

# ARTICLE 1 | INTRODUCTORY PROVISIONS

## Division 1.1 Legal Framework

### Section 94-1 - Purpose and Intention.

- (a) The purpose of this chapter is to establish minimum standards for the use of land and improvements thereon in the City. The zoning regulations and districts established in this chapter are designed to:
- (1) Promote the health, safety and general welfare of the residents of the City;
  - (2) Mitigate impacts and make improvements to streets and other public infrastructure;
  - (3) Secure safety from fire and other 21
  - (4) Provide adequate light and air;
  - (5) Prevent overcrowding of the land;
  - (6) Avoid undue concentration of the population;
  - (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public services and needs;
  - (8) Promote desirable living conditions;
  - (9) Sustain the stability of neighborhoods;
  - (10) Protect property against blight and depreciation;
  - (11) Secure economy in governmental expenditures;
  - (12) Conserve the value of buildings;
  - (13) Encourage the most appropriate use of land and structures; and
  - (14) Improve the overall aesthetics of the City.
- (b) The intention of this Zoning Ordinance is to regulate:
- (1) The location, height, bulk, and size of buildings and other structures;
  - (2) The use of buildings, structures, and land for business, industry, residence, public activities, and other purposes;
  - (3) The division of the incorporated area of the City into zoning districts and to establish boundaries for said districts.
  - (4) Define the methods of administration, amendment and enforcement of this Zoning Ordinance;
  - (5) Prescribe the penalties for the violation of the provisions of this Zoning Ordinance; and
  - (6) Repeal conflicting code sections, ordinances and regulations and other matters.
- (c) No building or site shall be erected, converted, enlarged, reconstructed, moved, structurally altered, disturbed, or graded, except upon application for and issuance of a building and/ or land development permit by the Zoning Official.
- (d) Effective Date.

The provisions of this Zoning Ordinance become effective and compliance with its provisions becomes mandatory upon adoption, unless otherwise expressly stated in a specific provision of the Zoning Ordinance.

(e) Enforcement.

The provisions of this Chapter shall be administered and enforced by the Zoning Official, who is given the authority to perform these functions. The Zoning Official's duties shall include receiving applications, inspecting premises, issuing building permits and certificates of occupancy for uses and structures that meet the requirements of this Chapter and other duties that are authorized by the City Council. Duties may be delegated as outlined in Section 94-312 - Delegation of Authority.

(f) Transitional Provisions.

In interpreting and applying this Zoning Ordinance, the requirements contained herein are declared to be minimum requirements necessary to carry out the purposes of the Zoning Ordinance. Except as herein provided, this Zoning Ordinance shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever easements, covenants or other agreements between parties entered into prior to the effective date of this Zoning Ordinance, but only to the extent that such easements, covenants and other agreements between the parties thereto were consistent with any zoning ordinance in effect at the time such easements, covenants or other agreements were entered into by the parties and that any uses, improvements or structures contemplated by such easements, covenants or agreements were actually entered into, begun or permitted prior to the adoption of this Zoning Ordinance under a previous zoning ordinance. Whenever the provisions of this Zoning Ordinance impose greater restrictions upon the use of land or buildings or upon the height of buildings or require a larger percentage of a lot to remain unoccupied than the provisions of other ordinances, rules, regulations, conditions of any easement, covenant or agreement between parties, the provision of this Zoning Ordinance shall govern as provided below:

- (1) All other conflicting ordinances and resolutions are hereby repealed, provided that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous codes, ordinances, or resolutions, nor is the Zoning Map repealed. However, modifications to or repeal of these past conditions or approvals may be accomplished as provided by this Zoning Ordinance.
- (2) All variances and exceptions heretofore granted by the Mayor and City Council or other official action in accordance with prior code, ordinances or resolutions shall remain in effect and be binding. Prior codes, ordinances, or resolutions shall remain in effect insofar as required for the initiation of any proceedings or prosecution of any violation commenced by notice or citation prior to the adoption of this Zoning Ordinance.
- (3) Any use, development, or building activity for which a valid and complete application for a Land Disturbance Permit or Building Permit has been received prior to the adoption of this Zoning Ordinance shall be deemed vested and such building and development for the use may, at the permittee's option, proceed to completion, and building permits, occupational tax certificates, and business licenses may be issued as though this Zoning Ordinance had not been adopted, provided that the Land Disturbance Permit or Building Permit is or can

be issued within 180 calendar days of the date of adoption of This Zoning Ordinance. Any future change in occupancy, use or alterations or modifications to any structure may require conformance with the then most recent version of this Zoning Ordinance and shall be subject to the provisions of **Division 9.3 - Nonconformities** or similar grandfathering provisions adopted in the most recent version of this Zoning Ordinance.

- (4) Any development or building activity for which a Land Disturbance Permit or Building Permit has been issued prior to the adoption of this Zoning Ordinance may, at the permittee's option, proceed to completion under such previously issued permits on the terms and conditions of the ordinance in effect on the date of issue of the permits unless otherwise required by state law.
- (5) The adoption of this Zoning Ordinance shall not be construed to affect the validity of any development, land disturbance, or building permit lawfully issued prior to the adoption of this Zoning Ordinance. The provisions of this Section only apply to permits when:
  - a. Such permit has not expired by its own terms prior to such effective date;
  - b. Actual development or building, as the case may be, commenced prior to the expiration of such permit;
  - c. Development or building, as the case may be, is diligently pursued and conducted in accordance with all of the applicable terms of the permit and the rules and regulations that regulate such activities;
  - d. No extensions of such permit shall be authorized following the effective date of this Zoning Ordinance except upon a showing of delays caused by extraordinary weather events, force majeure or other circumstances beyond the control of the permittee.

**(g) Conflicting Provisions.**

- (1) In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of any other ordinance or statute require more restrictive standards than those of this Zoning Ordinance, the provisions of such standards shall govern, unless provided otherwise.
- (2) Whenever the provisions of this Zoning Ordinance impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance.
- (3) When a condition of approval is more restrictive than the Zoning Ordinance, the condition of approval shall prevail. When a requirement of the Zoning Ordinance is more restrictive than a previously established condition of approval, the requirements of the Zoning Ordinance shall prevail.
- (4) Nothing herein shall repeal the conditions of use, operation, or site development adopted as part of any resolution approving an application to re-zone any property, grant a variance or special use or permits issued any previous zoning ordinance or resolution. All variances, exceptions, modifications, and waivers

heretofore granted by the Zoning Official, Mayor and City Council, or other decision-making body enacted by the City shall remain in full force and effect, and all terms, conditions and obligations heretofore imposed by the Mayor and City Council shall remain in effect, unless such modification or repeal of past conditions is approved pursuant to a new application filed in accordance with the terms of this Zoning Ordinance.

- (5) State or federal regulations. If the provisions of this Zoning Ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.
- (6) Private Agreements and Covenants.
  - a. This Zoning Ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Zoning Ordinance impose a greater restriction than imposed by a private agreement or covenant, the provisions of this Zoning Ordinance control.
  - b. Private restrictive covenants to which the City is not a party are not regulated by or enforced by the City.

### **Section 94-2 - Severability.**

Should any section or provision of this Zoning Ordinance be declared by any court to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared unconstitutional or invalid. The Mayor and City Council hereby declare that they would adopt each and every part of this Ordinance independently and as a whole even if they had known that anyone or more of such parts would be declared or adjudged invalid or unconstitutional.

### **Section 94-3 - Permits Required.**

(a) Required permits include but are not limited to the following:

- (1) Building Permit. A building permit, to indicate and ensure compliance with all provisions of this chapter, shall be required for any proposed use of lands or building before any improvements or grading of lands or any alteration or construction of buildings commences.
- (2) Development Permit. Before any improvements or grading of the land commences, a development permit shall be required.

(b) Site Plan Requirements.

All applications for development and building permits shall be made to the City. Site plans shall include all of the following information, unless determined to be unnecessary by the Zoning Official based on the scale and scope of the project:

- (1) Name. Name of the proposed development, names, addresses, and phone number of the owners, and the professional who drafted the site plan and their seal.
- (2) Date and scale. Date, north arrow, and graphic scale.

- (3) Survey boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- (4) Location map. A general location map, indicating existing zoning on or adjacent to the site, adjoining roads, and the adjacent areas.
- (5) Building locations. Location of all proposed buildings, their shape, size, and set back in appropriate scale.
- (6) Parking and loading. All required parking and loading facilities for nonresidential uses.
- (7) Right-of-way. Show the location, with lengths and widths, and the name or purpose of all rights-of-way of streets, roads, alleys, railroads, public crosswalks, and applicable easements. Both public and private roads shall be constructed to current Georgia Department of Transportation standards at the time of application.
- (8) Buffers. Show the location and design of proposed and required buffers and landscaping.
- (9) Environmentally sensitive areas. Show building or development proximity to water supply watershed protection district, wetlands protection district, mountain protection district and the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
- (10) Proposed improvements. The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards, landscaping, and other open spaces.
- (11) Existing and Proposed Utilities. The locations of any existing and proposed utilities (i.e., gas/ fuel, electric, water, sewer, or telecommunication infrastructure) together with any private wells, septic tanks, and septic drainage fields, as applicable.
- (12) Adjacent developments. All other information concerning the lot or adjoining lots may be essential to determine whether the proposed development meets the provisions of this chapter shall be included in the sketch plan.
- (13) Stormwater Management Plan. Must be prepared under the direct supervisory control of a registered professional Engineer licensed in the state of Georgia.
- (14) Additional information as required to enable staff to adequately determine that the site standards of the following related chapters have been met:
  - a. [Chapter 26 – Environment](#); and,
  - b. [Chapter 34 – Flood Damage Prevention](#); and,
  - c. [Chapter 66 – Streets, Curbs, and Sidewalks](#); and,
  - d. [Chapter 70 – Subdivisions](#); and,
  - e. [Chapter 82 – Utilities](#) and,
  - f. [Chapter 86 - Vegetation](#).

(15) Additional information requested by staff to adequately determine if all conditions of the Zoning Ordinance or other approvals have been met.

(c) Building Plan Requirements.

All commercial building plans shall be prepared by a professional engineer or professional architect licensed to practice in the State of Georgia. Boundary surveys and plats shall be prepared by a professional engineer or surveyor licensed to practice in the State of Georgia. All professionals shall be registered under Georgia laws regulating the practice of building design, architecture, or engineering and shall affix their official seal and signature to said drawings and specifications.

(d) Issuance of Building Permit.

If the proposed building or development activity as set forth in the application are in conformity with the provisions of this Chapter and other City of Jasper Ordinances and Codes, then the Zoning Official shall issue a permit upon payment of the required fee. If a permit is denied, the Zoning Official shall state such refusal, in writing, with cause. The Zoning Official shall not issue any permit if the land or building as proposed to be used, constructed, or altered would be in violation to any provisions of this Chapter or any codes and laws of the City, state, or federal government, except as provided herein.

(e) Duration of Permit Validity/ Expiration.

- (1) If the work authorized in any permit has not begun within 180 days from the date of permit issuance, the permit expires and has no further effect.
- (2) If the work described in any permit has not been substantially completed within two (2) years of the date of permit issuance, the permit expires and has no further effect.
- (3) There shall be no reimbursement of any payment made to the City of Jasper to cover fees incurred during the plan review or permit issuance process, unless it is found by the Zoning Official that the original fee incurred was the result of a clerical error.
- (4) The Zoning Official is authorized to revoke any permit previously issued if upon site inspection the Zoning Official finds evidence that certain site improvements have been made or land uses have been performed which are outside authorized scope of the approved permit; or, which are in violation of municipal ordinances applicable to the project; or, which are in violation of any condition of approval tied to the permit at the time of its issuance.

(f) Certificate of Occupancy Required.

- (1) A certificate of occupancy/ completion issued by the Zoning Official is required in advance of the occupancy or use of:
  - a. Any building, structure, land, or premises.
  - b. Any building or structure hereafter erected or moved.
  - c. Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height.
  - d. Any building, structure, or premises in which there is a change of

occupancy or use.

- (2) The Zoning Official shall sign and issue a certificate of occupancy/ completion if the proposed use of land or building, as slated on the certificate of occupancy/ completion, is found to conform to the applicable provisions of this Chapter, and if the building, as finally constructed, complies with the plans submitted for the building and/ or development permits.

