

1 **§3-6 PUBLIC NUISANCE**

2
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17 **§3-6 PUBLIC NUISANCE**

18
19 *Commentary: A public nuisance Resolution [Ordinance] can address some of the more*
20 *annoying and unsafe activities, such as loud noises, stagnant water, abandoned vehicles,*
21 *accumulation of junk, tall weeds and grass, animals roaming at large, and so forth. What*
22 *constitutes a public nuisance in one community may be acceptable in another.*
23 *Furthermore, what may be intolerable in an urban residential neighborhood may be*
24 *acceptable in a rural area. This module provides a public nuisance Resolution [Ordinance]*
25 *that makes it unlawful to allow or maintain certain activities and conditions, and calls for*
26 *the abatement of such unlawful activities or conditions. The County or City is authorized*
27 *to abate public nuisances that have not been corrected.*
28

29 §3-6-1 PURPOSES

30
31 It is important for a community to appear clean, well kept, and generally clear of public
32 nuisances, eyesores, and unhealthy conditions. The appearance of a community weighs
33 heavily in the decisions of prospective residents and businesses in locating to a particular
34 area. A clean, safe, and well-kept community can stabilize or increase property values,
35 provide a healthy environment, and make citizens proud of the area in which they live.
36 Accordingly, a community needs a set of regulations to keep the area clean, remove
37 unsightly conditions, and prevent unhealthy and unsafe situations from occurring. It is
38 therefore the purpose and intent of this Resolution [Ordinance] to encourage a clean,
39 healthy, and satisfying environment; one free of nuisances, eyesores, and unhealthy,

1 unsafe, or devaluating conditions. To this end, this Resolution [Ordinance] seeks to
2 regulate and protect the health, safety, welfare, values, and aesthetics of properties.

3
4 §3-6-2 DEFINITIONS

5
6 For the purposes of this Resolution [Ordinance], the following words are defined:

7 Abandoned vehicle: A vehicle, including cars, trucks, trailers, boats, motorcycles,
8 recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle,
9 that meets one or more of the following conditions:

- 10 (a) Has been left unattended upon a highway, street, or alley or other public property
11 outside a designated parking space for a period of 48 hours; and/or,
12 (b) Is within public view and is inoperable, partially or wholly dismantled, wrecked,
13 junked, discarded, or of similar condition, or any vehicle without a current license
14 plate if required by law, and is located outside of an enclosed building, garage,
15 carport, wrecked motor vehicle compound, or other place of business designated
16 and lawfully used for the storage of such inoperable vehicles, for a period
17 exceeding 30 days.

18 Nuisance: Anything that causes hurt, inconvenience, or damage to another, and the fact
19 that the act done may otherwise be lawful, shall not keep it from being a nuisance. The
20 inconvenience complained of shall not be fanciful, or such as would affect only one of
21 fastidious taste, but it shall be such as would affect an ordinary, reasonable person.

22
23 §3-6-3 ILLUSTRATIVE EXAMPLES OF NUISANCES

24
25 The following conditions, whether on occupied or unoccupied lands, public or private
26 property, are hereby declared to be and constitute a public nuisance and shall be abated;
27 although this section shall not be construed to be limiting with regard to its enumeration of
28 public nuisances.

- 29 (a) Weeds or grass allowed to grow to a height greater than 12 inches on the average,
30 or any accumulation of dead weeds, grass, or brush, that may provide safe
31 harborage for rats, mice, snakes and/or other vermin.
32 (b) Vegetation that obstructs the safe passage or line-of-sight of motorists or
33 pedestrians at an intersection or driveway connection with a public or private street
34 or alley, or along any street or sidewalk.

- 1 (c) Dead or dying trees or other vegetation which may cause a hazardous situation if
2 they fall.
- 3 (d) Accumulation of rubbish, trash, refuse, junk, construction debris, and other
4 abandoned materials, metals, lumber, or other such items.
- 5 (e) The keeping or maintenance of one or more abandoned vehicles in public view or
6 in a manner inconsistent with this Resolution [Ordinance].
- 7 (f) The carcasses of animals or fowl not disposed of within a reasonable time after
8 death.
- 9 (g) Any building or other structure which is in such a dilapidated condition that it is unfit
10 for human habitation, or kept in such an unsanitary condition that it is a menace to
11 the health of people residing in the vicinity thereof, or presents a fire hazard.
- 12 (h) All noises which may annoy or inhibit others in their enjoyment of the use of their
13 property.
- 14 (i) All disagreeable or obnoxious odors or stenches, as well as the conditions,
15 substances or other causes which give rise to the emission or generation of such
16 odors and stenches, including smoke and fires.
- 17 (j) The pollution of any public well, stream, lake, canal, or body of water by sewage,
18 dead animals, creamery, industrial wastes, agricultural wastes, industrial wastes,
19 or other substances.
- 20 (k) Any building, structure, or other place or location where any activity is conducted,
21 performed or maintained in violation of local, state, or federal law.
- 22 (l) Any accumulation of stagnant water.
- 23 (m) Any method of human excretion disposal which does not conform to the provisions
24 of local ordinances, or state or federal law.

25

26 §3-6-4 NUISANCE PROHIBITED

27

28 It shall be unlawful for any person, firm, corporation or other entity to cause, permit,
29 maintain, or allow the creation or maintenance of a nuisance, as defined or more
30 specifically described in this Resolution [Ordinance].

31

32

1 §3-6-5 NOTICE TO ABATE

2

3 Whenever a nuisance is found to exist within the jurisdiction of the County [City], the Land
4 Use Officer shall give written notice to the owner or occupant of the property upon which
5 such a nuisance exists or upon the person causing or maintaining the nuisance, to abate
6 the nuisance.

7

8 §3-6-6 CONTENTS OF NOTICE

9

10 The notice to abate a nuisance issued under the provisions of this Resolution [Ordinance]
11 shall contain the following:

- 12 (a) An order to abate the nuisance or to request a hearing within a stated time, which
13 shall be reasonable under the circumstances;
- 14 (b) The location of the nuisance, if the nuisance is stationary;
- 15 (c) A description of what constitutes the nuisance;
- 16 (d) A statement of acts necessary to abate the nuisance; and,
- 17 (e) A statement that if the nuisance is not abated as directed, the County will file an
18 action in Magistrate Court [City will file an action in Municipal Court] to abate the
19 nuisance.

20

21 Commentary: *This module has been written to be consistent with O.C.G.A. §41-2-1.*
22 *O.C.G.A. §41-2-5 authorizes cities to go to the municipal court and counties to magistrate*
23 *court for abatement of nuisances. The courts have the power to hold a person in*
24 *contempt if a nuisance is not abated. In addition, a city or county could make the failure to*
25 *abate a nuisance a misdemeanor if not done after notice.*

26

27 §3-6-7 PROVISIONS FOR SPECIFIC NUISANCES

28

29 §3-6-7.1 Animals. No domestic animals shall be permitted to run at large within
30 the County [City] limits. It shall be unlawful for any domestic animal to be running at large
31 on the streets or sidewalks of the County [City], unless said domestic pet is under the
32 control of a leash, collar, or chain. It shall be the responsibility of the owner of any
33 domestic animal to provide a proper enclosure or structure secured from the ground to a
34 sufficient height so that the animal cannot escape enclosure. Structures for horses, cows,

1 or other livestock shall not be located closer than 100 feet of any property line. All animal
2 enclosures or yards shall at all times be kept in a clean condition to prevent any condition
3 detrimental to the public health of the County [City]. No more than one horse, cow, or
4 other type of livestock shall be kept per acre of land. No person shall deposit or cause to
5 be deposited, the carcass of any dead animal in the streets, roads, alleys, woods, or
6 waters within the County [City] limits.

7
8 §3-6-7.2 Abandoned Vehicles. It shall be unlawful to keep or maintain an
9 abandoned vehicle as defined by this Resolution [Ordinance], and any abandoned vehicle
10 is hereby declared to be a public nuisance and shall be abated as provided in this
11 Resolution [Ordinance].

12
13 §3-6-7.3 Trees and Other Vegetation. It shall be unlawful for the owner or
14 occupant of any lot or land lying and abutting on an intersection of two streets or the
15 intersection of a driveway and a street to allow any trees, shrubs, or bushes lying on said
16 lot or land to grow to a height or in a manner which restricts the line of sight, or which
17 threatens safety or restricts passage of motorists or pedestrians within a public right-of-
18 way or sidewalk.

19
20 §3-6-7.4 Noise. It shall be unlawful for any person to create or assist in creating,
21 permit, or continue any unreasonably loud, disturbing, or unnecessary noise in the County
22 [City]. Noise of such character, intensity, and duration that is detrimental to the reasonable
23 comfort, health, or life of any individual is prohibited. The following acts, among others,
24 are declared to be loud, disturbing, and unnecessary noises that constitute a public
25 nuisance in violation of this Resolution [Ordinance], and which shall be abated.

- 26 (a) The keeping or maintenance of any domestic animal which, due to prolonged or
27 habitual barking, howling, whining, or other noises, causes annoyance to
28 neighboring residents, or interferes with the reasonable use and enjoyment of the
29 premises occupied by such residents, is hereby declared to be a public nuisance
30 and shall be abated as provided in this Resolution [Ordinance].
- 31 (b) The sounding of any bell, horn, whistle, mechanical device operated by
32 compressed air, or signal device while not in motion, except as a danger signal, for
33 an unnecessary and unreasonable period of time.
- 34 (c) The use of any siren, other than police, fire, or emergency vehicle.

- 1 (d) The use or operation of any musical instrument, radio, loud speaker, or sound
2 amplifying device so loudly as to disturb persons in the vicinity thereof.
- 3 (e) The erection, excavation, demolition, alteration, or repair of any building or
4 structure in the vicinity of residential dwellings between the hours of 10:00 p.m.
5 and 7:00 a.m., except in the case of urgent necessity in the interest of public
6 safety, and then, only with a permit from the Land Use Officer.
- 7 (f) The creation of excessive noise on any street adjacent to any school, institution of
8 learning, court, or religious congregation while the same are in session, or within
9 150 feet of a hospital which unreasonably interferes with the working of such
10 institution.
- 11 (g) The shouting or crying of peddlers, vendors, or residents which disturbs the peace
12 and quiet of a residential area.
- 13 (h) The unnecessary creation of loud or excessive noise in connection with unloading
14 or loading vehicles or merchandise.
- 15 (i) The use of any vehicle that is in a state of disrepair as to create loud or
16 unnecessary grinding, rattling, backfiring, or other noise.

17

18 Any one of these enumerated nuisances, if violated, would be a misdemeanor and could
19 be prosecuted in the local court just as the violation of any other ordinances.

20

21 Commentary on noise regulation: *The above nuisance provision on noise overlaps the*
22 *regulations proposed in the model code in Section 3-1-2. Local governments that adopt*
23 *that module and this nuisance provision on noise may need to reconcile the two provisions*
24 *for consistency, or choose between the two provisions.*

25

26 Commentary on making this Resolution [Ordinance] stand-alone: *This module is written as*
27 *a part of an overall land use management system. However, it can be easily adopted as a*
28 *stand-alone Resolution [Ordinance], if the following other provisions are included in the*
29 *adopted Resolution [Ordinance]:*

30

- 31 §2-0-1(A) PREAMBLE (although some of it may not be considered necessary)
- 32 §2-0-2 EFFECTIVE DATE
- 33 §2-0-3 LEGAL STATUS PROVISIONS
- 34 §2-0-4 ADMINISTRATION, APPEALS, ENFORCEMENT, AND PENALTIES

35

1 References:

2

3 *Adapted from: Nuisance Abatement Program and Ordinances, Erwin, North Carolina.*

4 *Washington, DC: International City Management Association, Clearinghouse Report*

5 *#38415, 1986.*

§4-7 RURAL CLUSTERING

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 21
 22

§4-7 RURAL CLUSTERING

23
 24
 25 *“A new rural sprawl is consuming large amounts of land, splitting wide open spaces into*
 26 *fragments that are useless for agriculture, wildlife habitat, or other rural open space purposes”*
 27 *(Pivo, Small and Wolfe 1990).*

28
 29 *Commentary: This module has been specifically developed for counties that have subdivision*
 30 *regulations (or that adopt modules 2.2 and 2.3 of this model code) and are concerned with the*
 31 *aesthetic, environmental, and economic impact of large lot residential subdivisions. A*
 32 *mandatory rural cluster regulation, if adopted and applied, can provide for more compatible rural*
 33 *subdivisions and help preserve active farmland.*

34
 35 *Legal Commentary: Because this module identifies areas in accordance with a land use map,*
 36 *legal counsel recommends that if be adopted in accordance with the Zoning Procedures Act.*

37
 38 §4-7-1 TITLE

39
 40 This Resolution [Ordinance] shall be known and may be cited as the “Rural Cluster” Resolution
 41 [Ordinance] of _____ County.
 42

1 §4-7-2 PURPOSE AND INTENT

2

3 The purpose of this Resolution is to provide for small lot residential development in agricultural,
 4 forestry, and rural residential districts in a manner which maintains rural character, maintains
 5 and conserves larger remainder parcels, protects and/or enhances sensitive environmental and
 6 wildlife habitat areas, and minimizes impacts to necessary public services. This Resolution
 7 [Ordinance] is intended to help maintain resource land and rural character by protecting,
 8 preserving and conserving existing resource lands, rural landscapes, and viewsheds. These
 9 goals are achieved by allowing the placement of homes on a small portion of the property, while
 10 maintaining the majority of the site in a remainder parcel which constitutes resource land or
 11 open space. These regulations are consistent with, and are designed to implement, the goals
 12 and policies of the county's comprehensive plan as they relate to the protection of resource
 13 lands, the conservation of open spaces, and the maintenance of rural character.

14

15 §4-7-3 DEFINITIONS

16

17 Remainder parcel: The remainder parcel of the cluster provision that contains the majority of the
 18 land within the development and is devoted to open space, resource land, or other authorized
 19 use.

20

21 §4-7-4 APPLICABILITY

22

23 This ordinance shall apply to all preliminary plat applications involving property in any area
 24 designated as agricultural/forestry in the county's comprehensive plan, or in any area
 25 designated for rural residential use in the county's comprehensive plan but which contains
 26 significant active agricultural or forestry operations. At its discretion, the Planning Commission
 27 may interpret this jurisdiction within a broader context, if the commission finds that public
 28 policies adopted by the local governing body support a broader jurisdiction than that stated in
 29 this section.

30

31 §4-7-5 RURAL CLUSTER MANDATE

32

33 §4-7-5.1 Planning Commission Authority. The Land Use Officer may recommend, and
 34 the Planning Commission is hereby authorized to require, that any applicant of a major

1 subdivision in any area designated as agricultural/forestry in the county's comprehensive plan,
2 or in any area designated for rural residential use in the county's comprehensive plan but which
3 contains significant active agricultural or forestry operations, to rearrange land subdivision
4 proposals in a manner that complies with the purpose and intent and the specific provisions of
5 this Resolution [Ordinance]. To this end, the Planning Commission is hereby authorized to
6 deny a preliminary plat for property located in said agricultural/forestry or rural residential areas
7 which does not meet the requirements of this Resolution [Ordinance]. The Planning
8 Commission shall also be authorized to waive the requirements for minimum lot sizes, lot
9 widths, and yards as may be required by Section 6-1 of this code, in specific instances and
10 upon application, but only to the minimum extent necessary to permit a cluster subdivision to
11 comply with this Resolution [Ordinance]; provided, however, that the Planning Commission is
12 not authorized to increase an overall gross density of development on a property that is
13 otherwise not permitted by county land use regulations.

14

15 §4-7-5.2 Additional Requirements. As part of the preliminary plat review process, the
16 Land Use Officer or Planning Commission may require that the applicant identify usable
17 agricultural, forestry, and open space land on the property proposed for subdivision. The
18 Planning Commission may encourage efforts by the subdivider to preserve and/or promote
19 agricultural, forest, or open space use and may require the retention of some of the usable
20 agricultural or forest land or open spaces that meet the purpose and intent and specific
21 provisions of this Resolution [Ordinance].

22

23 §4-7-5.3 Requirements for Denying a Preliminary Plat. To deny a subdivision plat
24 under the authority of this Resolution [Ordinance], the Planning Commission or Land Use
25 Officer must have informed the applicant of a rural cluster mandate and instructed the
26 applicants on the requirements of this Resolution [Ordinance], and made a finding that the
27 proposed preliminary plat has not been designed in accordance with the provisions of this
28 Resolution [Ordinance] as broadly interpreted by the Land Use Officer and Planning
29 Commission.

30

31 §4-7-5.4 Appeal. Any action by the Planning Commission's action to apply the rural
32 cluster mandate or to otherwise invoke its authority pursuant to this chapter as applied to a
33 specific property, upon approval of a preliminary plat requiring such mandate, may be appealed
34 by the property owner to the Board of Appeals as provided for in Section 7.2 of this code.

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§4-7-6 RELATIONSHIP TO LAND SUBDIVISION REGULATIONS

This Resolution [Ordinance] is intended to work as a special addition to the county's land subdivision regulations codified as Section 2-2 of this code. All requirements of Section 2-2 and improvement requirements of Section 2-3 of this code shall apply unless the context clearly indicates otherwise or unless this Resolution [Ordinance] conflicts with said code sections, in which case this Resolution [Ordinance] shall apply.

§4-7-7 DESIGN REQUIREMENTS RURAL CLUSTERS AND CLUSTER LOTS

§4-7-7.1 Density Clustering. The permitted residential development density for the property proposed to be subdivided, shall be used within cluster lots (see Figure 4-7-7.1 and Figure 4-7-7.2), and the remainder parcel shall be utilized for agriculture or forest land or for open space.

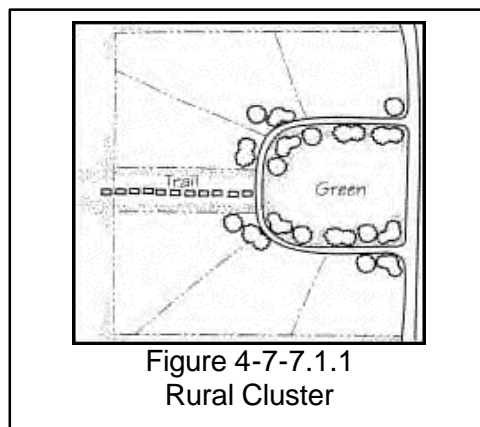
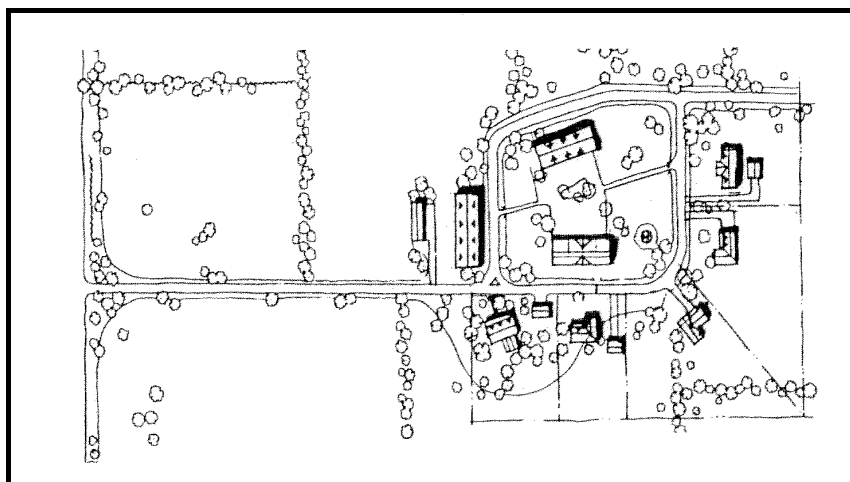


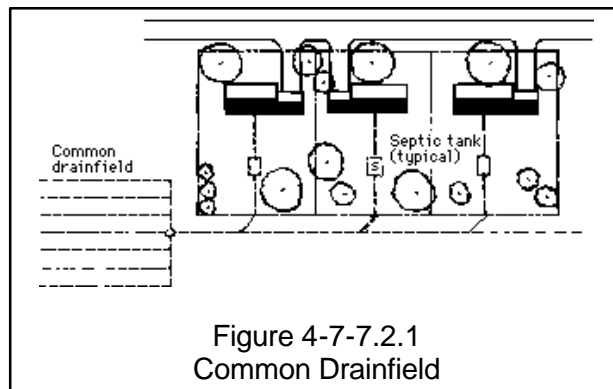
Figure 4-7-7.1.1
Rural Cluster

Figure 4-7-7.1.2 Rural Cluster



Source: Arendt 1994.

