,500
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 swine, nursery	0.1	3,000	10,000	20,000	50,000
1 turkey	0.0182	16,500	55,000	110,000	275,000
1 chicken	0.01	30,000	100,000	200,000	500,000

**§6-5-4 ENVIRONMENTAL PROTECTION**

The operator of a new facility for animal feeding is expected to locate, construct, operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. The operator of an existing facility is expected to operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources on public safety and health. Each operator shall comply with applicable state laws and rules.

**§6-5-5 WATER RESOURCE SETBACKS**

The operator of a new animal feeding operation that has more than 1,000 animal units shall not locate or establish such an operation:

- (a) Within a delineated source water protection area for a public water system;
- (b) Within a groundwater recharge area defined by Section 2-1-1 of this code;
- (c) Within 1,200 feet of a private ground water well which is not owned by the operator or within 1,500 feet of a public ground water well; or,
- (d) Within 1,000 feet of surface water.

§6-5-6 ODOR SETBACKS

An owner of property shall locate and establish a residence, business, church, school, public park, or subdivision for residential use so as to provide a separation distance from any existing animal feeding operation. The separation distances, or setbacks, are listed in the following table. An owner of property who is an operator of an animal feeding operation may locate the owner's residence or business within the setbacks, subject to compliance with any other applicable regulations.

Setback Distances for Animal Feeding Operations		
Number of Animal Units	Hog Operations	Other Animal Operations
Fewer than 300	None	None
300-1,000	2,640 feet	2,640 feet
1,001-2,000	3,960 feet	2,640 feet
2,001-5,000	5,280 feet	3,960 feet
5,001 or more	7,920 feet	5,280 feet

The owner of a new animal feeding operation shall locate the site of that operation from existing residences, businesses, churches, schools, public parks and areas of property platted for residential use so as to meet or exceed the corresponding listed setback from these places.

A local government may, upon recommendation of the Land Use Officer, decrease a setback distance for a new animal feeding operation after consideration of the proposed operation's plans, if he or she determines that a lesser setback distance is acceptable based upon site conditions or demonstrable safety, health, environmental or public welfare concerns.

[\[See Commentary\]](#)

§6-5-7 PERMIT REQUIRED

The operator of a new livestock facility or an existing livestock facility, which meets the definition of an animal feeding operation and which is listed below, shall apply for and obtain an animal feeding operation permit.

- (a) A new animal feeding operation that would be capable of handling, or that expands to handle, more than 1,000 animal units.
- (b) An existing animal feeding operation that expands to handle more than 1,000 animal units.

§6-5-8 APPLICATION REQUIREMENTS

An application for an animal feeding operation permit shall be submitted to the Land Use Officer for approval. The application shall include a site plan at an engineering scale. A registered land surveyor or a civil engineer shall prepare the scaled site plan if the facility will handle more than 1,000 animal units. The Land Use Officer may require any or all of the following additional elements in the site plan review process when needed to determine the nature and scope of the animal feeding operation:

- (a) Proposed number of animal units.
- (b) Total acreage of the site of the facility.

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- (c) Existing and proposed roads and access ways within and adjacent to the site of the facility.
- (d) Surrounding land uses and ownership, if the operation will have the capacity to handle more than 1,000 animal units.
- (e) A copy of any permit applications required by state regulatory agencies.

§6-5-9            ACTION ON PERMIT

The Land Use Officer shall review the permit application and render a decision to approve, approve with conditions, or deny the application. The only basis for denial of the application shall be failure to meet the specific terms of this Resolution [Ordinance]. If the Land Use Officer has not acted on a completed application within 30 days, the application shall be deemed approved without conditions.

§6-5-10          ENFORCEMENT

In the event of a violation of this Ordinance, the Land Use Officer, after due process, can order cessation of a facility for animal feeding within a reasonable period of time and until such time as the operator corrects or abates the cause(s) of the violation. If the cause(s) of the violation are not remedied within a reasonable period of time as set by the Land Use Officer, the permit may be revoked.

§ 6-5-11         APPEAL

Any person aggrieved by a decision of the Land Use Officer in the administration and interpretation of this Ordinance may appeal said decision to the Board of Appeals in accordance with Section 1-10 of this code.

[\[See References\]](#)

**§6-6 AUTOMOBILE SALES ESTABLISHMENT**

- §6-6-1 DEFINED
- §6-6-2 REGULATIONS

§6-6-1 DEFINED

Automobile sales: A premises designed or used for storage and display for sale, rental, or lease of cars, trucks, tractors, trailers, campers, recreational vehicles, motorcycles, and agricultural implements, all of which are complete and operable.

§6-6-2 REGULATIONS

Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers. It shall be a violation to park vehicles for sale, rent, or lease in customer parking areas, unloading zones, within landscape strips, or in any other grass or unpaved area.

**§6-7 BED AND BREAKFAST INN**

§6-7-1 DEFINED  
§6-7-2 REGULATIONS

§6-7-1 DEFINED

Bed and breakfast inn: A facility where overnight accommodations not exceeding ten (10) rooms) are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

§6-7-2 REGULATIONS

Bed and breakfast inns shall have a minimum of two guest rooms and a maximum of six guest rooms.

**§6-8 CARETAKER RESIDENCE**

§6-8-1 DEFINED  
§6-8-2 REGULATIONS

§6-8-1 DEFINED

Caretaker's residence: A dwelling unit within a principal building or any freestanding building or structure that is accessory to an institutional, commercial, or industrial use, and located on the same lot there with, which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

§6-8-2 REGULATIONS

A residence for a night watchman, accessory to an institutional, business or industrial operation, may be established in a single-family detached dwelling or as a unit located within an institutional, commercial or industrial building. The Land Use Officer may approve one residence or dwelling with a minimum gross floor area of up to 1,000 square feet, within a principal building or in an accessory housing unit, on the site of an institutional, business, or industrial establishment as an accessory use, provided that the applicant supplies evidence to the Land Use Officer of need for full-time security or 24-hour on-site management.

**§6-9 COMMERCIAL RECREATIONAL FACILITY, OUTDOOR**

§6-9-1 DEFINED  
§6-9-2 REGULATIONS

§6-9-1 DEFINED

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amusement parks, stadiums, amphitheaters, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, fishing ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, zoos for exotic animals or wildlife, recreational vehicle parks, and ultra-light flight parks. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

§6-9-2 REGULATIONS

Outdoor commercial recreation facilities shall meet the following requirements:

- (a) Lot Area. Such uses require a minimum lot area of two acres.
- (b) Access. Vehicular access shall be derived only from an arterial road.
- (c) Setback and Buffer. A minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines, shall be required.
- (d) Exterior Lighting. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination.
- (e) Evaluation. A written evaluation of noise impacts is required at the time the following special uses are proposed to be established as principal uses: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. A traffic impact analysis shall be required for amphitheaters, stadiums, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.



**§6-10 COMMUNITY RECREATION FACILITY**

§6-10-1 DEFINED  
§6-10-2 REGULATED

§6-10-1 DEFINED

Community recreation: A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are located within the boundaries of such development.

§6-10-2 REGULATED

- (a) Within a residential subdivision or multiple-family residential development, community recreation facilities must be platted when a part of a subdivision or part of the development plan approval for a multiple-family residential development. Community recreation facilities shall be subject to the following:
- (b) Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation.
- (c) Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract.

§6-11 [RESERVED]

**§6-12 CONSTRUCTION FIELD OFFICE**

§6-12-1 DEFINED  
§6-12-2 REGULATIONS

§6-12-1 DEFINED

Construction field office: A manufactured home, travel trailer, truck trailer, and/or other structure used temporarily as an office in conjunction with a construction project. A construction field office is a temporary use.

§6-12-2 REGULATIONS

Manufactured homes or other temporary buildings may be used for a temporary office on a site where a development is under construction, subject to the following:

- (a) Approval and Permit. Approval by the Land Use Officer and issuance of a land use permit by the Land Use Officer is required. Said permit shall be temporary but renewable once after a period of six (6) months. Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property.
- (b) Water and Sewer. Adequate water and sewage disposal for the structure(s) is approved by the \_\_\_\_\_ County Health Department.
- (c) Removal Upon Occupancy. Said manufactured home(s) or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

**§6-13 DAY CARE CENTER**

§6-13-1 DEFINED

§6-13-2 REGULATIONS

§6-13-1 DEFINED

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

§6-13-2 REGULATIONS

Day care centers shall meet the following requirements:

- (a) Day care centers shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served.
- (b) The outdoor play area shall be enclosed by a solid wooden fence or masonry wall, with a minimum height of five (5) feet, or by a building or combination wall or fence and building.
- (c) Adequate and safe areas for the drop-off and pick-up of patrons shall be provided.

**§6-14 FENCES AND WALLS**

- §6-14-1 DEFINITIONS
- §6-14-2 SETBACK AND LOCATION
- §6-14-3 COMPOSITION
- §6-14-4 GATES
- §6-14-5 EXEMPTION

§6-14-1 DEFINITIONS

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other approved materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

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

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

§6-14-2 SETBACK AND LOCATION

Fences and walls are not required to be setback from a rear or side property line; provided, however, that in cases where a fence is proposed to be established along a side or rear property line, the Land Use Officer may require a letter, plat or deed as evidence of a written and signed agreement between the property owners to permit the fence at or along a common property line. In no instance shall a fence or freestanding wall be erected in a manner that obstructs visibility at road intersections. Retaining walls and subdivision entrance monuments shall not be placed within the right-of-way of a local road or state highway.

§6-14-3 COMPOSITION

Walls or fences composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted.

§6-14-4 GATES

When gates for vehicular access are provided, said gates shall not be located closer than twenty-five (25) feet to a public road right-of-way, to ensure safe ingress and egress.

§6-14-5      EXEMPTION

These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security and safety or code compliance reasons. All such temporary fencing shall be approved by the Land Use Officer and shall be removed upon completion of construction.

**§6-15 GASOLINE OR FUEL PUMPS**

Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuels shall be set back at least twenty-five (25) feet from any road right-of-way line.

**§6-16 GOLF DRIVING RANGE**

Golf driving ranges shall meet the following requirements:

- (a) Lot Area. The minimum lot area shall be ten acres or one acre per tee, whichever is greater.
- (b) Lot Depth and Width. The width of a driving range shall be not less than 200 yards at a distance of 350 yards from the tees. The depth along the driving area shall be at least 350 yards measured from the location of the tees.
- (c) Access. Vehicular access shall be derived only from an arterial road.
- (d) Hours of operation. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.
- (e) Lighting. If the driving range is proposed to be lit, a lighting plan shall be required to be submitted to the Land Use Officer for approval.



**§6-17 GUEST HOUSE**

§6-17-1 DEFINED

§6-17-2 REGULATIONS

§6-17-1 DEFINED

Guest house: A lodging unit for temporary guests in a building accessory to a detached, single-family dwelling unit, and which is not rented or otherwise used or occupied as a separate dwelling. A guest house is an accessory use to a detached, single-family dwelling.

Kitchen: Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

§6-17-2 REGULATIONS

Guest houses shall comply with the following

- (a) Accessory Use. The guest house must be an accessory use to a single-family detached dwelling already existing on the lot.
- (b) Lot Area Requirement. A guest house shall be permitted only on a lot having at least 20,000 square feet in area.
- (c) Location. The guest house must be placed to the rear of the main house (principal building) separated by a distance of at least 20 feet. No more than one guest house shall be located on any lot.
- (d) Maximum Floor Area. The gross building floor area of the guest house may not exceed 50 percent of the floor area of the main house (principal building).
- (e) Use. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.