#### Sections 94-4—94-7 – Reserved

### Division 1.2 Official Zoning Map

#### Section 94-8 -Establishment.

- (a) District Map. The City is hereby divided into zoning districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Zoning Ordinance.
- (b) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Jasper Zoning Ordinance,” together with the date of adoption of this Ordinance. The Official Zoning Map and all notations, references, and other information shown thereon are a part of the Zoning Ordinance and have the same force and effect as if the Zoning Map and all the notations, references, and other information shown thereon were fully set forth and described as if actually depicted within its pages.”

- (c) The district

- (1) boundaries as shown on the Official Zoning Map are generally intended to follow streets, alleys, lot lines or natural boundaries such as bodies of water. Where districts are designated on said map are bounded by such street, alley, lot line or natural boundary, the centerline of the street, alley or natural boundary or the actual lot line shall be the boundary of the district unless a specific boundary is otherwise indicated of the Official Zoning Map. In all other cases, the district boundary line shall be determined by use of the scale on the Official Zoning Map.
  - (2) When the boundary line of a district divides a lot or tract held in single ownership at the time of the adoption of the Zoning Ordinance from which this chapter is derived, the district boundary line may be allowed to extend a distance of not more than 50 feet into the least restricted district encompassed within the boundary of the lot or tract held in single ownership at the request of the owner of the tract.
- (d) Maintenance and Updates. The Zoning Official shall be responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as practicable after the effective date of the Zoning Map amendment adopted pursuant to this Chapter. This is not intended to require the Zoning Map to be updated after each amendment. No unauthorized person may alter or modify the Official Zoning Map. No change shall be made on the Official Zoning Map except in conformity with the procedures set forth in this Zoning Ordinance. Any unauthorized change of any kind by any person or persons shall be considered a violation of the Zoning Ordinance and shall be punishable as provided by law, excluding any transcription error undertaken



by the Zoning Official in good faith, which error shall be corrected immediately upon its discovery.

- (e) Copies of the Official Zoning Maps and Historical Records. The latest adopted version of the Official Zoning Map shall be available for inspection in the offices of the City of Jasper regular business hours of the City. The Zoning Official may authorize printed copies of the Official Zoning Map to be produced, but only the original on file shall be evidence as to the zoning district boundaries and the zoning of any lot or tract of land in the City. The Zoning Official shall maintain digital and/ or printed copies of each superseded version of the Official Zoning Map after its amendment for historical reference.

**(f) Replacement of the Official Zoning Map.**

- (1) The Official Zoning Map becomes damaged, destroyed, lost or difficult to read or interpret due to the number of changes and additions over time, the Mayor and City Council may direct that the Zoning Official initiate a zoning procedure for the purposes of adopting a new Official Zoning Map which shall supersede the prior Official Zoning Map that has been damaged, destroyed, lost or become illegible by reason of the zoning amendments depicted thereon. Upon adoption of the new Official Zoning Map after a public hearing as required for any other zoning amendment and a majority vote of the Mayor and City Council in a public meeting adopting the replacement of the Official Zoning Map and identification of said replacement by the signature of the Mayor on the Map, attested by the City Clerk and affixed with the seal of the City under the words:
- (2) "This is to certify that this is the Official Zoning Map supersedes and replaces the Official Zoning Map adopted the date of [insert date of adoption of prior map] as part of the City of Jasper Zoning Ordinance."
- (3) The new Official Zoning Map may be adopted with corrections of drafting or other scrivener's errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the terms or conditions of any prior zoning Amendment or the district boundaries or parcel zoning district from the terms, conditions or boundaries as set forth in the original zoning amendment resolution duly adopted under the provisions of this Zoning Ordinance or a prior zoning ordinance without a new application, hearing and zoning amendment being adopted by the Mayor and City Council.
- (4) Unless a previous Official Zoning Map has been lost or destroyed in total, the previous map or any significant remaining parts thereof shall be preserved, together with all available records pertaining to its adoption or amendment.

- (g) Annexation. Any land annexed into the City subsequent to the date of this Zoning Ordinance shall be annexed in accordance with the laws of the State of Georgia and any other ordinance of the City affecting annexation shall be zoned under this Zoning Ordinance immediately following the annexation vote into a zoning district and under such conditions as to be zoned to be compatible with adjacent land by the City Council's zoning decision.

**Section 94-9 - Map Interpretations.**

- (a) The Zoning Official is the final authority in determining the current zoning status of land, buildings, and structures in the City.



(b) Where uncertainty exists with respect to the location of any zoning district boundaries as shown on the Official Zoning Maps, the following rules apply:

- (1) Where possible, a rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on maps.
- (2) Where a zoning district boundary line is shown as approximately following a corporate limits line, a land lot line, a lot line or the centerline of a street, a county road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- (3) Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district that each portion is classified.
- (4) Where areas appear to be unclassified on the zoning maps, and classification cannot be established by the above rules and there is no other evidence of its existing or past classification, such areas must be considered to be classified R-A until action is taken by the Mayor and City Council to amend the zoning maps.

(c) Where uncertainties continue to exist or further interpretation is required beyond that presented in the above subsections, the question shall be presented to the Mayor and City Council to enact a clarifying ordinance, and the Mayor and City Council's action shall be recorded on the zoning map.

(d) Split-Zoned Lots.

- (1) Split-zoned lots prohibited. The Zoning Map shall not be amended to classify a single parcel of land into two or more base zoning districts. This provision does not apply to overlay zoning districts.
- (2) Parcels shall not be divided and/ or combined to create a split-zoned parcel of land (into more than one base zoning district classification). This provision does not apply to overlay zoning districts.
- (3) If an existing parcel of land is split into two or more zoning districts, each such portion of the split-zoned parcel may be used only for purposes allowed within the zoning district that each such portion is classified. No principal or accessory use of land, building or structures, and no use or building or structure authorized by permit, or special use permit, is allowed unless the use, building or structure is expressly authorized or permitted within the subject zoning district.

(e) Relationship to Comprehensive Plan and Future Development Map.

The Pickens County Joint Comprehensive Plan, consisting of the Future Development Map and related policies, is hereby established as the official policy of the City concerning future land uses and shall serve as a guide regarding the appropriate manner in which property shall be zoned in the City. The most recent version of the Comprehensive Plan, as adopted by the Mayor and City Council, shall identify zoning districts that are appropriate within each of the City's character areas as delineated on the Future Development Map. No rezoning of property in the City shall be done in a

manner inconsistent with the Future Development Map and related policies of the Comprehensive Plan.

#### Sections 94-10—94-14 - Reserved

## ARTICLE 2 | BASE ZONING DISTRICTS

### Division 2.1 Division of City into Districts

#### Section 94-15 - Districts.

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

District Code	District Name
R-A	Residential agriculture
R-1	Low density single-family residential
R-2	Medium density single-family residential
R-3	High density single-family residential
SFA	Single-family attached residential
MEF	Multifamily residential
DRI-6	Dense residential in-fill
C-1A	Office/ residential
C-1	Neighborhood commercial
C-2	General commercial
CBD	Central business district
M-1	General industry

- (a) *Residential agriculture (R-A)*. The purpose of the R-A district is to permit a combination of low-density residential uses of various types, limited agricultural activities and associated activities.
- (b) *Low density single-family residential (R-1)*. The purpose of the R-1 district is to accommodate purely low density single-family residential development and to protect such development from unrelated and incompatible uses.
- (c) *Medium density single-family residential (R-2)*. The purpose of the R-2 district is to accommodate single-family residential development in locations that would serve as transitions between higher density residential land uses and single-family neighborhoods.
- (d) *High density single-family residential (R-3)*. The R-3 district is designed to accommodate single-family residential developments. These districts will be located in areas with convenient access to collector and arterial streets and can be developed as transitional uses between single-family districts and commercial districts.
- (e) *Single-family attached residential (SFA)*. The SFA district is designed to

accommodate townhomes and other attached housing products that serve as an appropriate transitional use from denser and for intensive uses. The district can accommodate single-family residential uses alone, or in combination with a horizontal mix of uses, where appropriately buffered or transitioned.

- (f) *Multifamily residential (MFR)*. The MFR district is designed to accommodate high density residential multifamily developments; to accommodate infill development that is in keeping with the physical character of existing neighborhoods; and to accommodate uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood. The district can accommodate single-family and multifamily residential uses alone, or in combination with a horizontal or vertical mix of uses, where appropriately buffered or transitioned.
- (g) *Dense Residential In-Fill (DRI-6)*. The DRI-6 district is narrowly defined to accommodate dense residential single-family detached developments primarily comprised of site-built homes having a single dwelling unit except as otherwise provided herein and designed for in-fill development on small lots (7,000 square feet or less) within appropriate existing urban or more intensive areas of development. Upon a special use application, a detached industrialized home may be approved by the Mayor and City Council if it is deemed compatible with the uses of the surrounding parcels after considering the zoning standards adopted as part of this Zoning Ordinance.
- (h) *Office-residential (C-1A)*. The C-1A district is narrowly defined as a transition between intense commercial areas and residential uses generally oriented to major streets. These districts are typically located in areas that have a history of residential uses, but growth and community changes are better served by changeover to low traffic, low impact commercial uses, which often occupy former residential structures or residential accessory structures. New building construction shall only include architectural designs using brick, stone, and wood materials that are compatible with general residential patterns in the vicinity and will have a minimal depreciating effect upon adjacent uses. Subdued signage and exterior lighting are complemented by less than 12 hours of operation per weekday.
- (i) *Neighborhood commercial (C-1)*. The C-1 district is designed to provide a high-quality environment for offices, institutions, or research and development facilities and the limited commercial activities that are compatible with a residential area.
- (j) *General commercial (C-2)*. The purpose of the C-2 district is to provide appropriate locations for a wide variety of commercial activities that will serve a large market area. Emphasis should be placed on creating commercial nodes or cluster developments rather than strip developments.
- (k) *Central business district (CBD)*. The CBD district is intended to provide for the orderly development and redevelopment of the central business district for commercial, financial, office, and related uses to serve the entire community and trade area.

- (I) *General industry (M-1).* The purpose of the M-1 district is to provide suitable areas for warehousing, distribution, manufacturing and other intensive activities of an industrial nature.

### Section 94-16 - Lot and Building Regulations.

This Section establishes basic lot and building regulations that apply in all base zoning districts. These regulations offer certainty for property owners, developers, and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual building and development potential. The lot and building regulations of the following table apply to all principal and accessory uses allowed in each district, unless otherwise expressly stated in this Zoning Ordinance:

Table 94-16.-Zoning District: Lot and Building Regulations								
Zoning District	Minimum Lot Area (in sq. ft.)	Minimum Heated Floor Area (in sq. ft.)	Minimum Lot Frontage (in feet)	Minimum Lot Width (in feet)	Minimum Setbacks (in feet)	Maximum Density (Unit/ Acre)	Maximum Building Height (in feet)	Maximum impervious surface ratio (ISR) of lot
R-A	22,000 sq. ft.	None	110	110	Front: 50 Side: 20 Rear: 30	1	30	30%
R-1	With public sewer: 20,000 sq. ft.	1,400	110	110	Front: 30 Side: 20 Rear: 30	2	30	45%
	Without public sewer: See sub-section (c).	1,400	100	100	Front: 30 Side: 20 Rear: 30	2	30	45%
R-2	Single-family with public sewer: 15,500 sq. ft.	1,400	100	100	Front: 25 Side: 15 Rear: 25	3	30	55%
	Single-family with- out public sewer: See	1,400	See sub-section (c)	See sub-section (c)	Front: 25 Side: 15 Rear: 25	3	30	55%

Table 94-16.-Zoning District: Lot and Building Regulations

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	subsection (c).							
R-3	Single-family with public sewer: 13,000 sq. ft..	1,400	90	90	Front: 25 Side: 10 Rear: 10	4	35	60%
	Single-family with- out public sewer: See subsection (c).	1,400	90	90	Front: 25 Side: 10 Rear: 10	4	35	60%
SFA See subsection (d).	43,560 square feet	1,000	100	100	Front: 25 Side: 10 Rear: 35	6	30	70%
MFR See subsection (d).	43,560 square feet	500	100	100	Front: 25 Side: 10 Rear: 35	8	40	80%
DRI-6	43,560 square feet	1,000	50	50	Front: 25 Side: 10 Rear: 10	6	30	80%
C-1A	Residential uses, same as R-3	Same as R-3	Same as R-3	Same as R-3	Same as R-3	Same as R-3	Same as R-3	60%
	Other Uses: none	None	70	70	Front: 25 Side: 10 Rear: 10	None	30	60%

Table 94-16.-Zoning District: Lot and Building Regulations

Zoning District	Minimum Lot Area (in sq. ft.)	Minimum Heated Floor Area (in sq. ft.)	Minimum Lot Frontage (in feet)	Minimum Lot Width (in feet)	Minimum Setbacks (in feet)	Maximum Density (Unit/ Acre)	Maximum Building Height (in feet)	Maximum impervious surface ratio (ISR) of lot
C-1	None	None	None	None	Front: 25 Side: 10 Rear: 25	None	55	80%
C-2	None	None	None	None	Front: 20 Side: 10 Rear: 15	None	55	80%
CBD	None. See subsection (e) for residential	None	None	None	None	8	55	
M-1	None	None	None	None	Front: 30 Side: 20 Rear: 20	None	65	80%

- (a) Public sewerage treatment system. All multifamily, single-family attached, commercial, and mixed-use developments shall connect to the public sewerage treatment system.
- (b) Public water supply. All land developments in the City shall connect to the public water supply.
- (c) Single-family residential lots without public sewer.
  - (1) Lots without public sewer in the DRI-6 and CBD districts are prohibited.
  - (2) If public sewerage is not available, an individual on-site sewage management system may be used for lots serving individual single-family detached homes or lots for single-family homes within subdivision developments, if approved by the County health department. On any such lot less than three acres, the location of the septic tank system and its replacement area must be fully approved by the County health department prior to the issuance of a building permit by the City. In any case, it shall be fully approved prior to issuance of a certificate of occupancy.
  - (3) The minimum lot size requirements for single-family detached dwellings without public sewer, in all applicable residential zone districts except for the Dense Residential In-Fill district (DRI-6) and Central Business District (CBD), is one (1) acre.