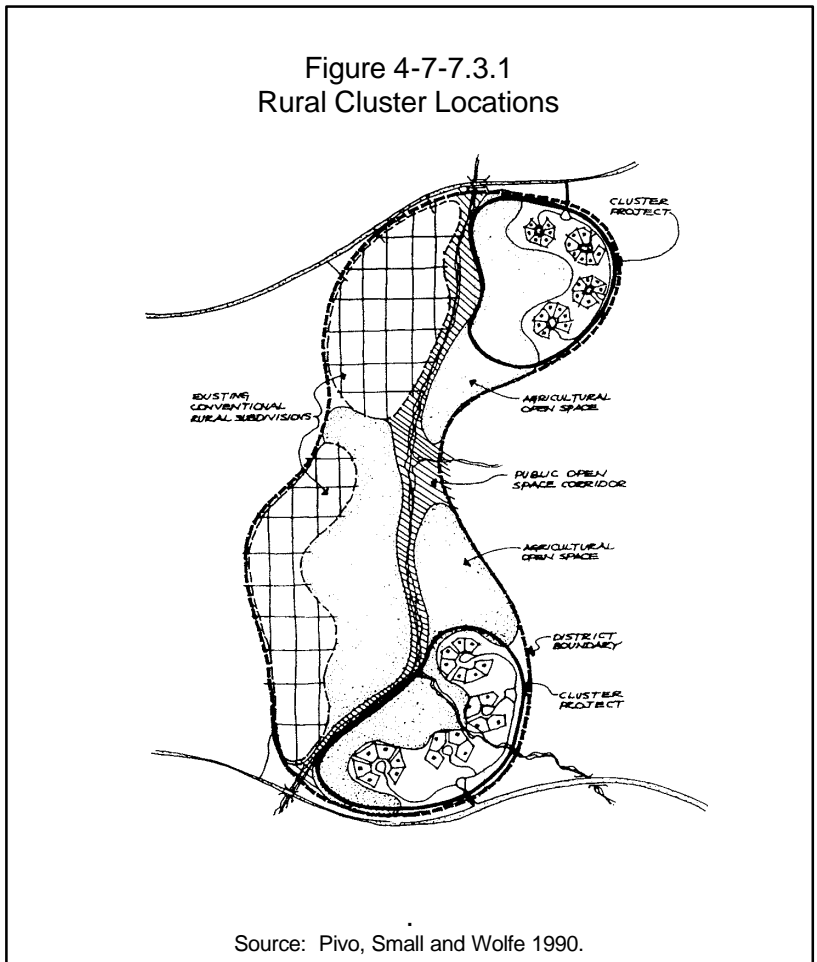
1 §4-7-7.2 Area of Lots. Cluster lots shall contain a minimum area necessary to meet
 2 health department requirements. Where permitted by the county health department, the cluster
 3 subdivision may consist of lots smaller than the sizes required for individual on-site sewage
 4 management systems (i.e., septic tanks), if adequate provisions are made for common
 5 drainfields (see Figure 4-7-7.2.1), subject to the approval of the local health department. No
 6 cluster lot shall be greater than two acres in size, so as to encourage the maximum amount of
 7 land possible preserved for resource use or open space.



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18 §4-7-7.3 Locations of Clusters.

- 19 (a) In areas where usable agricultural land exists, residential development shall be
 20 clustered or sited so as to minimize disruption of existing or possible future
 21 agricultural uses.
- 22 (b) A rural cluster subdivision may contain one or more residential clusters grouped
 23 into compact neighborhoods.
- 24 (c) To the maximum practicable extent, existing historic rural features shall be
 25 preserved as part of the cluster development. These features include but are not
 26 limited to rock walls, fences, functional and structurally safe farm buildings,
 27 monuments, and landscape features.
- 28 (d) Buildings shall be clustered or sited in the most accessible, least visually
 29 prominent, and most geologically stable portion or portions of the site.
- 30 (e) Rural clusters shall be limited to locations that minimize the visual impact from
 31 adjacent lands and view corridors. Placing buildings so that vegetation, rock
 32 outcroppings, depressions in topography, or other natural features will screen
 33 them where they exist shall minimize the prominence of construction. In wooded
 34 or forested areas, the Land Use Officer may recommend and the Planning

Commission may require the scattering of buildings so as to save trees and minimize visual impacts.



- (f) Cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.
- (g) All cluster lots should be located on the least productive soils, but they should not include environmentally sensitive areas unless no other alternative exists. If no alternative is available, encroachment into prime agricultural soils or environmentally sensitive areas shall be limited to the least amount possible.

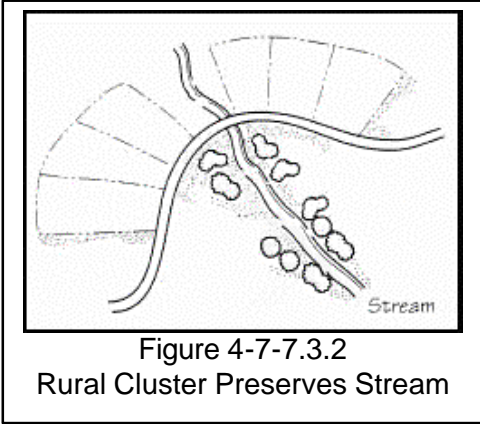
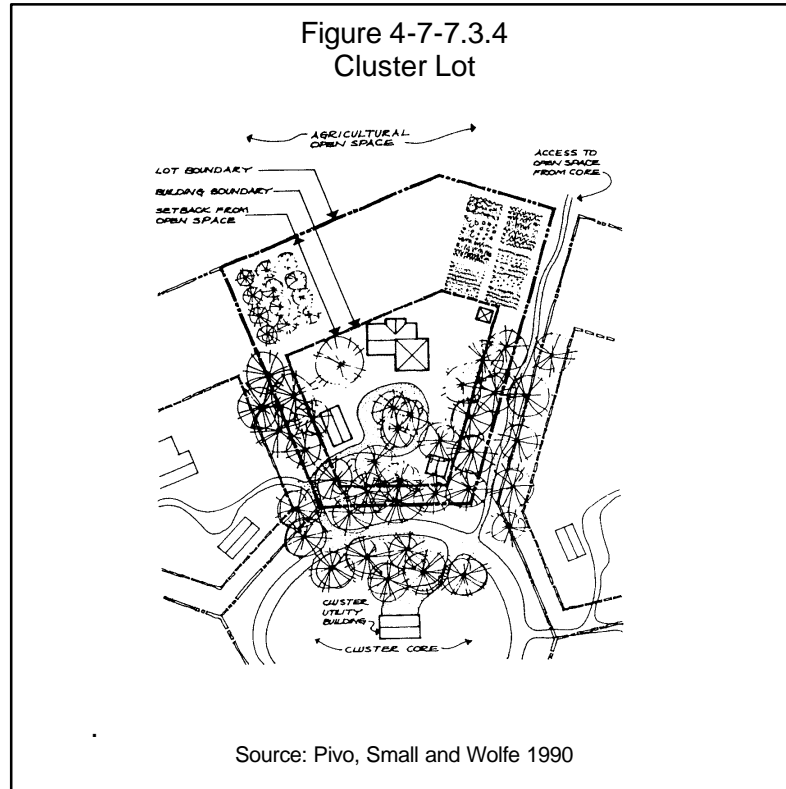


Figure 4-7-7.3.2
Rural Cluster Preserves Stream

- 1 (h) Cluster lots should border on open space on at least one side, and have access
 2 to any core open spaces in the rural cluster.



22 §4-7-8 DESIGN REQUIREMENTS FOR REMAINDER PARCELS

23 The cluster development shall result in the establishment of a remainder parcel comprising a
 24 minimum of 40 percent of the land area to be subdivided. Any remainder parcel shall be
 25 contiguous except in the most unusual circumstances. Any remainder parcel shall not be
 26 fragmented by public or private road easements unless no other reasonable alternative exists.
 27 To the maximum extent possible, all environmentally sensitive areas on property proposed for
 28 subdivision shall be located within the remainder parcel. To retain the rural character, the
 29 remainder parcel should contain to the maximum extent possible forested areas, active
 30 agriculture, meadows, pastures, and prominent hillsides or ridges if they exist.

31 §4-7-9 OTHER DESIGN REQUIREMENTS

32
33 Subdivision identification monuments shall not be permitted unless approved by the Planning
 34 Commission, and only in such cases as the monument retains the rural or resource character of

1 the area. This shall not be construed to prohibit landscaping at the entrance of a rural cluster
2 subdivision.

3

4 Sight obscuring fences are not permitted within 50 feet of the public right-of-way, nor along
5 cluster lot lines adjacent to any remainder parcel.

6

7 §4-7-10 RESOURCE LAND AND OPEN SPACE RETENTION

8

9 Active agricultural or forest land, or agricultural or forest land not presently in use, may be
10 preserved in its current use or proposed to be made available on a lease basis in the future for
11 compatible agricultural or forestry uses. The primary intent shall be to preserve open lands for
12 agricultural or forest use, not to provide open space/recreational land uses which will interfere or
13 be in conflict with agricultural or forestry operations.

14

15 The Planning Commission shall require that any such resource lands or open spaces to be
16 preserved be shown on the preliminary and final plat as required by Section 2.2 of this code.
17 Any areas within the subdivision which are designated on the preliminary plat and final plat as
18 being a common, recreation, park, open or other similar non-resource area shall be
19 encumbered in a manner suitable to the Planning Commission to assure that such area will in
20 some manner be beneficial to the owners of the building sites within the proposed subdivision
21 and that said areas will not be available for development in any manner inconsistent with the
22 intent of this Resolution [Ordinance].

23

24 §4-7-11 RESOURCE USE MANAGEMENT PLAN

25

26 In cases where land is proposed to remain in farm or forest (i.e., resource) use, the Planning
27 Commission shall require a farm or forest management plan for the remainder parcel to be
28 submitted and approved prior to approval of the preliminary plat. The management plan shall
29 describe the nature and intensity of large scale agricultural or forestry uses, permitted uses and
30 management of the parcel so that it maintains its resource other designated functions. The
31 management plan shall identify the responsibility for maintaining the remainder parcel. The plan
32 shall also include any construction activities (trails, fencing, agricultural buildings) and
33 vegetation clearing that may occur on-site. All subsequent activities must be conducted in
34 conformance with the approved management plan.

1
2 §4-7-12 OWNERSHIP AND MANAGEMENT OF RESOURCE LAND OR OPEN SPACE

3
4 The Planning Commission may require the creation of a homeowner's association or other
5 organization for ownership and maintenance of lands to be preserved for agriculture, forestry,
6 and/or open space use (i.e., remainder parcels). Land to be preserved as open space may be
7 dedicated by fee title to the county, subject to the approval of the Board of County
8 Commissioners. If accepted in fee simple title, the county or other designated public jurisdiction
9 will maintain all open space lands accepted in fee title.

10
11 *Commentary: This module provides a minimal amount of guidance with regard to protecting*
12 *open spaces and resource lands. Local governments that wish to consider this issue more*
13 *extensively will want to discuss such issues as how to involve land trusts and provide for*
14 *conservation easements.*

15
16 *References:*

17
18 *Arendt, Randall, et al. 1994. Rural by Design. Chicago: Planners Press.*

19
20 *Clark County, Washington. Rural Cluster subdivisions (zoning)*

21
22 *Jefferson County, Colorado, Rural Cluster regulations.*

23
24 *Pivo, Gary, Robert Small, and Charles R. Wolfe. 1990. Rural Cluster Zoning: Survey and*
25 *Guidelines. Land Use Law and Zoning Digest 42, 9: 3-9.*

26

§5-2 DESIGN REVIEW

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§5-2-16	ENFORCEMENT

§5-2 DESIGN REVIEW

Commentary on Historic Preservation Versus Design Review: Local governments that desire to regulate the architectural appearance of historic properties and historic districts must establish a Historic Preservation Commission via ordinance rather than a Design Review Board as proposed here. See Section 5-3 of this model code for a model ordinance to establish a historic preservation ordinance.

Description and Applicability: Design review, which involves some subjective judgments as to the aesthetics of a given development, is not likely to be acceptable in many rural communities, unless the district applies to an area that has extensive community support for protection. Generally, local governments that are unwilling to adopt land use regulations will be even less willing to suggest or dictate architecture and aesthetic aspects of development. However, local governments are becoming increasingly more concerned with the appearance of development. In some instances, communities that cannot muster political support to regulate the location and mixtures of land use might be able to garner community support to ensure through regulation

1 developments that are architecturally appropriate and compatible. Design review is a process
 2 of reviewing the architecture, aesthetics, and site characteristics of new development within a
 3 specifically designated area, or jurisdiction-wide. Its primary purposes are to achieve
 4 architectural harmony and aesthetic compatibility between new and existing development. It is
 5 strongly recommended that any design review ordinance be accompanied by the adoption (by
 6 resolution or ordinance) of design guidelines appropriate to the types and character of buildings
 7 and development being reviewed. Section 5-3 of this model code is considered to be a
 8 companion code section to this Resolution [Ordinance]. Communities should view the
 9 provisions in Section 5-3 of this model code as a menu of possible general guidelines that might
 10 apply, depending on the specific nature of development in the jurisdiction. More specific design
 11 guidelines that match the particular aspects of the community and areas being regulated are
 12 also strongly recommended.

13
 14 Administrative Requirements for Implementation. Design review requires a fairly elaborate
 15 ordinance, and detailed design guidelines are highly recommended. Both of these requirements
 16 necessitate professional expertise not often available locally (and perhaps not regionally in
 17 Georgia’s more rural areas). A building permit system and a site plan review are prerequisites.
 18 In addition, some professional expertise is needed on the design review board and on the part
 19 of the staff administering the Resolution [Ordinance]. Design review requires more extensive
 20 applications for development; for instance, a typical design review application contains
 21 architectural elevations and often color and material samples. It is unlikely that rural local
 22 governments will have the necessary expertise on staff, and they may not have a sufficient pool
 23 of citizens with the requisite professional experience to serve on a review board. The procedure
 24 for processing applications for design review are written in a way that they closely track the
 25 same procedure as for certificates of appropriateness in historic districts (see Section 5.3 of this
 26 model code). However, the design review application procedure does not require public
 27 hearings or notices to adjacent property owners, as is the case with reviews within historic
 28 districts by a historic preservation commission.

29
 30 §5-2-1 TITLE

31
 32 This Resolution [Ordinance] shall be known and may be cited as the “Architectural and Site
 33 Design Review Ordinance of the City of _____.”

34

1 §5-2-2 PURPOSE AND INTENT

2
3 Careful attention to the architectural design of buildings and the layout of development sites is in
4 the best interests of the city, its citizens, and business owners. Attractive and integrated
5 architectural and site design features tend to improve an area’s image, raise overall property
6 values, attract new businesses and residents, and improve the quality of life. Research and
7 experience have shown that there is a positive return on investment for providing attractive
8 design features, for both government and property owners and can provide similar
9 enhancements to public safety, community health, and well being. This Resolution [Ordinance]
10 establishes a design review board and requires review by the design review board of any new
11 construction or material change in appearance to existing structures.

12
13 §5-2-3 APPLICABILITY

14
15 This Resolution [Ordinance] shall apply to all non-residential development within the city limits of
16 the City of _____.

17
18 *Commentary: Applicability refers to the type of development and the jurisdiction or area*
19 *regulated. Rural counties might apply this Resolution [Ordinance], but it is written to apply to cities*
20 *where concentrations of development exist. A community may wish to guide architectural design*
21 *only within a selected district, rather than applying regulations community-wide. If design review*
22 *is intended to apply only to a portion of the city, the Resolution [Ordinance] should make clear that*
23 *there are unique features of the area being regulated, not found in other parts of the community,*
24 *that justify and warrant design review. With regard to types of land uses, it is customary to*
25 *exclude from design review detached single-family residences. Only in unique circumstances*
26 *would it be appropriate to regulate individual detached dwellings. With regard to manufactured*
27 *homes, see the compatibility standards provided in 4-4 of this model code.*

28
29
30 §5-2-4 ESTABLISHMENT OF DESIGN REVIEW BOARD

31
32 A Design Review Board is hereby established. Said board shall consist of five voting members,
33 who are residents and registered voters of the County [City], each of whom shall serve for terms
34 of three years without compensation. The Design Review Board membership shall be composed

1 of individuals with the following qualifications in addition to any other qualifications listed in this
2 section:

- 3 (a) At least one member shall be an architect with a current state registration;
- 4 (b) At least one member shall be a landscape architect with current registration; and,
- 5 (c) At least one member shall be a licensed commercial building contractor.

6

7 None of the members of the Design Review Board shall be a member of the Governing Body,
8 but one member of the Planning Commission may serve on the Design Review Board. The
9 board members shall be appointed by the Chairman of the Board of Commissioners [Mayor]
10 with the approval of the Board of Commissioners [City Council]. In case any vacancy should
11 occur in the membership of the board for any cause, the Chairman of the Board of
12 Commissioners [Mayor] shall fill such vacancy by making an appointment for the unexpired term
13 with the approval of the Board of Commissioners [City Council]. Any members of the board may
14 be removed by the Chairman of the Board of Commissioners [Mayor] for due cause or upon
15 expiration of term, subject to the approval of the Board of Commissioners [City Council].

16

17 *Commentary: It may be difficult for small cities or rural counties to find persons who meet the*
18 *professional qualifications cited above. Another challenge in small cities and rural counties is*
19 *finding a sufficient number of persons to serve on a board of this type without pay. It is not*
20 *recommended that the number of persons serving on the Design Review Board be reduced*
21 *below five members, because the next alternative, (three) might allow too much domination by*
22 *individual members and a vote of only two members to constitute a majority. If the local*
23 *government desiring to establish a Design Review Board does not believe it can find people*
24 *with the professional qualifications established in this section, it could reduce those*
25 *requirements to what may be feasible. For example, altering the minimum membership*
26 *qualification of at least three of the five members having special qualifications or expertise in the*
27 *areas of architecture, landscape architecture, building construction, or land planning. In any*
28 *event, it is advisable that the majority of Design Review Board has relevant professional*
29 *credentials. Local governments might consider appointing the Land Use Officer or designated*
30 *officer as the design review agent in lieu of a board. However, placing discretionary authority*
31 *for architectural design and appearance in a single individual is risky due to possibilities that*
32 *such discretion will be abused. If a local government places discretion for design review*
33 *approval in a single administrative official such as the Land Use Officer or designated officer,*
34 *then the Resolution [Ordinance] should provide substantial, specific design guidelines that move*

1 *the design review process more into the realm of objective standards than discretionary*
 2 *judgment. Also, when a single administrator is responsible for design review, an appeal to*
 3 *higher authority must be provided to guard against abuse of discretion.*

4
 5 §5-2-5 AUTHORITY OF THE DESIGN REVIEW BOARD

6
 7 The Design Review Board is authorized to receive, consider, grant, grant with conditions, or
 8 deny applications for design review as required by this Resolution [Ordinance]. In granting a
 9 design review approval, the Board may impose such requirements and conditions with respect
 10 to the location, construction, maintenance and operation of any use or building, in addition to
 11 those expressly set forth herein, as may be deemed necessary for the protection of adjacent
 12 properties and the public interest. Decisions of the Design Review Board shall be final unless
 13 an appeal to the Mayor and City Council is filed no later than 30 days of the decision of the
 14 Design Review Board.

15
 16 *Commentary: An appellant may file immediately after a decision under this provision and does*
 17 *not have to wait the full 30 days. The appeal would typically be heard at the next regular*
 18 *meeting or after due notice was given.*

19
 20 §5-2-6 MEETINGS OF THE BOARD

21
 22 The Design Review Board shall adopt rules of procedure as are necessary to carry out the
 23 purposes of its authority. The Board shall establish a regular meeting date and time for its
 24 meetings. However, meetings shall be held only on an as-needed basis. All meetings shall be
 25 open to the public. The Board shall appoint a secretary, who shall be the Land Use Officer or
 26 designated officer to record the minutes of its proceedings, showing the action of each board
 27 member upon each question. The Board shall keep records of its examinations and other
 28 official actions, all of which shall be filed with the County [City] Clerk and which shall be public
 29 records. The Land Use Officer or designated officer shall serve as the advisor to the Board,
 30 except in cases of an appeal from a decision of the Land Use Officer or designated officer.

1 §5-2-7 DEFINITIONS

2

3 Commentary: *This section provides a glossary of terms related to architectural design. Except for*
 4 *the term “material change in appearance,” these definitions lack a specific regulatory context*
 5 *unless the local jurisdiction also adopts the companion code provision on design guidelines (see*
 6 *Section 5-3 of this model code). It is recommended that the architectural design-related*
 7 *definitions be adopted within the design review ordinance itself, rather than as a part of the design*
 8 *guidelines module. For additional definitions, especially those related to types of land uses and*
 9 *development features, see §6-1 of this model code. Depending on the complexity of architectural*
 10 *review sought, some of the definitions in this section may not be needed.*

11

12 Amenity: Aesthetic or other characteristics that increase a development’s desirability to a
 13 community or its marketability to the public. Amenities may differ from development to
 14 development but may include such things as recreational facilities, pedestrian plazas, views,
 15 streetscape improvements, special landscaping, or attractive site design.

16 Appearance: The outward aspect that is visible to the public.

17 Appropriate: Fitting to the context of a site, neighborhood or community.

18 Architectural concept: The basic aesthetic idea of a structure, or group of structures, including
 19 the site, signs, buildings and landscape development that produces the architectural character.