**§6-18 HOME BUSINESS USES**

- §6-18-1 TITLE
- §6-18-2 PURPOSE AND INTENT
- §6-18-3 APPLICABILITY
- §6-18-4 DEFINITIONS
- §6-18-5 GENERAL PROVISIONS
- §6-18-6 LAND USE PERMIT REQUIRED
- §6-18-7 BUSINESS REGISTRATION REQUIRED
- §6-18-8 USES AND ACTIVITIES PROHIBITED
- §6-18-9 USE OF DWELLING AND PHYSICAL LIMITATIONS
- §6-18-10 VEHICLES AND PARKING
- §6-18-11 EQUIPMENT; NUISANCES
- §6-18-12 VISITATIONS
- §6-18-13 DISPLAY AND STOCK-IN-TRADE
- §6-18-14 EMPLOYEES
- §6-18-15 SIGNS

[\[See Commentary\]](#)

§6-18-1 TITLE

This Section shall be known and may be cited as the “Home Business Uses Regulations of the County [City] of \_\_\_\_\_.”

§6-18-2 PURPOSE AND INTENT

This Section is intended to protect residential neighborhoods, with detached single-family residences on lots containing approximately one acre or less, from use of dwellings for business uses that would detract from the peace and quiet of the neighborhood. It is also intended to allow the use of detached dwellings for limited home business uses, subject to standards that will prevent nuisances and maintain the residential character of the neighborhood.

§6-18-3 APPLICABILITY

This Section shall apply only in residential areas as follows:

- (a) Within an area or areas where there is an urban or suburban pattern of land subdivision into lots, each of which has an area of one acre or less or which lots in the subdivision average one acre or less, and which are designed primarily for construction of one detached dwelling unit per lot.
- (b) In the areas of the County [City] where the residence and/or lot in question is bounded on two or more sides by lots containing a detached single-family dwelling or a vacant lot platted as a part of the same subdivision. For purposes of this subsection, “bounded” shall mean contiguous and abutting; or any lot across a road right-of-way within the same or similar land subdivision.

§6-18-4 DEFINITIONS

Home business use: A detached single-family dwelling where a use, occupation or activity is conducted entirely within a dwelling by the residents thereof, or within an accessory building,

which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

**§6-18-5      GENERAL PROVISIONS**

Home business uses may be established in a dwelling as more specifically provided in this Section.

- (a) No more than one home business use shall be permitted within any single dwelling or on any one lot.
- (b) No lot within an area to which this Section applies shall be used in violation of this Section.
- (c) Uses that do not qualify as a permitted home business use shall be prohibited in the area to which this Section applies.
- (d) It shall be unlawful to establish or maintain any use or activity that is specifically enumerated as a prohibited use or activity by this Section, within the area or areas to which this Section applies.

**§6-18-6      LAND USE PERMIT REQUIRED**

No use or activity shall commence as a home business within the area or areas to which this Section applies, without first securing a Land Use Permit from the Land Use Officer. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of a land use permit for said use.

**§6-18-7      BUSINESS REGISTRATION REQUIRED**

No use or activity shall commence as a home business without first registering said home business with the County [City] clerk. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration.

**[\[See Commentary\]](#)**

**§6-18-8      USES AND ACTIVITIES PROHIBITED**

The following businesses, uses, and activities shall be prohibited in the area or areas to which this Section applies: kennels, stables, veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; barber shops and beauty shops; funeral parlors; retail sales of goods not made on the premises; and adult uses. This section shall not be considered inclusive of all the types of businesses, uses, and activities prohibited by this Section.

**§6-18-9      USE OF DWELLING AND PHYSICAL LIMITATIONS**

All activities in connection with the home occupation shall take place within the principal building on the lot, or in an accessory structure. The gross floor area of a dwelling unit devoted to a home business use shall not exceed 1,000 square feet, or 25 percent of the gross floor area of the dwelling and any accessory structure or structures combined, whichever is less. No internal or external alterations inconsistent with the residential use of the building may be permitted.

**[\[See Commentary\]](#)**

§6-18-10      VEHICLES AND PARKING

It shall be unlawful to routinely park any marked business vehicles on the street or in driveways in public view in connection with the home business use. Only vehicles used primarily as passenger vehicles shall be visible in connection with the conduct of the home business use. No more than one commercial vehicle, not exceeding one-ton capacity and two axles, may be stored on the premises, and it must be parked inside an enclosed garage or otherwise completely concealed from view when not in use.

Incoming vehicles related to the home business use shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking.

§6-18-11      EQUIPMENT; NUISANCES

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

§6-18-12      VISITATIONS

No more than two clients or patrons are allowed on the premises at the same time in conjunction with a home business use, except for persons in care at a family day care home, where no more than six clients are allowed. Instruction in music, dance, arts, and crafts, and similar subjects shall be limited to one student at a time. In no event shall visitations or any other vehicle trip associated with said home business use be permitted between the hours of 9:00 p.m. and 6:00 a.m.

§6-18-13      DISPLAY AND STOCK-IN-TRADE

There shall be no display and no visible stock-in-trade on the premises in connection with a home business use. No stock-in-trade shall be sold on the premises except those made on the premises, and such sales shall be infrequent and incidental. Storage devoted to a home business shall be limited in size to no more than 600 square feet of area and shall be counted as part of the total size limits established by this Section for home business uses.

§6-18-14      EMPLOYEES

Only occupants of the dwelling, and one additional full-time employee or two part-time employees, shall be authorized to work on the premises in connection with a home business use.

§6-18-15      SIGNS

There shall be no signs identifying the home business use.

[\[See References\]](#)

**§6-19 JUNKED VEHICLE OR MATERIAL OR JUNK YARD**

§6-19-1 DEFINED  
§6-19-2 REGULATED

§6-19-1 DEFINED

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

§6-19-2 REGULATED

It shall be unlawful, on any lot abutting or visible from a state highway, county road, or city street or on any lot that is visible from a public road or adjacent or abutting property, to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material. A minimum six (6) foot high opaque fence or other screening approved by the Land Use Officer may be used to meet this regulation.

**§6-20 SOLID WASTE HANDLING FACILITIES**

§6-20-1 DEFINITIONS  
§6-20-2 REGULATIONS

§6-20-1 DEFINITIONS

Bioconversion: A facility accepting materials for the controlled biological conversion of organic matter into a useable fuel or energy source.

Composting: A facility accepting materials for the controlled biological decomposition of organic matter into stable, odor free humus.

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

Landfill, inert waste: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Landfill, municipal solid waste: A disposal facility where any amount of municipal solid waste, whether mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Landfill, private industrial: A disposal facility operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Landfill, sanitary: The burial of non-hazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Recycling processing: A facility accepting, sorting, baling, storing, processing, reusing, or reselling recovered materials.

Solid waste handling facility: Includes any facility that accepts and manages solid waste for disposal, treatment, or processing, including but not limited to facilities that accept materials for conversion to energy or fuel, gasification, disposal, mulching, composting, recycling, or transfer.

Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Thermal Treatment: A facility reducing the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

Yard Trimmings Processing: A facility accepting leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance for storage or processing into mulch or compost.

§6-20-2      REGULATIONS

All solid waste handling facilities shall be subject to the following requirements:

- (a) Access. Access from a paved arterial road meeting Georgia DOT highway design standards shall be required. Access shall not be allowed through any residential subdivision or residential development.
- (b) Screening and Buffers. All solid waste handling facilities shall be screened from view from all property lines and public roads. To accomplish this, a minimum one-hundred (100) foot wide undisturbed buffer is required adjacent to all property lines. Areas within the one-hundred (100) foot undisturbed buffer that do not provide an opaque screen throughout the year shall be planted with additional drought tolerant – native vegetation. All other solid waste handling facilities shall be screened from view from all property lines. A minimum six (6) foot high opaque fence or other screening with berms and drought tolerant – native landscaping approved by the Land User Officer may be used to meet this regulation.
- (c) Fencing. A minimum six (6) foot high solid fence/wall shall be required inside buffers adjacent to any property line containing a residential, commercial, or institutional use or abutting any residential, commercial, or institutional land use district.
- (d) Covering of Loads. Vehicles shall be allowed into a solid waste handling facility and local government jurisdiction only if the waste or other materials are covered, to prevent blowing of material from the vehicle.
- (e) Operating Hours: A solid waste handling facility shall only be operated between the hours of \_\_\_\_ a.m. and \_\_\_\_ p.m. Monday through Friday and from \_\_\_\_ a.m. to \_\_\_\_ p.m. Saturday unless the Land Use Officer has provided written consent to operate during additional hours.
- (f) Odor Control: All materials accepted at a solid waste handling facility shall be processed, stored, or disposed in a manner to control odors.
- (g) Material Handling: Materials accepted, processed, or disposed at a solid waste handling facility shall be done in an orderly fashion to ensure they are contained on site and shall not be visible from a public road or an adjacent or abutting property.
- (h) Disaster Planning: All solid waste handling facilities shall have a disaster preparedness, containment, and recovery plan approved by the Land Use Officer and local Emergency Management Agency Director.
- (i) State Permit. The owner shall provide the Land Use Officer with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a development permit.
- (j) Siting Restrictions: No solid waste handling facility shall be sited in a manner inconsistent with the location provisions or recommendations of the Comprehensive Solid Waste Management Plan adopted by the Governing Body.

**§6-21 LIVESTOCK**

- §6-21-1 DEFINITIONS
- §6-21-2 REGULATIONS

§6-21-1 DEFINITIONS

Household pet: Any animal other than livestock or wild animals, which is kept for pleasure and not sale, which is an animal of a species customarily bred and raised to live in the habitat of residential dwellings or on the premises thereof and is dependent upon residents of the dwelling for food and shelter. Household pets include but are not limited to dogs, cats, rodents, common cage birds, aquarium-kept fish, and small amphibians and reptiles.

Livestock: Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hide-bearing animals, customarily bred or raised in captivity, whether kept for pleasure, utility, or sale.

§6-21-2 REGULATIONS

The keeping of livestock shall meet the following requirements:

- (a) The keeping of livestock as an accessory use to residential dwelling shall be permitted only on lots with two acres or more in lot area.
- (b) No building or structure for shelter of livestock shall be located within 100 feet of any property line.



## §6-22 MANUFACTURED HOME COMPATIBILITY STANDARDS

§6-22-1	PURPOSE
§6-22-2	DEFINITIONS
§6-22-3	LAND USE PERMIT REQUIRED
§6-22-4	BASIC INSTALLATION REQUIREMENTS
§6-22-5	TYPE 1 COMPATIBILITY STANDARDS
§6-22-6	TYPE 2 COMPATIBILITY STANDARDS
§6-22-7	TYPE 3 COMPATIBILITY STANDARDS

### [\[See Commentary\]](#)

#### §6-22-1 PURPOSE

The purpose of this Code Section is to ensure that manufactured homes are installed on a site according to applicable federal and manufacturer's requirements. This Code Section is also intended to ensure architectural compatibility of manufactured homes with adjacent single-family residences and other land uses through the application of architectural compatibility standards.

#### §6-22-2 DEFINITIONS

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

Bay window: A window assembly whose maximum horizontal projection is not more than two feet from the vertical plane of an exterior wall and is elevated above the floor level of the home.

Compatibility: With regard to buildings, compatibility means achieving harmony in appearance of architectural features in the same vicinity.

Dormer: A window projecting from a roof.

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

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).



[\[See Commentary\]](#)

§6-22-3 LAND USE PERMIT REQUIRED

No manufactured home shall be installed on any site, nor shall any such manufactured home be occupied or used for any purpose until and unless a Land Use Officer issues a land use permit. The Land Use Officer shall not issue a land use permit for installing, occupying, or using a manufactured home unless it is in conformity with all the provisions of this Code Section.

§6-22-4 BASIC INSTALLATION REQUIREMENTS

§6-22-4.1 Foundation. Each manufactured home must be set on an appropriate foundation.

§6-22-4.2 Hauling Mechanisms Removed. The transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.

§6-22-4.3 Installation Regulations. The manufactured home shall be installed in accordance with the installation instructions from the manufacturer, as appropriate.

§6-22-4.4 Approved Septic System. Each manufactured home shall be connected to a public sanitary sewer system, community sewerage system, or on-site septic system with capacity available as approved by the health officer.

§6-22-4.5 Compliance with State Rules. The installation of manufactured homes shall be in accordance with Chapter 120-3-7, "Rules and Regulations of the Office of Commissioner of Insurance, Safety Fire Division, Section 120-3-7-.14, "Installation Requirements," and Appendix A of said Rules and Regulations, and other sections of said rules, as may be applicable.