- (4) The minimum lot width at the setback line is 125 feet.
  - (5) The setbacks per zone district for the front, side, and rear yard are the same as those shown for the uses/ districts in **Table 94-16**.
- (d) Single-family attached (SFA) and multi-family (MFR) residential attached lots.
- (1) Zoning district lot and building regulations required for the SFA and MFA districts established by **Table 94-16** are minimum standards for the project/ lot as a whole.
  - (2) Single-family attached units may be created as fee simple for condominium units, as regulated by a recorded condominium covenant, , provided the units meet minimum front façade width of 20 feet for each dwelling unit. Proposed elevations and a site plan shall be submitted with an application for such subdivisions.
  - (3) Single family attached units shall be grouped into buildings consisting of four dwellings or fewer. There shall be a minimum 20-foot-wide separation between such buildings.
- (e) For CBD developments.
- For residential uses to be permitted in the CBD district, residential uses shall be accompanied by at least one non-residential use that makes up a minimum of 35 percent (35%) of the floor area of the proposed project. The uses shall be either vertically or horizontally mixed-use. Single-family attached lots can be developed as a whole or as individual lots, pursuant to sub-section (d). No minimum lot area shall apply. Likewise, no additional lot area is required for the non-residential portions of the project. Multifamily dwellings are only permitted if located in the same structure as a non-residential use.

#### Sections 94-17—94-20 - Reserved

## ARTICLE 3 | SPECIAL PURPOSE DISTRICTS

### Division 3.1 Districts

#### Section 94-21 - Districts.

- (a) As with overlay zoning districts defined in **Article 4**, Special Purpose Zoning Districts are tools for dealing with unique neighborhoods or settings or accomplishing special planning and zoning goals. Unlike overlay districts, however, special districts are base zoning classifications; they do not “over-lay” other base zoning districts.
- (b) In order to regulate, restrict, and segregate the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings and the area of yards and other open spaces surrounding buildings; to regulate and restrict intensity, geography, and design of mixed-use development to implement the intent of this Ordinance, the incorporated area of the City of Jasper, Pickens County, Georgia, is hereby divided into the following special purpose and mixed-use zoning districts:

District Code	District Name
PUD	Planned Unit Development District



- (c) *Planned unit development (PUD)*. The purpose of the PUD district is to allow for the establishment of development standards proposed by the applicant to accommodate innovative mixed use development patterns not articulated in base zoning districts but which uses and standards are generally supportive of the policies of the Comprehensive Plan.

### **Division 3.2 Planned Unit Development (PUD) District**

#### **Section 94-22 - Purpose.**

The purpose of the PUD district is to allow for the establishment of development standards proposed by the applicant to accommodate innovative mixed use development patterns not articulated in base zoning districts but which uses and standards are generally supportive of the policies of the Comprehensive Plan. The PUD District requires a mixed-use development that incorporates any two uses in accordance with a site specific development plan subject to the approval of the Mayor and City Council. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- (a) To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- (b) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- (c) To accommodate varied design and layout of housing and other buildings;
- (d) To allow appropriate relationships of open spaces to intended uses and structures;
- (e) To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- (f) To attenuate the burden of traffic on streets and highways;
- (g) To promote pedestrian connectivity, mobility, and overall walkable design; and,
- (h) To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

#### **Section 94-23 - Establishment of a PUD District**

A PUD may be designated upon application anywhere within the incorporated area of the City with the approval of the Mayor and City Council. Each PUD shall combine at a minimum any two or more individual uses identified in Table 94-24 of this Zoning Ordinance.

#### **Section 94-24 - Applicability and Minimum Standards.**

- (a) A PUD may be requested on any property or properties within the City that meet the minimum standards herein and in accordance with the Amendment procedures of **Division 8.4** to establish the boundaries and regulations of the PUD.
- (b) No PUD district may be established without the concurrent approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the City Council, in accordance with **Division 8.4**.

- (c) PUD districts shall have a minimum contiguous area of fifteen (15) acres.
- (d) Residential density in any PUD district shall not exceed 8 units an acre.
- (e) The characteristics of each PUD shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Standards (ODS) and Overall Development Plan (ODP).
- (f) Any development standards not expressly defined by the ODP shall be regulated by the Zoning Ordinance utilizing the standards of the most analogous district as to the proposed use as determined by the Zoning Official.
- (g) No apartments or condominiums are allowed within PUD districts unless they are provided in a multi-story building configuration where eighty (80) percent or more of the ground floor square footage is occupied by an authorized retail, commercial, office, or other non-residential use.
- (h) Single family detached housing and townhomes are allowed in PUD districts, subject to compliance with Table 94-24, requiring the provision of at least one non-residential use upon the property.
- (i) All PUD projects shall dedicate a minimum amount of floor area to non-residential uses using the following graduated scale. No dwellings, cottage housing, or active adult living housing may be included in the required non-residential calculations.
  - (1) Projects up to 50 acres in size shall dedicate 25 percent (25%) of the floor area in the project to non-residential uses.
  - (2) Projects 50-100 acres in size shall dedicate 35 percent (35%) of the floor area in the project to non-residential uses.
  - (3) Projects greater than 100 acres in size shall dedicate 50 percent (50%) of the floor area in the project to non-residential uses.
- (j) PUDs shall provide a mix of a minimum of two individual uses from two different use subcategories as defined in **Table 94-24** below. Other uses can be considered as a function of the project, but a land use mix is required, at a minimum.

Table 94-24 - Land Use Sub-Categories	
General Use Category	Sub-Categories (Individual Uses)
Lodging and Residence	Bed and Breakfast (all types) Cottage Housing Dwelling (all types) Hotel Motel Active Adult Housing
Institutional	Colleges, university, or junior college Hospital Library School, public, private, or parochial
Office	Clinic, public or private Office, business and professional
Retail Sales	Antique shop Apparel and accessory store Art gallery Bakery/ pastry shop Drug stores/ pharmacies Farmer's Market Florist shop Shopping center
Service	Animal service (all types) Bar, cocktail lounge, tavern, nightclub Bank or financial institution, full service Barbershop Beauty shop Brewery/ distillery/ winery Brew pub Child care (all types) Craft brewery, meadery, or distillery Food hall Restaurant, non-drive-in/ drive-thru

#### Section 94-25 - Application of Regulations.

- (a) Overall Development Standards (ODS). Development of the PUD is governed by the ODS that designate the standards of zoning and development for the property. These standards replace the development standards in the Zoning Ordinance and Development Regulations and should include, at a minimum, the following:
- (1) Permitted and prohibited uses;
  - (2) Maximum density;
  - (3) Maximum impervious surface;

- (4) Minimum open space consisting of ten (10) percent of total site acreage or more
- (5) Minimum and maximum building heights;
- (6) Minimum lot size;
- (7) Required yard setbacks;
- (8) Maximum block length;
- (9) Parking requirements; and
- (10) Building massing.

**(b) Overall Development Plan (ODP).**

- (1) Development of the PUD is also governed by the ODP, which includes a series of plans and design-related documents regulating the development of the property. At a minimum, the ODP shall include the following:
  - a. *Analysis of Existing Conditions.* An analysis of existing site conditions, including a boundary survey and topographic map of the site that shall include information on all existing man-made and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included. The analysis should include all buffers and other applicable standards of federal and state law related to maintenance and protection of wetlands and the banks of navigable waters of the federal and state governments.
  - b. *Overall Master Plan.* A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details and their respective measurements.
  - c. *Phasing Plan.* Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the time frame for construction and development of different aspects of the PUD.
  - d. *Regulating Plan.* A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated, including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed cross sections shall also be included in this plan or as an attachment to this plan.
  - e. *Streetscape and Hardscape Manual.* A streetscape and hardscape manual shall be created that includes specifications for the following:

sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.

- f. *Architectural Pattern Book.* An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
  1. To the extent that the approved ODS and ODP for a PUD contradict the Zoning or Sign Ordinances, the approved ODS and ODP for the PUD district governs. All other chapters govern, unless specific alternatives are proposed and written into the ODS as part of the amendment application.
  2. Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the Comprehensive Plan and any specific character area plan in which the PUD is located, as applicable.
  3. Applications shall include any additional information deemed necessary by the Zoning Official to determine compliance with Ordinance standards.

#### Sections 94-26—94-31 - Reserved

## ARTICLE 4 | OVERLAY DISTRICTS

### Division 4.1 Districts

#### Section 94-32 - Districts.

- (a) Overlay zoning districts “over- lay” applicable base zoning district classifications to alter some or all of the base zoning regulations that apply to particular sites. Overlay districts work to modify or supplement the regulations imposed by base zoning district when necessary to address special situations or accomplish specific objectives.
- (b) In order to apply regulations of a base zoning district in concert with additional or altered regulations for design or building-types and to implement the intent of this Ordinance, the incorporated area of the City, is hereby divided into the following overlay zoning districts:

District Code	District Name
RPZO	Runway Protection Zone Overlay
ECO	Environmental Conservation Overlay

- (c) *Runway protection zone overlay (RPZO).* The purpose of the RPZO is to provide additional restrictions on use and height in sensitive airport runway zones in

accordance with FAA guidelines.

- (d) *Environmental conservation overlay (ECO)*. The purpose of the ECO is to establish minimum development standards and criteria that will afford reasonable protection of environmentally sensitive natural resources found throughout the City.

#### **Section 94-33 - Applicability.**

- (a) The boundaries of overlay zoning districts shall be shown on the Official Zoning Map. The following procedures apply to the establishment, amendment, or termination of all overlay districts unless otherwise expressly stated.
- (b) Overlay district regulations shall be established, amended, or terminated in accordance with the amendment procedures of **Division 84**.
- (c) Except as otherwise expressly stated, zoning map amendments establishing, expanding, or reducing the boundaries of an overlay district or terminating all or part of an overlay district shall be processed in accordance with the amendment procedures of **Division 84**.
- (d) Section Interpretation
  - (1) All applicable regulations of the underlying base zoning district apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations.
  - (2) When overlay regulations conflict with regulations that otherwise apply in the underlying base zoning district, the regulations of the applicable overlay govern. If property is classified in multiple overlay districts and the regulations of one overlay district conflict with the regulations of another overlay district, the more restrictive regulation governs.

#### **Division 4.2 Runway Protection Zone Overlay (RPZO)**

##### **Section 94-34 - Purpose.**

- (a) The RPZO is an overlay regulating the use and design of property at and in the vicinity of Pickens County Airport (KJZP) based on the runway protection zones depicted in the latest revision of the Airport Layout Plan maintained by the Pickens County Airport Authority and identified on the City of Jasper Zoning Map. The purposes of this runway protection zone overlay (RPZO) are to:
  - (1) Prevent the establishment and/ or expansion of uses, structures, or vegetation, which constitute hazards or obstructions to, or be vulnerable to impact from aircraft operating to, from or near an airport; and to
  - (2) Allow for appropriate uses surrounding the airport that further the City's economic development.