20 Architectural features: Functional, ornamental or decorative features integral or attached to the
 21 exterior of a structure, including roof elements, cornices, eaves, gutters, belt courses, sills,
 22 lintels, windows, doors, transoms, fan lights, side lights, chimneys, and elements of exterior
 23 embellishment.

24 Architectural recesses: Portions of a building wall at street level which are set back from the
 25 street line so as to create articulation of the building wall and/or to provide space for windows or
 26 doors.

27 Architecture: The art and science of designing and constructing buildings adapted to their
 28 purposes, one of which is beauty.

29 Attractive: Having qualities that arouse satisfaction and pleasure in numerous, but not
 30 necessarily all, observers.

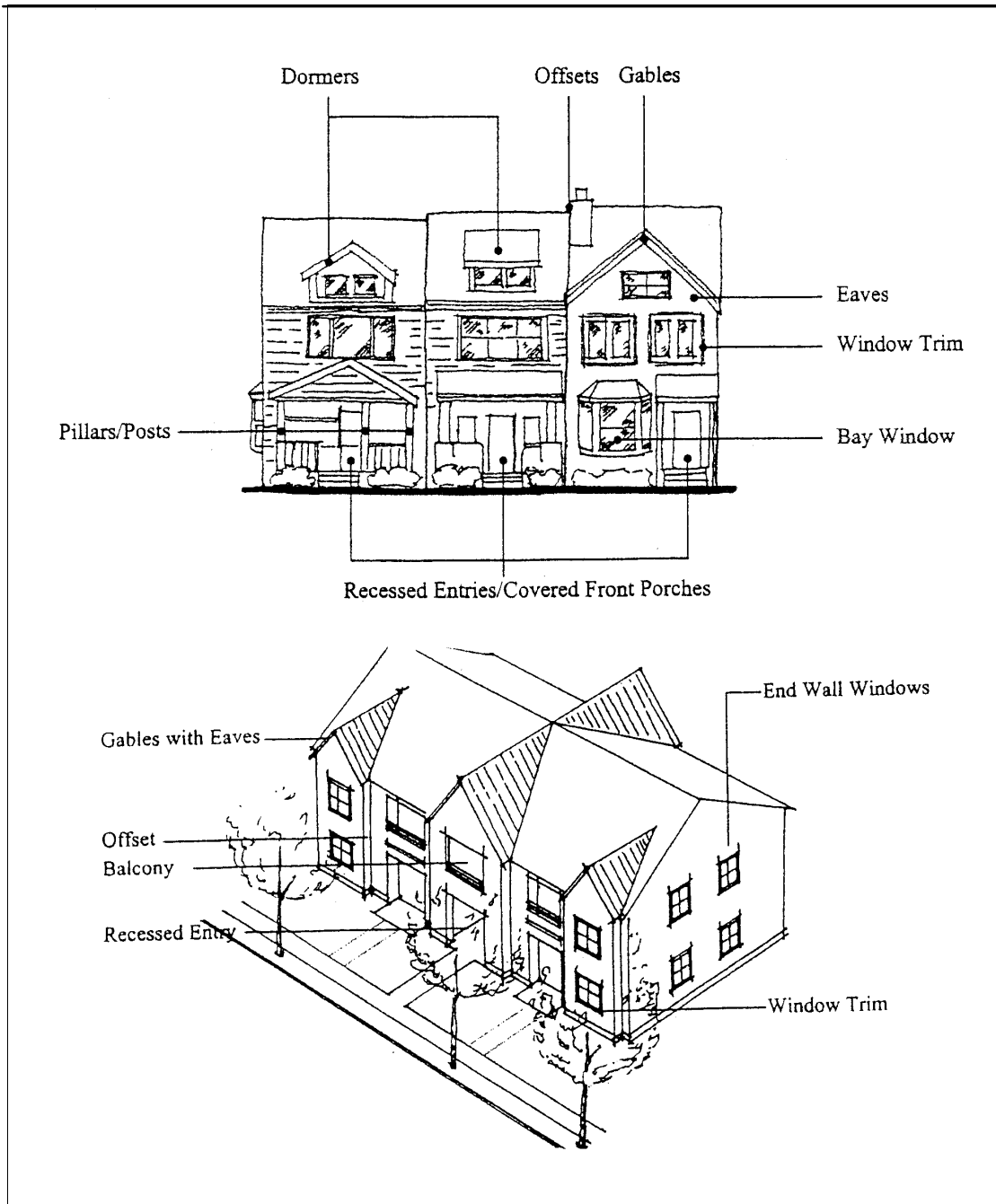
31 Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass,
 32 designed and intended for the protection from the weather or as a decorative embellishment,
 33 and which projects from the wall or roof of a structure over a window, walk, door, or the like.
 34 Awnings may be retractable but are most often fixed with a rigid frame.

- 1 Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in
2 whole or part, illuminated by light passing through the membrane from within the structure.
- 3 Balustrade: A railing consisting of a handrail or balusters.
- 4 Build-to line: An alignment established a certain distance from the curb or right-of-way line to a
5 line along which a building or buildings shall be built.
- 6 Building bulk. The visual and physical mass of a building.
- 7 Built environment: The elements of the environment that are generally built or made by people
8 as contrasted with natural processes.
- 9 Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces
10 extending from the ground, including an awning, that projects from the wall of a building over a
11 sidewalk, driveway, entry, window, or similar area, or which may be freestanding.
- 12 Character: The nature of a building or site.
- 13 Cohesiveness: Unity of composition among elements of a structure or among structures, and
14 their landscape development.
- 15 Common area: Land within a development, not individually owned or dedicated to the public,
16 and designed for the common usage of the development. These areas include green open
17 spaces and yards and may include pedestrian walkways and complimentary structures and
18 improvements for the enjoyment of residents of the development. Maintenance of such areas is
19 the responsibility of a private association, not the public.
- 20 Compatibility: With regard to development, the characteristics of different land uses or activities
21 that permit them to be located near each other in harmony and without conflict; with regard to
22 buildings, harmony in appearance of architectural features in the same vicinity.
- 23 Continuity: The flow of elements or ideas in a non-interrupted manner.
- 24 Cornice: A horizontal element member, structural or nonstructural (i.e., molding), at the top of
25 the exterior wall or projecting outward from an exterior wall at the roofline, including eaves and
26 other roof overhang.
- 27 Design guideline: A standard of appropriate activity that will establish, preserve, or enhance the
28 architectural character and site design and function of a building, structure, or development.
- 29 Detail: A small feature or element that gives character to a building.
- 30 Dormer: A window projecting from a roof.
- 31 Eave: The projecting lower edges of a roof overhanging the wall of a building.
- 32 Eave line: The extension of a roofline beyond the vertical wall of a building.

- 1 External design feature: The general arrangement of any portion of structures or landscaping,
2 including the type, and texture of the materials, the type of roof, windows, doors, lights, signs,
3 and fixtures of portions which are open to the public view.
- 4 Façade: Typically the front of a building; however, any building square on view is considered a
5 façade (see definitions below).
- 6 Façade, front: Any façade with a main public entrance that faces one of the primary streets.
- 7 Façade, rear: Any façade without a public entry that does not face a public road.
- 8 Façade, side: Any façade without a public entry but facing a public street.
- 9 Fenestration: The organization of windows on a building wall.
- 10 Footprint: The total square footage on the ground of all buildings and structures on a site,
11 measured from the outside of all of the exterior walls and supporting columns. It may include
12 attached or detached garages, covered carports, roofed or unroofed porches and decks, and
13 accessory structures, if such are defined within the design ordinance as contributing to footprint
14 calculations.
- 15 Gable: The triangular upper portion of an end wall, underneath a peaked roof.
- 16 Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior
17 to man-made alterations, such as grading, grubbing, filling, or excavating.
- 18 Habitat: The physical location or type of environment, in which an organism or biological
19 population lives or occurs.
- 20 Harmony: A quality that represents an attractive arrangement and agreement of parts of a
21 composition, as in architectural elements.
- 22 Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.
- 23 Landscaping: The area within the boundaries of a given lot that consists of planting materials,
24 including but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark,
25 mulch, and other similar materials.
- 26 Massing the overall visual impact of a structure's volume; a combination of height and width,
27 and the relationship of the heights and widths of the building's components. (See Figure 5-2-
28 7.1).
- 29

1
2

Figure 5-2-7.1
Selected Architectural Details.



3
4
5
6

Source: Oregon Transportation and Growth management Program 1999.

- 1 Material change in appearance: A change that will affect either the exterior architectural or
2 environmental features of a building, structure, land use activity, or development site. A material
3 change in appearance shall at minimum include the following: the construction of a new building
4 or structure; the reconstruction or alteration of the size, shape, or façade of an existing building
5 or structure, including any of its architectural elements or details; commencement of excavation
6 for construction purposes; and installation of freestanding walls, fences, steps, and pavements,
7 or other appurtenant features.
- 8 Modularity: Design composition comprised of a rhythmic organization of parts.
- 9 Modulation: A measured setback or offset.
- 10 Natural drainage: Channels formed in the existing surface topography of the earth prior to
11 changes made by unnatural causes.
- 12 Natural features: Components and processes present or produced by nature, including soil
13 types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, climate,
14 floodplains, aquatic life, and wildlife.
- 15 Parapet: A low retaining wall at the edge of or along a roof.
- 16 Pedestrian-oriented development: Development designed with an emphasis primarily on the
17 street sidewalk and on pedestrian access to the site and building, rather than auto access and
18 parking areas. The building is generally placed close to the street and the main entrance is
19 oriented to the street sidewalk. There are generally windows or display cases along building
20 facades that face the street.
- 21 Portico: An exterior appendage to a building, normally at the entry, usually roofed.
- 22 Proportion: Balanced relationship of parts of a building, signs and other structures, and
23 landscape to each other and to the whole.
- 24 Ridge: The peak of a roof. Also, the horizontal member at the peak into which the rafters join.
- 25 Roof: The cover of a building, including the eaves and similar projections.
- 26 Roof, flat: A roof having no pitch or a pitch of not more than 2:12.
- 27 Roof, pitched: A shed, gabled, or hipped roof having a slope or pitch of at least two foot rise for
28 each 12 feet of horizontal distance.
- 29 Scale: Proportional relationships of the size of parts to one another and to humans.
- 30 Scenic vista: A visual panorama with particular scenic value.
- 31 Street furniture: Those features associated with a street that are intended to enhance the
32 street's physical character and use by pedestrians, such as benches, trash receptacles, planting
33 containers, pedestrian lighting, kiosks, etc.

1 Street hardware: Objects other than buildings or street furniture that are part of the streetscape.
 2 Examples are: non-pedestrian street light fixtures, utility poles, traffic lights and their fixtures, fire
 3 hydrants, etc.

4 Streetscape: The appearance and organization along a street of buildings, paving, plantings,
 5 street hardware, street furniture, and miscellaneous structures.

6 View corridor: The line of sight identified as to height, width, and distance of an observer
 7 looking toward an object.

8 Viewshed: The area within view from a defined observation point.

9

10 §5-2-8 DESIGN REVIEW AND APPROVAL REQUIRED

11

12 No building or structure shall be erected (nor shall any material change in the exterior
 13 appearance of any existing building, structure, or activity be allowed), until and unless a design
 14 review application has been made to the Land Use Officer or designated officer and approved
 15 by the design review board in accordance with the provisions of this Resolution [Ordinance].
 16 Prior to any material change in appearance, the Land Use Officer or designated officer must
 17 issue a certificate of design review approval, after approval by the design review board. No
 18 building permit or land use permit requiring review and approval by the design review board
 19 shall be issued by the Land Use Officer or designated officer, unless the permit has received
 20 design review approval from the design review board and a certificate of design review approval
 21 has been issued by the Land Use Officer or designated officer or designated officer.

22

23 §5-2-9 EXEMPTION FOR MINOR CHANGES

24

25 Where the requested change, a minor alteration, the Land Use Officer or designated officer may
 26 waive any of the information requirements of this Resolution [Ordinance] for design review
 27 application. The Land Use Officer or designated officer may consult with the chairman of the
 28 design review board in making exemptions pursuant to this section.

29

30 §5-2-10 PRE-APPLICATION CONFERENCE

31

32 All applicants for design review and approval are strongly encouraged but not required to
 33 schedule a pre-application conference with the Land Use Officer or his or her designee. A pre-
 34 application conference is a time where applicants can familiarize themselves with the

1 application requirements and processes and gain preliminary input from staff as to the suitability
2 of the proposed material change in appearance. Typically, the board is not represented at pre-
3 application conference, although this does not preclude one or more members of the board from
4 attending and participating in a pre-application conference.

5
6 §5-2-11 APPLICATION REQUIREMENTS

7
8 All applications for design review approval shall be made as required by the Land Use Officer or
9 designated officer and shall at minimum contain the following information:

10
11 §5-2-11.1 Elevation Drawings, Color and Material Samples. Every application or review
12 involving the construction of a new building or structure, alterations, and/or additions to existing
13 structures shall be accompanied by exterior elevation drawings, drawn to scale and signed by
14 an architect, engineer or other appropriate professional. These shall be submitted in sufficient
15 number of copies as required by the Land Use Officer or designated officer. Said exterior
16 elevation drawings shall clearly show in sufficient detail the exterior appearance and
17 architectural design of proposed change(s) to buildings or structures and new construction, as
18 applicable. Each application shall also indicate proposed materials, textures and colors, and
19 provide samples of materials and colors.

20
21 §5-2-11.2 Photographs. All applications shall be accompanied by photographs of all
22 sides of the existing building(s) or structure(s) affected, and of adjoining properties.
23 Photographs shall be submitted in printed copy and in digital form unless otherwise specified by
24 the Land Use Officer or designated officer.

25
26 §5-2-11.3 Site Plan and Landscaping Plan. For every application, a plot plan or site
27 plan, drawn to scale, shall be submitted which shows all improvements affecting appearances,
28 such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs,
29 lights, and other elements.

30
31 §5-2-11.4 Fee. A fee, as may be established by the Board of Commissioners [Mayor
32 and City Council], shall be submitted for said application.

33

1 §5-2-11.5 Additional Information. The Land Use Officer may reasonably require any
2 additional information as or designated officer shall be submitted with the application.

3
4 §5-2-12 CRITERIA FOR ACTING ON DESIGN REVIEW APPLICATIONS

5
6 In passing on applications for design review and approval, the design review board shall
7 consider the appropriateness of any proposed material change in appearance in the context of
8 the following criteria:

- 9 (a) Consistency with any adopted design guidelines for the type of development, and/or the
10 proposed use.
- 11 (b) The nature and character of the surrounding areas, and the consistency and
12 compatibility of the proposed application with such nature and character.
- 13 (c) The general design, character and appropriateness of design, scale of buildings,
14 arrangement, texture, materials, and colors of the structure in question and the relation
15 of such elements to similar features of structures in the immediate surrounding area,
16 site, and landscaping.
- 17 (d) The board shall not consider interior arrangement or use as having any effect on exterior
18 architectural features.
- 19 (e) The following are other grounds for considering a design inappropriate.
- 20 (1) Character foreign to the area.
- 21 (2) Arresting and spectacular effects.
- 22 (3) Violent contrasts of material or color, or intense or lurid colors.
- 23 (4) A multiplicity or incongruity of details resulting in a restless and disturbing
24 appearance.
- 25 (5) The absence of unity and coherence in composition not in consonance with the
26 density and character of the present structure or surrounding area.

27
28 §5-2-13 ACTION BY DESIGN REVIEW BOARD

29
30 A decision by the board on a design review application shall be made within 45 days from the
31 date a complete application is received. The design review board shall approve the application
32 and direct the Land Use Officer or designated officer to issue a certificate of design approval if it
33 finds that the proposed material change in appearance would not have a substantial adverse
34 effect on the aesthetic or architectural significance and value of adjacent and nearby properties,

1 and if the board finds the application is consistent with the criteria for judging applications for
 2 design review and approval as established in this Resolution [Ordinance]. The board may deny
 3 an application for a design review and approval when in the opinion of the board such proposed
 4 change would be detrimental to the character of the area. In the event the board rejects an
 5 application, it shall state its reason(s) for doing so and shall transmit a record of such action and
 6 the reason(s) for rejection, in writing, to the applicant. The board may suggest alternative
 7 courses of action it thinks proper and conditionally approve the application if the applicant
 8 agrees to the conditions, or the Board may not approve the application as submitted. The
 9 applicant, if he or she so desires, may make modifications to the plan(s) and may resubmit the
 10 application. The denial of an application for a design review and approval shall be binding on
 11 the Land Use Officer or designated officer and, in such a case of denial, no building permit shall
 12 be issued.

13

14 §5-2-14 CHANGES AFTER BOARD APPROVAL

15

16 After the issuance of a certificate of design review and approval, no material change in the
 17 appearance shall be made or permitted to be made by the owner or occupant thereof, unless
 18 and until all requirements of this Resolution [Ordinance] are met.

19

20 §5-3-15 APPEALS

21

22 Any person adversely affected by any determination made by the design review board relative
 23 to the issuance or denial of a certificate of design review and approval may appeal such
 24 determination to the Mayor and City Council. For purposes of this section, an adversely
 25 affected person is one who demonstrates that his or her property will suffer special damage as a
 26 result of the decision complained of, rather than merely some damage that is common to all
 27 property owners and citizens similarly situated. The appeal must be filed within 30 days of the
 28 decision of the board and must be made by petition delivered to the Land Use Officer or
 29 designated officer. The appeal shall be on the application exactly as presented to the board.
 30 The Mayor and City Council may approve, modify and approve, or reject the determination
 31 made by the board if it finds that the board abused its discretion in reaching its decision.
 32 Appeals from decisions of the Mayor and City Council made pursuant to this section may be
 33 taken to superior court of _____ County in the manner provided by law.

34

1 §5-2-16 ENFORCEMENT

2
3 After a certificate of design review and approval has been issued, the Land Use Officer or
4 designated officer shall from time to time inspect the construction approved by such
5 authorization. The city, through the Land Use Officer, designated officer, or City Attorney, shall
6 be authorized to institute any appropriate action or proceeding in a court of competent
7 jurisdiction to prevent any material change in the appearance, except those changes made in
8 compliance with the provisions of this Resolution [Ordinance], or to prevent any illegal act or
9 conduct with respect to this Resolution [Ordinance].

10

11 References:

12

13 *Jerry Weitz & Associates, Inc. 2001. Development and Design Guidelines for the Georgia 400*
14 *Corridor, Dawson County, Georgia. Dawsonville: Dawson County Department of Planning.*

15

16 *OTAK, Inc. 1999. Model Development Code and User's Guide for Small Cities. Salem:*
17 *Oregon Transportation and Growth Management Program.*

18

§5-3 DESIGN GUIDELINES

CONTENTS

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§5-3 DESIGN GUIDELINES

Comment on Applicability: If a local government establishes a design review board, design guidelines, specific to the local jurisdiction, should be prepared, adopted, and applied by the board. In the absence of guidelines specific to a particular jurisdiction, the following design guidelines might be appropriate for use by local governments. Note that the guidelines pertain to a variety of topics, including lighting, industrial districts, drainage, and architectural design. Local governments should determine which types of guidelines are applicable in their jurisdiction and choose only those that apply in the community.

Comment on Regulations Versus Guidelines. This module is intended to provide guidelines rather than regulations. As such, compliance is voluntary rather than mandatory. They should be applied in individual instances but should be considered variable in the judgment of the board or officer making the decision on the design application.

§5-3-1 PURPOSE AND INTENT

Left to its own workings, the real estate development industry is unlikely to produce development that is coordinated with adjacent buildings and uses. These design guidelines provide a set of criteria to evaluate the appropriateness of proposed changes to individual buildings, properties, and land use activities in a designated area or community. The ultimate

1 goal of design guidelines is to direct physical and visual changes to create an architecturally and
 2 physically cohesive area of specified character. Design guidelines are meant to create a strong
 3 identity for the area as a distinctive place to shop, visit, work, and live. Design guidelines are a
 4 means of bringing together the interests of individual property owners and the general public to
 5 achieve mutual benefits.

6
 7 Without guidance, future developments will likely be self-contained, compartmentalized, and
 8 without coherence and relationship with other developments. Without guidance, developers
 9 are unlikely to interrelate streets, buildings, human uses, and natural systems in a manner that
 10 results in a coordinated, pleasing, and sustainable-built environment across property lines.

11
 12 These guidelines are intended to help site planners and urban designers look beyond their
 13 individual buildings and single parcels of land, to shape the physical features of their
 14 development in a manner consistent with preferred principles of community design. The
 15 guidelines seek to help unify what would otherwise become a disparate and irreconcilable
 16 collection of land uses and architectural traditions.

17

18 §5-3-2 SITE PLANNING

19

20 The site plan, building design, and landscaping of new development should achieve high quality
 21 and appearance that will enhance and be compatible with the character of the surrounding area.

22

23 Site planning and design of projects proposed (adjacent to dissimilar land uses) should carefully
 24 address the potential undesirable impacts on existing uses. These impacts may include traffic,
 25 parking, circulation and safety issues, light and glare, noise, odors, dust control and security
 26 concerns.