§6-22-5 TYPE 1 COMPATIBILITY STANDARDS

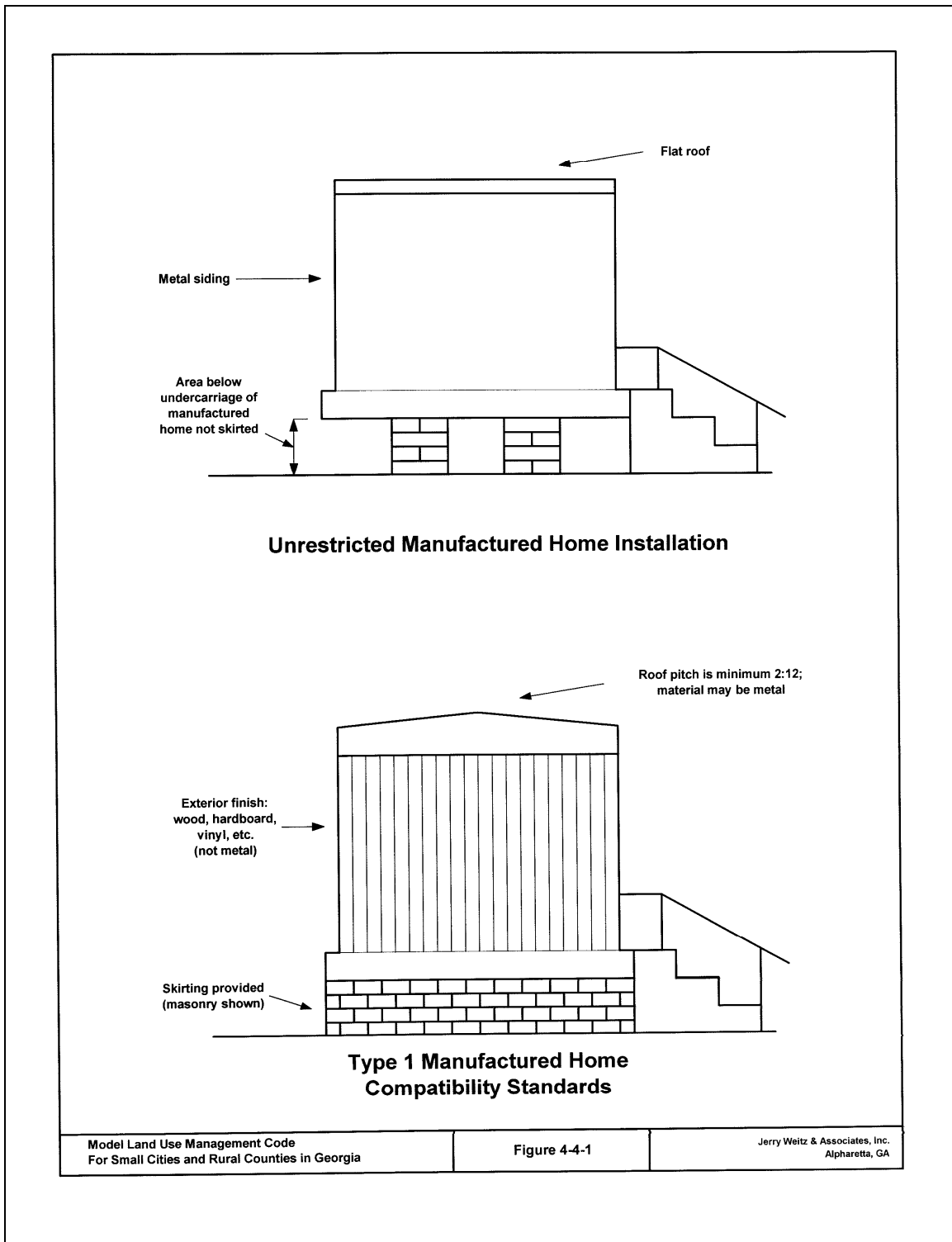
§6-22-5.1 Applicability. This subsection shall apply in all areas within the County [City] that lie within 200 feet of a state highway or county-owned road [or insert description of other appropriate geography].

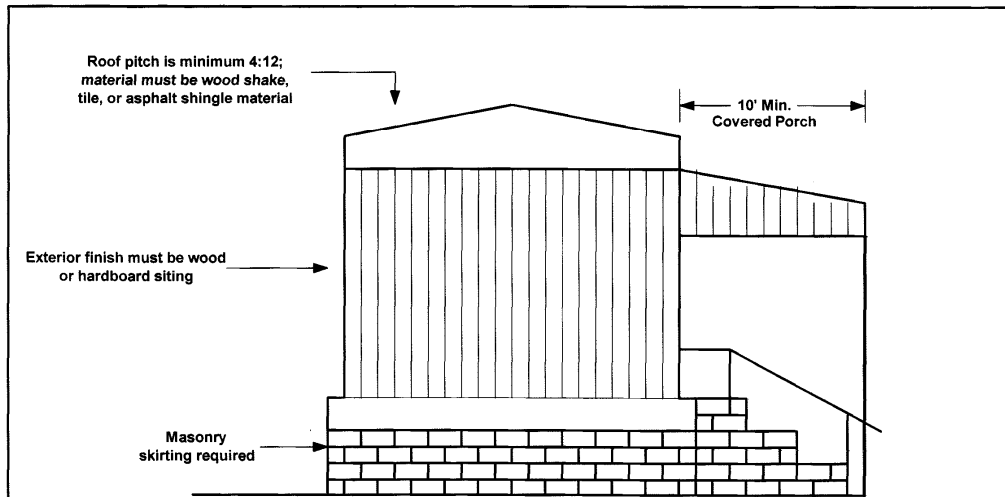
§6-22-5.2 Foundation. The manufactured home shall be placed on a permanent foundation.

§6-22-5.3 Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry, finished concrete or siding (of like or similar character to the manufactured home) that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.

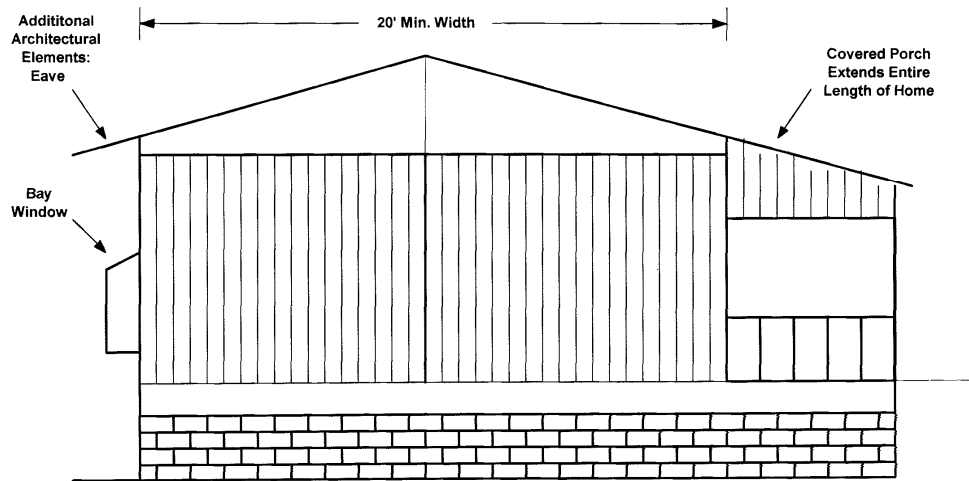
§6-22-5.4 Exterior Finish. The exterior siding of the manufactured home shall consist of wood, hardboard, vinyl, or plastic siding material.

§6-22-5.5 Roof Pitch and Materials. The manufactured home shall have a pitched roof with a slope of at least two feet in height for each 12 feet in width. Roof materials shall be wood shake, tile, asphalt shingle, coated metal, or similar material.





**Type 2 Manufactured Home  
Compatibility Standards**



**Type 3 Manufactured Home  
Compatibility Standards  
(Includes All Type 2 Standards)**

§6-22-6      TYPE 2 COMPATIBILITY STANDARDS

§6-22-6.1 Applicability. This subsection shall apply to all manufactured homes sited on lots located within 500 feet of two or more existing site-built single-family residences.

§6-22-6.2 Foundation. The manufactured home shall be placed on a permanent foundation.

§6-22-6.3 Masonry Skirting. The entire perimeter area between the bottom of the structure of each manufactured home and the ground, including stairways, shall be underpinned with masonry that completely encloses the perimeter of the undercarriage and attached stairways except for proper ventilation and access openings.

§6-22-6.4 Exterior Finish. The exterior siding of the manufactured home shall consist of wood or hardboard siding material.

§6-22-6.5 Roof Pitch and Materials. The manufactured home shall have a pitched roof with a slope of at least four feet in height for each 12 feet in width. Roof materials shall be wood shake, tile, or asphalt shingle material.

§6-22-6.6 Covered Porch or Deck. A covered porch, deck, or entry area at least 10 feet by 10 feet shall be added for each entrance to the manufactured home prior to occupancy.

§6-22-7      TYPE 3 COMPATIBILITY STANDARDS

§6-22-7.1 Applicability. This subsection shall apply to areas where the strictest compatibility standards are necessary to ensure architectural harmony of manufactured homes with adjacent and nearby site-built homes and other land uses. These standards shall apply in addition to the Type 2 Compatibility Standards provided in §6-22-6.

§6-22-7.2 Width. The manufactured home shall consist of two fully enclosed parallel sections and a total width of at least 20 feet.

§6-22-7.3 Covered Porch. A covered porch or deck shall be provided along the entire length of the manufactured home facing the front yard or street prior to occupancy, with a 10-foot minimum depth.

§6-22-7.4 Additional Architectural Features. The manufactured home shall contain eaves with a minimum projection of six inches, window shutters, and at least one additional architectural feature such as dormers, bay windows, or another architectural feature that will provide equal compatibility with surrounding residences and land uses, as approved by the Land Use Officer.

[\[See References\]](#)

**§6-23 MANUFACTURED HOME PARKS**

- §6-23-1 PURPOSE
- §6-23-2 DEFINITIONS
- §6-23-3 SITE PLAN REVIEW AND LAND USE PERMIT REQUIRED
- §6-23-4 SITE CONDITIONS AND SITE PLANNING
- §6-23-5 GENERAL DEVELOPMENT REQUIREMENTS
- §6-23-6 REQUIREMENTS FOR MANUFACTURED HOME SPACES

[\[See Commentary\]](#)

§6-23-1 PURPOSE

This Code Section regulates mobile home parks, manufactured home parks, and recreational vehicle and travel trailer parks and campgrounds, which provide for affordable permanent and temporary housing or seasonal recreational developments. Manufactured home parks are intended to provide for the leasing of spaces for the placement of manufactured homes, owned or rented by tenants, as well as spaces or camp sites for recreational vehicles, within a planned residential community, park, or campground. A manufactured home park is different from a residential subdivision in that the individual spaces for manufactured homes, campsites, or recreational vehicles are leased rather than platted and sold. By requiring less land per home or vehicle space, manufactured home parks are built at densities greater than those for other detached dwellings. Service facilities such as laundry and leasing office are often planned and provided as a part of the park development.

§6-23-2 DEFINITIONS

Accessory building: A building subordinate to the main building on a lot or space and used for purposes customarily incidental to those of the main building or use.

Active recreational facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or all-purpose fields; community picnic pavilion (including covered facilities with grills and/or fire pits); and community buildings for recreational events. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Manufactured home: A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufactured home park: A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property. Also referred to as "land lease communities."

Manufactured home space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.

Mobile home: A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

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

#### §6-23-3 SITE PLAN REVIEW AND LAND USE PERMIT REQUIRED

No manufactured home park or other use subject to the requirements of this Code Section shall be developed until and unless a site plan shall have been approved by the Land Use Officer and County [City] Engineer and a land use permit is issued by the Land Use Officer. The Land Use Officer shall not issue a land use permit for a manufactured home park unless it is in conformity with all the provisions of this Code Section.