##### **Section 94-35 - Restrictions and Requirements.**

- (a) The following generalized land uses are defined as incompatible within the RPZO and are therefore prohibited only on the portions of lots contained within the RPZO boundaries:
  - (1) Residential development;
  - (2) Any use that would attract and congregate people including but not limited to, retail commercial development, industrial development, institutions, places of assembly, and places of worship;

- (3) Water uses such as lakes, ponds, and landfills that significantly increase the potential for interference of airborne fowl with landing and departing aircraft;
- (4) Construction activities and land uses, which would produce smoke and/ or dust in such a manner so as to impair visibility of pilots using the airport;
- (5) High intensity exterior lighting, including, but not limited to, lighting for signage, private drives, parking lots and security, which is located in such a manner as to impair the visibility of pilots using the airport is prohibited unless such lighting is properly shielded;
- (6) Land uses which create electrical interference with navigational signals or radio communication between the airport and aircraft.
- (7) Height limit: Ten feet below the approach-departure clearance surface, with a maximum height of 35 feet.

#### **Section 94-36 - Modification or Expansion of Existing uses, Structures, or Vegetation.**

- (a) Before any existing use, structure, or vegetation may be replaced, substantially altered, rebuilt, allowed to grow higher than permitted height (vegetation), or replanted within the RPZO, a permit must be secured. No such permit shall be granted that would:
  - (1) Allow establishment or creation of a flight hazard or use, building, or development not authorized by this Section;
  - (2) Permit a nonconforming use, structure, or vegetation to increase in height; or
  - (3) Become a greater hazard to air navigation or become less compatible in use than it was on the effective date of this Section, or than it is when the application for a permit is made.
- (b) The Zoning Official shall determine which projects require submittal to the FAA's notice criteria tool based on the scope of the project as it relates to 14 CFR Part 77.9. Before any permit is issued as required by this subsection, the applicant shall file with the Federal Aviation Administration FAA Form 7460-1 and provide to the City a copy of all responses received from the Federal Aviation Administration by the applicant as a result of filing Form 7460-1.

### **Division 4.3 Environmental Conservation Overlay (ECO)**

#### **Section 94-37 - Purpose.**

- (a) The purpose of the ECO is to establish minimum development standards and criteria that will afford reasonable protection of environmentally sensitive natural resources found throughout the City. Based on the findings of the Joint Pickens County-Jasper-Nelson-Talking Rock Comprehensive Plan, it has been determined that the wise management of these resources as defined in this Division is essential to maintaining the health, safety, general welfare and economic well-being of the public.
- (b) The City environmental conservation districts shall include the following districts:
  - (1) Water supply watershed protection district;
  - (2) Wetlands protection district.



## Section 94-38 – Water Supply Watershed Protection District.

- (a) *Findings of fact.* In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the city and surrounding communities, it is essential that the quality of public drinking water be ensured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.
- (b) *Purpose.* The purpose of the water supply watershed protection district regulations is to establish measures to protect the quality and quantity of the present and future water supply for the city that will minimize the transport of pollutants and sediment to the water supply, and maintain the yield of the water supply watersheds.
- (c) *District delineation.* Protected water supply watershed districts are hereby designated, and shall comprise the land areas that drain to the public water supply intake. The boundaries of these districts are defined by the ridge lines of the respective watersheds and the boundary of a radius seven miles upstream of the respective public water supply intakes. These districts shall be further delineated on the water supply watershed protection district overlay map for the city official zoning district map, which is hereby incorporated and made a part of this chapter by reference.
- (d) *Permitted uses.* All uses allowed in the underlying zoning districts as established by this Chapter except for those listed in subsection (f) of this Section are permitted in the water supply watershed protection district, subject to the following standards:
  - (1) Natural buffer requirements.
    - a. Within a seven-mile radius upstream of the public water intakes, a natural buffer, 100 feet wide shall be maintained on both sides of the stream, measured from the stream banks. Similarly, outside the seven-mile radius, a natural buffer of 50 feet shall be maintained on both sides of the stream.
    - b. A natural buffer shall be maintained for a distance of 150 feet from the boundary of any existing or future water supply reservoir.
  - (2) Impervious surface limitations.
    - a. No more than 25 percent of the land area of any parcel or lot on which new development is placed may be covered by impervious surface within a designated water supply watershed protection district.
    - b. Within a seven-mile radius upstream of all public water intakes, no impervious surface shall be constructed within a 150-foot setback area on both sides of the streams as measured from the stream banks. No septic tanks and/or septic tank drainfields shall be located within the 150-foot setback.

- c. Outside a seven-mile radius upstream of all public water intakes, no impervious surface shall be constructed within a 75-foot setback area on both side of the stream, as measured from the stream banks. No septic tanks and/ or septic tank drain fields shall be located within the 75-foot setback.
- (e) Exemptions. The following uses are exempt from the stream corridor buffer and setback requirements if they meet the stipulated conditions:
  - (1) Utilities.
    - a. Utilities shall be located as far as reasonably possible from the stream bank and shall not impair the quality of the drinking water stream.
    - b. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.
  - (2) Forestry and agricultural activities.
    - a. Agriculture activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the state department of agriculture.
    - b. Silviculture activities must conform to the best management practices established by the state forestry commission.
- (f) *Prohibited uses.* The following are prohibited uses within the water supply watershed protection district:
  - (1) All sanitary landfills with or without synthetic liners and leachate collection systems.
  - (2) All hazardous-waste manufacture, handling, storage, treatment or disposal facilities, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

#### **Section 94-39 - Wetlands Protection District.**

- (a) *Findings of fact.* The wetlands within the City are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soil limitations. In their natural state, wetlands serve human and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; open space; and recreational opportunities.
- (b) *Purpose.* The purpose of this district is to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.
- (c) *District delineation.* These regulations shall apply to all lands within wetlands located within the city. The wetland protection district overlay map, adopted as part of this chapter, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The wetland protection district map is an overlay map of the city's official zoning district map, which is hereby incorporated and made a part of this chapter by

reference and shall be on file with the Zoning Official.

- (d) *Wetland development permit requirements.* No activity or use except those identified in subsection (e) of this Section shall be allowed within the wetland protection district without written permission from the Zoning Official in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this chapter and other applicable regulations. If the area proposed for development is located within 100 feet of the wetland protection district boundary, as determined from the wetland protection district map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present and that a section 404 permit or letter of permission is required, a local development permit will be issued only following issuance of the section 404 permit or letter of permission. Furthermore, the local development permit will only be granted if the proposed use is in compliance with underlying zoning district requirements and other provisions of this chapter.
- (e) *Permitted uses.* The following uses are permitted by right within the wetland protection district to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.
- (1) Forestry practices applied in accordance with best management practices approved by the state forestry commission. (section 404 does not require permits for normal, ongoing silvicultural activities. However, section 404 does list some required road construction best management practices that must be followed in order to qualify for such an exemption.)
  - (2) Conservation or preservation of soil, water, vegetation, fish, or other wildlife, provided they do not affect waters of the state or of the United States in such a way that would require an individual 404 permit.
  - (3) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
  - (4) Natural water quality treatment or purification.
  - (5) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the state Department of Agriculture.
- (f) *Prohibited uses.* The following uses are prohibited in a wetland protection district:
- (1) All hazardous waste manufacturers (see **Section 94-38(f)**).
  - (2) All sanitary landfills with or without synthetic liners and leachate collection systems.

#### Sections 94-40—94-44 - Reserved

## ARTICLE 5 | USES

### Division 5.1 Permitted Use Regulations

#### Section 94-45 - Use Table.

Uses are allowed in accordance with **Table 94-50**.

## **Section 94-46 - Interpreting the Use Table.**

### **(a) Use Classification System.**

Uses are listed in the first column of **Table 94-50**. This Zoning Ordinance classifies uses into categories and subcategories, as explained in **Division 5.2**. In some cases, specific use types are listed in addition to the use categories.

### **(b) Permitted uses.**

Uses identified with an "P" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations in this division and with all other applicable regulations of this Zoning Ordinance.

### **(c) Special uses.**

Uses identified with a "S" are allowed only if reviewed and approved in accordance with the special use permit procedures of **Division 8.4**.

### **(d) Prohibited uses.**

- (1) Uses identified with blank cells are expressly prohibited. Uses that are not listed in the table or that cannot be reasonably interpreted (as stated in **Section 94-49 - Determination of use categories and subcategories**) to fall within any defined use category or subcategory are also prohibited.
- (2) In addition, the following uses of land and buildings are incompatible with existing and future development within the City limits and are prohibited in all districts. In addition, neither the Zoning Official, nor the Mayor and City Council shall have the authority to grant variances or exceptions for these prohibited uses:
  - a. Use of equipment which causes off-site radio or television interference and interferes with
  - b. airport operations;
  - c. Massage Parlor; see definition in Chapter 6- Adult Entertainment
  - d. Those uses that emit noxious, injurious or offensive noise, vibrations, smoke, dust, gas fumes or odors or create fire or explosion hazards or other objectionable conditions injurious to quiet enjoyment of the property of others or are dangerous to health and safety of the general public shall be prohibited.

## **Sections 94-47 - Reserved**

## **Division 5.2 Use Classifications**

### **Section 94-48 - General.**

This division contains a description of the use classification system used to classify principal uses in this Zoning Ordinance.

## **Section 94-49 - Determination of Use Categories and Subcategories.**

- (a) The Zoning Official is authorized to classify uses on the basis of the use category and subcategory descriptions of this Section.
- (b) When a use cannot be readily classified into a use category/ subcategory or appears

to fit into multiple categories, the Zoning Official is authorized to determine the most similar, and thus most appropriate, use category based on the actual or projected characteristics of the principal use or activity in relationship to the use category descriptions provided in this Section. In making such determinations, the Zoning Official shall consider all of the following:

- (1) The types of activities that will occur in conjunction with the use;
  - (2) The types of equipment and processes to be used;
  - (3) The existence, number and frequency of residents, customers, or employees;
  - (4) Parking demands associated with the use; and
  - (5) Other factors deemed relevant to a use determination.
- (c) If a use can reasonably be classified in multiple categories or specific use types, the Zoning Official shall categorize the use in the category or specific use type that provides the most exact, narrowest, and appropriate match.
- (d) If the Zoning Official is unable to determine the appropriate use category for a proposed use, the Zoning Official is authorized to deny the permit request.

#### Section 94-50 - Use Table.

The following apply to the uses outlined in this Section. Refer to **Table 94-50 - Permitted and Special Uses by District.**

- (a) Use Permissions Categories. Each use may be allowed as of right ("A") or with supplemental regulations, as a special use ("S"), or prohibited ("P").
- (b) Number of Uses. A lot may contain more than one use and is required in some cases.
- (c) Principal and Accessory Uses. Each of the uses may function either as a principal use or accessory use on a lot, unless otherwise specified.