27

28 *Commentary: This model code provides regulations that address some of these off-site*
 29 *impacts. For more specific and stronger provisions regarding off-site impacts, see Section 3.1*
 30 *of this model code.*

31

32

1 §5-3-3 PROTECTING THE NATURAL ENVIRONMENT

2

3 (a) Evaluate the proposed development’s compatibility with the existing environment to
4 determine the limitations and capabilities of the site for development.

5 (b) Conserve and protect natural resources, including air quality, trees, natural vegetation,
6 existing topography, streams, creeks, wetlands, watersheds, water quality, and wildlife
7 habitat. Development should be limited to a level that does not exceed the capabilities
8 and requirements of a healthy environment.

9 (c) Significant site features such as habitats, natural ground forms, existing site vegetation,
10 large rock outcroppings, water, and significant view corridors should be identified and
11 incorporated into development plans. Where possible, a diversity of habitats is
12 preferred.

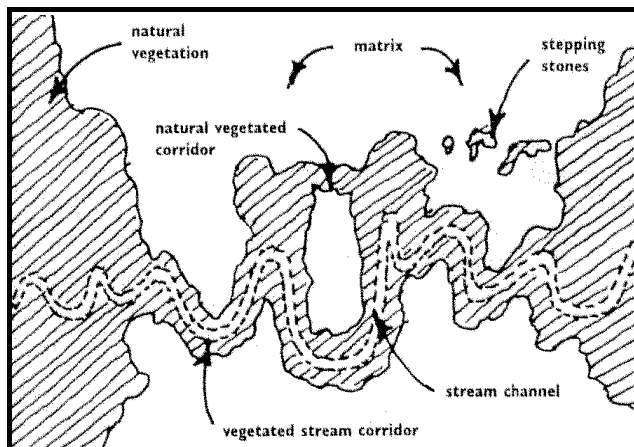
13 (d) Riparian zones, stream corridors, and wetlands should be protected for their wildlife
14 habitat and other values. Development plans for these areas should treat these
15 components as assets. A continuous, connected, natural vegetative corridor should be
16 preserved along all creek and stream corridors to provide stream quality protection and
17 for the efficient movement of wildlife throughout the area. No fill, removal, or
18 modification of a riparian area should take place, unless there is no reasonable and
19 feasible alternative. The alteration or improvement of significant natural resource areas
20 where permitted, should ensure that potential losses are mitigated and best
21 management practices are employed to minimize permanent damage. (See Figure 5-3-
22 3.1).

23

24

Figure 5-3-3.1

Retention of Vegetated Stream Corridor



25

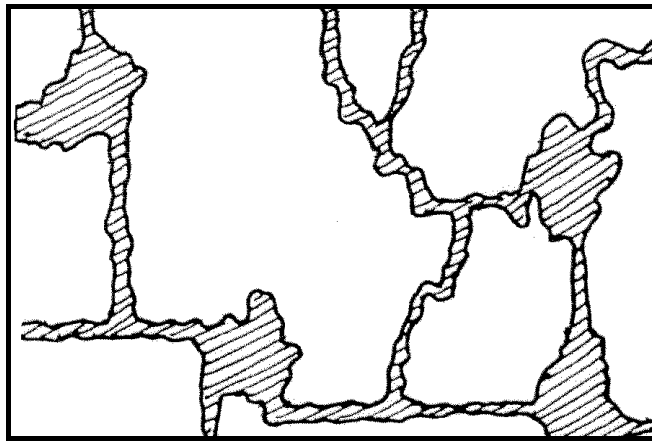
26

Source: Dramstad, Olson and Forman 1996.

- 1 (e) Existing vegetation should be retained to the maximum extent possible. Clearing of
- 2 native vegetation should be limited to that required for the provision of essential
- 3 purposes (i.e., access, building, sewage disposal, etc.). Where appropriate, existing
- 4 native vegetation should be enhanced with plantings of the same variety.
- 5 (f) Preserve patches of high-quality habitat, as large and circular as possible, feathered at
- 6 the edges, and connected by wildlife corridors. (See Figure 5-3-3.2).

Figure 5-3-3.2

Habitat Patch Preservation and Connection



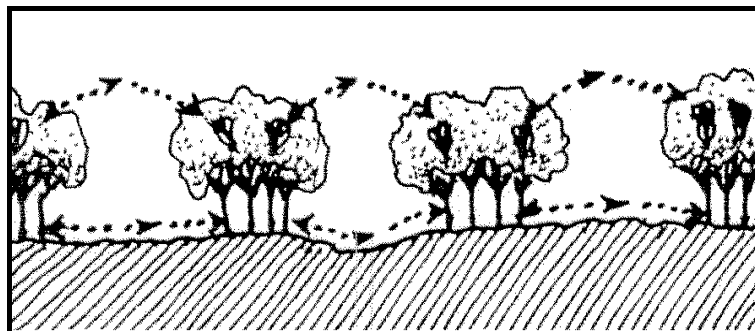
Source: Dramstad, Olson and Forman 1996.

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When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as “stepping stones” for wildlife corridors. (See Figure 5-3-3.3).

Figure 5-3-3.3

Stepping Stones



Source: Dramstad, Olson and Forman 1996.

1 §5-3-4 SITE GRADING

2

- 3 (a) Developments should be designed to fit the existing contours and landform of the site
4 and to minimize the amount of earthwork. Excavation and earthwork should be kept to a
5 minimum to reduce visual impacts and erosion. Where cut and fill is required, balancing
6 the cut and fill is highly encouraged.
- 7 (b) Abrupt or unnatural-appearing grading is strongly discouraged. Avoid the creation of
8 harsh, easily eroded banks and cuts.
- 9 (c) The height and length of retaining walls should be minimized and screened with
10 appropriate landscaping. Tall, smooth-faced concrete retaining walls should be avoided
11 in highly visible areas. Terracing should be considered as an alternative to the use of tall
12 or prominent retaining walls, particularly in highly visible areas on hillsides.
- 13 (d) Disturbed areas that are not used for roads, buildings, or other auxiliary uses should be
14 replanted.

15

16 §5-3-5 DRAINAGE

17

- 18 (a) Natural on-site drainage patterns should be used where practicable. Detain runoff with
19 open, natural drainage systems where possible.
- 20 (b) Design man-made lakes and stormwater ponds for maximum habitat value and/or to
21 serve as amenity features. (See Figure 5-3-5.1).

22

23

Figure 5-3-5.1

24

Drainage Feature as an Amenity

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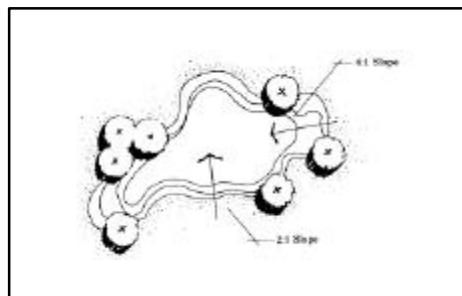
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1 §5-3-6 RETAINING RURAL RESIDENTIAL CHARACTER

2

- 3 (a) Where possible, barns and other agricultural outbuildings in reasonably good condition
4 and which contribute to the rural character of the area should be retained on the site
5 (see Figure 5-3-6.1).

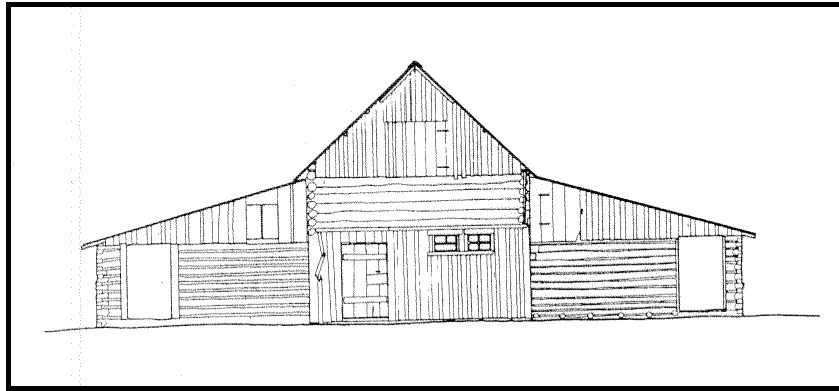
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Figure 5-3-6.1

Retention of Agricultural Structures



9

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Source: Stokes et al. 1989.

11

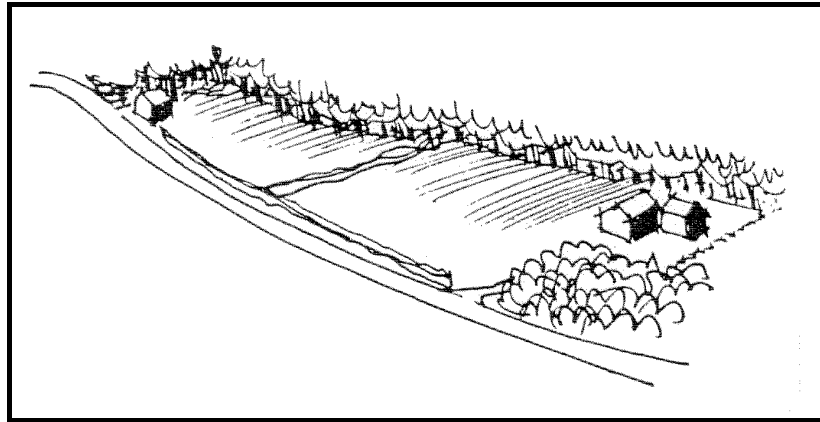
- 12 (b) Dwellings and driveways should not be prominent visual features within the landscape
13 along any existing rural road. Dwellings and associated outbuildings along existing rural
14 roads should have a low visual impact. When a rural residential dwelling is proposed in
15 an area with an open field or area with agricultural character, it should be sited at the
16 edge of the field if possible to preserve the view of the open field, pasture, or agricultural
17 scene (see Figure 5-3-6.2).

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Figure 5-3-6.2
Site Dwellings at Edges of Fields



Source: Craighead 1991.

(c) In siting rural residential dwellings, gouging out (i.e., clearcutting) building sites along the road (Figure 5-3-6.3) is strongly discouraged. Instead, rural dwelling sites should leave a natural buffer along the road and houses should be sited at the edge of clearings rather than in the center (Figure 5-3-6.4).

Figure 5-3-6.3
Clearcutting Discouraged

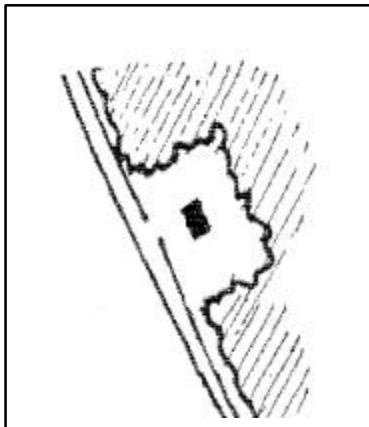
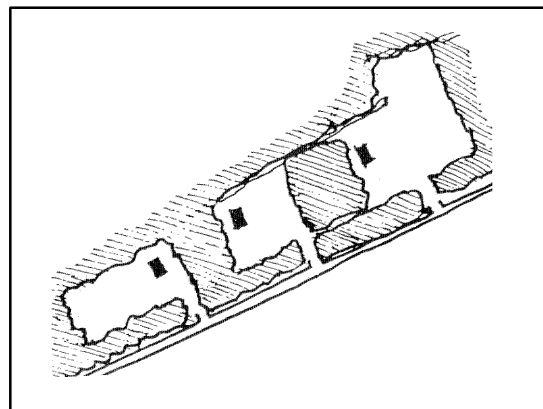


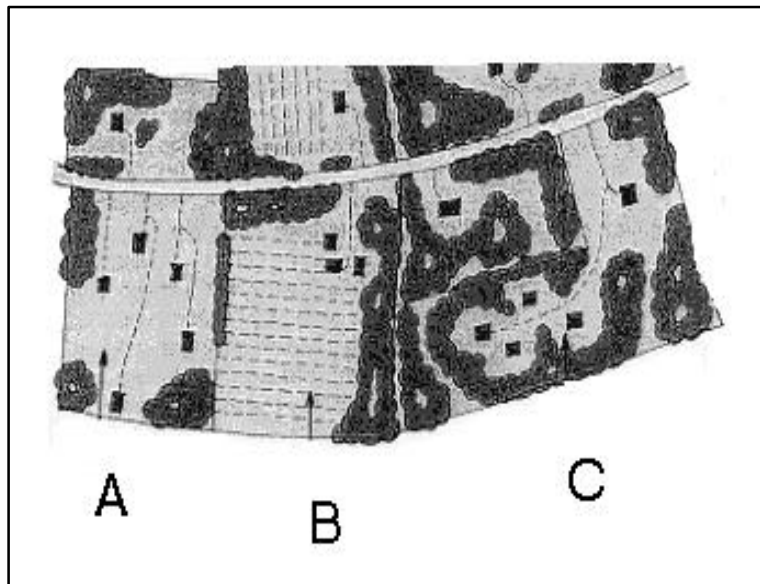
Figure 5-3-6.4
Dwellings Buffered



Source: Craighead 1991.

- d) Dwellings sited within an open field are discouraged (see area A in Figure 5-3-6.5). The location of dwellings in Area B of the illustration improves on the locations shown in area A, but the residences are still visible from the road. In the bottom part of area C (Figure 5-3-6.5), dwellings are clustered and screened from view. In the top part of area C, the road should be located at the edge of the clearing rather than in the middle of the field, and the dwellings should be located closer to the tree line.

Figure 5-3-6.5
Siting Dwellings in Rural Areas



Source: Arendt 1994.

§5-3-7 ARCHITECTURAL DESIGN

- (a) Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing.
- (b) The designer should consider each of the following contexts as part of the design process:
- (1) Size (the relationship of the project to its site);
 - (2) Scale (the relationship of the building to those around it);
 - (3) Massing (the relationship of the building's various parts to each other);
 - (4) Fenestration (the placement of windows and doors);

- 1 (5) Rhythm (the relationship of fenestration, recesses and projections);
 2 (6) Setback (in relation to setback of immediate surroundings);
 3 (7) Materials (their compatibility with the historic district); and,
 4 (8) Context (the overall relationship of the project to its surroundings).

5

6 Commentary: For definitions, see Section 5-2 of this model code.

7

- 8 (c) Efforts to coordinate the height of buildings and adjacent structures are encouraged; this
 9 is especially applicable where buildings are located very close to each other. It is often
 10 possible to adjust the height of a wall, cornice, or parapet line to match that of an
 11 adjacent building. Similar design linkages, such as window lines, should be placed in a
 12 pattern that reflects the same elements on neighboring buildings.
- 13 (d) Diversity of architectural design should be encouraged. "Theme" or stylized architecture
 14 which is characteristic of a particular historic period or trend is discouraged, unless the
 15 existing building or site is historically important to the district or necessary for
 16 architectural harmony.
- 17 (e) Multiple buildings on the same site should be designed to create a cohesive visual
 18 relationship between the buildings.
- 19 (f) Long or continuous wall planes shall be avoided, particularly in pedestrian activity areas,
 20 where buildings should exhibit more detail and elements appropriate for close range
 21 pedestrian view. Outside of pedestrian retail districts, building surfaces over two stories
 22 high or 50 feet in length should be relieved with changes of wall plane (i.e., recesses and
 23 projections, see Figure 5-3-7.1) that provide strong shadow or visual interest.

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Figure 5-3-7.1

26

Recesses and Projections

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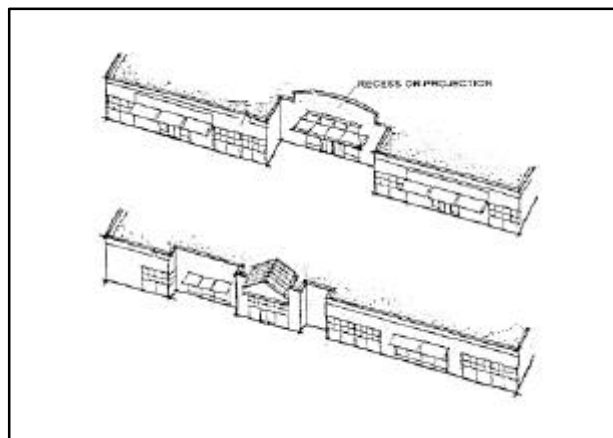
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1

2 §5-3-8 BUILDING MATERIALS, FINISHES, AND COLORS

3

- 4 (a) All sides of a building may have an impact on its surroundings and should be considered
5 for treatment with an architectural finish of primary materials (i.e., brick, wood and
6 stone), unless other materials demonstrating equal or greater quality are used. As a
7 general rule, front facades should be at least 80 percent brick and stone. Side facades
8 should be at least 50 percent brick and stone. Rear facades do not have a minimum
9 requirement for primary materials and can consist entirely of secondary materials (e.g.,
10 stucco). Tertiary materials (i.e., wood and metal) should be used for decorative
11 elements and trim only.
- 12 (b) Exterior building materials on the primary structure should not include smooth-faced
13 concrete block, tilt-up concrete panels, or prefabricated steel panels.
- 14 (c) The following types of building materials should not be used: highly reflective, shiny, or
15 mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames;
16 exposed, unfinished foundation walls; exposed plywood or particle board; and
17 unplastered, exposed concrete masonry blocks.
- 18 (d) Material or color changes generally should occur at a change of plane. Piecemeal
19 embellishment and frequent changes in material should be avoided.
- 20 (e) A horizontal accent stripe (e.g., a foot wide stripe of different color, see Figure 5-3-8.1)
21 should be used to help reduce the monotonous color and break up the appearance of
22 large building walls.

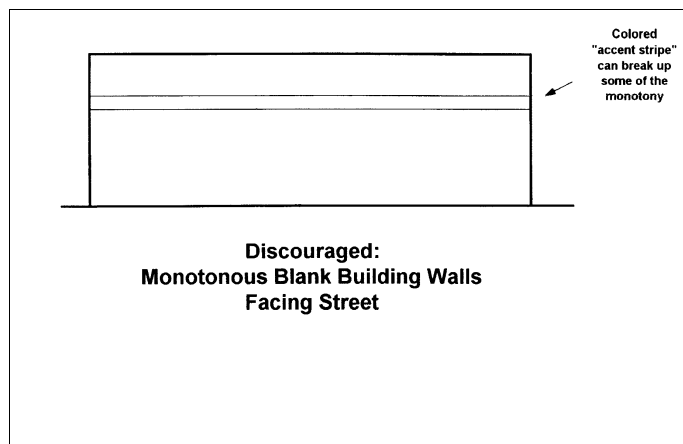
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Figure 5-3-8.1
Monotonous Blank Building Walls

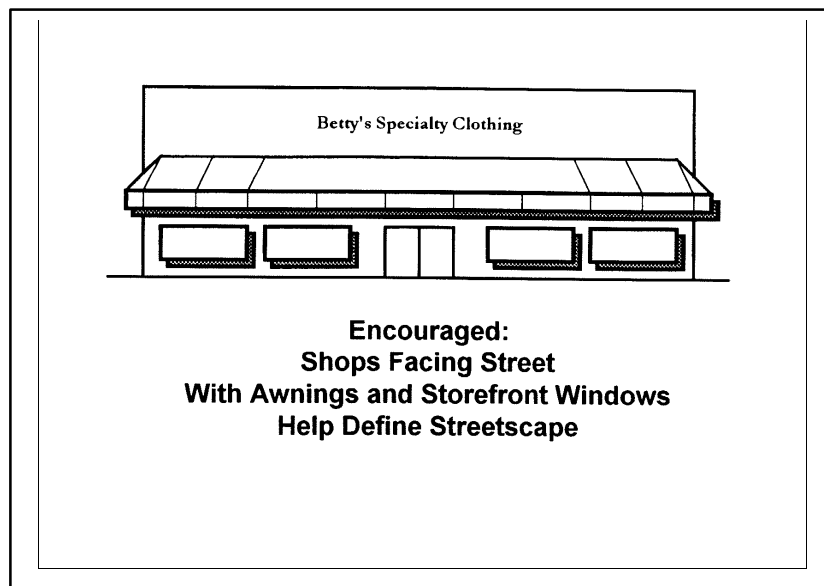


27

- 1
- 2 (f) Facade colors should be low reflectance, and subtle, neutral, or earth-tone colors. High-
- 3 intensity colors, metallic colors, black, or fluorescent colors should not be used. Building
- 4 trim and accent areas may feature brighter colors, including primary colors, provided that
- 5 the width of the trim shall not exceed four feet.
- 6 (g) Building colors should be carefully chosen so that each building color complements that
- 7 of its neighbors. Colors can be classified as the “base” color (used on the majority of the
- 8 building surface), “trim” color (used on the window trim, fascia, balustrades, and posts),
- 9 and “accent” color (used on signs, awnings, and doors). The base color should consist
- 10 of more subdued earth tones or brick shades. Trim colors should have contrasting
- 11 lighter or darker shade than the base color. If natural brick is used, it should not be
- 12 painted.
- 13 (h) The use of awnings on buildings is recommended to provide much needed protection
- 14 from sun, wind, and rain, and to improve aesthetics of the building exterior. (See Figure
- 15 5-3-8.2).