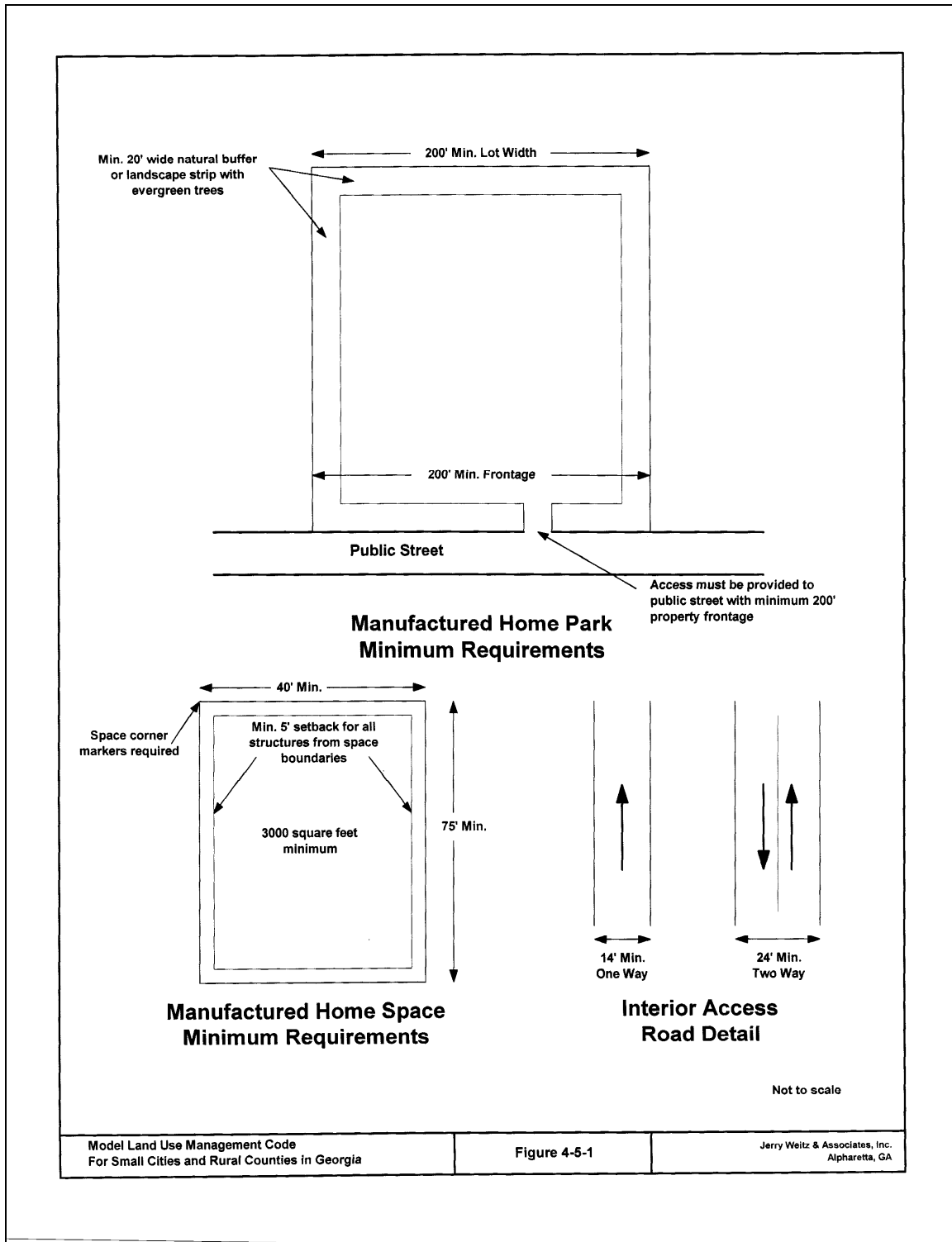
#### §6-23-4 SITE CONDITIONS AND SITE PLANNING

§6-23-4.1 Site Conditions. Manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion, land subsidence, and areas with possible insect or rodent infestation. The condition of the soil, ground water level, drainage, rock formations, and topography shall be appropriate for the use to ensure that no hazards to the property or to the health and safety of the occupants occurs.

§6-23-4.2 Site Planning. Planning for the manufacturing home park should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home or recreational vehicle itself. Site planning and improvements shall: provide for facilities and amenities appropriate to the needs of the occupants; safe, comfortable, and sanitary use by the occupants under all weather conditions; and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas and to reduce excessive length of street construction without impairing convenient circulation and access.

#### §6-23-5 GENERAL DEVELOPMENT REQUIREMENTS

Manufactured home parks or other use subject to the requirements of this Code Section shall meet the following requirements:



§6-23-5.1 Site Frontage, Access, and Minimum Width. Properties containing manufactured home parks shall have a minimum of 200 feet of property frontage on a public street, and direct vehicular access to the manufactured home park shall be provided by means of an abutting public street with at least 200 feet of property frontage. The manufactured home park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property. See Figure.



§6-23-5.2 Perimeter Buffer or Landscape Screen. A minimum 20 foot wide buffer, where natural vegetation exists and provides a more or less opaque screen; or, where no natural vegetation forming an opaque screen exists, a minimum 20 foot wide landscape strip with evergreen trees that will grow to a height of at least six feet within three years shall be installed and maintained around the entire perimeter of the development, except for approved access and utility crossings. See Figure.

[\[See Commentary\]](#)

§6-23-5.3 Open Space and Recreational Areas. A minimum of 20 percent of the site area shall be open space and recreational area, including the required perimeter buffer or landscape screen. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

[\[See Commentary\]](#)

§6-23-5.4 Community Services. As part of the site plan review process, the developer may propose and the County [City] may approve one or more other structures for manufactured home park occupants, such as laundries, storage, garages, and a park leasing or management office. Any structure that draws its trade from outside the park boundaries is prohibited.

§6-23-5.5 Interior Access Roads, Addresses, and Signing. The road system within the manufactured home park shall be designed to meet the requirements of the County fire marshal and the traveling public to include the following:

- (a) All interior roads shall be private but constructed to provide fire apparatus access and paved.
- (b) One-way interior roads shall be constructed with a minimum surface width of 14 feet, and shall be designated "no parking."
- (c) Two-way interior roads shall be constructed with a minimum surface width of 24 feet, and shall be designated "no parking."
- (d) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.
- (e) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed. (See Figure).

§6-23-5.6 Guest Parking. In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each six manufactured home spaces. Guest parking spaces shall be grouped and distributed evenly throughout the manufactured home park.

§6-23-5.7 Utilities. All manufactured home parks, and each manufactured home space within the park, shall be served by approved public water and public sanitary sewer or community sewerage system, and electricity. All utilities shall be installed underground with above ground connections.

§6-23-5.8 Drainage. Drainage facilities shall be designed by an engineer and are subject to the approval of the County [City] Engineer as part of the site plan review process.

§6-23-5.9 Refuse Collection. Each manufactured home park shall provide refuse collection pads at locations convenient to each manufactured home space. §4-5-5.10

§6-23-5.10 Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

§6-23-5.11 Park Rules. The property owner or manager shall submit operating rules and regulations governing the park to the Land Use Officer prior to occupancy.

## §6-23-6 REQUIREMENTS FOR MANUFACTURED HOME SPACES

§6-23-6.1 Design. Each manufactured home space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of manufactured homes or recreational vehicles, as the case may be. Each manufactured home space shall be designed with no more than a five-percent gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.

§6-23-6.2 Width, Depth, and Size of Spaces and Markings. Each manufactured home space shall be at least 40 feet wide and 75 feet in depth. The minimum area for a manufactured home space shall be 3,000 square feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, makers, or by other similar means. See Figure. [\[See Commentary\]](#)

§6-23-6.3 Stands. Each manufactured home space shall be provided with a concrete pad of sufficient size to accommodate the typical manufactured home to be located within that space, and the pad should be large enough to accommodate a patio of at least 180 square feet and also provide for the anchoring of the home to secure it against movement; provided, however, that any individual stand shall be no less than 14 feet by 60 feet and spaces intended to serve double-wide homes shall be at least 24 feet by 60 feet. (See Figure).

§6-23-6.4 Use of Spaces. No more than one manufactured home or recreational vehicle shall occupy any individual space. Use of a mobile home shall not be permitted in the manufactured home park. Accessory uses and structures on individual spaces may be permitted, subject to compliance with the development standards provided in this Code Section. [\[See Commentary\]](#)

§6-23-6.5 Space Identification Numbers. Manufactured home space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use.

§6-23-6.6 Parking. Two on-site parking spaces shall be provided on each manufactured home space or immediately off-site. (See Figure).

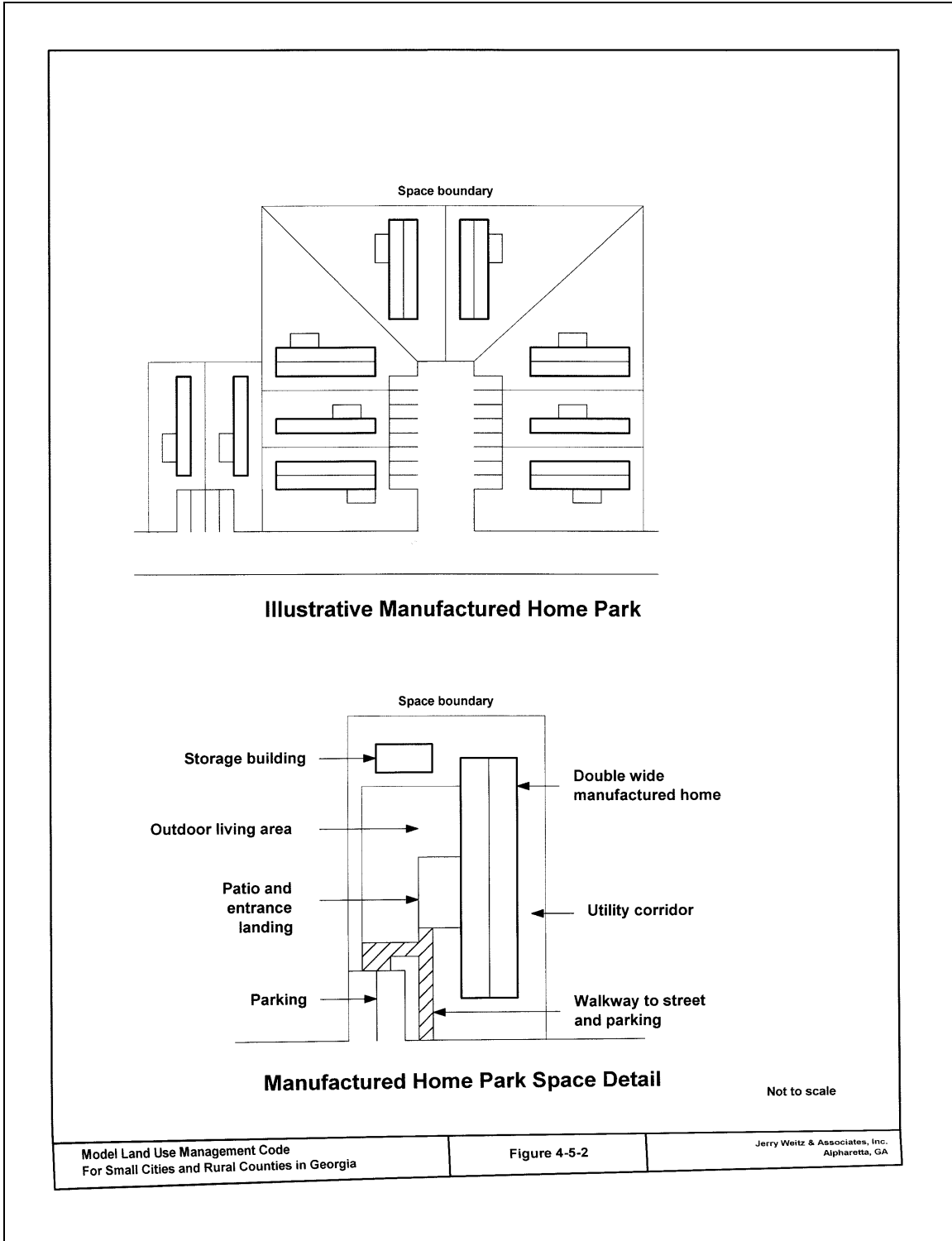
§6-23-6.7 Walkways. A walkway at least two feet wide must be provided from each individual space to connect the manufactured home with the common walk or street. (See Figure).