Table 94-50 - Permitted and Special Uses by District												
Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Accessory uses and structures, See Sec. 94-51	A	A	A	A	A	A	A	A	A	A	A	A
Accessory dwelling unit, See Sec. 94-52	A	A	A	A	P	P	A	P	P	P	P	P
Acid manufacture	P	P	P	P	P	P	P	P	P	P	P	S
Adult business, See Sec. 94-53	P	P	P	P	P	P	P	P	P	P	P	A
Airport and airport services with hangars and fuel	P	P	P	P	P	P	P	P	P	A	P	A
Ambulance services	P	P	P	P	P	P	P	P	P	A	P	P

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Amusement park provided facilities are not located closer than 1,000 feet to a residential district.	P	P	P	P	P	P	P	P	P	A	P	A
Animals, livestock for personal pleasure, minimum tract size of 3.0 acres or more; structures for housing/ feeding must be 50 feet from any property line.	P	P	P	P	P	P	P	P	P	P	P	P
Animal Service, Boarding, See 94- 54	P	P	P	P	P	P	P	P	P	A	P	A
Animal Service, Grooming, See 94-54	P	P	P	P	P	P	P	P	A	A	A	A
Animal Service, Veterinary, See 94-54	P	P	P	P	P	P	P	P	A	A	A	A
Antique shop	P	P	P	P	P	P	P	P	A	A	A	P
Apparel and accessory store	P	P	P	P	P	P	P	A	A	A	A	P
Appliance sales and repair	P	P	P	P	P	P	P	P	A	A	P	P
Art gallery	P	P	P	P	P	P	P	A	A	A	A	P
Athletic/ health club facilities	P	P	P	P	P	P	P	P	A	A	P	A
Auditorium, assembly hall, and civic center	P	P	P	P	P	P	P	P	P	A	P	A
Automobile and truck sales, service and repair	P	P	P	P	P	P	P	P	P	A	P	A
Automobile repair and body shop	P	P	P	P	P	P	P	P	P	A	P	A
Bait, tackle shop	P	P	P	P	P	P	P	P	P	A	P	P
Bakery/ pastry shop	P	P	P	P	P	P	P	P	A	A	A	p
Bank, auto-teller	P	P	P	P	P	P	P	P	A	A	P	A

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Bank or financial institution, full service	P	P	P	P	P	P	P	P	A	A	A	A
Bar, cocktail lounge, tavern, and nightclub	P	P	P	P	P	P	P	P	P	A	A	P
Barbershop	P	P	P	P	P	P	P	P	A	A	A	P
Baseball batting cages	P	P	P	P	P	P	P	P	P	A	P	P
Beauty shop	P	P	P	P	P	P	P	P	A	A	A	P
Bed and breakfast home	P	S	A	A	P	P	S	A	A	A	A	P
Bed and breakfast inn	P	P	S	S	P	P	S	A	A	A	A	P
Boat sales, service and repair	P	P	P	P	P	P	P	P	P	A	P	A
Boat storage	P	P	P	P	P	P	P	P	P	A	P	A
Books, cards and stationary store	P	P	P	P	P	P	P	P	A	A	A	P
Bottle gas, storage and distribution center	P	P	P	P	P	P	P	P	P	A	P	A
Bottling plant	P	P	P	P	P	P	P	P	P	P	P	A
Bowling alley	P	P	P	P	P	P	P	P	P	A	P	A
Brewery/ distillery/ winery, See Sec.94-56	P	P	P	P	P	P	P	P	P	A	A	A
Brew pub, See Sec. 94-57	P	P	P	P	P	P	P	S	A	A	A	A
Builder supplies and storage	P	P	P	P	P	P	P	P	P	A	P	A
Building materials sales, supplies and storage	P	P	P	P	P	P	P	P	A	A	P	A
Bus station	P	P	P	P	P	P	P	P	P	A	P	P



Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Carwash, manual or automatic	P	P	P	P	P	P	P	P	P	A	P	A
Carpet and rug sales, floor covering and storage	P	P	P	P	P	P	P	P	P	A	P	A
Carpet cleaning store	P	P	P	P	P	P	P	P	P	A	P	P
Cement, lime gypsum manufacture	P	P	P	P	P	P	P	P	P	P	P	S
Cemetery, private, minimum tract of five (5) acres required	A	A	A	A	P	P	P	P	P	P	P	P
Cemetery, public, minimum tract of five (5) acres required	A	S	S	S	P	P	P	S	S	S	P	S
Check cashing establishment, See Sec. 94-58	P	P	P	P	P	P	P	P	P	S	P	P
Child care center, group	P	P	P	P	P	P	P	A	A	A	A	P
Child care facility	P	P	P	P	P	P	P	A	A	A	A	P
Child care home, family, child care homes located in R-1, R-2 and R-3 districts are permitted as home occupations and are subject to provisions contained in Sec. 94-63	P	A	A	A	P	P	S	A	A	A	A	P
Child-caring institution	P	P	P	P	P	P	P	S	S	S	P	S
Churches (in C-1A, parking in the rear yard only)	P	S	S	S	P	P	P	A	A	A	P	P
Cinema, movie theater	P	P	P	P	P	P	P	P	A	A	P	P
Clinic, public or private	P	P	P	P	P	P	P	P	A	A	P	P
Clubs and lodges	P	P	P	P	P	P	P	P	A	A	P	P
College, university or junior	P	P	P	P	P	P	P	P	P	A	P	A

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
college												
Community living arrangement, maximum 14 people	S	S	S	S	P	P	S	P	S	S	P	S
Concrete/ stone cutting, fabrication	P	P	P	P	P	P	P	P	P	P	P	A
Contractor equipment, material storage	P	P	P	P	P	P	P	P	P	A	P	A
Convenience stores without fuel pump service	P	P	P	P	P	P	P	P	P	A	P	A
Convenience stores with fuel pump service, provided all fuel pumps shall be at least 15 feet from the street right-of-way.	P	P	P	P	P	P	P	P	A	A	P	A
Convent and monastery	P	P	P	P	P	P	P	P	A	A	P	P
Cottage housing, See Sec. 94-59	P	S	S	S	P	P	S	P	P	P	S	P
Craft brewery, meadery, or distillery, See Sec. 94-60	P	P	P	P	P	P	P	P	S	A	A	A
Crematorium, See Sec. 94-61	P	P	P	P	P	P	P	P	P	P	P	A
Curio and souvenir shops	P	P	P	P	P	P	P	P	A	A	A	P
Drug stores, pharmacies	P	P	P	P	P	P	P	P	A	A	A	P
Dwelling, multifamily, See Sec. 94- 16(f) for use mix requirement in CBD	P	P	P	P	P	A	P	P	P	P	S	P
Dwelling, single-family detached	P	A	A	A	A	A	A	P	P	P	A	P
Dwelling, single-family attached	P	P	P	P	A	A	P	P	P	P	S	P

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Equipment supplies (business or industrial)	P	P	P	P	P	P	P	P	P	A	P	A
Equipment rental, industrial	P	P	P	P	P	P	P	P	P	A	P	A
Explosives manufacture	P	P	P	P	P	P	P	P	P	P	P	S
Farmer's market, provided permanent sanitary facilities are permitted by applicable authority, no overnight camping on the property is permitted and such use shall be located on a major or minor collector street only.	P	P	P	P	P	P	P	A	A	A	A	A
Feed mill, seed mill production and packing	P	P	P	P	P	P	P	P	P	P	P	A
Flea market	P	P	P	P	P	P	P	P	P	A	P	A
Florist shop	P	P	P	P	P	P	P	P	A	A	A	P
Food hall	P	P	P	P	P	P	P	S	S	S	S	S
Food truck	P	A	A	A	P	P	A	A	A	A	A	P
Funeral home, mortuary	P	P	P	P	P	P	P	P	P	A	P	P
Furniture, home furnishing and equipment store	P	P	P	P	P	P	P	P	A	A	P	P
Game room, arcade	P	P	P	P	P	P	P	P	P	A	P	P
Garden, landscaping supplies	P	P	P	P	P	P	P	P	P	A	P	A
Gasoline station with auto service, provided all fuel pumps shall be at least 15 feet from the street right-of-way	P	P	P	P	P	P	P	P	P	A	P	A
Golf driving range	P	P	P	P	P	P	P	P	P	A	P	A

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Golf courses and club houses	P	S	S	S	P	P	P	P	S	P	P	A
Grocery/ general merchandise store	P	P	P	P	P	P	P	A	A	A	A	P
Hardware, paint and wallpaper store	P	P	P	P	P	P	P	P	P	A	P	P
Hazardous waste handling and processing	P	P	P	P	P	P	P	P	P	P	P	S
Hobby, toy, and game store	P	P	P	P	P	P	P	P	P	A	A	P
Homeless shelter, maximum 14 people	P	P	P	P	P	P	P	P	S	S	P	S
Home occupations, See Sec 94-63	A	A	A	A	P	P	S	P	P	P	P	P
Hospital, health and medical institution	P	P	P	P	P	P	P	P	P	A	P	P
Hotel	P	P	P	P	P	P	P	P	A	A	A	P
Ice, manufacturing and sales	P	P	P	P	P	P	P	P	P	P	P	A
Industrialized home sales and service	P	P	P	P	P	P	P	P	P	A	P	A
Jewelry store	P	P	P	P	P	P	P	P	A	A	A	P
Laboratory research facilities	P	P	P	P	P	P	P	P	P	A	P	A
Laundry, commercial services	P	P	P	P	P	P	P	P	A	A	P	A
Laundry, pickup and dry clean services	P	P	P	P	P	P	P	P	P	A	A	A
Laundry, coin-operated	P	P	P	P	P	P	P	P	P	A	P	P
Library	P	P	P	P	P	P	P	P	A	A	A	P

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Liquor-beer, package store	P	P	P	P	P	P	P	P	P	A	P	P
Machine shop, fabrication, welding, sales	P	P	P	P	P	P	P	P	P	S	P	A
Machinery sales, service and repair	P	P	P	P	P	P	P	P	P	A	P	A
Manufactured home	S	S	S	S	P	P	S	P	P	P	P	P
Manufacturing establishments involving the mechanical or chemical conversion of raw materials into semi-finished or finished products.	P	P	P	P	P	P	P	P	P	S	P	A
Manufacturing establishments involving only the assembly of pre-manufactured component parts.	P	P	P	P	P	P	P	P	P	A	P	A
Meatpacking/ processing/ slaughter yards	P	P	P	P	P	P	P	P	P	P	P	S
Mineral extraction and processing	P	P	P	P	P	P	P	P	P	P	P	S
Mini-warehouse, self-service storage facility	P	P	P	P	P	P	P	P	P	A	P	A
Miniature golf game	P	P	P	P	P	P	P	P	P	A	P	P
Modular home	S	S	S	S	P	P	S	P	P	P	P	P
Motel	P	P	P	P	P	P	P	P	P	A	P	P
Museum (in C-1A, parking in rear yard only)	P	P	P	P	P	P	P	A	A	A	A	A
Neighborhood center	S	S	S	S	P	P	S	P	P	P	P	P
Nursery and greenhouse, retail or wholesale, provided	A	P	P	P	P	P	P	P	P	A	P	A

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
no structure located closer than 100 feet to any adjoining residential property.												
Nursing home	P	P	P	P	P	P	P	P	P	S	P	P
Office, business and professional (not to include veterinary clinics in C-1A; and in C-1A, parking in rear yard only)	P	P	P	P	P	P	P	A	A	A	A	A
Office supplies	P	P	P	P	P	P	P	P	A	A	A	P
Paper or paper/ pulp manufacture	P	P	P	P	P	P	P	P	P	P	P	S
Parking lot or garage, commercial	P	P	P	P	P	P	P	P	P	S	S	S
Paving, concrete and asphalt plant	P	P	P	P	P	P	P	P	P	P	P	A
Pawnshop	P	P	P	P	P	P	P	P	S	P	P	P
Personal care home, community	P	P	P	P	P	P	P	P	S	S	P	S
Personal care home, family	S	S	S	S	P	P	S	P	P	P	P	P
Personal care home, group	P	P	S	S	P	P	S	P	S	S	P	P
Pet shop	P	P	P	P	P	P	P	P	A	A	A	P
Petroleum products, bulk storage tank	P	P	P	P	P	P	P	P	P	P	P	A
Print shop	P	P	P	P	P	P	P	P	P	A	A	A
Printing, publishing, and sampling	P	P	P	P	P	P	P	P	P	P	P	A
Public Recreational Park	A	A	A	A	A	A	A	A	A	A	A	A

Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Railroad station	P	P	P	P	P	P	P	P	P	A	A	A
Recycling center (with processing facilities)	P	P	P	P	P	P	P	P	P	P	P	A
Recycling collection station	P	P	P	P	P	P	P	P	P	A	P	A
Refining of petroleum products	P	P	P	P	P	P	P	P	P	P	P	S
Repair service (heavy equipment) and trade shop	P	P	P	P	P	P	P	P	P	A	P	A
Repair service, general merchandise	P	P	P	P	P	P	P	P	P	A	P	A
Restaurant, drive-in/ drive-thru	P	P	P	P	P	P	P	P	P	S	P	A
Restaurant, non-drive-in/ drive-thru	P	P	P	P	P	P	P	P	A	A	A	S
Retail stores offering common merchandise	P	P	P	P	P	P	P	P	P	A	A	S
Rooming house and boarding- house (in C-1A, parking in rear yard only)	P	P	P	A	P	P	P	A	P	P	P	P
RV park, campground	P	P	P	P	P	P	P	P	P	P	P	S
Saw mill, temporary or portable	P	P	P	P	P	P	P	P	P	P	P	A
Saw mill, lumberyard	P	P	P	P	P	P	P	P	P	P	P	A
School, public, private or parochial	P	P	P	P	P	P	P	P	A	A	P	A
Active Adult housing, See Sec. 94-66	P	P	P	P	P	A	P	S	S	S	P	S
Sewage treatment facilities, public or private	S	S	S	S	P	P	P	P	P	P	P	A