17 Figure 5-3-8.2

18 Awnings and Storefront Windows



- (i) It is recommended that awnings be constructed with a durable frame, covered by a canvas material. Awnings that are backlit through translucent materials may be acceptable but are not particularly encouraged. Aluminum and other metal canopies are

- 1 acceptable in most instances, particularly when integrated into shopping center designs.
2 Flameproof vinyl, canvas or metal awnings and canopies may be used.
- 3 (j) Solid colors are preferred over striped awnings, but striping is permitted if colors
4 complement the character of the structure or group of buildings.
- 5 (k) Awnings are encouraged for first floor retail uses to provide architectural interest and to
6 encourage pedestrian activity. Where awnings are used, they should be designed to
7 coordinate with the design of the building and any other awnings along the same block
8 face.
- 9 (l) The design of fences and walls shall be compatible with the architecture of the main
10 building(s) and should use similar materials. All walls or fences 50 feet in length or
11 longer, and four feet in height or taller, should be designed to minimize visual monotony
12 by changing plane, height, material or material texture, or significant landscape massing.
13 Chain link fencing is discouraged. Use of special fencing design or materials should be
14 discussed in cases where site security is paramount. If used, chain link fences should
15 be vinyl coated (black or green colored vinyl encouraged).
- 16 (m) All garbage dumpsters and other similar areas devoted to the storage of waste materials
17 should be screened on three sides of said dumpster or area, with a minimum six-foot
18 high solid wooden fence or a wall constructed of materials substantially similar in
19 appearance to the building on site. In addition, said dumpster areas should be gated on
20 the fourth side with a material that provides opaque screening.

21

22 §5-3-9 AUTOMOBILE-RELATED ESTABLISHMENTS

23

- 24 (a) Auto service facilities should not have their service bays facing the street, and parking
25 for all uses should be located to the side or rear of the building rather than in the front
26 yard. Service areas and/or service bays should be screened or sited so they are not
27 visible from the street.
- 28 (b) Vehicles under repair should be kept either inside a structure or in an area that is
29 screened from view from the street.
- 30 (c) Service areas shall provide adequate queuing space that does not impede vehicle
31 circulation through the site or result in vehicles stacking into the street.
- 32 (d) Perimeter and security fencing, when needed, should be constructed of attractive
33 materials that are compatible with the design and materials used throughout the project.

1 Razor wire or electric fencing should not be used, and chain link fencing is discouraged,
2 but if used, should be vinyl coated.

3 (e) Separate structures on the site (i.e., canopy, car wash, cashier's booth, etc.) should
4 have consistent architectural detail and design elements to provide a cohesive project
5 site. If a car wash is incorporated into the project, it should be well integrated into the
6 design. The car wash opening should be sited so that it is not directly visible as the
7 primary view from the street into the project site.

8 (f) Where permitted, the outside storage or display of vehicles, equipment, and
9 merchandise to be rented, leased, or sold, including manufactured home sales, should
10 be visible along no more than 30 percent of the frontage of the property abutting a
11 highway or street, excluding approved driveway entrances and exits. Screening may be
12 accomplished by using a natural vegetative buffer; a building; an earthen berm; a 100
13 percent opaque, solid wooden fence or wall; or a combination of these screening
14 methods. The use of low-lying landscaping that does not screen the display areas from
15 the public view right-of-way would not comply with this guideline.

16
17 §5-3-10 INDUSTRIAL DISTRICTS

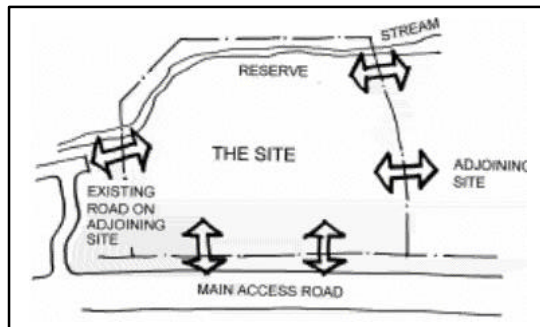
18
19 (a) Industrial districts are typically laid out in a gridiron of large blocks, 1,000 to 2,000 feet
20 long and 400 to 1,000 feet deep. Road right-of-ways should be 80 to 100 feet for major
21 roads and 60 feet for secondary roads. Curves and radii shall be large enough to
22 accommodate large trailer trucks.

23 (b) All areas devoted to the outside storage of vehicles, merchandise, and/or equipment that
24 are not intended for display, or for public rent, lease, or sale, shall be screened from
25 view from the right-of-way of the highway or public road along the entire property
26 frontage, except in areas where access crossings have been approved. A view from the
27 public right-of-way shall not be deemed to comply with this requirement.

28
29 §5-3-11 ACCESS

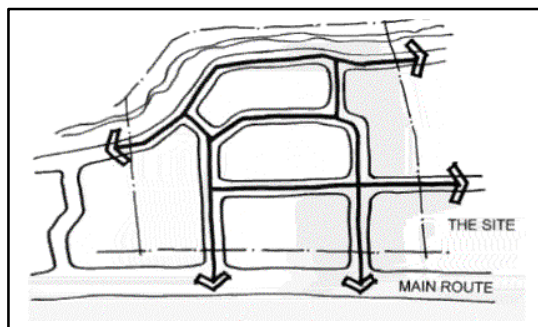
30
31 (a) The entire parcel, rather than simply a particular project, shall be considered in
32 formulating and approving access plans. (See Figure 5-3-11.1).
33

Figure 5-3-11.1
Access Considerations



- (b) The street layout within planned communities should provide as many direct links to adjacent sites and surrounding roads as practical. (See Figure 5-3-11.2).

Figure 5-3-11.2
Connectivity

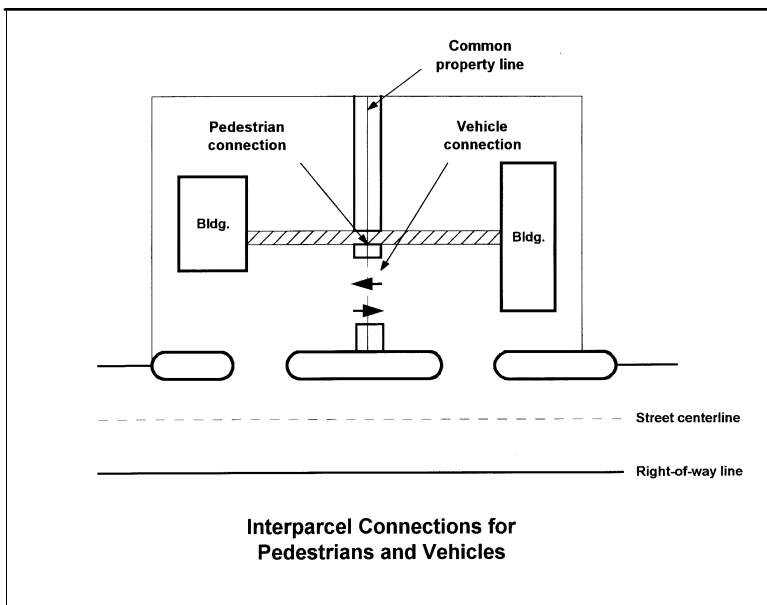


- (c) The street pattern should be designed to allow easy direct access to and from various origins and destinations.

- 1 (d) Interparcel site access, for pedestrians as well as vehicles, should be provided to
 2 adjacent properties, when land uses are compatible. (See Figure 5-3-11.3).

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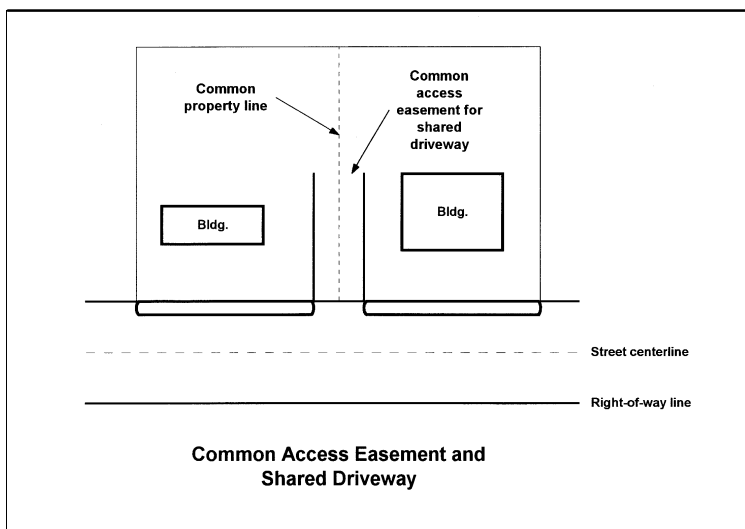
Figure 5-3-11.3
 Interparcel Connections



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- (e) Common access easements for shared driveways along state highways and busy
 streets are strongly encouraged. (See Figure 5-3-11.4).

Figure 5-3-11.4



12
 13

- 1 (f) If at all feasible with the development plan, service functions (e.g., deliveries,
2 maintenance activities) shall be integrated into the circulation pattern in a manner that
3 minimizes conflicts with vehicles and pedestrians. Commercial and industrial
4 developments should have service and loading areas separate from main circulation and
5 parking areas.

6
7 §5-3-12 EXTERIOR LIGHTING

8
9 *Commentary: Local governments should consider requiring, rather than simply encouraging,*
10 *cutoff luminaires. For lighting regulations, see Section 3.1 of this model code.*

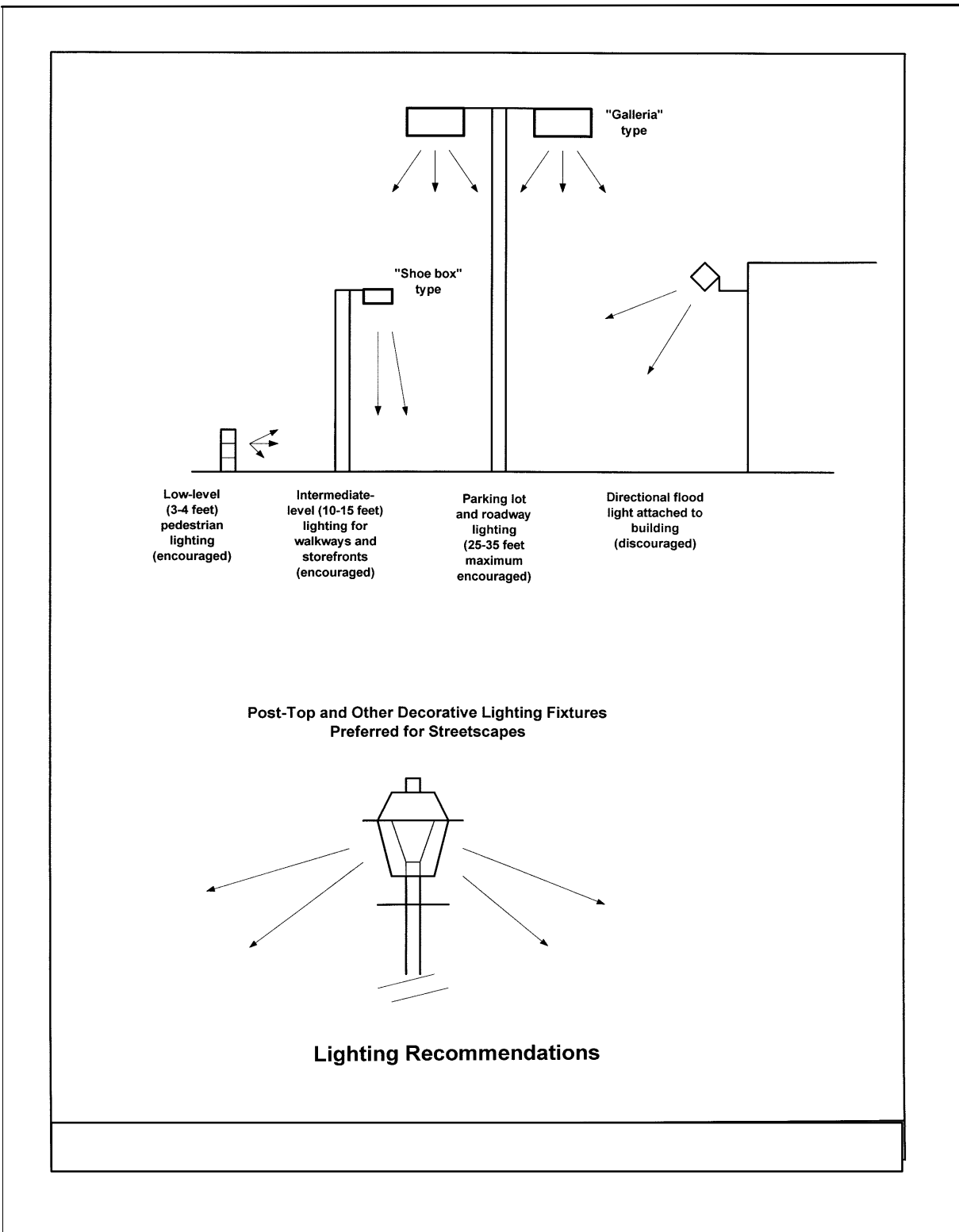
11
12 The following are exterior lighting recommendations consistent with the requirements as
13 specified in this code and illustrated in Figure 5-3-12.1.

- 14 (a) Exterior lighting should be architecturally compatible with the building style, material, and
15 colors. Galleria style and shoebox styles (cutoff fixtures) are preferred over cobra type
16 light fixtures and directional floodlights.
- 17 (b) Exterior lighting of the building and site should be designed so that light is not directed
18 off the site, and the light source is shielded from direct offsite viewing. All outdoor light
19 fixtures should be fully shielded or be designed or provided with light angle cut-offs, so
20 as to eliminate uplighting, spill light, and glare.
- 21 (c) Excessive illumination of signage, building, or site should be avoided. Roof lighting,
22 down-lighting washing the building walls, and illuminated awnings are all strongly
23 discouraged.
- 24 (d) Fixture mounting height should be appropriate for the project and the setting. The
25 mounting height of fixtures in smaller parking lots or service areas should not exceed 20
26 feet, with lower mounting heights encouraged, particularly where adjacent to residential
27 areas or other sensitive land uses. Use of low, bollard-type fixtures that are three to four
28 feet in height, are encouraged as pedestrian area lighting.

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Figure 5-3-12.1



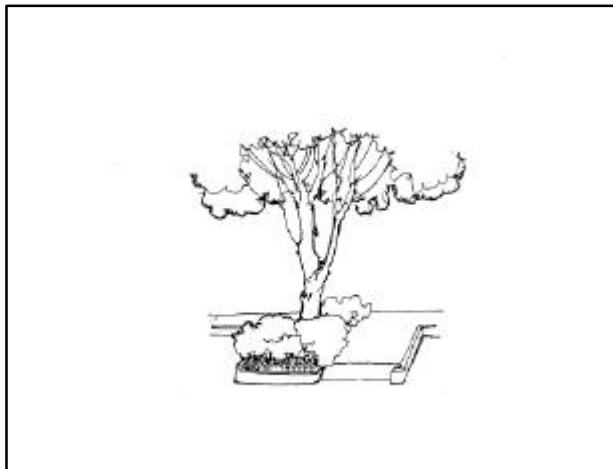
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1 §5-3-13 PARKING LOT LANDSCAPING

- 2
- 3 (a) Parking lots that face a street should be partially screened from the street by a low
 4 fence, wall, hedge, berm, or vegetated buffer. If a parking lot fronts an arterial or major
 5 collector street, and is of such a size that it dominates views from the fronting
 6 arterial/collector street and detracts from the overall streetscape and community
 7 appearance, then the parking lot should be screened or buffered with vegetation in its
 8 entirety from view along the fronting roadway(s) within the required right-of-way frontage
 9 planting strip.
- 10 (b) Landscape islands containing at least one overstory tree, or two understory trees
 11 planted in each landscape island, should be provided within parking areas with 10 or
 12 more spaces and located in such a manner so as to divide and break up the expanse of
 13 parking areas (see Figure 5-3-13.1). One landscape island should be located at the end
 14 of each row of parking spaces in the interior of the parking lot. In addition, one parking
 15 lot landscape island should also be provided for every 150 linear feet of parking spaces,
 16 whether at the periphery or in the interior of the parking lot. Each landscape island
 17 should be of sufficient shape and size so that one overstory tree or two understory trees
 18 will fit within the island. No portion of an island should be less than three feet in width.

19
 20 Figure 5-3-13.1
 21 Parking Lot Landscaped Island
 22



33 Source: DeChiara and Koppelman 1984.

34
 35
 36

1 Commentary on additional references: In addition to the references cited below, a number of
2 local governments in Georgia have adopted design guidelines for various parts of their
3 jurisdictions. Many local design guidelines are available via the World Wide Web. Other
4 references with regard to urban design are listed in the master bibliography of this model code,
5 including, but not limited to, Olshansky 1996 (hillside development), Porter 1998 (urban design),
6 Sanders 1993 (manufactured housing), and Waters 1983 (historic preservation). For a list of
7 planting materials appropriate to the region, there are many sources including DeChiara and
8 Koppelman (1984). For other design-related regulations, one can also consult other modules of
9 this model code, including Code Sections 4-4 (manufactured homes), 5-1 (small towns), and 6-2
10 (new commercial development).

11

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13

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31

§6-1 LAND USE INTENSITY DISTRICTS AND MAP

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33	§6-1-8.1	Nonconforming Lots
34	§6-1-8.2	Expansion of Nonconforming Buildings and Structures
35	§6-1-8.3	Nonconforming Uses
36	§6-1-9	PARKING
37	§6-1-9.1	Off-Street Parking Required
38	§6-1-9.2	Location of Off-Street Parking Areas
39	§6-1-9.3	Parking Plan Required
40	§6-1-9.4	Minimum Number of Parking Spaces Required
41	§6-1-9.5	Interpretations of Parking Requirements
42	§6-1-9.6	Reduction of Required Parking for Mixed or Joint Use of Parking Spaces
43	§6-1-10	LOADING
44	§6-1-10.1	Off-Street Loading Areas Required for Specified Uses
45	§6-1-10.2	Loading Area Specifications
46	§6-1-10.3	Minimum Number of Off-Street Loading Spaces Required
47		
48		

1 Commentary: Most of the regulations contained in this model code are designed to provide
 2 alternatives to a zoning district and map approach. This module is basically a zoning ordinance
 3 but does not use the word “zoning.” Instead, it calls the districts “land use intensity” districts.
 4 This module is intended to provide a rather simple model of zoning that could fit a small city or a
 5 rural county. Since it has been written for both, it will require modifications as noted in other
 6 commentary provided along with this module. Several other modules can be adopted with this
 7 module, and some such as administration and enforcement (2.0), procedures (7.1), and appeals
 8 (7.2) are considered essential to the functioning of this module.

9

10 **§6-1 LAND USE INTENSITY DISTRICTS AND MAP**

11

12 §6-1-1 TITLE

13

14 This title shall be known and may be cited as the Land Use Intensity District Resolution
 15 [Ordinance] of the County [City] of _____.

16

17 §6-1-2 DEFINITIONS

18

19 Except as specifically defined herein, all words used in this ordinance have their customary
 20 dictionary definitions. Unless otherwise expressly stated, the following words shall have the
 21 meaning herein indicated.

22

23 Abutting: Having property lines in common, or having property separated by only an alley.
 24 Separation by a street right-of-way is not considered abutting.

25 Accessory building: A building subordinate to the principal building or use on a lot and used for
 26 purposes incidental to the principal building or use and located on the same lot therewith.

27

28 Commentary: It is possible for a building to actually be considered accessory to the principal
 29 use on the lot, even if there is no other building. For instance, a stone yard that takes up most
 30 of a lot would be considered the principal use, while a small office building or storage shed on
 31 the site would be considered accessory to the primary use which is to display and sell stones.

32

33 Accessory use: A use of the land or building or portion thereof customarily incidental and
 34 subordinate to the principal use and located on the same lot with such principal use.

1 Agriculture: The commercial cultivation or growth from or on the land of horticultural, floricultural,
2 forestry, dairy, livestock, poultry, and apiarian products.

3 Apartment building: A building designed for or occupied exclusively by three or more
4 households with separate housekeeping facilities for each household.

5 Assisted living facility: Residences for the frail elderly that provide rooms, meals, personal care,
6 and supervision of self - administered medication. They may provide other services incidental to
7 the above. For purposes of this ordinance, assisted living facilities are considered institutionalized
8 residential living and care facilities.

9 Automobile sales and service establishment: New and used car, truck, tractor, trailer, boat,
10 recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, rental, and
11 service, including mobile and manufactured home and modular building sales, and agricultural
12 implement and equipment. This definition includes automotive services such as rental car
13 facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes,
14 including automated and staffed facilities, and oil change and lubrication facilities.

15 Bed and breakfast inn: A facility where overnight accommodations are provided to transients for
16 compensation, with or without a morning meal, and where the operators of the facility live on the
17 premises.

18 Berm: An earthen mound or embankment, usually two to six feet in height, designed to provide
19 visual interest, screen views, reduce noise, or fulfill other such purposes.