§6-23-6.8 Setbacks. No manufactured home shall be located closer than five feet to a manufactured home space boundary, and spaces shall be designed to provide for a minimum of 15 feet of separation between manufactured homes on abutting spaces. (See Figure).

§6-23-6.9 Additions and Accessory Structures. Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the manufactured home park management. No such accessory structure shall be located closer than five feet to a manufactured home space boundary. See Figure).

§6-23-6.10 Maximum Density. The total number of spaces and total number of manufactured homes or recreational vehicles within the manufactured home park shall not exceed 10 homes or vehicles or combination thereof per acre.

[\[See Commentary\]](#) [\[See References\]](#)



**§6-24 MANUFACTURING AND FABRICATION**

If operated as an accessory use to a retail use, a manufacturing or fabrication activity shall occupy no more than 1,000 square feet of floor area, and all products made on the premises must be sold on the premises as a retail activity.

**§6-25 MODEL HOME**

§6-25-1 DEFINED  
§6-25-2 REGULATED

§6-25-1 DEFINED

Model home: A principal residential building, temporarily open to viewing by prospective homebuyers, on property containing or proposed to contain a residential subdivision, and which may also be used temporarily as real estate sales office for lots in the residential subdivision.

§6-25-2 REGULATED

A dwelling unit may be constructed and used as a model home or temporary office for the sale of lots under the following conditions:

- (a) The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved. The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable land use district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.
- (b) Sales shall be limited to the lots and buildings within the subdivision where the model home is located.
- (c) The use of the model home for a sales office shall be discontinued within 30 days of the time all of the lots in the subdivision have been sold.

**§6-26 MORTGAGE LOTS**

This provision addresses situations where a bank requires the creation of small (e.g., 1-acre to 5-acre) tract of property from a larger existing parcel (usually farmland or timber land) in order to provide a mortgage or loan on a home or other principal building, rather than referring to the entire existing lot of record.

- (a) In cases where a person can show the Land Use Officer in writing that an application for loan or mortgage involving real property has been filed with a bank or lending institution, and said bank or lending institution requires, for purposes of the loan or mortgage, a description of property that encompasses less land area than the lot of record, one or two mortgage lots may be lawfully created from the parcel of record without constituting a subdivision. Minimum lot sizes established by any land use district of \_\_\_\_\_ County shall not be construed to prevent the creation of mortgage lots pursuant to this Section, even if the resulting mortgage lot created is less than the minimum lot size required by said land use district. The applicant shall be required in the case of a mortgage lot to file with the Land Use Officer a copy of the survey plat creating the mortgage lot, and may be recorded in the records of the \_\_\_\_\_ County Superior Court Clerk as a mortgage lot plat of record.
- (b) If created, a mortgage lot shall be no less than one acre and no larger than five acres in size. This Section shall not allow for the creation of a mortgage lot from any lot of record which is five acres or less in area.
- (c) No mortgage lot shall be created unless it has a minimum of thirty-foot wide access easement from a road abutting the property frontage of the larger lot of record to the boundary of the mortgage lot.

**§6-27 MULTI-FAMILY DEVELOPMENT**

- §6-27-1 DEFINED
- §6-27-2 CONDOMINIUMS
- §6-27-3 SETBACKS
- §6-27-4 SITE PLAN APPROVAL

§6-27-1 DEFINED

Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by three (3) or more families or households with separate housekeeping facilities for each family or household. Apartment houses and residential condominium buildings are considered multi-family dwellings.

§6-27-2 CONDOMINIUMS

If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.

§6-27-3 SETBACKS

Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable land use district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development.

§6-27-4 SITE PLAN APPROVAL

Site plan approval by the Governing Body shall be obtained after recommendation by the Planning Commission.

**§6-28 OUTDOOR SHOOTING RANGE**

Outdoor shooting ranges shall meet the following requirements:

- (a) The minimum site size for a skeet or trap shooting range shall be 15 acres.
- (b) The minimum site size for a rifle range shall be 20 acres.
- (c) The range-portion of an outdoor shooting range shall be located no closer than 500 feet to an existing residential use.
- (d) Rifle ranges shall have an earth embankment not less than twenty-five (25) feet in height and not less than ten (10) feet in depth along the entire width at the end of the range to serve as a back stop.
- (e) Hours of operation shall be restricted to 9:00 a.m. to 11:00 p.m.



**§6-29 OUTDOOR STORAGE**

Except for open air business establishments, outdoor storage, where permitted, shall be screened from public view by an opaque fence or freestanding wall no less than six (6) feet in height. The outside storage of products in conjunction with an enclosed retail trade establishment shall be limited to a maximum of twenty (20) percent of the lot. This provision shall not apply to the display (in public view) of products as otherwise consistent with this Ordinance, for periods not exceeding twenty-four (24) hours.

**§6-30 PLANNED UNIT DEVELOPMENT**

§6-30-1	PURPOSE AND INTENT
§6-30-2	DEFINITIONS
§6-30-3	PERMITTED LOCATIONS AND USES
§6-30-4	DIMENSIONAL REQUIREMENTS
§6-30-5	GENERAL CONSIDERATIONS FOR LAND USE MIX AND DESIGN
§6-30-6	APPLICATION REQUIREMENTS
§6-30-7	APPROVAL PROCEDURES

[\[See Commentary\]](#)

§6-30-1 PURPOSE AND INTENT

The purposes of this Code section are to:

- (a) Allow and encourage more unique, flexible, creative and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) To provide a more desirable living environment than would be possible through the strict application of conventional requirements.
- (g) Establish application requirements that are more rigorous than land use redistricting (or rezoning) applications and conditional use permits but no more onerous than is necessary to enable thorough analyses.
- (h) Provide for slightly higher gross and net development densities and intensities as an inducement to develop in a manner consistent with the purposes of this resolution [ordinance].
- (i) Ensure that the designs of building forms are interrelated and architecturally harmonious.

[\[See Commentary\]](#)

§6-30-2 DEFINITIONS

Development Plan: A to-scale drawing of a single-family residential, multi-family residential, institutional, office, commercial or industrial development, or some combination thereof, showing the general layout of a proposed development including among other features the location of buildings, parking areas, buffers and landscaping and open spaces. The development plan and related information form the basis for the approval or disapproval of the development of a PUD.

Planned unit development: A form of development characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses.

#### §6-30-3 PERMITTED LOCATIONS AND USES

Planned unit developments shall be permitted in the Suburban Residential (SR) and Urban Residential (UR) land use intensity districts. Any use may be permitted in a PUD if said use is shown or referred to in the PUD application for development and approved in accordance with this resolution [ordinance]. The permitted uses of property located in a PUD shall be proposed by the development applicant and approved at the time the PUD application is approved if the proposed uses are consistent with the comprehensive plan and meet the criteria for approval specified in this Code Section. The Board of Commissioners [Mayor and City Council], in approving any PUD, may designate the maximum height, floor area and/or other restrictions on the development of such uses.

[\[See Commentary\]](#)

#### §6-30-4 DIMENSIONAL REQUIREMENTS

A planned unit development may depart from strict conformance with the required dimension, area, height, bulk, use and specific content regulations of the county's [city's] land use regulations to the extent specified in the PUD application if approved, so long as the PUD provides tangible benefits in the form of provisions of open space, amenities, superior design, etc. Departure from any requirements specified in this resolution [ordinance] and other county [city] regulations is a privilege and shall be granted only upon approval by the Governing Body after review and recommendation by the planning commission.

A PUD development plan shall not have to follow the regulations for the zoning [or land use intensity] district in which the development is located, unless otherwise provided in this Code Section. There shall be no requirements for minimum lot size, minimum lot width, lot coverage, yards and building setbacks or height requirements that apply to PUDs. Dimensional requirements shall be as proposed by the applicant of the PUD and approved by the Governing Body during the PUD development plan review process.

[\[See Commentary\]](#)

§6-30-4.1 Minimum Open Space. A minimum of twenty (20) percent of the total land area included within the PUD shall be open space, including active or passive recreation. Such open space shall not include land which is otherwise unbuildable.

§6-30-4.2 Density. The minimum allowable density for residential components of PUDs shall be \_\_\_ dwelling units per gross acre of land devoted to residential uses.

[\[See Commentary\]](#)

§6-30-5 GENERAL CONSIDERATIONS FOR LAND USE MIX AND DESIGN

§6-30-5.1 Comprehensive plan. Uses within the PUD shall be predominantly in accordance with the use recommendations and policies of the comprehensive plan.

§6-30-5.2 Housing unit diversity. Where appropriate, the PUD should provide for more than just one type of dwelling unit, such as townhouses, duplexes and multi-family dwellings in addition to (or in lieu of) detached, single-family dwellings. Multi-family dwellings should not typically comprise more than twenty-five (25) percent of the total dwelling units within the PUD.

§6-30-5.3 Civic and institutional uses. Sites for churches, schools, community or club buildings and similar public or semi-public facilities are encouraged to be provided, where appropriate.

§6-30-5.4 Retail component. Enclosed retail trade establishments and personal service establishments, if proposed, should be located in careful relation to other land uses within and outside of the development. Such uses need to be scaled to the pedestrian and to the PUD itself so that they predominantly if not exclusively serve the occupants of PUD. Such uses should be designed and oriented to face the interior of the PUD rather than to passerby traffic exterior to the PUD. The amount of land in a PUD devoted to retail trade establishments and personal service establishments should not exceed ten (10) percent of the total site area of the development.

[\[See Commentary\]](#)

§6-30-5.5 Industrial uses. Industrial uses are not typically considered to be appropriate for inclusion within PUDs; however, such uses are not prohibited and may be considered appropriate uses in larger (e.g., twenty acres or more) PUDs where living and working areas need to be proximate to one another, subject to separation and screening requirements to avoid nuisances.

§6-30-5.6 Interconnectivity. Design of detached single-family neighborhoods and residential communities in PUDs shall provide pedestrian access and interconnections between and among units of the neighborhood.

§6-30-6 APPLICATION REQUIREMENTS

An application for PUD shall contain the following:

§6-30-6.1 Development Plan. Applications shall include a development plan, as defined, which unless specifically stated otherwise shall be a condition of PUD approval and must be followed.

[\[See Commentary\]](#)

§6-30-6.2 Architectural Elevations. Applications shall include perspective front, side and rear elevation drawings of representative building types, except for detached single-family dwellings and their accessory buildings. These drawings shall indicate general architectural characteristics. If the PUD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval. If the PUD involves detached single-family dwellings, architectural elevations for such uses shall not be required.

§6-30-6.3 Land Uses and Development Summary. The application shall include a list of all land uses proposed to be included in the PUD, the total land area devoted to each of the land

uses proposed, the percentage of the total land area within the PUD devoted to each proposed land use, the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.

§6-30-6.4 Performance Standards Comparison. The application shall contain all minimum dimensional requirements that are proposed to apply within the PUD, including minimum lot sizes, minimum lot widths, maximum lot coverage, front, side and rear yards and building setbacks, and maximum heights. Such proposed performance standards shall be presented in a table on the site plan or in the written text accompanying the application that shows the proposed lot, height, coverage and other dimensional standards in relation to the performance standards required for the zoning [or land use intensity] district or districts in which the subject property is located.

§6-30-6.5 Improvement Requirements Comparison. The application shall contain descriptions of improvements to be constructed within the PUD, such as but not limited to street types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PUD.