Table 94-50 - Permitted and Special Uses by District

Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Shoe repair	P	P	P	P	P	P	P	P	A	A	A	P
Shooting range, indoor	P	P	P	P	P	P	P	P	P	S	P	A
Shopping center	P	P	P	P	P	P	P	P	P	A	P	P
Solar energy systems, See Sec.94-64	A	A	A	A	P	P	A	A	A	A	A	A
Storage yard, equipment	P	P	P	P	P	P	P	P	P	S	P	A
Storage warehouse	P	P	P	P	P	P	P	P	P	A	P	A
Studio for art, photography and similar uses (in C-1A, parking in rear yard only)	P	P	P	P	P	P	P	A	A	A	A	P
Supportive living	P	P	P	P	P	P	S	P	S	S	P	S
Swimming pools, commercial	P	P	P	P	P	P	P	P	A	A	P	P
Tattoo establishment	P	P	P	P	P	P	P	P	P	A	P	A
Taxidermy	P	P	P	P	P	P	P	P	P	S	P	A
Theater, drama	P	P	P	P	P	P	P	P	A	A	A	P
Tire sales and service	P	P	P	P	P	P	P	P	P	A	P	A
Telecommunications tower (freestanding), See Sec. 94-65	P	P	P	P	P	P	P	P	P	A	P	A
Telecommunications tower (co-location), See Sec. 94-65	A	A	A	A	P	P	A	A	A	A	A	A
Transfer station, solid waste	P	P	P	P	P	P	P	P	P	P	P	A
Transitional housing facility, maximum 14 people	P	P	P	P	P	P	P	S	S	S	P	S
Truck terminals, freight handling	P	P	P	P	P	P	P	P	P	P	P	A

Table 94-50 - Permitted and Special Uses by District												
Use	R-A	R-1	R-2	R-3	SFA	MFR	DRI-6	C-1A	C-1	C-2	CBD	M-1
Utility facilities, gas, electric and telephone transformer stations, See Sec. 94-62	A	S	S	S	P	P	S	S	A	A	P	A
Vape shop	P	P	P	P	P	P	P	P	P	A	P	A
Video sales and rental	P	P	P	P	P	P	P	P	A	A	A	P
Water treatment facilities	S	S	P	P	P	P	P	P	P	P	P	A
Wholesale trade/ warehouse/ distribution facilities	P	P	P	P	P	P	P	P	P	P	P	A
Wine Specialty Shops	P	P	P	P	P	P	P	P	P	P	A	P
Wreckage services, temporary storage	P	P	P	P	P	P	P	P	P	P	P	A

## Division 5.3 Supplemental Regulations

### Section 94-51 - Accessory Uses and Structures.

- (a) This Section shall not apply to structures or uses permitted in the R-A District.
- (b) An accessory structure shall be clearly subordinate to the primary building upon the same lot in all dimensional aspects. No accessory structure shall be allowed upon a property that lacks an occupied principal primary building.
- (c) Accessory structures attached by breezeways, passageways, or similar means are considered part of the primary building and are subject to the lot and building regulations that apply to the principal building.
- (d) A maximum of two (2) accessory structures shall be permitted per lot.
- (e) An accessory structure shall not be permitted in any required front yard or closer to the street than the primary building except as specified in **Table 94-92** and in **Chapter 95**, pertaining to signs.
- (f) Accessory structures such as garages, greenhouses, or workshops located on lots whose principal land use is residential shall not be eligible to receive a business license from the City of Jasper for any commercial purpose unless said structure has been inspected by the City of Jasper and determined to be safe for human occupancy. This does not include the long or short-term rental of accessory dwelling units.
- (g) Accessory structures located upon corner lots whose rear property line abuts a residential land use, no accessory shall be located no closer to the street right-of-

way line than the principal building and no closer than five (5) feet to the rear property line.

- (h) No garage or other accessory structure shall be located closer than three (3) feet to a side or rear property line in a residential district.
- (i) Filling station pumps and pump islands, where permitted, may occupy the required yards, provided that they shall not be less than 15 feet from street lines. Canopies, whether attached or detached from the principal building, must be at least 14 feet in height, and the outermost edge shall be five (5) feet from any property line.
- (j) Accessory structures located on lots whose principal land use is non-residential shall not be accessed by customers, clients, or the general public. Only users with direct property owner authorization, such as business owners with signed lease for a suite upon the tract, or employees of an authorized business upon the tract, shall have access to the structure. It shall be the property owners responsibility to ensure controlled access to accessory structure is maintained.
- (k) Accessory structures shall meet the same setback requirements as the principal building upon the same lot.
- (l) An open or unenclosed swimming pool may occupy a required rear or side yard, provided that the pool is not located closer than six (6) feet to a rear lot line or ten (10) feet to an interior side lot line. A three-foot-wide walk space shall be provided between pool walls and protective fences or barrier walls.

#### **Section 94-52 - Accessory Dwelling Units (ADU).**

- (a) An accessory dwelling unit is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
  - (1) Garden cottages are detached structures. Examples include converted, detached garages or new construction.
  - (2) Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- (b) Eligibility. ADUs can be established in the following circumstances:
  - (1) An ADU may be added to a house on any single-family residentially-zoned lot.
  - (2) Accessory suites are the only ADU permitted with a single-family attached dwelling use.
- (c) Quantity. One ADU is permitted per residentially zoned lot. Where more than one house is allowed on a single lot, one ADU is permitted per primary dwelling.
- (d) Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
- (e) Occupancy and Use. Occupancy and use standards for an ADU shall be the same as

those applicable to a primary dwelling on the same site.

(f) **Design.** Design standards for ADUs are stated in this Section. If not addressed in this Section, base zone district standards apply.

(1) All ADUs (accessory suites and garden cottages) shall meet the following requirements:

- a. **Size.** An ADU shall be no more than 800 square feet or the size of the primary dwelling, whichever is less.
- b. **Parking.** No additional parking is required for an ADU. The existing required parking for the primary dwelling shall be maintained or replaced on-site.
- c. **Building standards.** ADUs shall comply with all building and lot regulations for primary and accessory structures, as applicable based on the type of ADU.
- d. **Accessory suites shall meet the following additional requirements:**

(2) **Location of entrances.** Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks.

(3) **Exterior stairs.** Fire escapes or exterior stairs for access to an upper-level accessory suite shall not be located on the front of the primary dwelling.

(g) **Garden cottages must meet the following additional requirements:**

(1) **Height.** The maximum height allowed for a garden cottage is 16 feet or the height of the primary dwelling, whichever is less.

(2) **Exterior finish materials.** Exterior finish materials shall visually match in type, size, and placement, the exterior finish materials of the primary dwelling.

(3) **Roof pitch.** The roof pitch shall be the same as the predominant roof pitch of the primary dwelling.

(4) **Windows.** If the street-facing façade of the ADU is visible from the street, its windows shall match, in proportion and orientation, the windows of the primary dwelling.

(5) **Eaves.** If the primary dwelling has eaves, the ADU shall have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.

**Section 94-53 - Adult Businesses.**

- (a) It is a purpose of this Section to regulate adult and sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or

deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

**(b) Findings and Rationale.**

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW / PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloona Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (*per curiam*); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Flippin Alliance for Community Empowerment, Inc. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food & Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/ Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir.); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir.

2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99- N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Goldrush II v. City of Marietta*, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses elate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois* - 2011-12; *Manatee County, Florida* - 2007; *Hillsborough County, Florida* - 2006; *Clarksville, Indiana* - 2009; *El Paso, Texas* 2008; *Memphis, Tennessee* - 2006; *New Albany, Indiana* - 2009; *Louisville, Kentucky* - 2004; *Fulton County, GA* - 2001; *Chattanooga, Tennessee* - 1999-2003; *Jackson County, Missouri* - 2008; *Ft. Worth, Texas* - 2004; *Kennedale, Texas* - 2005; *Greensboro, North Carolina* - 2003; *Dallas, Texas* - 1997; *Houston, Texas* - 1997, 1983; *Phoenix, Arizona* - 1995-98, 1979; *Tucson, Arizona* - 1990; *Spokane, Washington* - 2001; *St. Cloud, Minnesota* - 1994; *Austin, Texas* - 1986; *Indianapolis, Indiana* - 1984; *Garden Grove, California* - 1991; *Los Angeles, California* - 1977; *Whittier, California* - 1978; *Oklahoma City, Oklahoma* - 1986; *New York, New York Times Square* - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas* - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the City Council finds:

- (1) Adult businesses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Adult businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be

separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/ or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Section, exists independent of any comparative analysis between Adult and non-adult businesses. Additionally, the City's interest in regulating adult businesses extends to preventing future secondary effects of either current or future adult businesses that may locate in the City. The City finds that the cases and documentation relied on in this Section are reasonably believed to be relevant to said secondary effects.
  - (4) The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult businesses, including the judicial opinions and reports related to such secondary effects.
- (c) Prohibited Locations. It shall be unlawful to establish, operate, or cause to be operated an adult business in the City that is located:
- (1) Within 600 feet of another adult business; or
  - (2) Within 600 feet of a residential district, religious assembly use, park, or public library.
- (d) Measurements.
- (1) Measurement of the required spacing between adult businesses shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
  - (2) Measurement of the required spacing between an adult business and a residential district, religious assembly use, park, or public library shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the religious assembly use, park, or public library.

#### **Section 94-54 - Animal Service.**

- (a) Boarding. The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/ hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters. Any building or structure in which animals are kept or exercised shall be set back at least 100 feet from any R-zoned (R-A, R-1, R-2, R-3, DRI-6, or SFA ) lot.
- (b) Grooming. Grooming of companion animals, including dog bathing and clipping salons and pet grooming shops. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case, the regulations that apply to animal boarding shall be met.
- (c) Veterinary. Animal hospitals and veterinary clinics staffed by veterinarians. No outside animal runs or kennels are allowed unless located in a zoning district that



permits boarding, in which case the regulations that apply to animal boarding shall be met.

#### **Section 94-55.-Barbecue pits, Fireplaces, Stoves, and Incinerators.**

Community service facilities such as cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be located, constructed, maintained and used to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used, and no material burned which emits dense smoke or objectionable odors.

#### **Section 94-56 – Brewery/ Distillery/ Winery**

An industrial facility where malt, brewed or distilled beverages are produced (in spaces in excess of the micro-producer limits) on the premises and then sold or distributed for on- or off-premises consumption and must be licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue.

- (a) A brewery, distillery and winery shall be authorized to provide guided tours of said facility, during which a "free tasting" of malt beverages, distilled spirits or wine may be conducted by the manufacturer. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3,
- (b) No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed time frames.
- (c) All tasting processes and procedures shall adhere to and be in strict compliance with O.C.G.A. Title 3, Alcoholic Beverages.

#### **Section 94-57 - Brew Pub.**

Any eating establishment with the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law. Brewing activities shall be:

- (a) Accessory to sales and consumption of food and beverages on-premises.
- (b) Shall be located in a wholly enclosed building.
- (c) Production space shall be limited subject to State Law.
- (d) No outdoor equipment or outdoor storage is permitted.

#### **Section 94-58 - Check Cashing Establishment.**

An establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. Check cashing establishments are subject to the following supplemental regulations:

- (a) Lots on which check cashing establishments are located shall have frontage on an arterial street.
- (b) New check cashing establishments are prohibited within 1,000 feet of an existing check cashing establishment or pawn shop.



- (c) Check cashing establishments shall operate as an independent principal use and not be combined with any other use.

### **Section 94-59 - Cottage Housing.**

Grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site.

#### **(a) Density.**

- (1) Cottage Housing Developments (CHD) require a minimum total project area of 25,000 square feet with a minimum area of 5,000 square feet per unit.
- (2) Lots may meet this minimum area as a whole parcel or as a combination of individual lots and common area lots.

#### **(b) A Cottage Housing Development (CHD) is composed of clusters of cottages.**

- (1) Minimum units per cluster: 4
- (2) Maximum units per cluster: 12
- (3) Maximum clusters per CHD: 2

#### **(c) Community Assets.**

##### **(1) Common open space**

- a. Each cluster of cottages shall have common open space to provide a sense of openness and community for residents.
- b. At least 1,000 square feet per cottage of common open space is required for each cluster.
- c. Each area of common open space shall be in one contiguous and usable piece.
- d. To be considered as part of the minimum open space requirement, an area of common open space shall have a minimum dimension of 30 feet on all sides.
- e. The common open space shall be at least 5,000 square feet in area, regardless of the number of units in the cluster.
- f. Required common open space may be divided into no more than two (2) separate areas per cluster.
- g. At least two (2) sides of the common open area shall have cottages along its perimeter.
- h. Parking areas, yard setbacks, private open space, and driveways do not qualify as common open space.