20 Boarding house: A building, where for compensation, both lodging and meals are provided for
21 not more than 10 persons, providing that a single-family dwelling shall not be deemed to be a
22 boarding house by reason of a contribution to or expense sharing arrangement with the owner
23 or tenant occupying the dwelling by a person related by blood or marriage.

24 Buffer: A natural or enhanced vegetated area usually intended to screen and separate
25 incompatible uses.

26 Buildable area: The portion of a lot which is not located within any minimum required yard,
27 landscape strip/area or buffer; that portion of a lot wherein a building or structure may be
28 located.

29 Building, height of: The vertical distance measured from the grade to the highest point of the
30 coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the
31 eaves and ridge of a gable or hip roof. Grade is defined as the average elevation of the ground
32 on all sides of a building.

33 Building, principal: A building in which is conducted the principal use of the lot on which said
34 building is situated.

1 Building setback line: A line establishing the minimum allowable distance between the main or
 2 front wall of a principal building and the street right-of-way line or another building wall and a
 3 side or rear property line when measured perpendicularly thereto. Covered porches, whether
 4 enclosed or not, shall be considered as a part of the building and shall not project into any
 5 required yards. For purposes of this Resolution [Ordinance], a building setback line and
 6 minimum required yard shall be considered the same.

7 Business service establishment: A facility engaged in support functions to establishments
 8 operating for a profit on a fee or contract basis, including, but not limited to: advertising
 9 agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art
 10 and graphic design, personnel supply services and employment agencies, computer and data
 11 processing services, detective, protective, and security system services, accounting, auditing,
 12 and bookkeeping services, publications and business consulting firms, food catering, interior
 13 decorating, and locksmiths.

14 Church: A building or structure, or groups of buildings or structures, that by design and
 15 construction are primarily intended for conducting organized religious services. Associated
 16 accessory uses include, but are not limited to: schools, meeting halls, indoor and outdoor
 17 recreational facilities, day care, counseling, homeless shelters, and kitchens.

18 Clinic: An institution or professional office, other than a hospital or nursing home, where
 19 persons are counseled, examined, and/or treated by one or more persons providing any form of
 20 healing or medical health service. Persons providing these services may offer any combination
 21 of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and
 22 which may include medical, physical, psychological, or mental services and facilities for
 23 primarily ambulatory persons. A clinic allows lodging and care in cases of medical necessity.

24 Club, nonprofit: A building or premises used for associations or organizations of an educational,
 25 fraternal, or social character, not operated or maintained for profit. Representative
 26 organizations include Elks, Veterans of Foreign Wars, and Lions. The term shall not include
 27 casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

28 Commercial recreational facility, indoor: A use that takes place within an enclosed building that
 29 involves the provision of sports and leisure activities to the general public for a fee, including,
 30 but not limited to the following: assembly halls, auditoriums, meeting halls, art galleries and
 31 museums, billiard halls and pool rooms, amusement halls, video arcades, ice and roller skating
 32 rinks, fully-enclosed theaters, physical fitness centers and health clubs.

33 Commercial recreational facility, outdoor: A use of land and/or buildings that involves the
 34 provision of sports and leisure activities to the general public for a fee, including, but not limited

1 to the following: stadiums, amphitheaters, circuses and carnivals, fairgrounds, drive-in theaters,
 2 golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-
 3 driven vehicles, unenclosed firearms shooting ranges and turkey shoots, trout ponds, equestrian
 4 centers and horse and pony riding rinks, botanical and zoological gardens, recreational vehicle
 5 parks, ultra-light flight parks, and bungi jumping. A golf course and private club that is built as
 6 part of a single-family residential subdivision and that operates in a quasi-public manner is not
 7 considered to be an outdoor commercial recreational facility.

8 Compatibility: With regard to development, the characteristics of different land uses or activities
 9 that permit them to be located near each other in harmony and without conflict; with regard to
 10 buildings, harmony in appearance of architectural features in the same vicinity.

11 Conditional use: A use that would not be appropriate, generally or without restriction, throughout
 12 the particular use district and is not automatically permitted by right within a use district; but
 13 which, if controlled as to number, area, location or relation to the neighborhood, may be found to
 14 be compatible and approved by the Governing Body within a particular use district as provided
 15 in certain instances by this Resolution [Ordinance].

16 Contractor's establishment: An establishment engaged in the provision of construction activities,
 17 including, but not limited to, plumbing, electrical work, building, grading, paving, roofing,
 18 carpentry, landscaping, and other such activities, including the storage of material and the
 19 overnight parking of commercial vehicles.

20 Curb cut: The providing of vehicular ingress and/or egress between property and an abutting
 21 public street.

22 Day care center: Any place operated by a person, society, agency, corporation, institution or
 23 group, and licensed or registered by the State of Georgia as a group day care home or day care
 24 center, for fewer than 24 hours per day, wherein seven or more children under 18 years of age
 25 are received for a fee for group supervision and care.

26 Density: The permitted number of dwelling units per gross acre of land to be developed.

27 Development: Any man-made change to improved or unimproved real estate, including, but not
 28 limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating,
 29 drilling operations, or permanent storage of materials.

30 Drive-through: A retail or service enterprise wherein service is provided or goods are sold to the
 31 customer within a motor vehicle and outside of a principal building.

32 Dwelling: A building, other than a mobile home, manufactured home, or house trailer, designed,
 33 arranged or used for permanent living and/or sleeping quarters.

- 1 Dwelling, single-family: A building designed or arranged to be occupied by only one family or
2 household.
- 3 Dwelling, two-family (duplex): A building designed or arranged to be occupied by two families or
4 households living independently of each other.
- 5 Dwelling, multi-family: A building designed for or occupied exclusively by three or more families
6 or households with separate housekeeping facilities for each family.
- 7 Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for
8 one or more persons living as a single housekeeping unit with cooking facilities, but not
9 including units in hotels or other structures designed for transient residence.
- 10 Family: An individual; or two or more persons related by blood, marriage, or guardianship,
11 limited to the occupant, his or her spouse, and their parents and children; or a group of not more
12 than five persons, excluding servants, who need not be related by blood, marriage, or
13 guardianship, living together in a dwelling unit as a family or household.
- 14 Family day care home: A private residence in which a business is operated by any person who
15 receives therein for pay, three to not more than six children under 18 years of age who are not
16 residents in the same private residence for supervision and care for fewer than 24 hours per
17 day. For purposes of this Resolution [Ordinance], a family day care home may be operated as
18 a home occupation, subject to the requirements of this Resolution [Ordinance].
- 19 Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other
20 materials or combination of materials used as a boundary, means of protection, privacy
21 screening, or confinement, including brick or concrete walls but not including hedges, shrubs,
22 trees, or other natural growth.
- 23 Fence, solid: A fence, including entrance and exit gates where access openings appear,
24 through which no visual images can be seen.
- 25 Finance, insurance, and real estate establishment: Such uses include, but are not limited to
26 banks, savings and loan institutions and credit unions, security and commodity exchanges,
27 insurance agents, brokers, and service, real estate brokers, agents, managers, and developers,
28 trusts, and holding and investment companies.
- 29 Governing body: The Board of Commissioners of _____ County [Mayor and City Council of
30 the City of _____].
- 31 Guesthouse: A lodging unit for temporary guests in an accessory building. No such lodging unit
32 shall contain independent cooking or kitchen facilities, and no guesthouse shall be rented or
33 otherwise used as a separate dwelling.

1 Health Service: Health care facilities as well as establishments providing support to the medical
2 profession and patients, such as medical and dental laboratories, blood banks, oxygen and
3 miscellaneous types of medical supplies and services; and offices of doctors, dentists and other
4 medical practitioners.

5 Health spa: An establishment which for profit or gain provides as one of its primary purposes,
6 services or facilities which are purported to assist patrons improve their physical condition or
7 appearance through change in weight, weight control, treatment, dieting, or exercise. The term
8 includes establishments designated as “reducing salons,” “exercise gyms,” “health studios,”
9 “health clubs,” and other terms of similar import. Not included within this definition are facilities
10 operated by nonprofit organizations, facilities wholly owned and operated by a licensed
11 physician at which such physician is engaged in the practice of medicine, or any establishment
12 operated by a health care facility, hospital, intermediate care facility, or skilled nursing care
13 facility.

14 Home Occupation: an occupation carried on entirely within a residence by the occupants
15 thereof, which activity is clearly incidental to the use of the residence as a dwelling and which
16 does not change the residential character thereof, and is conducted in a manner as to not give
17 any outward appearance of a business in the ordinary meaning of the term. This occupation
18 does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their
19 homes for which purpose the residential use district was created and primarily intended.

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

23 Institutional residential living and care facilities: An umbrella term that encompasses the
24 following uses as specifically defined in this Resolution [Ordinance]: assisted living facility,
25 intermediate care home, nursing home, and personal care home.

26 Intermediate care home: A facility which admits residents on medical referral; it maintains the
27 services and facilities for institutional care and has a satisfactory agreement with a physician
28 and dentist who will provide continuing supervision including emergencies; it complies with rules
29 and regulations of the Georgia Department of Human Resources. The term "intermediate care"
30 means the provision of food, including special diets when required, shelter, laundry and
31 personal care services, such as help with dressing, getting in and out of bed, bathing, feeding,
32 medications and similar assistance, such services being under appropriate licensed supervision.
33 Intermediate care does not normally include providing care for bed patients except on an
34 emergency or temporary basis.

1 Intrafamily land transfer: A subdivision within an AG land use intensity district that creates at
2 least one additional lot but not more than four additional lots, where each and every lot within the
3 subdivision is conveyed for love and affection to the children, spouse and children, surviving heirs,
4 in-laws, or immediate relatives of the property owner, or some combination thereof; provided
5 further, that no more than one lot in the subdivision shall be deeded to any one individual. This
6 definition shall not include or authorize any land subdivision that involves or will involve the
7 creation of lots for sale or otherwise involves a property transfer for money, tangible or intangible
8 personal property, real property exchanges, or other conveyances for consideration.

9 Kennel: Any facility used for the purpose of commercial boarding or sale of animals (excluding
10 horses, swine, goats, and geese) or pets and any other customarily incidental treatment of the
11 animals such as grooming, cleaning, selling of pet supplies, or otherwise.

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

16 Loading space: Loading and unloading space is a space, typically with dimensions of twelve
17 feet by sixty feet, logically and conveniently located for pickups and/or deliveries or for loading
18 and/or unloading in such a way as it does not conflict with driveways or patron parking, scaled
19 to the delivery vehicles to be used, and accessible to such vehicles.

20 Lodging service: A facility that offers temporary shelter accommodations, or place for such
21 shelter, open to the public for a fee, including, but not limited to inns, hotels, motels, and motor
22 hotels. Bed and breakfast inns are not considered to be lodging services.

23 Lot: A parcel of land occupied or capable of being occupied by a use, building or group of
24 buildings devoted to a common use, together with the customary accessories and open spaces
25 belonging to the same, which is described in a deed or shown on a plat and lawfully recorded in
26 the office of the Superior Court of _____ County.

27 Lot area, minimum: Minimum lot area means the smallest permitted total horizontal area within
28 the lot lines of a lot, exclusive of street right-of-ways but inclusive of easements.

29 Lot, corner: A lot abutting upon two or more streets at their intersection.

30 Lot coverage, maximum: The percentage of a given lot that may be occupied by all principal and
31 accessory buildings and structures on said lot, measured within the outside of the exterior walls
32 of the ground floor of all principal and accessory buildings and structures on the lot.

33 Lot, double frontage: Any lot, other than a corner lot, which has frontage on two streets.

34 Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

- 1 Lot line, front: The front property line coincident with a street right-of-way line.
- 2 Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the
 3 records of the Clerk of Superior Court of _____ County; or a parcel of land, the deed of
 4 which has been recorded in the same office as of the effective date of this Resolution
 5 [Ordinance].
- 6 Lot width: The distance between side lot lines measured at the front building line.
- 7 Manufactured home: A structure, transportable in one or more sections, which, in the traveling
 8 mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site,
 9 is 320 or more square feet in floor area, and which is built on a permanent chassis and designed
 10 to be used as a dwelling with or without a permanent foundation when connected to the required
 11 utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained
 12 therein; or a structure that otherwise comes within the definition of a "manufactured home" under
 13 the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended
 14 (42 U.S.C. 5401-5445).
- 15 Manufactured home park: Any property on which three or more manufactured homes are located
 16 or intended to be located for purposes of residential occupancy.
- 17 Manufacturing: Manufacturing means the converting of raw, unfinished materials or products, or
 18 any or either of them, into an article or articles or substance of a different character, or for use
 19 for a different character, or for use as a different purpose.
- 20 Mini-warehouse: A structure or group of structures containing separate spaces/stalls that are
 21 leased or rented on an individual basis for the storage of goods.
- 22 Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is
 23 eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or
 24 more square feet in floor area, and which is built on a permanent chassis and designed to be used
 25 as a dwelling with or without a permanent foundation when connected to the required utilities, and
 26 includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and
 27 which has not been inspected and approved as meeting the requirements of the National
 28 Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C.
 29 5401-5445).
- 30 Nonconforming building or structure: A building or structure that does not meet one or more
 31 setbacks for the land use intensity district in which said building or structure is located; a building
 32 or structure that exceeds the maximum lot coverage for the land use intensity district in which said
 33 building or structure is located; or, a principal building or accessory structure that otherwise does
 34 not comply with dimensional requirements established by this Resolution [Ordinance] for the

1 particular principal building or accessory structure, or for the use district in which the
2 nonconforming building or structure is located.

3 Nonconforming lot: A lot which does not conform to the lot requirements of the land use intensity
4 district in which the lot is located as established by this Resolution [Ordinance], but which was a
5 lot of record prior to the effective date of this ordinance or its amendment.

6 Nonconforming use: Any building or use of land or building lawfully existing on or before the
7 effective date of this Resolution [Ordinance] or as a result of subsequent amendments to this
8 ordinance, which does not conform with the use provisions of the use district in which it is
9 located.

10 Nursing home: A facility that admits patients on medical referral only and for whom
11 arrangements have been made for continuous medical supervision; maintains the services and
12 facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement
13 with a physician and dentist who will be available for any medical and/or dental emergency and
14 who will also be responsible for the general medical and dental supervision of the home; and,
15 complies with rules and regulations of the Georgia Department of Human Resources.

16 Office: A building, or portion thereof, wherein predominantly administrative, professional, or
17 clerical operations are performed, and does not involve retail sales.

18 Open-air business: Any commercial establishment with the principal use of displaying products
19 in an area exposed to open air on three or more sides; including, but not limited to rock yards,
20 nurseries and garden supply stores, lumber and building materials yards, flea markets,
21 statuaries and monument sales establishments, Christmas tree lots and firewood sales lots, and
22 liquid petroleum dealers and tank sales. A produce stand is not considered to be an open-air
23 business.

24 Parking space: An area having dimensions of not less than 300 square feet, including driveway
25 and maneuvering area, to be used as a temporary storage space for a private motor vehicle.

26 Personal care home: Any dwelling operated for profit or not that through its ownership or
27 management undertakes to provide, or arrange for the provision of, housing, food service, and
28 one or more personal services for two or more adults who are not related to the owner or
29 administrator by blood or marriage. Personal care tasks include assistance with bathing,
30 toileting, grooming, and shaving, dental care, dressing, and eating.

31 Personal service establishment: A facility engaged in the provision of services to persons and
32 their apparel, including, but not limited to barber and beauty shops, coin-operated and full
33 service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops,
34 dance studios, schools and halls, and travel agencies.

1 Public use: Any building, structure, or use owned and/or operated by the Federal government,
2 State of Georgia, County, City, or any authority, agency, board, or commission of the above
3 governments, that is necessary to serve a public purpose, such as but not limited to the
4 following: government administrative buildings, post offices, police and fire stations, libraries and
5 publicly operated museums, public health facilities and public hospitals, public works camps,
6 parks and community centers, public roads and streets, airports, water and sanitary sewerage
7 intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and
8 jails and correctional facilities.

9 Recycling center, processing: Any facility utilized for the purpose of collecting, sorting and
10 processing materials to be recycled, including, but not limited to, plastics, glass, paper, and
11 aluminum materials.

12 Research laboratory: A facility for scientific laboratory research in technology-intensive fields,
13 including, but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins,
14 coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software,
15 information systems, communication systems, transportation, geographic information systems,
16 and multi-media and video technology. Also included in this definition are facilities devoted to
17 the analysis of natural resources, medical resources, and manufactured materials including:
18 environmental laboratories for the analysis of air, water, and soil; medical or veterinary
19 laboratories for the analysis of blood, tissue, or other human medical or animal products; and,
20 forensic laboratories for analysis of evidence in support of law enforcement agencies.

21 Retail trade establishment, enclosed: Any business offering goods and products for sale to the
22 public, which may include the incidental repair of such goods and products, that operates
23 entirely within a structure containing a roof and walls on all sides, except for outdoor display or
24 other use during business hours and accessory storage in enclosed, subordinate buildings.
25 These include, but are not limited to the following: convenience stores including the sale of
26 gasoline; hardware, paint, glass and wallpaper stores; grocery and miscellaneous food stores
27 including retail bakeries; apparel, shoe, and accessory clothing stores; furniture, upholstery,
28 floor covering, household appliance and home furnishing stores; musical instrument stores;
29 radio, television, and computer stores; record, tape, and compact disc stores; eating and
30 drinking places not involving drive-in or drive-through facilities; drug stores, apothecaries and
31 proprietary stores; liquor stores and bottle shops; used merchandise stores and pawn shops;
32 sporting goods stores and bicycle shops; art and stationery stores; hobby, toy, and game shops;
33 jewelry, gift, novelty, souvenir and antique shops; camera and photographic supply stores;
34 luggage and leather goods stores; sewing, needlework, and piece goods stores; catalogue and

1 mail order stores; news stands, florists, tobacco shops; automotive parts stores not involving
2 repair; video rental and sales stores; and, watch and clock sales and repair shops.

3 Roadside stand: A use offering either farm-grown prepared food products such as fruits,
4 vegetables, canned foods, or similar agricultural products for sale on the premises or within a
5 temporary structure on the premises with no space for customers within the structure itself.

6 Screening: A method of visually shielding or obscuring one abutting or nearby building,
7 structure, or use from another by fencing, walls, berms, densely planted vegetation, or some
8 combination thereof.

9 Semi-public use: Any building, structure, or use owned and/or operated by private utilities or
10 private companies for a public purpose, or that is reasonably necessary for the furnishing of
11 adequate service by such utilities, such as, but not limited to the following: underground and
12 overhead gas, electric, steam, or water distribution or transmission lines or systems, including
13 incidental wires, cables, and poles, but not towers.

14 Street: A dedicated and accepted public right-of-way that affords the principal means of access
15 to abutting properties.

16 Structure: Anything constructed or erected, the use of which requires more or less permanent
17 location on the ground or which is attached to something having more or less permanent
18 location on the ground.

19 Townhouse: One of a group of three or more attached dwelling units under fee-simple
20 ownership.

21 Truck Terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods
22 transported by truck.

23 Variance: A grant of relief from the requirements of this ordinance that permits construction in a
24 matter otherwise prohibited by this ordinance where specific enforcement would result in
25 unnecessary hardship.

26 Warehouse: Storage of materials, equipment, or products within a building for manufacturing
27 use or for distribution to wholesalers or retailers.

28 Wholesale trade establishment: An establishment engaged in the selling or distribution of
29 merchandise to retailers; industrial, commercial, institutional or professional business users; or
30 other wholesalers.

31 Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by
32 buildings or structures from ground to sky except where encroachments and accessory
33 buildings are expressly permitted.

1 Yard, front: An open, unoccupied space on the same lot with a principal building, extending the
 2 full width of the lot, and situated between the street right-of-way and the front line of the building
 3 projected to the side lines of the lot.

4 Yard, side: An open, unoccupied space on the same lot with the principal building, situated
 5 between the building and the side line of the lot and extending from the rear line of the front yard
 6 to the front line of the rear yard.

7 Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the
 8 full width of the lot and situated between the rear line of the lot and the rear line of the building
 9 projected to the side lines of the lot.

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

14

15 §6-1-3 ESTABLISHMENT OF LAND USE INTENSITY DISTRICTS

16

17 §6-1-3.1 Purpose and Establishment. The land use intensity districts established in
 18 this Resolution [Ordinance] are intended to: promote the orderly future development of the
 19 county [city] in accordance with the Comprehensive Plan; discourage the size and type of
 20 development that would create excessive requirements and costs for public services;
 21 discourage uses which because of their size or type would generate an abnormal amount of
 22 traffic on minor streets; establish relationships between and among land uses that will ensure
 23 compatibility and maintain quality of life; and protect and promote suitable environments for
 24 residences, institutions, commercial and other employment centers, and other uses. The
 25 following use districts are hereby established:

- 26 (a) Agricultural District (AG)
 27 (b) Rural Residential District (RR)
 28 (c) Suburban Residential District (SR)
 29 (d) Urban Residential District (UR)
 30 (e) Office Residential District (OR)
 31 (f) Neighborhood Commercial District (NC)
 32 (g) Highway Business District (HB)
 33 (h) Central Business District (CBD)
 34 (i) Light Industrial District (LI)

1 Commentary: This model land use intensity district ordinance uses the term “land use intensity
 2 district” to avoid use of the term “zoning.” It is designed to apply to both rural counties and small
 3 cities; however, some of the districts are appropriate only in small cities, while others are
 4 appropriate only in rural unincorporated areas. The table below provides recommendations for
 5 the applicability of land use intensity districts. All of the districts are potentially applicable in
 6 small cities, with the exception of the AG district. An ordinance for a rural county might have as
 7 few as four or five districts: AG, RR, NC (perhaps), HB, and LI.