§6-30-6.6 Private Restrictions. PUDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the county [city] attorney and land use officer. The developer of a PUD involving commonly owned facilities and space shall submit, along with the development plan application, a declaration of covenants, conditions and restrictions, articles of incorporation and by-laws for the property owners or home owners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners and provide for maintenance assessments, among other things.

§6-30-6.7 Community Benefit Statement. The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained and architectural design to be provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

## §6-30-7 APPROVAL PROCEDURES

### [\[See Commentary\]](#)

§6-30-7.1 Pre-application Conference. Prior to filing a formal application for a PUD, the applicant is required to confer with the land use officer in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development.

§6-30-7.2 Recommendation and Approval Authority. All applications for PUD shall be processed and considered by the Planning Commission and decided upon by the Board of Commissioners [Mayor and City Council] as if they are applications for zoning [land use district] map amendments, whether or not a request for a change in the zoning [land use] district or districts is involved, and shall be subject to the public hearing and notice requirements specified in this Code. After review by the Planning Commission and public hearing in accordance with

aforementioned procedures, the Board of Commissioners [Mayor and City Council] may disapprove, approve, or approve with modifications and/or conditions, the PUD.

**[\[See Commentary\]](#)**

§6-30-7.3 Criteria for Approval. In considering and acting upon applications for PUDs, the Planning Commission and the Board of Commissioners [Mayor and City Council] shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:

- (a) Consistency with the comprehensive plan of the county [city].
- (b) The character, location, and appropriateness of the proposed mix of land uses.
- (c) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious.
- (d) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.

§6-30-7.4 Revisions. Amendments to approved PUDs shall be permitted but governed by the procedures and provisions for changing the official zoning [or land use intensity district] map as specified in this Code.

**[\[See Commentary\]](#)**

§6-30-7.5 Construction Plans. Upon approval of a PUD application by the governing body, the land developer may apply for construction plan approval. Construction plans must be submitted within a two-year period following PUD approval by the governing body or the PUD authorization shall expire. The construction plan approval process is administrative. Applications for construction plan approval shall be made in accordance with requirements shown in §4-1, Subdivisions and Land Development, of this Code.

**[\[See Commentary\]](#)**

§6-30-7.6 Permits and Certificates. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading or land disturbance applications be approved, for any PUD that has not been approved in accordance with the provisions of this Resolution [Ordinance]. The Land Use Officer shall authorize the issuance of building permits for buildings and structures in the area covered by the approved PUD if they are in substantial conformity with the approved PUD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The Land Use Officer shall authorize the issuance of a certificate of occupancy for any completed building, structure or use located in the area covered by the PUD if it conforms to the requirements of the approved PUD and all other applicable regulations. After completion of a PUD, the use of land and construction, modification or alteration of any buildings, structures or uses within the area covered by the PUD shall be regulated by the approved development plan for the PUD.

**[\[See Commentary\]](#)**

§6-30-7.7 Appeals. Any person aggrieved by an interpretation or decision of the Land Use Officer in the administration of this Resolution [Ordinance] may file an appeal to the Board of Appeals in accordance with Section 1-10 of this Code. **[\[See References\]](#)**

**§6-31 RACE TRACK**

Race tracks shall meet the following requirements:

- (a) Distance from Residential Land Use. Race tracks for vehicles or animals shall be located a minimum of 500 feet from an existing residential use.
- (b) Access. Vehicular access shall be derived only from an arterial road.
- (c) Buffer. A minimum 75-foot buffer shall be provided adjacent to any property containing a residential use. A minimum 50-foot wide buffer shall be provided adjacent to all other property lines.
- (d) Security Fencing. Security fencing shall be provided when the facility abuts a residential use.
- (e) Sound Levels. A maximum constant sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent residential property lines. Sound levels shall be measured with a sound level meter. Noises capable of being measured shall be those that cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noise measurements of a few minutes only will suffice to define any given noise level.
- (f) Hours of Operation. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m.

**§6-32 RELOCATED RESIDENTIAL STRUCTURE**

A relocation permit issued by the Land Use Officer shall be required to relocate a residential structure on a lot in \_\_\_\_\_ County [City of \_\_\_\_\_]. The applicant shall include the following with the application for the relocation permit:

- (a) A photograph of the structure at its present location.
- (b) The current location (address and tax parcel number) where the structure is now located.
- (c) The proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable land use district dimensional requirements, when the relocated residential structure is proposed to be located within the county [city], the Land Use Officer shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of \_\_\_\_\_ County [City of \_\_\_\_\_] Subdivision and Land Development Regulations).
- (d) An agreement that all exterior improvements to the structure once relocated shall be completed within six months of relocation.



**§6-33 SELF-SERVICE STORAGE FACILITY (MINI-WAREHOUSES)**

Mini-warehouses shall meet the following requirements:

- (a) Access. Vehicular access shall be derived only from an arterial road.
- (b) Minimum and maximum development size. The minimum lot size for a mini-warehouse development shall be two (2) acres, and the maximum developed area for a mini-warehouse shall be four (4) acres.
- (c) Size and use of storage units. Individual storage units shall not exceed eight hundred (800) square feet in area and shall not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited.
- (d) Maximum building length. No individual mini-warehouse building shall be more than two hundred (200) feet long.
- (e) Fencing. Fencing adjacent to a public right-of-way shall be required in the form of an architecturally finished wall or solid, opaque wooden fence. Fences placed on the remainder of the site may be chain-link with black, vinyl-coating.
- (f) Hours of operation. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

**§6-34 SERVICE AND FUEL FILLING STATION**

Service and fuel filling stations shall be subject to the following requirements:

- (a) All buildings and accessory structures including pumps that dispense fuel must be located at least one hundred (100) feet from any existing residential use. All fuel must be stored underground outside of any public right-of-way.
- (b) Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuels shall be set back at least twenty-five (25) feet from any road right-of-way line.
- (c) Uses permissible at a service and fuel filling station shall not include major mechanical and body work, straightening of body parts, painting, welding, or storage of automobiles not in mechanically operable condition. No emissions of noxious odors, dust, fumes, gas, noise, or vibration shall be allowed outside of any building.

**§6-35 SPECIAL TEMPORARY OUTDOOR EVENT**

§6-35-1 DEFINED  
§6-35-2 REGULATIONS

§6-35-1 DEFINED

A special temporary outdoor event is an activity accessory to a business or organization that is not part of its normal daily activities, such as a grand opening or closeout sale, or any temporary event conducted by a civic, philanthropic, educational or religious institution, such as a fund-raising or membership drive.

§6-35-2 REGULATIONS

A special temporary outdoor event may be authorized subject to permit approved by the Land Use Officer and in compliance with the following:

- (a) Duration. The duration of the event shall not last longer than 15 consecutive days without renewal of permit.
- (b) Frequency. Special temporary outdoor events shall not take place more frequently than two (2) times in any calendar year on the same premise. Any two such events on the same premise must be separated by at least 30 consecutive days.
- (c) Parking. Adequate parking and traffic maneuvering space must be located on the same property as the event.
- (d) Application. A special temporary outdoor event shall be considered and approved only on the basis of a site plan and letter of intent reflecting conformance to the above requirements. The application shall address hours of operation, placement of bathroom and other public facilities, parking, and security. The application shall also address whether amplifying equipment will be used and if so Sheriff Department review and approval shall be required.

**§6-36 SIGNS**

§6-36-1	OBJECTIVES
§6-36-2	AUTHORITY AND SCOPE
§6-36-3	DEFINITIONS
§6-36-4	APPLICABILITY
§6-36-5	NONCONFORMING SIGNS
§6-36-6	SIGN LIMITATIONS WHEN NONCONFORMING SIGN EXISTS
§6-36-7	EXEMPT SIGNS
§6-36-8	PROHIBITED SIGNS
§6-36-9	SIGN PERMIT AND BUILDING PERMIT REQUIRED
§6-36-10	CERTIFICATE OF APPROPRIATENESS
§6-36-11	SIGN MAINTENANCE
§6-36-12	SITUATIONS WHERE MAINTENANCE IS REQUIRED
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[\[See Commentary\]](#)

§6-36-1 OBJECTIVES

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

- (a) Provide a reasonable balance between the right of an individual to identify his or her business or express their thoughts and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and advertising devices.
- (b) Guard against an excess of large, aesthetically unappealing, and/or intense signs which cause visual blight on the appearance of the community. Visual blight adversely affects the aesthetic quality of life and traffic safety in the community for residents, businesses, pedestrians, and persons in vehicles.
- (c) Protect the public health, safety and general welfare while protecting the rights of sign owners to expression and identification.
- (d) Provide regulations that vary the sign area based on the zoning district.
- (e) Provide regulations that are content neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. Any sign permitted pursuant to this Code Section may contain commercial or non-commercial content. Sign allowances in this Code Section take into account the needs for off-premise signs and signs carrying messages of a non-commercial character.
- (f) Protect property values by minimizing the possible adverse effects and visual blight caused by signs.
- (g) Insure that signs are compatible with adjacent land uses and with the total visual environment of the community.

- (h) Eliminate excessive and confusing sign displays.
- (i) Preserve and improve the appearance of the community as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade.

#### §6-36-2 AUTHORITY AND SCOPE

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

#### §6-36-3 DEFINITIONS

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

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

Advertising device: Any structure or device erected or intended for the purpose of displaying advertising or for which is designed to or attracts attention to the premises, situated upon or attached to real property. For purposes of this Code Section, an advertising device is a “sign.”

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

Area of sign: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed. For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

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

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

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

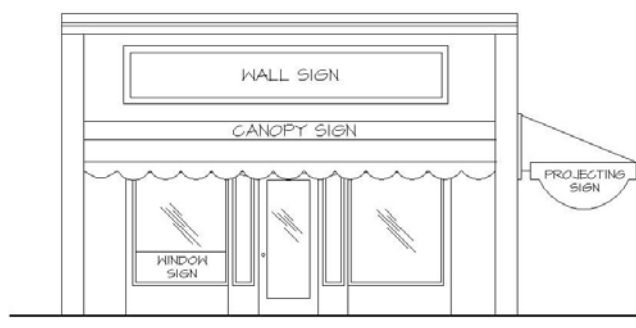
**Building marker:** Any sign cut into a masonry surface or made of bronze or other permanent material.

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

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

**Canopy sign:** A sign on a canopy. For purposes of this Code Section, a sign on a canopy is a “wall sign” (see figure, “Types of Attached Signs”).

**Derelict sign:** A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the Building or Electrical Codes applicable in the jurisdiction.



TYPES OF ATTACHED SIGNS

**Directory sign for multi-tenant development:** A sign, distinguished from a project entrance sign, which is allowed on a premise with more than one tenant or occupants of a building. It may be freestanding or a building (wall) sign. Such signs are not usually visible from the public street right-of-way of a development which provides initial access to the property, but rather are located within the development, along a driveway, access way, or parking aisle.

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

**Erect:** To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities

when performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure.

Flag: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this Code Section, except as otherwise provided herein, a “flag” is a “sign.”

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

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

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

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

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

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

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

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

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

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

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

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

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided

for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign. In addition, the following shall be deemed a portable sign:

1. An umbrella used for advertising.
2. A sign mounted or painted upon a parked vehicle that is positioned for the primary purpose of acting as a sign exposed to the public and is not in use in the ordinary course of carrying out its transportation function.

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

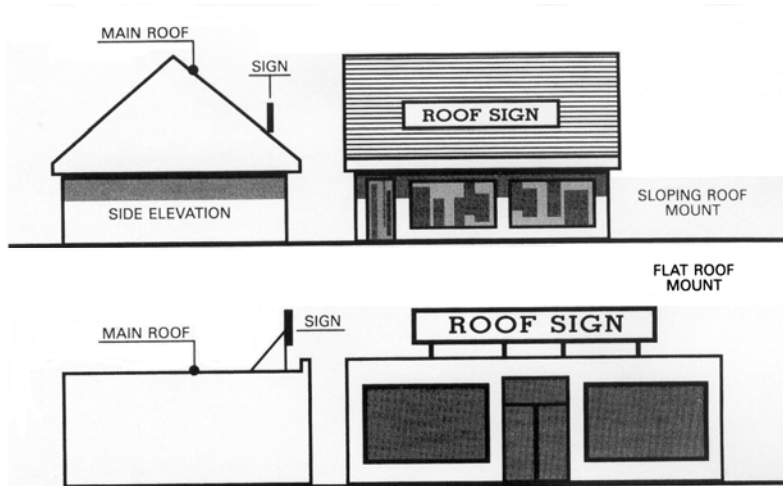
**Principal use sign:** Any notice or advertisement, which is permitted in conjunction with (but not necessarily containing copy specifically related to) a single principal use or single principal building located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this Code Section.