##### **(2) Community Building.**

- a. Community buildings are permitted in CHDs.
- b. Community buildings shall be clearly incidental in use and size to dwelling units.
- c. Building height for community buildings shall be no more than one story.

**(d) Ownership.**

Community buildings, parking areas, and common open space shall be owned and maintained commonly by the CHD residents, through a condominium association, a homeowners' association, or a similar mechanism, and shall not be dedicated to the municipality.

**(e) Design.**

**(1) Cottage size.**

- a. The gross floor area of each cottage shall not exceed 1,500 square feet.
- b. Cottage areas that do not count toward the gross floor area or footprint calculations are:
  1. Interior spaces with a ceiling height of six feet or less, such as in a second-floor area under the slope of the roof;
  2. Basements;
  3. Architectural projections—such as bay windows, fireplaces or utility closets—no greater than 24 inches in depth and six (6) feet in width;
  4. Attached, unenclosed porches;
  5. Garages or carports;

**(2) Unit height.** The maximum height of cottage housing units shall be 25 feet.

**(3) Orientation of cottages.**

- a. Each dwelling unit shall be clustered around a common open space. Each unit shall have a primary entry and covered porch oriented to the common open space.
- b. Lots in a CHD can abut either a street or an alley.
- c. Each unit abutting a public street (not including alleys) shall have a façade, secondary entrance, porch, bay window, or other architectural enhancement oriented to the public street.

**(4) Cottage setbacks.**

- a. The minimum setbacks for all structures (including cottages, parking structures and community buildings) in a CHD shall be ten (10) feet from any public right-of-way or other structure.
- b. Cottages shall be no more than 25 feet from the common open area, measured from the façade of the cottage to the nearest delineation of the common open area.
- c. No part of any structure in the CHD (including but not limited to cottages, parking structures and community buildings) shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access.

**(5) Lot coverage.** The CHD shall have a maximum lot coverage of 65 percent.

(6) Porches.

- a. Cottage units shall have covered front porches. The front porch shall be oriented toward the common open space.
- b. Covered porches shall have at least 60 square feet in area.

(7) Basements. Cottages may have basements.

(8) Walkways.

- a. A CHD shall have sidewalks along all public streets.
- b. A system of interior walkways shall connect each cottage to each other and to the parking area, and to the sidewalks abutting any public streets bordering the CHD. Walkways and sidewalks shall be at least four (4) feet in width.

**Section 94-60 - Craft brewery, Meadery, or Distillery.**

A building or group of buildings where malt, mead, or distilled spirits are manufactured (brewed, fermented, distilled, rectified, or blended), bottled, packaged, and distributed for wholesale and/ or retail distribution.

- (a) Production space shall be limited subject to State Law.
- (b) Shall be located in a wholly enclosed building
- (c) Craft breweries, meaderies, or distilleries shall be allowed the following accessory uses:
  - (1) Guided tours
  - (2) Concerts
  - (3) Tasting Rooms
  - (4) Special events
  - (5) Distribution between 7 a.m. and 7 p.m.
    - a. No more than 2 million gallons shall be produced annually.
    - b. Small batch, craft breweries shall not:
      1. Deal in any other spirits except for beer and wine
      2. Have any outside storage
      3. Exceed 15,000 sf
      4. Produce noxious odors

**Section 94-61 - Crematorium.**

Any structure containing a crematory shall be located at least 200 feet from the property line of any property zoned and/ or used for residential use. This 200-foot limitation shall not apply if the structure containing the crematory is located on or immediately adjacent to property containing a cemetery.

**Section 94-62 - Electric Transformer Station and Gas Regulator Station.**

- (a) Uses shall be essential for services to the area in which located.
- (b) Any building or structure, except an enclosing fence, shall be setback not less than

20 feet from any property line and shall meet all applicable yard requirements in excess thereof.

- (c) Such uses shall be enclosed by a fence not less than eight (8) feet in height.
- (d) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.
- (e) The storage of vehicles and equipment on the premises shall be prohibited.
- (f) The site and development plans shall be approved by the Zoning Official to ensure compatibility of facilities with the neighborhood in which they are located.

#### **Section 94-63 - Home Occupations.**

The conduct of business in residential units may be permitted under the provisions of this Section. It is the intent of this Section to ensure the compatibility of home occupations with other uses permitted in the R-A, R-1, R-2, R-3, and DRI-6 districts; maintain and preserve the character of residential neighborhoods; and provide peace, quiet, and domestic tranquility within all residential neighborhoods within the district, in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effect of commercial uses being conducted in this district. Home occupations, where permitted, must meet the following special requirements:

- (a) A home occupation must be clearly subordinate to the principal use of a parcel. There shall be no exterior indication of the home occupation or variation from the residential character of the principal use;
- (b) A home occupation shall be carried on wholly within the principal use. No accessory building can be used in connection with a home occupation;
- (c) No more than 25 percent of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation;
- (d) There shall be no more than two clients on premises at a time for any home occupation;
- (e) No on-street parking of business-related vehicles shall be permitted at any home. No business vehicles larger than a van, panel truck, or pickup truck is permitted to park overnight on the premises. The number of business-related vehicles is limited to one;
- (f) The home occupation is limited to employment of residents of the property and not more than one additional non-resident person;
- (g) No more than one home occupation shall be permitted within a single-dwelling unit;
- (h) A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure;
- (i) A home occupation which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors, or other circumstances is not permitted.
- (j) Prohibited residential home occupations. The following are prohibited home occupations:

- (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (3) Equipment or supply rental businesses;
- (4) Taxi, limo, van or bus services;
- (5) Tow truck services;
- (6) Firearms sales establishment;
- (7) Eating or drinking places;
- (8) Funeral or internment services;
- (9) Animal care, grooming or boarding businesses; and,
- (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

#### **Section 94-64 - Solar Energy Systems.**

- (a) Accessory solar energy systems shall comply with all applicable building ordinance and electrical code requirements.
- (b) Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements shall be recorded with the County recorder of deeds.
- (c) Building-Mounted Solar Energy Systems.
  - (1) Building-mounted solar energy systems may be mounted on principal and accessory structures.
  - (2) All applicable setback regulations apply to building-mounted solar energy systems.
  - (3) Only building-integrated and/ or flush-mounted solar energy system may be installed on street-facing building elevations.
  - (4) Solar energy systems may not extend more than three (3) feet above the applicable maximum building height limit or more than four (4) feet above the highest point of the roof line, whichever is less.
- (d) Ground-Mounted Solar Energy Systems
  - (1) In residential zoning districts, ground-mounted solar energy systems shall not be located in a required street setback or street yard.
  - (2) Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

#### **Section 94-65 - Telecommunications Towers.**

The location of telecommunications towers may be permitted under the provision of this Section. The intent of this Section is to provide for the appropriate location and development of communication towers to serve the residents and businesses of the

City; minimize adverse visual impacts of towers through careful design, siting, landscape and innovative camouflaging techniques; and to encourage and concentrate the location of new communication towers in areas which are not zoned for residential use. The following are regulations for telecommunications towers and antennas:

(a) General requirements.

- (1) *Applicable law.* The regulations of this Section shall be applied within the constraints of the Telecommunications Act of 1996 and Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, as well as all applicable rulings of the FCC and the Streamlining Wireless Facilities and Antennas Act of 2019, as codified in title 36, chapters 66B and 66C.
- (1) *Safety standards.* To ensure the structural integrity of communication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State.
- (2) *Regulatory compliance.* All towers and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed then the owners of the communications towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- (3) *Lighting.* No illumination is permitted on an antenna or tower unless required by the FCC, FAA, or other State or federal agency of jurisdiction, in which case the Zoning Official shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- (4) *Signage.* No signage is permitted on an antenna or tower.
- (5) *Visual impact.*
  - a. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- (6) *Decisions.*
  - a. The environmental effects of radio frequency emissions may not serve as a basis to approve, deny or otherwise regulate a telecommunication

facility to the extent that emissions comply with Federal Communications Commission regulations.

- b. All decisions denying a request to place, construct, or modify a telecommunications facility must be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.
  - (7) The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized telecommunication support structure or antenna is specifically authorized.
  - (8) Any telecommunications antenna or support structure that is not operated for a continuous period of six (6) months, or in the case of a facility or structure on the right-of-way, 12 months, will be considered abandoned, and the owner of such antenna or structure must remove the antenna or structure within 90 days of receipt of notice from the City. If such abandoned antenna or structure is not removed within said 90 days, the City may enforce this subsection by all available legal means as authorized by the City Code, and not prohibited by state or federal law, including removal of the structure at the owner's expense with an additional assessed fine of \$500.00. Until the owner pays said expense and penalty, the owner shall not be entitled to apply for, or receive, any future permits under this section. If there are two or more users of a single structure, then this provision shall not become ineffective until all users cease using the structure.
- (b) Freestanding towers. The requirements of this sub-section apply to stand-alone towers.
- (1) Height requirements.
    - a. For a single user, maximum height is 70 feet;
    - b. For two users, maximum height is 100 feet;
    - c. For three users, maximum height is 150 feet; and
    - d. Towers clustered at the same site shall be of similar height and design.
  - (2) Towers shall be erected a minimum height necessary to provide parity with existing similar towers supported antenna and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.
  - (3) *Setbacks.* If located on a lot abutting a residential zoning district or a lot occupied by a residential use, the facility must be set back from the zoning district or lot boundary by a minimum distance of one-half the overall height of the tower or 200 feet, whichever is greater. If located on a lot abutting a nonresidential or mixed-use district that is not occupied by a residential dwelling, the facility must be set back from the abutting lot by a minimum distance of 33 percent of the overall height of the tower or 200 feet, whichever is greater.
  - (4) *Security.* Communication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device that meets the requirements of **Division 7.5 - Fences and walls.**

(5) *Landscaping.* Landscaping shall be used to effectively screen the view of the tower compound from adjacent public rights-of-way, public property, and residential property and shall be as follows:

- a. A buffer area no less than six (6) feet wide shall commence at the base of the tower.
- b. The buffer zone is to consist of materials of a variety which can be expected to grow to form a continuous hedge at least five (5) feet in height within two (2) years of planting.
- c. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities staff and maintenance.
- d. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be replanted to replace that lost.
- e. In lieu of these standards, the Zoning Official may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls, and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/ or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, and tree farms.

(c) *Co-locations.* The requirements of this sub-section apply to installments on existing buildings and structures.

- (1) Antennas that are attached or affixed to existing telecommunications support structures or alternative telecommunication support structures are permitted as of right in all zoning districts, provided that the antenna does not substantially change the physical dimensions of such structure.
- (2) Co-location antennas that substantially change the physical dimensions of such structure require special use permit approval in accordance with **Division 8.4**. For the purpose of this section, "substantial change" shall mean:
  - a. Increases height by more than ten percent or 20 feet, whichever is greater, as measured from facility as it existed prior to enactment of this Section.
  - b. Added appurtenances protrude from body of structure more than 20 feet in width.
  - c. If it involves installing more than the standard number of cabinets for the technology involved, not to exceed four cabinets; or if it involves installation of any cabinets if there are no pre-existing cabinets or involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other associated ground cabinets.



- d. Involves excavation or deployment outside the current "site." "Site" shall be defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements.
  - e. For concealed or stealth-designed facilities if a modification would defeat the concealment elements of the wireless tower or base station.
  - f. The modification would not comply with other conditions imposed on the applicable wireless support structure or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the above thresholds.
- (3) Alternative telecommunication support structure-mounted antennas in residential zoning districts must be visually screened from view of all abutting lots. Alternative telecommunication support structure-mounted antennas in other zoning districts must be screened or designed and installed so as to make the antenna and related equipment as visually unobtrusive as possible.
  - (4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) *Application requirements for all telecommunications towers.* In the case where a special use permit is required, the information required herein shall be required for the special use review process. Regardless, the information shall be provided with a permit for the construction of an antenna or support structure.
- (1) Each applicant requesting approval of a telecommunications facility must provide to the Zoning Official, as a part of the application, an inventory of its existing facilities that are either within the City or within one-quarter mile of the City boundaries, including information regarding the location, height, and design of each facility.
  - (2) No new telecommunication support structure may be permitted unless the applicant demonstrates that no existing facility or structure can accommodate the applicant's proposed antenna. Evidence must be submitted at the time of application demonstrating that no existing facility or structure can accommodate the applicant's proposed antenna and may consist of one or more of the following:
    - a. No existing facilities or structures are located within the geographic area required to meet applicant's engineering requirements;
    - b. Existing facilities or structures are not of sufficient height to meet applicant's engineering requirements;
    - c. Existing facilities or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing facilities or structures, or the antenna on the existing facilities or structures would cause

- interference with the applicant's proposed antenna;
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing structure or to adapt an existing facility or structure for sharing are unreasonable; or
- f. There are other limiting factors that render existing facilities and structures unsuitable.