8

LAND USE INTENSITY DISTRICT	APPLICABLE TO SMALL CITIES?	APPLICABLE TO RURAL COUNTIES?
Agricultural District (AG)	Unlikely, not written for small cities	Yes
Rural Residential District (RR)	Maybe	Yes
Suburban Residential District (SR)	Yes, if public water is available	Only in areas served by public water
Urban Residential District (UR)	Yes if public water and sewer is available	No
Office Residential District (OR)	Yes	No
Neighborhood Commercial District (NC)	Yes	Maybe
Highway Business District (HB)	Yes	Yes
Central Business District (CBD)	Yes, for downtowns	No
Light Industrial District (LI)	Yes	Yes

9

10 §6-1-4 OFFICIAL LAND USE INTENSITY DISTRICTS MAP

11

12 §6-1-4.1 Map. The boundaries of land use intensity districts created by this Resolution
 13 [Ordinance] are hereby established as shown on a map entitled “Official Land Use Intensity
 14 Map, _____ County [City] of _____, Georgia,” which is incorporated into this Resolution
 15 [Ordinance] by reference. Said map and all explanatory matter thereon accompanies and is
 16 hereby made a part of this Resolution [Ordinance]. Upon adoption of this Resolution
 17 [Ordinance], the said map shall be signed by the clerk of the county [city] with certification that
 18 the map was duly adopted by the county [city] and the date of adoption. It shall be displayed for
 19 public view in the Land Use Officer’s office at all times.

20

21 §6-1-4.2 Map Amendment. If, in accordance with the provisions of this Resolution
 22 [Ordinance], changes are made in the district boundaries or other subject matter portrayed on
 23 the official land use intensity districts map, such changes shall be made on the official land use
 24 intensity district map promptly after the amendment has been approved by the Governing Body.

1 §6-1-4.3 Use District of Vacated Right-Of-Ways. Whenever any street, alley or other
2 public way is vacated or abandoned by official action of the Governing Body, the use district
3 adjoining each side of such street, alley, or public way shall be automatically extended to the
4 center of same.

5
6 §6-1-5 RULES GOVERNING BOUNDARIES

7
8 Where uncertainty exists with respect to the boundaries of any of the aforesaid use districts as
9 shown on the official land use intensity districts map, the following rules shall apply:

10
11 §6-1-5.1 Where district boundaries are indicated as approximately following the center
12 lines of streets or highways, street lines or highway right-of-way lines or such lines extended,
13 such center lines, street lines or highway right-of-way lines shall be construed to be such
14 boundaries.

15
16 §6-1-5.2 Where district boundaries are so indicated that they approximately follow lot
17 lines, such lot lines shall be construed to be said boundaries.

18
19 §6-1-5.3 Where district boundaries are so indicated that they are approximately
20 parallel to the center lines of streets or highways, or rights-of-way of same, such district
21 boundaries shall be construed as being parallel thereto and at such distance therefrom as
22 indicated on the official land use intensity districts map. If no distance is given, such dimension
23 shall be determined by the use of the scale shown on said official land use intensity districts
24 map.

25
26 §6-1-6 LAND USE INTENSITY DISTRICTS

27
28 §6-1-6.1 Agricultural District (AG).

- 29
30 (a) Purpose and intent. Located within _____ County are several areas that
31 contain soils highly suitable for the cultivation of agricultural crops and forests.
32 Land in the agricultural district constitutes a valuable natural resource, and
33 protection is in the public's interest. Agriculture and forestry are major
34 components of the county's economy, and they remain viable economic

1 enterprises if that land is held in relatively large tracts (40 acres to hundreds of
2 acres).

3
4 The continuation of agriculture and forestry as viable land uses and components
5 of the local economy, is threatened by rural residential, suburban, and urban land
6 uses, and land subdivision. When land is divided into smaller tracts, it becomes
7 less suitable for agriculture and forestry production because the assembly of
8 enough acreage for a farm of minimum efficient size becomes difficult. Smaller
9 tracts generally sell for a higher price per acre, and subdivision of large
10 agricultural or forest tracts generally results in the increase of per-acre land
11 values. The availability of smaller tracts at lower cost attracts exurban and
12 suburban residential and non-farm buyers into the market, thereby increasing
13 adjacent land values for residential uses and decreasing land values for
14 agricultural and forest uses. The cumulative impact of the subdivision of farm
15 and forest lands into small lots increases the level of conflict between
16 farmers/foresters and non-farmers, makes farming more difficult, and eventually
17 leads to dissolution of the agricultural and forest economy.

18
19 Therefore, pursuant to the many goals, objectives, policies, and
20 recommendations of the Comprehensive Plan for the county, an agricultural land
21 use intensity district is hereby established for the purposes of maintaining the
22 agricultural and forest land resources in a form amenable to the continuation of
23 agriculture; restricting the division of farmland so that it does not become broken
24 up into small parcels, thereby avoiding the accelerated conversion of land to
25 residential uses, and discouraging the shift of the land market from agricultural
26 and rural, to suburban and urban.

27
28 These districts are most appropriately located in areas shown as
29 agriculture/forestry on the future land use map of the Comprehensive Plan.

- 30
31 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
32 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
33 Intensity District."
34

1 (c) Dimensional requirements. Dimensional requirements shall be as provided in
2 Table 6-1-6.1.2, “Dimensional Requirements by Land Use Intensity District.”

3 (d) Intrafamily land transfers. An intrafamily land transfer, as defined by this
4 Resolution [Ordinance], is permitted within the AG district, subject to the following
5 requirements:

6 (1) Subdivision plat. A final subdivision plat shall be prepared in accordance
7 with the provisions of this Resolution [Ordinance] and submitted for
8 administrative approval by the Land Use Officer. The name of each
9 grantee shall be shown on each lot within the subdivision.

10 (2) Lot specifications. Each lot shall be at least one acre but no more than
11 two acres in size. Each lot shall have a minimum lot width of 200 square
12 feet. No lot created by a subdivision plat for an intrafamily land transfer
13 shall be further subdivided except in conformity with the requirements of
14 this Resolution [Ordinance].

15 (3) Deeds and Affidavits. Simultaneously with the submittal of the final plat,
16 the applicant shall submit property transfer deeds to grantees, which shall
17 be intrafamily members and which shall be recorded simultaneously with
18 the recording of the final plat. The Land Use Officer shall review said
19 deeds to ensure they are being granted to persons consistent with the
20 requirements of this Resolution [Ordinance] for intrafamily land transfers.
21 Any inconsistency with these regulations shall be cause for denying the
22 application for final subdivision plat for an intrafamily land transfer. No
23 intrafamily land transfer shall take place which involves the conveyance of
24 a lot to a person that has already received a property transfer deed as
25 grantee for property created by a previously approved subdivision plat for
26 an intrafamily land transfer. An affidavit, signed by all Grantors and
27 Grantees in a form approved by the Land Use Officer, stating that no
28 consideration for the transfer of the property shall pass other than love and
29 affection, shall be filed with the Land Use Officer.
30

31 Commentary: *The AG district, as written, allows single-family dwellings and manufactured*
32 *homes outright when they are clearly incidental to farm/agricultural uses. It restricts the*
33 *subdivision of land to lots with 10 acres or more for reasons explained in the purpose statement.*
34 *This district does allow “intrafamily land transfers” (see section above and definition), which*

1 allows an exception of sorts to the 10 acre lot size, but only for transfers for love and affection to
 2 family/relatives. Singling out intrafamily transfers may not provide equal protection to non-family
 3 members (who would have more or less the same land use impacts), and thus, raises some
 4 legal issues. However, it is believed that exempting or providing special treatment of intrafamily
 5 land transfers is a common practice in rural Georgia. It is a tool that may gain political
 6 acceptance of an agricultural preservation restriction (i.e., a 10-acre minimum lot size) that
 7 might otherwise be considered too restrictive to county elected officials.

8
 9 §6-1-6.2 Rural Residential District (RR).

10
 11 (a) Purpose and intent. RR districts are intended to provide for low-density
 12 residential areas consisting of detached single-family dwellings surrounded by
 13 yards that provide a desirable and healthy environment. RR districts are not
 14 served by sanitary sewer or by public water supply. The RR district establishes a
 15 minimum lot size of one unit per two acres but also establishes a maximum gross
 16 density to enable conservation subdivisions as an alternative to conventional
 17 rural residential subdivision patterns. Because RR districts are served by on-site
 18 sewage management systems, maximum density is based generally on public
 19 health requirements that lots must be large enough to accommodate a septic
 20 tank drain field and replacement drain field area. These districts are most
 21 appropriately located in areas shown as single-family residential [rural residential]
 22 on the future land use map of the Comprehensive Plan.

23 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
 24 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
 25 Intensity District."

26 (c) Dimensional requirements. Dimensional requirements shall be as provided in
 27 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."

28
 29 §6-1-6.3 Suburban Residential District (SR).

30
 31 (a) Purpose and intent. SR districts are intended to provide for moderate density
 32 residential areas consisting of detached single-family dwellings surrounded by
 33 yards that provide a desirable and healthy environment. SR districts are not
 34 served by sanitary sewer, but have a public water supply available. The SR

1 district establishes a minimum lot size of 30,000 square feet per dwelling but also
 2 establishes a maximum gross density to enable conservation subdivisions as an
 3 alternative to conventional suburban residential subdivision patterns. These
 4 districts are most appropriately located in areas shown as single-family
 5 residential [suburban residential] on the future land use map of the
 6 Comprehensive Plan.

7 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
 8 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
 9 Intensity District."

10 (c) Dimensional requirements. Dimensional requirements shall be as provided in
 11 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."
 12

13 §6-1-6.4 Urban Residential District (UR).

14
 15 (a) Purpose and intent. UR districts are intended to provide for urban density
 16 residential areas consisting of detached single-family dwellings surrounded by
 17 yards that provide a desirable and healthy environment. UR districts are served
 18 by sanitary sewer and public water supply. The UR district establishes a
 19 minimum lot size of 10,000 square feet per dwelling. These districts are most
 20 appropriately located in areas shown as urban residential [residential] on the
 21 future land use map of the Comprehensive Plan.

22 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
 23 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
 24 Intensity District."

25 (c) Dimensional requirements. Dimensional requirements shall be as provided in
 26 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."
 27

28 §6-1-6.5 Office Residential District (OR).

29
 30 (a) Purpose and intent. These districts are appropriate in transitional areas between
 31 commercial or industrial districts and residential districts. OR districts are
 32 intended to provide for low intensity, small-scale offices that do not exceed 5,000
 33 square feet of gross floor area devoted to offices on an individual site.
 34 Development is intended to be of an intensity, scale, and character similar to

1 nearby residential development to promote compatibility with the surrounding
2 area. OR districts are particularly appropriate for properties that front collector or
3 arterial streets on the fringe of stable residential neighborhoods. Development
4 within OR districts is expected to have roof-pitches and architectural treatments
5 similar to detached single-family residences, parking areas in proportion to
6 single-family residential uses, and site development features that ensure a
7 coexistence with the adjacent quiet residential living environment. These districts
8 are most appropriately located in transitional areas adjacent to residential
9 neighborhoods and in areas shown as office on the future land use map of the
10 Comprehensive Plan.

11 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
12 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
13 Intensity District."

14 (c) Dimensional requirements. Dimensional requirements shall be as provided in
15 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."

16
17 §6-1-6.6 Neighborhood Commercial District (NC).

18
19 (a) Purpose and intent. The neighborhood commercial district is intended to provide
20 suitable areas for the retailing of goods and the provision of services to adjacent
21 and nearby residential neighborhoods. Most of the uses permitted in this district
22 are not auto-oriented in nature, and the overall character of neighborhood
23 commercial districts is such that access by both vehicles and pedestrians are
24 possible. These districts are most appropriately located in areas shown as
25 neighborhood commercial [commercial] on the future land use map of the
26 Comprehensive Plan.

27 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
28 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
29 Intensity District."

30 (c) Dimensional requirements. Dimensional requirements shall be as provided in
31 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."

32
33
34

1 §6-1-6.7 Highway Business District (HB).

- 2
- 3 (a) Purpose and intent. The highway business district is intended to provide suitable
- 4 areas for those business and commercial uses which primarily serve the public
- 5 travelling by automobile and which benefit from direct access to major streets.
- 6 HB districts provide the automobile precedence over the pedestrian. Generally,
- 7 highway commercial districts are considered unsuitable abutting single-family
- 8 residential districts because of the uses permitted in the district and their
- 9 associated off-site impacts. These districts are most appropriately located in
- 10 areas shown as highway business [commercial] on the future land use map of
- 11 the Comprehensive Plan.
- 12 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
- 13 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
- 14 Intensity District."
- 15 (c) Dimensional requirements. Dimensional requirements shall be as provided in
- 16 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."

17

18 §6-1-6.8 Central Business District (CBD).

- 19
- 20 (a) Purpose and intent. The central business district is intended primarily to apply to
- 21 the area within the city's downtown that contains commercial storefront area and
- 22 related uses within a compact business district. This district is distinguished from
- 23 other commercial land use intensity districts in that greater building lot coverage
- 24 is permitted and no minimum front, side, or rear yards are required. Permitted
- 25 uses are those that contribute to a pedestrian-friendly central business district
- 26 that maintain the character of the city's downtown. Automobile-related facilities
- 27 and services are not appropriate to this character and are therefore not permitted
- 28 in this district. These districts are most appropriately located in areas shown as
- 29 central business district [commercial] on the future land use map of the
- 30 Comprehensive Plan.
- 31 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
- 32 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
- 33 Intensity District."

1 (c) Dimensional requirements. Dimensional requirements shall be as provided in
2 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."

3
4 §6-1-6.9 Light Industrial District (LI).

5
6 (a) Purpose and intent. The purposes of these districts are to provide and reserve
7 suitable areas for a variety of industrial uses including manufacturing, wholesale
8 trade, and distribution activities. LI districts are only intended to be located in
9 areas with relatively level topography, adequate water and sewerage facilities,
10 and access to arterial streets and highways. LI districts may be appropriate at
11 the single lot level of development; however, LI-type uses are encouraged to
12 locate in planned industrial parks where possible. Vehicular activities in light
13 industrial districts consist predominantly of trucks, with some passenger vehicle
14 traffic, and the road system is built to support truck traffic. The industries locating
15 in this district are characterized as lower in intensity, cleaner, and generally more
16 compatible when located adjacent to commercial areas than are heavy
17 manufacturing uses. Light industrial districts are intended to permit only those
18 light industrial and other uses that will not generate excessive noise, particulate
19 matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance
20 characteristics. Light industry is capable of operation in such a manner as to
21 control the external effects of the manufacturing process, such as odors,
22 vibrations, emissions, or other nuisance characteristics through prevention or
23 mitigation devices and conduct of operations within the confines of buildings.
24 Heavy commercial activities and open storage businesses are also included as
25 permitted uses in these districts; however, light industrial districts do not service
26 the general public and, therefore, business uses are generally not permitted.
27 Heavier industrial activities may be permitted if approved as a conditional use.
28 These districts are most appropriately located in areas shown as light industrial
29 [industrial] on the future land use map of the Comprehensive Plan.

30 (b) Permitted and conditional uses. Permitted and conditional uses shall be as
31 provided in Table 6-1-6.1.1, "Permitted and Conditional Uses by Land Use
32 Intensity District."

33 (c) Dimensional requirements. Dimensional requirements shall be as provided in
34 Table 6-1-6.1.2, "Dimensional Requirements by Land Use Intensity District."

Table 6-1-6.1.1

Permitted and Conditional Uses by Land Use Intensity District

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Accessory uses and structures not otherwise listed in this table, normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	P	P
Active recreational facilities, nonprofit, such as tennis courts and swimming pools, as principal uses	P	P	P	P	P	P	P	P	P
Active recreational facilities, nonprofit, such as tennis courts and swimming pools, as accessory to one or more permitted uses	P	P	P	P	P	P	P	P	P
Adult businesses	X	X	X	X	X	X	X	C	X
Agricultural experiment stations	P	X	X	X	X	X	X	X	X
Agricultural production of field crops, fruits, nuts, and vegetables	P	P	P	X	X	X	X	X	X
Animal hospitals and veterinary clinics	C	X	X	X	P	P	P	P	X
Animal rendering plants	X	X	X	X	X	X	X	X	C
Assembly of products	X	X	X	X	X	X	X	X	P
Asphalt plants	X	X	X	X	X	X	X	X	C
Auction facilities for agricultural products	C	X	X	X	X	X	P	P	X
Automobile sales and service establishments	X	X	X	X	X	X	P	C	X
Bed and breakfast inns	C	C	X	X	P	P	P	P	X
Boarding and rooming houses	X	X	X	X	P	P	P	P	X
Boarding homes for agricultural workers	C	X	X	X	X	X	X	X	X
Bottling and canning plants	X	X	X	X	X	X	X	X	P
Breweries and distilleries	X	X	X	X	X	X	X	X	P
Business service establishments, not exceeding 2,500 square feet of gross floor area	X	X	X	X	P	P	P	P	P
Business service establishments of more than 2,500 square feet of gross floor area	X	X	X	X	X	X	P	P	P
Campgrounds	C	X	X	X	X	X	P	X	X

Table 6-1-6.1.1

Permitted and Conditional Uses by Land Use Intensity District (Cont'd)

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Cement manufacturers	X	X	X	X	X	X	X	X	P
Cemeteries	P	P	P	P	P	P	P	P	P
Ceramic production facilities	X	X	X	X	X	X	X	X	C
Churches, temples, synagogues, and places of worship, including cemeteries as accessory uses	P	P	C	C	P	P	P	P	P
Club or lodge, nonprofit	P	P	X	X	P	P	P	P	X
Coating of cans, coils, fabrics, vinyl, metal, furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	X	X	X	C
Cold storage plants and frozen food lockers	X	X	X	X	X	X	X	X	P
Colleges and universities	X	X	X	X	X	C	P	P	X
Commercial recreational facility, indoor	X	X	X	X	X	P	P	P	P
Commercial recreational facility, outdoor	X	X	X	X	X	X	C	C	X
Conference centers and retreat centers	C	X	X	X	X	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P	P	P
Contractor's establishments	X	X	X	X	X	X	P	X	P
Country clubs, including golf courses and clubhouses including restaurants and golf pro shops as accessory uses	P	P	P	P	P	P	P	P	P
Dairies	P	X	X	X	X	X	X	X	X
Day care centers serving no more than seventeen persons	X	X	X	X	P	P	P	P	P
Day care centers serving eighteen or more persons	X	X	X	X	C	P	P	P	P
Distribution of products and merchandise	X	X	X	X	X	X	X	X	P
Dry cleaning plants	X	X	X	X	X	X	X	X	P
Dwellings, single-family detached	X	P	P	P	P	P	P	P	X

Table 6-1-6.1.1

Permitted and Conditional Uses by Land Use Intensity District (Cont'd)

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Dwellings, single-family detached and manufactured homes, within an intrafamily land transfer as provided in Section _____.	P	X	X	X	X	X	X	X	X
Dwellings, single-family attached (townhouses)	X	X	X	X	P	P	P	P	X
Dwellings, two-family (duplexes)	X	X	C	C	P	P	P	P	X
Dwellings, multi-family (apartments and condominiums)	X	X	X	X	C	C	P	P	X
Dwellings, located within a building containing another principal use	X	X	X	X	P	P	P	P	P
Dwellings, single-family detached, including manufactured homes, which are farm related and subordinate to the principal use of the property for agricultural uses	P	P	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	X	X	C
Exterminating and pest control businesses and disinfecting services	X	X	X	X	X	X	P	P	P
Extraction industries – extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	C	X	X	X	X	X	X	X	P
Family day care home in single-family detached dwellings	P	P	P	P	P	P	P	P	X
Feed, grain, and fertilizer manufacturers	X	X	X	X	X	X	X	X	C
Fiberglass insulation manufacturers	X	X	X	X	X	X	X	X	P
Finance, insurance and real estate establishments, less than 2,500 square feet of gross floor area per establishment	X	X	X	X	P	P	P	P	X
Finance, insurance and real estate establishments with 2,500 or more square feet of gross floor area per establishment	X	X	X	X	C	P	P	P	X
Food processing plants, including fish and poultry facilities	X	X	X	X	X	X	X	X	C

Table 6-1-6.1.1

Permitted and Conditional Uses by Land Use Intensity District (Cont'd)