**Project entrance sign:** A sign located at a discernible entrance into a property consisting of more than one subdivided lot or developed with more than one principal building (e.g., a particular residential subdivision, multi-family residential development, or office or industrial park).

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

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

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



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

**Sign:** A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Code Section. For purposes of this Code Section, the term “sign” includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign”



includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

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

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

Streamers: See “Pennants.”

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

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

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

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

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

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

#### §6-36-4 APPLICABILITY

No sign shall be erected, placed, established, painted, created, or maintained, except in conformance with this Code Section.

#### §6-36-5 NONCONFORMING SIGNS

A sign that lawfully existed on the effective date of this Code Section may continue to be used, except that the nonconforming sign shall not be enlarged or altered in a way that increases its nonconformity.

[\[See Commentary\]](#)

§6-36-6 SIGN LIMITATIONS WHEN NONCONFORMING SIGN EXISTS

No sign or advertising device shall be erected for the same establishment on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Code Section.

§6-36-7 EXEMPT SIGNS

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

- (a) Flags, as many as four per lot, when designed and displayed in a way that allows for routine, daily raising and lowering of the flags, not exceeding forty (40) square feet. Poles for such flags shall not exceed twenty-five (25) feet in height. This provision does not permit or allow for the placement of small flags attached to vehicles, light poles, or other means other than that specifically described in this paragraph.
- (b) Street address identifiers and building identification numbers on multi-tenant buildings which are essential to the location of such buildings.
- (c) Signs not oriented or intended to be legible from a public right-of-way, private road or private driveway, including signs or stickers which are designed to be read only from close range (i.e., five feet), attached to a device or structure more than twenty-five (25) feet from the right-of-way of a road, not to exceed one (1) square feet each sign or sticker. Examples include but are not limited to the following: lettering, credit card stickers, and inspection certificates on gasoline pumps; “flammable” signs on enclosures for fuel canisters, and similar information.
- (d) Display boards located next to drive-through lanes, not exceeding six (6) feet in height or thirty-six (36) square feet in area.
- (e) Signs erected more than two (2) feet inside a building.
- (f) Building markers and integral decorative or architectural features.
- (g) Traffic safety and traffic directional signs, installed within the right-of-way of a public street under the authority of the government with jurisdiction.
- (h) Traffic safety and traffic directional signs (including direction of travel, speed limits, etc.) along private streets and driveways, and in off-street parking lots that are installed per the requirements of the Land Use Officer and which do not exceed four (4) square feet each.
- (i) Directory signs for multi-tenant developments, as defined by this Code Section, which do not exceed four (4) square feet each nor six (6) feet in height.
- (j) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty.
- (k) Holiday lights and decorations.
- (l) Handicapped parking signs, when required per local, state or federal law.

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

§6-36-8 PROHIBITED SIGNS

The following signs and devices shall be prohibited:

- (a) Animated signs, but not including multiple-message signs as defined.
- (b) Derelict signs.
- (c) Inflatable signs, except as may be permitted in association with a temporary event approved by the Land Use Officer.
- (d) Pennants, streamers, and wind-blown or air-blown devices.
- (e) Portable signs.
- (f) Roof signs.
- (g) Signs painted on or attached to a utility pole, or painted on or attached to a natural feature including trees.
- (h) Neon lighting outlining of windows, doors, or other parts of a building or structure.
- (i) Any flag for which there is no symbol, emblem, text, number, or copy whatsoever on the flag (e.g., colored flags with no message).
- (j) Any sign erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device. No sign shall contain or be an imitation of an official governmental traffic control sign, signal, or emergency vehicle device.
- (k) Any sign erected, located, or maintained in such a manner as to interfere with safe and free ingress and egress of any door, emergency exit, driveway, street, or roadway.
- (l) Any sign that interferes with utilities such as water mains and hydrants, sanitary sewerage, gas, electricity, and communications equipment or lines, or that interferes with natural or manmade storm water drainage facilities.

§6-36-9      SIGN PERMIT AND BUILDING REQUIRED

- (a) Any freestanding sign or attached sign that has a sign area of forty-eight (48) square feet or more shall require a sign permit to be issued from the Land Use Officer prior to installation or placement of any such freestanding or attached sign. In order to obtain a sign permit, the applicant shall make application to the Land Use Officer and shall include the information specified in this Subsection. Complete permit applications shall be processed within fifteen (15) working days.
  - 1. A description of the type and purpose of the sign as defined in this Code Section.
  - 2. A drawing of the sign which shows the height of the sign, the area of the face of the sign, and the structural supports of the sign.
  - 3. The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property.
  - 4. A survey or tax plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the paved street right-of-way.
  - 5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof.
  - 6. The name, address, phone number and business registration number (if required) of the sign contractor.

- (b) Any freestanding or building sign that requires a building permit according to the Building Code applicable in the jurisdiction shall be obtained prior to installation or placement of any such freestanding or building sign. Complete permit applications shall be processed within fifteen (15) working days.
- (c) All signs for which a building permit is required shall be constructed and maintained in conformance with all applicable Building Code requirements. All electrical service to a sign shall be in compliance with the applicable Electrical Code, and an electrical permit if required shall be obtained.
- (d) If plans are required for issuance of a building permit for a sign, the plans shall be certified as to conformance with all structural and wind-load resistive standards of the applicable Building Code by a structural engineer registered in the State of Georgia, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the applicable Building Code.

[\[See Commentary\]](#)

§6-36-10 CERTIFICATE OF APPROPRIATENESS

Signs are external environmental features that can detract from historic character if not considered in the proper context. Signs located in a designated historic district or otherwise subject to the jurisdiction of the Historic Preservation Commission shall require a Certificate of Appropriateness to be issued by the Historic Preservation Commission. In approving signs, the Historic Preservation Commission may rely on design guidelines approved by the Governing Body or the Historic Preservation Commission.

[\[See Commentary\]](#)

§6-36-11 SIGN MAINTENANCE

All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and condition.

§6-36-12 SITUATIONS WHERE MAINTENANCE IS REQUIRED

Upon discovery of a sign in need of maintenance, the Land Use Officer shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the Land Use Officer shall initiate enforcement proceedings as required to cure violation of this Code Section. Situations constituting the need for maintenance include but are not limited to the following (other similar conditions of disrepair or lack of maintenance may be determined):

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.

§6-36-13      REMOVAL OF CERTAIN SIGNS

Any sign not removed or properly altered within the time period specified in this section or given in a written notice may be removed by the Land Use Officer and all costs associated with the removal of the sign charged to the owner, agent, or person having beneficial interest of the building or premises upon which such sign was located, or in the sign itself.

- (a) Abandoned signs. Abandoned signs, as defined in this Code Section.
- (b) Unlawful signs. If any sign is installed, erected, or constructed in violation of this Code Section, the owner or person or firm maintaining the sign shall, upon notice either written or verbal from the Land Use Officer, remove prohibited signs immediately. If the sign will require additional time to remove, because of its structure or size, then a reasonable time frame will be given by the Land Use Officer in which the sign is to be removed.
- (c) Derelict signs. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Land Use Officer, the owner or person or firm maintaining the sign shall, upon written notice from said enforcement officer, forthwith in the case of immediate danger and in any case within ten (10) days, remove such sign or secure it in a manner approved by the Land Use Officer.
- (d) Signs of a temporary or quasi-temporary nature. Pennants, streamers, banners, wind-blown devices, and temporary signs that do not conform to the provisions of this Code Section upon its adoption or amendment shall be removed within two (2) days.
- (e) Change or removal of discontinued signs. When a property owner has a lawful and conforming freestanding or building sign that no longer is used by a business or establishment, and the owner desires to retain said sign, this subsection shall apply in order to retain said freestanding sign as a lawful sign. If the discontinued freestanding sign or building sign contains a sign face that is in the form of a removable sign face module, the removable sign face module containing advertising shall be removed and replaced with a panel of like or similar appearance without advertising until another use is lawfully established. If a discontinued freestanding sign or building sign contains a sign copy area that is not removable, then the said sign shall be removed or the copy area shall be painted over or otherwise modified as approved by the Land Use Officer to conceal the advertising.

§6-36-14      HEIGHT OF WALL SIGNS

No wall sign shall exceed the height of the building or structure on which it is placed or project more than two feet above the roofline.

§6-36-15      HEIGHT OF GROUND SIGNS

The maximum height of any ground (freestanding) sign regulated by this Code Section, except as otherwise specifically provided in this Code Section, shall be as specified in the following table:

<b>LAND USE DISTRICT</b>	<b>MAXIMUM HEIGHT OF GROUND SIGN (FEET)</b>
Agricultural District (AG)	6
Rural Residential District (RR)	6
Suburban Residential District (SR)	6
Urban Residential District (UR)	12
Office Residential District (OR)	12
Neighborhood Commercial District (NC)	12
Highway Business District (HB)	24
Central Business District (CBD)	6
Light Industrial District (LI)	24

The maximum height established by this Article shall apply to any sign, except that where a ground sign is proposed on property or portion thereof situated below road grade, if the maximum height permitted would prevent adequate visibility as determined by the Land Use Officer, the height of a ground sign may be increased by up to six (6) feet higher than the maximum height established in this Subsection.

[\[See Commentary\]](#)

§6-36-16      SIGN SETBACK

There shall be no minimum required setback for ground signs from the right-of-way or front lot line.

§6-36-17      ILLUMINATION

- (a) Signs in AG, RR and SR land use districts shall not be illuminated; except that a sign permitted for a nonresidential use permitted in such land use district may be illuminated, but not internally illuminated.
- (b) Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity, shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky.
- (c) Neon light outlining of windows, doors, or buildings shall not be permitted.

§6-36-18      TYPES OF SIGNS AND MAXIMUM SIGN AREA PERMITTED

In addition to the general provisions regulating signs established in this Code Section, sign permissions shall be based on the types of sign permitted, according to the table, "Sign Type Permitted and Maximum Area Permitted by Sign Type," for the respective land use district (2 tables) provided in this Code Section. If a type of sign is not listed in said table for the land use district, it shall be prohibited in that land use district. Unless specifically provided otherwise in this Code Section, a property shall be limited to only one (1) sign of the type permitted. No sign shall be erected to exceed the maximum number of signs as specified in this Code Section. No sign shall exceed the maximum area of the sign as specified for the type of sign in the table, "Sign Type Permitted and Maximum Area Permitted by Sign Type, for the land use district in which the sign is located.