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Forest uses associated with production, management and harvesting of timber	P	X	X	X	X	X	X	X	X
Fuel oil distributors and petroleum bulk storage sites	X	X	X	X	X	X	C	X	P
Funeral homes and mortuaries	X	X	X	X	C	C	P	P	X
Gardens, non-commercial, as accessory to residential use	P	P	P	P	P	P	P	P	X
Greenhouses, non-commercial, as accessory to residential use	P	P	C	X	P	X	X	X	X
Guest houses	P	P	P	P	P	P	P	P	X
Hazardous waste receiving, handling, and disposal facilities	X	X	X	X	X	X	X	X	C
Health services, including clinics and hospitals	X	X	X	X	C	C	P	P	X
Health spas	X	X	X	X	X	C	P	P	X
Hog farms	C	X	X	X	X	X	X	X	X
Home occupations	P	P	P	P	P	P	P	P	X
Horse stables, non-commercial, as accessory to residential use	P	P	X	X	X	X	X	X	X
Ice manufacturing	X	X	X	X	X	X	X	X	P
Incinerators, including medical wastes	X	X	X	X	X	X	X	X	C
Institutional residential living and care facilities, serving seventeen or less persons	X	C	X	X	P	P	P	P	X
Institutional residential living and care facilities, serving eighteen or more persons	X	X	X	X	C	C	P	P	X
Junkyards, wrecked motor vehicle compounds, and wrecker services	X	X	X	X	X	X	C	X	P
Landfills, inert waste	C	X	X	X	X	X	X	X	C
Landfills, sanitary	C	X	X	X	X	X	X	X	C
Livestock raising, not including poultry and hogs	P	X	X	X	X	X	X	X	X

Table 6-1-6.1.1

Permitted and Conditional Uses by Land Use Intensity District (Cont'd)

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Lodging services	X	X	X	X	X	X	P	P	X
Manufactured homes	P	P	P	P	X	X	X	X	X
Manufacturing, processing, recycling, and assembling of chemicals, floor coverings, glass, and rubber, unless more specifically listed in this table	X	X	X	X	X	X	X	X	P
Manufacturing, processing, recycling, and assembling within buildings, not otherwise specified in this table	X	X	X	X	X	X	X	X	C
Metal products manufacturing	X	X	X	X	X	X	X	X	P
Mini-warehouses and self storage facilities	X	X	X	X	X	X	P	X	P
Mobile homes	X	X	X	X	X	X	X	X	X
Nurseries and greenhouses: wholesale and retail sale of trees, plants, and shrubs	C	X	X	X	X	X	P	P	X
Offices	X	X	X	X	P	P	P	P	P
Open air businesses and unenclosed retail trade establishments	X	X	X	X	X	X	P	P	X
Open storage yards as principal uses	X	X	X	X	X	X	P	C	P
Parking lots and decks, off-site, as principal uses	X	X	X	X	X	X	P	P	P
Personal service establishments	X	X	X	X	X	P	P	P	X
Poultry houses	C	X	X	X	X	X	X	X	X
Public and semi-public uses	P	P	P	P	P	P	P	P	P
Pulp mills	X	X	X	X	X	X	X	X	C
Recycling centers, collection points	P	P	X	X	P	P	P	P	P
Recycling centers, processing	X	X	X	X	X	X	X	X	P
Research, scientific, and testing laboratories	C	X	X	X	X	X	P	P	P
Restaurants, including outside seating areas but not including drive-ins or drive-through facilities	X	X	X	X	X	P	P	P	P
Restaurants, including drive-ins or drive-through facilities	X	X	X	X	X	X	P	P	X

Table 6-1-6.1.1

Permitted and Conditional Uses by Land Use Intensity District (Cont'd)

The following table shows uses that are permitted (P), conditionally permitted (C), and not permitted (prohibited) (X).

USE DESCRIPTION	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Retail trade establishments, enclosed, not exceeding 2,500 square feet of gross floor area	X	X	X	X	X	P	P	P	X
Retail trade establishments, enclosed, exceeding 2,500 square feet of gross floor area	X	X	X	X	X	C	P	P	X
Roadside stands	P	X	X	X	X	X	X	X	X
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit	X	X	X	X	X	P	P	P	P
Schools, private elementary, middle, and high	P	P	P	P	P	P	P	P	P
Schools, trade and technical	X	X	X	X	X	X	P	P	P
Service and fuel filling stations	X	X	X	X	X	P	P	P	P
Solid waste transfer stations	C	X	X	X	X	X	X	X	P
Solvent metal cleaning	X	X	X	X	X	X	X	X	C
Stock yards and slaughterhouses	X	X	X	X	X	X	X	X	C
Temporary structures and uses approved by the Land Use Officer	P	P	P	P	P	P	P	P	P
Textile manufacturing and processing	X	X	X	X	X	X	X	X	P
Tire retreading and recapping facilities	X	X	X	X	X	X	C	X	P
Truck terminals	X	X	X	X	X	X	C	X	P
Volatile organic liquid handling and storage	X	X	X	X	X	X	X	X	C
Warehouses and storage buildings	X	X	X	X	X	X	X	X	P
Wholesale trade establishments	X	X	X	X	X	X	X	X	P
Wineries	P	X	X	X	X	X	X	X	P
Wood products manufacturing	X	X	X	X	X	X	X	X	P
Uses not specified in this table	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

- (1) In cases where a use is proposed but is not listed in this table, the Land Use Officer shall make an administrative determination as to whether or not the use is permitted in the land use intensity district or districts in question. The Land Use Officer may determine that such use is substantially similar to a permitted use and allow that use to be permitted. The Land Use Officer may determine that such use is substantially similar to a conditional use, and permit that use as a conditional use. The Land Use Officer may determine that such use is prohibited altogether in the use district or districts in question. In making such determinations, the Land Use Officer shall consult the purpose and intent statements of the land use intensity district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

Table 6-1-6.1.2
Dimensional Requirements by Land Use Intensity District

DIMENSIONAL REQUIREMENT	AG	RR	SR	UR	OR	NC	HB	CBD	LI
Minimum lot area to rezone to the district (acres)	NA	1	NA	NA	0.5	0.5	NA	NA	1
Maximum height (feet)	40	35	35	35	35	40	40	50	50
Maximum density (units per acre)	NA (1)	1	2	4	5	5	5	10	NA
Minimum lot size (square feet except as shown)	10 acres (1)	43,560	30,000	10,000	10,000	10,000	10,000	10,000	NA
Minimum lot width (feet)	200	140	100	70	70	100	100	25	200
Minimum front yard setback from major street right-of-way (feet)	60	50	40	30	20	20	30	None	75
Minimum front yard setback from minor street right-of-way (feet)	40	40	30	25	20	10	20	None	50
Minimum side setback, interior lot line (feet)	25	20	15	10	10	10	10	None	50
Minimum rear setback (feet)	40	30	20	15	10	10	25	None	50
Minimum setback when abutting an RR, SR, UR, or OR district	None	None	None	None	35	40	50	35	75
Minimum width of natural buffer abutting an RR, SR, UR, or OR district	None	None	None	None	25	30	40	25	60
Minimum landscape strip required along right-of-ways for any nonresidential use (width in feet)	None	None	None	None	20	10	20	None	20
Minimum landscape strip required along side property lines for any nonresidential use (width in feet)	None	None	None	None	10	10	10	None	None
Maximum lot coverage (percent)	20	20	25	25	25	25	30	None	40
Minimum landscaped open space (percent)	None	None	None	None	25	20	20	None	20

NA = Not Applicable

- (1) Within an AG district, the minimum lot size for any subdivision of land except those allowed for an intrafamily land transfer shall be 10 acres per lot. Lot sizes for lots within intrafamily land transfers shall be subject to the provisions of Section 6-1-6.1.

1 §6-1-7 GENERAL PROVISIONS

2

3 §6-1-7.1 Use. No building, structure, land, or water shall hereafter be used or
4 occupied, and no building or structure or part hereof shall be erected, constructed,
5 reconstructed, moved or structurally altered except in conformity with the regulations of this
6 Resolution [Ordinance] or amendments thereto, including the use provisions for the use district
7 in which it is located. Except as otherwise provided for in this Resolution [Ordinance] pursuant
8 to interpretation of the Land Use Officer, any use not specifically permitted in a use district shall
9 be prohibited in that district.

10

11 §6-1-7.2 Height. No building or structure shall hereafter be erected or altered so as to
12 exceed the height limits as may be generally established by this Resolution [Ordinance] for
13 different types of buildings and structures, and as provided for the use district in which the
14 property is located. The height limitations of this Resolution [Ordinance] shall not apply to
15 church spires, belfries, cupolas and domes not intended for human occupancy, or public utility
16 facilities.

17

18 §6-1-7.3 Maximum Density, Minimum Lot Size, and Minimum Lot Width. No lot shall
19 hereafter be developed with a number of housing units that exceeds the residential density for
20 the use district in which the lot is located as established by this Resolution [Ordinance]. No lot
21 shall hereafter be developed that fails to meet the minimum lot size and minimum lot width for
22 the use district in which the lot is located as established by this Resolution [Ordinance], except
23 as otherwise specifically provided.

24

25 §6-1-7.4 Minimum Required Yards and Building Setbacks. No building shall hereafter
26 be erected in a manner to have narrower or smaller rear yards, front yards, or side yards than
27 specified for the use district in which the property is located, or for the specific use if yards and
28 setback regulations pertain to a specific use in this Resolution [Ordinance]. No lot shall be
29 reduced in size, and no principal building shall hereafter be constructed, so that the front, side,
30 or rear yards required by the use district in which said lot and building are located are not
31 maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.
32 No part of a yard shall be included as a part of the yard required for another building. As
33 established by this Resolution [Ordinance], the application of buffer requirements supersede
34 these minimum required yards.

1 §6-1-7.5 One Principal Building on a Lot. Only one principal building and its
2 customary accessory buildings may hereafter be erected on any lot, unless this Resolution
3 [Ordinance] specifically provides otherwise; further provided, that more than one multi-family
4 dwelling, office, institutional, commercial, or industrial building may be located on a lot or tract.
5

6 §6-1-7.6 Coverage Requirements. No lot shall hereafter be developed to exceed the
7 maximum lot coverage specified for the use district in which it is located. No lot shall be
8 developed with less than the minimum landscaped open space specified for the use district in
9 which said lot is located.
10

11 §6-1-7.7 Buffer and Landscape Strip Requirements. No lot shall hereafter be
12 developed with less than the minimum buffers and landscape strips specified for the land use
13 intensity district in which said lot is located.
14

15 §6-1-7.8 Visibility at Intersections and Driveway Entrances. At the intersection of
16 public streets, at the intersection of any vehicular access drive with a public street, and at the
17 intersection of any vehicular access drive with another vehicular access drive, no plant,
18 structure, fence, wall, sign or other element shall be placed or maintained in a manner that
19 obstructs vision.
20

21 §6-1-8 NONCONFORMING SITUATIONS

22 §6-1-8.1 Nonconforming Lots. A lot of record, as defined by this Resolution
23 [Ordinance], that does not conform to the minimum lot size or minimum lot width for the use
24 district in which it is located or a specific lot size requirement of this Resolution [Ordinance] may
25 be used as a building site, provided that the access, height, buffer, setback, and other
26 dimensional requirements of the use district in which the lot of record is located are complied with
27 and, provided further, that the lot meets all the current standards and requirements of the
28 _____ County Health Department.
29

30 §6-1-8.2 Expansion of Nonconforming Buildings and Structures. A non-conforming
31 building or structure, as defined by this Resolution [Ordinance], may be expanded, enlarged, or
32 extended if such expansion, enlargement, or extension is for a use that conforms to the
33 requirements for the use district in which the building or structure is located. Any such expansion,
34

1 enlargement, or extension of a nonconforming building or structure shall meet the minimum yard,
2 setback, buffer, height, bulk, and other dimensional requirements for the use district in which said
3 non-conforming building or structure is located.

4
5 §6-1-8.3 Nonconforming Uses. A use of land, building, or structure which, at the time
6 of the enactment or amendment of this Resolution [Ordinance], does not comply with the
7 provisions for the use district in which it is located as defined in this Resolution [Ordinance] as a
8 nonconforming use, may be continued even though such use does not conform with the use
9 provisions of the district in which said use is located. except that the use of a principal
10 nonconforming building, structure or land shall not be:

- 11 (a) Changed to another nonconforming use. A change in tenancy or ownership shall
12 not be considered a change to another nonconforming use, provided that the use
13 itself remains unchanged;
- 14 (b) Re-established after discontinuance for one year. Vacancy and/or non-use of the
15 building, regardless of the intent of the owner or tenant, shall constitute
16 discontinuance under this provision. If a business registration is required for said
17 nonconforming use and the business registration pertaining to said use has lapsed
18 in excess of six months, said lapse of business registration shall constitute
19 discontinuance;
- 20 (c) Expanded, enlarged or extended, in land area or in floor space or volume of
21 space in a building or structure, except for a use which complies with the use
22 district in which said use is located; or,
- 23 (d) Rebuilt, altered or repaired after damage exceeding 50 percent of its
24 replacement cost at the time of damage as determined by the building official,
25 except for a use that conforms with the use district in which said use is located,
26 and provided such rebuilding, alteration or repair is completed within one year of
27 such damage.

28
29 It shall be the responsibility of the owner of a nonconforming use to prove to the Land Use
30 Officer that such use was lawfully established and existed on the effective date of adoption or
31 amendment of this Resolution [Ordinance].

1 §6-1-9 PARKING AND LOADING

2

3 §6-1-9.1 Off-Street Parking Required. Off-street automobile parking spaces shall be
4 provided on every lot on which any building, structure, or use is hereafter established in all use
5 districts, except as otherwise specifically exempted by this Resolution [Ordinance]. Required
6 parking spaces shall be available for the parking of operable passenger vehicles for residents,
7 customers, patrons, and employees, as appropriate given the subject use.

8

9 §6-1-9.2 Location of Off-Street Parking Areas. All parking spaces required by this
10 Resolution [Ordinance] shall be provided on the same lot with the main building or use that it
11 serves. Upon demonstration that the parking spaces required are not available and cannot
12 reasonably be provided on the same lot as the building, structure or use it serves, the Land Use
13 Officer may permit the required parking spaces to be provided on any lot, of which a substantial
14 portion is within 400 feet of such building, structure, or use. This provision shall require
15 submittal of evidence of ownership or valid agreement to lease the parking area off-site that is
16 intended to be used to comply with this article.

17

18 §6-1-9.3 Parking Plan Required. Before any building or land use permit is issued, the
19 proposed parking lot layout and area must be found by the Land Use Officer to be in compliance
20 with all requirements of this Resolution [Ordinance]. A parking plan, for all but detached single-
21 family uses, shall be submitted for approval by the Land Use Officer. Occupancy of the land or
22 use of a building shall not occur until the Land Use Officer determines that parking facilities are
23 available in accordance with the approved plan.

24

25 §6-1-9.4 Minimum Number of Parking Spaces Required. On each lot where a
26 building, structure, or use exists, off-street parking shall be provided according to Table 6-1-
27 9.4.1. No existing facility used for off-street parking shall be reduced in capacity to less than the
28 minimum required number of spaces, or altered in design or function to less than the minimum
29 standards.

30

31

Table 6-1-9.4.1

Minimum Number of Off-Street Parking Spaces Required

Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
COMMERCIAL USES	
Art gallery	One per 400 square feet
Auto parts store	One per 400 square feet plus one per employee
Automobile sales	One per employee, plus one per 150 square feet of repair space, plus one per 600 square feet of showroom
Automobile service and repair	Two per service bay
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through facilities)
Barber shop or beauty parlor	One and one-half per operator's chair, plus one per employee
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Billiard hall/amusement arcade	One per 200 square feet
Bowling alley	Two for each alley, plus one per each employee
Convenience store	One per 250 square feet plus one per employee
Dance hall or school	One space per 150 square feet
Funeral home or mortuary	One per four seats, plus one per two employees, plus one for each hearse, ambulance, or company vehicle
Furniture, carpet, appliance and home furnishing store	One per 1,000 square feet plus one per employee and one per delivery truck
Grocery or food store	One per 200 square feet
Hardware store	One per 400 square feet plus one per employee
Health or fitness club	Ten plus one per each 250 square feet over 1000 square feet
Hotel or motel	One per guest room, plus one per employee, plus one per specified requirements for restaurants and meeting rooms as applicable
Kennel	One per 400 square feet, plus one per employee
Laundromat	One per each two washer/dryer combinations
Nursery or greenhouse	One per 1000 square feet devoted to sales
Office	One per 300 square feet
Photographic studio	One per 400 square feet
Restaurant, bar, or tavern	One per 100 square feet
Self storage facility (mini-warehouse)	One per facility manager, plus one per each forty storage units, with two spaces total minimum
Service station	One per two employees plus three for each service bay
Shopping center	Four and one-half spaces per 1000 square feet
Theater, cinema	One per three fixed seats
Veterinarian, animal hospital	Four per practitioner

1
2
3

Table 6-1-9.4.1 (Cont'd)
Minimum Number of Off-Street Parking Spaces Required

INDUSTRIAL USES	
Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Manufacturing, processing, assembling	Two per three employees
Warehouse	One per two employees or one per 1,500 square feet, whichever is greater
Wholesale merchandise	One per 2,000 square feet
INSTITUTIONAL USES	
Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity
Day care center	One per employee, plus one per eight children, plus one space for each vehicle associated with facility
Government office	One per 300 square feet
Hospital	One per four beds, plus one per two employees
Library or museum	One per 300 square feet
Nursing home	One per three patient beds
Post office	One per 200 square feet
School – elementary	One per employee plus one additional per 10 employees
School – middle	One per ten students or one per five seats in auditorium or main assembly area, whichever is greater
RESIDENTIAL USES	
Apartment, one bedroom	One per unit
Apartment, two bedroom	One and one-half per unit
Apartment, three bedroom	Two per unit
Boarding or rooming house	One space for each two guest rooms, plus one additional space for the owners, if resident on the premises
Residence within building containing a non- residential use	One per unit
Single-family detached or attached (including manufactured home)	Two per unit
Two family dwelling	Two per unit

4

Table 6-1-9.4.1 (Cont'd)

Minimum Number of Off-Street Parking Spaces Required

RECREATIONAL USES	
Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Amusement park	Per parking generation study funded by applicant and approved by the Director
Assembly hall or auditorium	One per four fixed seats, or one per 150 square feet of seating area, whichever is less
Basketball court	Five per court
Billiard hall	Two per table
Community center	One per 250 square feet
Country club	One per 400 square feet of gross floor area. Plus one and one-half per hole for golf course, two per tennis court, and one per 100 square feet of surface for swimming pools
Golf course	Three per hole
Golf driving range, principal use	One for every tee
Miniature golf	Two per hole
Skating rink	One per 250 square feet
Stadium or sport arena	One per twelve feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area
Swimming pool – public	One per 100 square feet of surface water area
Tennis or racquet ball court	Three spaces per court

§6-1-9.5 Interpretations of Parking Requirements. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number. Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the Land Use Officer shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, the total square footage, potential customer use, and other expected demand and traffic generated by the proposed use.

§6-1-9.6 Reduction of Required Parking for Mixed or Joint Use of Parking Spaces. When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Land Use Officer may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly

1 providing parking facilities when their respective hours of need of maximum parking do not
2 normally overlap, provided that the developer submits sufficient data to demonstrate that the
3 hours of maximum demand for parking at the respective uses do not normally overlap. The
4 required spaces assigned to one use may not be assigned to another use at the same time,
5 except that one-half of the parking spaces required for churches, theaters or assembly halls
6 whose peak attendance will be at night or on Sundays may be assigned to a use which will be
7 closed at night or on Sundays.

8
9 §6-1-10 LOADING

10
11 §6-1-10.1 Off-Street Loading Areas Required for Specified Uses. On the same lot with
12 every building, structure or part thereof, erected or occupied for manufacturing, storage,
13 warehouse, truck freight terminal, department store, wholesale store, market, hotel, hospital,
14 mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or
15 distribution of vehicles, materials or merchandise, there shall be provided and maintained
16 adequate space for the standing, loading and unloading of such materials to avoid undue
17 interference with public use of streets, alleys, and parking areas.

18
19 §6-1-10.2 Loading Area Specifications. Unless otherwise approved by the Land Use
20 Officer, loading spaces shall be a minimum of 14 feet wide, 40 feet long, with 14 feet of height
21 clearance. Said loading area shall be located to the rear of the building unless site design
22 precludes a rear location, in which case loading shall be to the side of a building.

23
24 §6-1-10.3 Minimum Number of Off-Street Loading Spaces Required. One off -street
25 loading space shall be provided for the first 10,000 square feet of gross floor area or fractional
26 part thereof for light industrial use and one off-street loading space for the first 5,000 square feet
27 of gross floor area or fractional part thereof for retail or other non-industrial use for which a
28 loading space is required. One additional space shall be required for each additional 25,000
29 square feet of gross floor area or fractional part thereof for light industrial use and for each
30 additional 10,000 square feet of gross floor area or fractional part thereof for retail or other non-
31 industrial use.