[\[See Commentary\]](#)

SIGN TYPE PERMITTED AND MAXIMUM AREA PERMITTED BY SIGN TYPE  
 AG, RR, SR AND UR LAND USE DISTRICTS

Type of Sign (number permitted)	AG	RR	SR	UR
Ground sign, lot containing a single-family dwelling (1 per road frontage)	6	6	6	6
Ground sign, lot containing a permitted principal use other than single-family dwelling (1 per road frontage)	12	12	12	16
Wall sign, permitted principal use other than single-family dwelling (1 per road frontage)	1 per each linear feet of building frontage facing the street to which the sign is oriented			
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction (1 per road frontage)	6	6	6	6
Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	6	6	6	6
Project entrance ground sign (2 per entrance), state or federal highway	32	32	32	32
Project entrance ground sign (2 per entrance to subdivision), road other than state or federal highway	16	16	16	16

SIGN TYPE PERMITTED AND MAXIMUM AREA PERMITTED BY SIGN TYPE  
 OR, NC, CBD, HB AND LI LAND USE DISTRICTS

Type of Sign (number permitted)	OR, NC, CBD	HB	LI
Ground sign, lot containing a dwelling (1 per road frontage)	6	6	N/A
Ground sign, lot containing a permitted principal use other than single-family dwelling, state or federal highway(1 per road frontage)	50	100	100
Ground sign, lot containing a permitted principal use other than single-family dwelling (1 per road frontage), road other than state or federal highway (1 per road frontage)	36	64	72
Secondary ground sign, lot containing a permitted principal use other than single-family dwelling, state or federal highway (2 per road frontage)	12	36	36
Secondary ground sign, lot containing a permitted principal use other than single-family dwelling, road other than state or federal highway (2 per road frontage)	6	18	18
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, state or federal highway (1 per 1,500 feet of road frontage)	24	32	36
Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, road other than state or federal highway (1 per 1,500 feet of road frontage)	16	16	16
Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, state or federal highway(1 per frontage)	100	128	128
Multi-tenant ground sign, lot containing multiple non-residential or permitted principal uses only, road other than state or federal highway (1 per frontage)	50	64	64
Wall sign, on building containing a single non-residential permitted principal use, state or federal highway	1.5 per each linear feet of building frontage facing the street to which the sign is oriented		
Wall sign, on building containing a single non-residential permitted principal use, road other than state or federal highway(1 per tenant)	1 per each linear feet of building frontage facing the street to which the sign is oriented		
Wall sign, individual tenant within a multi-tenant building, state or federal highway (1 per tenant)	1.5 per each linear feet of building frontage facing the street to which the sign is oriented		
Wall sign, individual tenant within a multi-tenant building, road other than state or federal highway(1 per tenant)	1 per each linear feet of building frontage facing the street to which the sign is oriented		
Window sign, building containing a single non-residential use only	20% of window area	20% of window area	20% of window area
Wall sign on freestanding canopy (1 per canopy wall)	X	25% of signable area	X



§6-36-19      SIGNS ON CORNER AND DOUBLE-FRONTAGE LOTS

- (a) Wall signs. With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this Code Section.
- (b) Ground signs. With regard to ground sign allowances, if a property faces more than one road frontage, each road frontage shall be permitted to have the number of signs and sign area specified for such property in this Code Section.
- (c) Transfer of allowances between road frontages. The sign area allotted to one road frontage or building frontage shall not be transferred to another road frontage or building frontage.

§6-36-20      SPECIAL EVENT SIGNAGE

Temporary signs and advertising devices may be permitted on properties in OR, NC, CBD and HB land use districts, subject to the issuance of a special event sign permit by the Land Use Officer. Such temporary signs and advertising devices shall conform to the following:

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

§6-36-21      VARIANCES

A request for a variance to the provisions of this Code Section may be initiated by a property owner or his authorized agent by filing an application with the Land Use Officer. The application shall be accompanied by an elevation drawing and/or plot plan, drawn to scale, showing the dimensions and arrangement of the proposed sign. The Land Use Officer may require other information about the variance requested and its relationship to the surrounding properties. Complete applications shall be considered in accordance with the procedures for variances as specified in Section 1-10 of this Land Use Management Code.

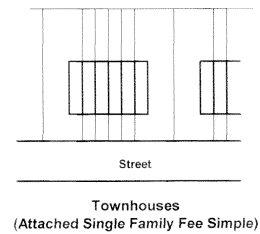
[\[See Commentary\]](#)

**§6-37 SINGLE-FAMILY ATTACHED DWELLING (FEE-SIMPLE TOWNHOUSE)**

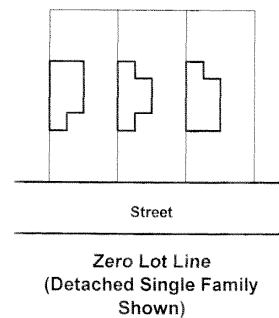
- §6-37-1 DEFINITIONS
- §6-37-2 REQUIREMENTS

§6-37-1 DEFINITIONS

Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Zero lot line: The location of a building on a lot in such a manner that one or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lot.



§6-37-2 REQUIREMENTS

Fee-simple townhouses shall meet the following requirements:

- (a) Lot Frontage and Lot Width. Each platted lot shall have a minimum of twenty (20) feet of frontage on a public road or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.
- (b) Lot Size. The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.
- (c) Building Setbacks. There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a thirty (30) foot front setback from any public road exterior to or within the subdivision. There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures. In the case of any public road the front building setback shall be measured from the right-of-way line of the public street. In the case of a private road the front building setback shall be twenty (20) feet and shall be measured from the private road right-of-way line or, if none is established, the curb of the private road nearest the building. Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.

- (d) Building Separation. There shall be a minimum building separation of twenty (20) feet between townhouse buildings.
- (e) Building Unit Offsets. To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design.
- (f) Subdivision Plat Approval. Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance with the \_\_\_\_\_ County [City of \_\_\_\_\_] Subdivision and Land Development Regulations.

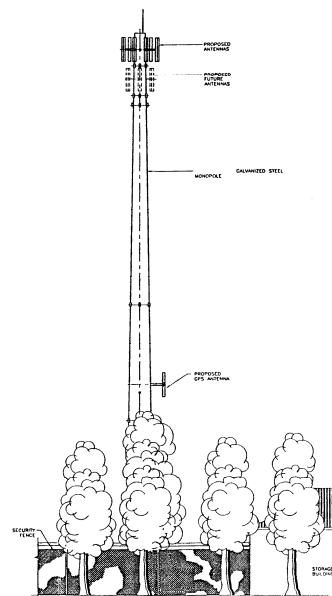
**§6-38 TOWERS AND WIRELESS TELECOMMUNICATION FACILITIES**

- §6-38-1 DEFINITIONS
- §6-38-2 PURPOSE AND INTENT
- §6-38-3 APPLICABILITY
- §6-38-4 PERFORMANCE AND CONSTRUCTION STANDARDS
- §6-38-5 APPLICATION REQUIREMENTS
- §6-38-6 APPLICATION PROCESSING
- §6-38-7 CRITERIA TO CONSIDER IN ACTING UPON APPLICATIONS

§6-38-1 DEFINITIONS

Wireless telecommunication equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.



§6-38-2 PURPOSE AND INTENT

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

- (a) To provide for the location of towers, communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of towers, communication towers, poles, and antennas by restricting them in accordance with the restrictions of this section.
- (b) To minimize adverse visual impacts of towers, communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.
- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different

- providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
  - (f) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.

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

It is not the intent of the Governing Body to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the provision of wireless services in the County [City]. It is also the intent of the county [city] that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

#### §6-38-3 APPLICABILITY

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

- (a) Any tower, or the installation of any antenna, that is seventy (70) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or ham radio operator from the operator's residence.
- (b) Antennae or towers located on property owned, leased, or otherwise controlled by a County, or a municipality within it, provided that a license or lease authorizing such antenna or tower has been approved by the government.
- (c) Monopole towers 100 feet or less in height located within electrical substations and antennae attached to existing transmission towers.

#### §6-38-4 PERFORMANCE AND CONSTRUCTION STANDARDS

- (a) Structural Design. New communication towers or poles and antennae, and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with applicable federal, state and local regulations.
- (b) Placement Restrictions. Towers occupying a lot as a principal use shall at minimum meet the minimum lot size and setback requirements for the land use district in which the lot is located. When the tower is on leased property, the setbacks established by land use district shall apply to the lot of record, not the lease boundaries. Towers shall, in addition to setbacks established for the land use district in which it is located, be a minimum of three-hundred (300) feet from any residential land use district and a minimum of five-hundred (500) feet from any single-family residence not on the site in which the tower is located, whether located on a leased site or its own lot of record.

- All towers shall also be set back from property lines and road rights-of-ways a distance equal to or greater than the tower height.
- (c) Screening. The visual impacts of a tower at the ground level shall be mitigated by landscaping. All towers and accessory structures shall be surrounded on the ground by a minimum ten (10) foot wide landscape strip or buffer that forms a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view and view from the surrounding properties. The buffer or landscape strip shall consist of evergreens that will reach a minimum height of at least six (6) feet within three (3) years.
- (d) Fencing. A black vinyl-coated chain link fence, or wall, not less than six (6) feet in height from finished grade, shall be provided around each tower or pole housing wireless telecommunications antennae. Access to the tower or pole shall be through a locked gate. The tower or pole shall be equipped with an appropriate anti-climbing device, unless the Administrator waives this requirement for alternative tower structures.
- (e) Height. Through approval of a conditional use application, the height of the tower may exceed the maximum height limit of the land use district in which it is located, up to a height of two hundred (200) feet, subject to the limitations of this paragraph. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed two-hundred (200) feet in height from ground level unless a variance is obtained. To prevail in any variance application to exceed established maximum height limitations of this paragraph, the applicant must successfully demonstrate why the prescribed maximum height is insufficient to provide adequate service, or that a taller tower will be in the community's interest by avoiding the construction of one or more additional towers at a new location.
- (f) Illumination. Towers, poles, or antennae shall not be lighted except to assure human safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction. Lighting shall be restricted to dual lighting, medium intensity white strobe lights (daylight mode), and red obstruction lights (nighttime mode), unless the FAA or state aeronautics division requires another type of lighting.
- (g) Color and Material. Towers clustered at the same site shall be of substantially similar height and design. Communication towers not required to be painted or marked by the Federal Aviation Administration shall have either galvanized steel finish or be painted a non-contrasting color approved by the Governing Body to minimize the equipment's visibility. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (h) Signs and advertising. No advertising is permitted on a tower or antenna. However, towers shall have mounted in a conspicuous place a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency.
- (i) Co-location. Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over one-hundred (100) feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to

one-hundred sixty (160) feet shall accommodate at least three users, and towers over one-hundred sixty (160) feet shall accommodate at least five users.

- (j) Noninterference. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

**§6-38-5      APPLICATION REQUIREMENTS**

Each application for conditional use approval pursuant to this section shall include the following, which are in addition to the information required for special use applications generally, if required:

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

**§6-38-6      APPLICATION PROCESSING**

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

**§6-38-7      CRITERIA TO CONSIDER IN ACTING UPON APPLICATIONS**

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

- (a) Impacts on surrounding properties with regard to aesthetics and fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (b) Whether impacts on surrounding properties on aesthetics can be mitigated by a monopole tower, or by a camouflaged tower (e.g., disguised as a pine tree), or by using stealth technology (i.e., making the tower resemble common features such as church steeples, bell towers, clock towers, grain silos, gateway elements, and monuments), or by requiring greater setback from impacted properties.
- (c) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.

- (d) The appropriateness of the location of existing towers, poles, and buildings, including electric transmission towers, that might serve as alternative locations to construction of a new tower or pole or placement on a building in a new location. It is the intent that new antennae where possible shall be co-located on existing towers and poles, placed on existing buildings, or be within a concealed support structure (e.g., camouflaged as an artificial pine tree, church steeple, clock tower, grain silo, flagpole, etc.), prior to authorizing the installation of a new non-camouflaged pole or tower. The failure to consider or unwillingness to accept viable options as described in this paragraph may be grounds for denial of a conditional use application for a new tower or pole.
- (e) Whether the application demonstrates compliance with the regulations established in this section.
- (f) Whether the tower would be engineered and constructed to accommodate additional communication service providers (i.e., whether the application provides for co-location as required by this section).
- (g) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

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



**§6-39 YARD SALES**

§6-39-1 DEFINED  
§6-39-2 REGULATIONS

§6-39-1 DEFINED

Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage. Yard sales which do not take place on the premises where such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. This term includes garage sales.

§6-39-2 REGULATIONS

Yard sales are subject to the following regulations:

- (a) Yard sales shall not exceed seventy-two (72) hours for each yard sale.
- (b) A yard sale on a particular property shall not occur more frequently than four (4) times annually.
- (c) All merchandise must be the property of those holding the sale and not be purchased for the purpose of resale.