## **Section 94-66 – Active Adult Living Housing**

Active Adult Living uses provide a housing option for the purpose of housing persons aged 55 years and older. This Section applies to housing developments and housing projects for those persons aged 55 years or older, regardless of whether the project is assisted living or independent living.

### **(a) Development standards.**

- (1) Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the residential units, shall be as wide as required by laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.
- (2) Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty walking.
- (3) Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
- (4) Access to all common areas and residential units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
- (5) The development shall be designed to encourage social contact by providing at least one common room and outdoor common open space.
- (6) Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
- (7) The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.) and the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.).
- (8) Notwithstanding any other provision of this code, the minimum floor area for each residential unit shall be as follows:
  - a. Studio - 450 square feet.
  - b. One bedroom - 540 square feet.
  - c. Two bedroom - 700 square feet.
- (9) All projects shall implement, at minimum, the following universal design principles:
  - a. No-step entries.
  - b. One-story living such that an eating area, bathroom, and sleeping area

are available on the same floor.

- c. Front doors with a minimum width of 36 inches to accommodate the use of wheelchairs and 32-inch free-swing doors (34-inch door) on all interior doors.
- d. Hallway minimum width of 42 inches to accommodate the use of wheelchairs.
- e. Room thresholds that are flush.
- f. Adequate lighting throughout the dwelling unit.
- g. Lever door handles and rocker light switches.
- h. Additional closet rod brackets to allow potential access from a wheelchair.
- i. Adequate space for maneuverability and access to facilities to those using wheelchairs.

**(b) Density.**

The density of an active adult housing development or active adult housing project shall be governed by the density established by the special use permit, but in no case shall the density exceed 10 units per acre.

**(c) Findings.**

In addition to the review and approval criteria from **Division 8.4**, the Mayor and City Council shall find as follows for an active adult housing development or project:

- (1) The impact of the use will be substantially equivalent to or less than the impacts produced by land uses otherwise allowed within the underlying classification of the zoning district, with consideration being given to the quantity and type of living units, their estimated demand on public facilities and their estimated services generated by the use;
- (2) The project design, density, lot coverage, bulk, and mass are compatible with the surrounding neighborhood, as determined by review of the applicable hearing authority;
- (3) The number of units approved can be adequately accommodated by existing or planned infrastructure;
- (4) The projected peak hour trip generation rates will be equal to or less than that of a conforming, non-age restricted, project on the same site;
- (5) The location, design, and site planning provide residents with a convenient and functional living environment and will be as attractive as the nature of the use and its location and setting allow. This includes, but is not limited to the provision of artwork, gardens, indoor and/or outdoor sculpture, and other recreation uses of an active or passive nature;
- (6) The project is specifically designed for persons aged 55 or older and includes facilities generally associated with the needs and interests of such persons. Such facilities include common meeting and recreation areas, secure parking, safety bars and rails in units, emergency signal system, security lighting, ramps and other structural elements required for elderly persons by state and federal

laws or regulations; and

- (7) The project is located so as to provide qualifying residents access to community amenities such as transportation, shopping, and other daily services.

### **Section 94-67 - Temporary Buildings.**

Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building with a valid building or development permit. Such building shall be used for a period not to exceed three (3) months from project close-out and/ or issuance of a certificate of occupancy/ completion, whichever comes first.

### **Section 94-68.-Wine Specialty Shop**

Wine specialty shop means a retail establishment which has both package sales of wine and limited consumption on the premises of wine or craft beers, cigars, and related merchandise under the following conditions:

- (a) No less than sixty (60) percent of the gross revenue of the business shall be derived from the package sale of table wine, fortified wines, port, sherry, and/ or wine accessories or other merchandise allowed to be sold in the Central Business District (CBD); (consumption on the premises sales must be forty (40) percent or less of the business' gross revenue.)
- (b) It shall be unlawful for a wine specialty shop to sell or have on the premises spirituous liquors or packaged malt beverages.
- (c) A wine specialty shop shall be allowed to sell growlers containing craft draft beer, as long as they follow provisions as to growlers within the Jasper Alcoholic Beverage Ordinance.
- (d) Shall be allowed to serve craft draft beers by the glass for consumption on premises only during the same hours as are permitted for the sale of 'malt beverages and wine package sales.' Package sales of craft draft beers other than craft draft beer growlers is prohibited. Malt beverages fees shall apply for consumption on the premises of craft draft beers.
- (e) Only the licensee or an employee shall dispense craft draft beers from a tap. Free samples of wine or craft draft beers shall not exceed five ounces of wine and eight ounces of craft draft beer nor shall any one individual be offered more than seven samples within a calendar day.
- (f) Sampling or tasting of wine or craft draft beers is only permitted within designated portions of the premises.
- (g) A cigar smoking room shall be allowed on the premises which shall be separate from any tasting room, but wine and craft draft beer may be served in the cigar smoking room.
- (h) No alcoholic beverages may be sold by the drink for consumption on premises, except in eating establishments regularly serving prepared food, with a full-service kitchen on in a wine specialty shop.

### **Sections 94-69—94-90 - Reserved**

## **ARTICLE 6 | BUILDING REGULATIONS**

### **Division 6.1 General Building Regulations**

## Section 94-91 - Location of Buildings.

- (a) Every building hereafter erected, converted, enlarged, reconstructed, moved, or structurally altered shall be located on a lot as defined in **Division 7.1**, except as approved by the City Council.
- (b) Except for the following uses, only one principal building, together with its customary accessory buildings, shall be permitted to occupy each lot:
  - (1) Public/ institutional buildings;
  - (2) Multiple-family dwellings in the R-2 and R-3 districts;
  - (3) Commercial, mixed use, and industrial buildings in the C-1, C-2, CBD, and M-1 districts.
- (c) If a lot is to be occupied by two or more related buildings for residential purposes, the front side of a dwelling structure shall not be erected so as to face the rear side of another dwelling structure within the same lot or on adjoining properties, except where differences in terrain and elevation would provide effective visual separation or the units are more than 60 feet apart.
- (d) Dwelling structures which are front face to front face or back face to back face or front face to back face shall be not less than 60 feet apart. Dwelling structures which are side face to side face shall be not less than 20 feet apart. Dwelling structures which are side face to front face or back face shall be not less than 40 feet apart.

## Section 94-92 - Setbacks.

- (a) Every part of a lot within a required setback shall be unobstructed and open to the sky, except as provided by this Section or the accessory use provisions of **Section 94-51**. Projections such as sills, window air conditioning units, chimneys, cornices and ornamental features may extend into a setback to the distance allowed by **Table 94-92**.
- (b) Notwithstanding any other provision of this Chapter, fences, walls, hedges, driveways, and any structure required as part of a buffer, may be permitted in any required setback or along the boundary of any yard provided that no fence, wall, hedge, or buffer structure along the streets abutting any corner lots shall violate the corner visibility provisions of **Section 94-93**.
- (c) Features allowed to encroach in required setbacks. Building and site features are allowed to obstruct or encroach into required setbacks to the extent indicated in the following table. *If no distance is specified, the feature is allowed to extend to the applicable property line(s):*

Table 94-92 - Projection into Required Setback	Front	Side	Rear
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than three (3) feet into the setback	Yes	Yes	Yes
Bay windows that project no more three (3) feet into the setback	Yes	Yes	Yes

Table 94-92 - Projection into Required Setback	Front	Side	Rear
Chimneys and flues that project up to three (3) feet into the setback	Yes	Yes	Yes
Clothes lines	No	No	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters that project up to three (3) feet into the setback	Yes	Yes	Yes
Electric vehicle charging stations	Yes	Yes	Yes
Fences and walls	Yes	Yes	Yes
Fire escapes that project up to three (3) feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to four (4) feet in height above grade	No	Yes	Yes
Green houses and hoop houses	No	No	Yes
Plants and cold frames	Yes	Yes	Yes
Recreational equipment (e.g., swing sets and playground equipment)	No	No	Yes
Satellite dish antennas, not exceeding 1 meter (39.37 inches) in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters (94.49 inches) in diameter	No	No	Yes
Signs (see also Chapter 95)	Yes	Yes	Yes
Sills, belt courses, cornices, buttresses and similar architectural features that project up to three (3) feet into the setback	Yes	Yes	Yes
Solar or wind energy systems, building-mounted (shall be setback a minimum of five (5) feet)	No	Yes	Yes
Solar or wind energy systems, ground-mounted (shall be setback a minimum of five (5) feet)	No	Yes	Yes
Tennis courts (shall be setback a minimum of five (5) feet)	No	No	Yes

Table 94-92 - Projection into Required Setback	Front	Side	Rear
Water collection cisterns that project no more than three (3) feet into a front or side setback	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

**(d) Front yards.**

- (1) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Double-frontage and corner lots shall meet the minimum front yard requirements on the sides adjacent to both streets and the remaining yards shall be considered side yard requirements.

**(e) Side yards.**

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

**Section 94-93 - Corner Visibility.**

No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of three (3) feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distant from the intersection of the street lines.

**Section 94-94 - Height of Buildings.**

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

**(a) Exceptions.**

- (1) Public and semipublic service buildings, hospitals, institutions, places of worship, and schools, may be erected to a height not to exceed 100 feet, provided the required side yard and rear yards shall be increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.
- (2) Farm buildings and farm-related structures are not subject to building height limits when located on bona fide farms.
- (3) Belfries, clock towers, cupolas, domes, flag poles, and spires may exceed maximum building limits, provided they are not intended for human occupancy.



- (4) Bulkheads, elevators and equipment penthouses, chimneys, water tanks, and similar structures may exceed maximum height limits, provided they do not cover more than 25 percent of the total roof area of the building on which they are located.
- (5) Telecommunications towers and antennas are subject to their own special height limits (see **Section 94-65 - Telecommunications Towers**).
- (6) Building-mounted solar energy systems may extend up to three (3) feet above the applicable maximum zoning district height limit, provided they do not extend more than five (5) feet above the roof line (see also **Section 94-64 - Solar Energy Systems**).

### **Section 94-95 - Dimensional Regulations.**

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

## **Division 6.2 General Design Standards**

### **Section 94-96 - Building architecture.**

- (a) Intent. These criteria are intended to address a building's appearance and requirements for the use of high-quality materials.
- (b) Residential Standards. The building design regulations of this Section apply to all buildings except single-family residential buildings in any zoning district, any buildings located in the Central Business District (CBD), and any buildings located in airports within the General Commercial District (C-2) or the General Industry District (M-1), or both.
  - (1) Exterior finish materials.
    - a. Exterior building materials shall be primarily brick, stone, other masonry, glass, wood, true hard coat stucco, or cementitious fiberboard. Other materials such as vinyl may be used only as accent and trim materials.
    - b. All exposed foundation walls on all sides of the building shall be faced with brick, stone, or marble.
    - c. Metal shall be permitted only as metal split seam roofing or as an architectural accent that comprises a maximum of ten percent (10%) of the building façade. Acceptable metal materials are limited to architectural metal panels, architectural metal cladding, metal mesh, and perforated metal. Prohibited metal materials include but are not limited to: stock PEMB metal skins commonly referred to as "R-panel" and sheet metal systems with exposed fasteners, except as required for perforated metals.
  - (2) Architectural requirements.
    - a. Each unit shall be required to provide an attached or detached garage a minimum of 11'x25' in size of interior clear space.
    - b. Every unit shall provide a minimum of one architectural projection such as a bay or bow window, front porch, or other architectural feature approved by the Zoning Official.



- (3) The Zoning Official may waive the regulations for finish materials and architectural requirements for accessory structures if the majority of the accessory structure is shielded by either the principal structure, a privacy fence, vegetative screening, or similar material.
- (c) Commercial Standards. The building design regulations of this Section apply to all buildings except single-family residential buildings in any zoning district and any buildings located in the Central Business District. The general design standards apply to all facades visible from the street, facing streets, and adjacent to or visible from open spaces.
  - (1) Exterior finish materials
    - a. Exterior building materials shall be primarily brick, glass, wood, stucco, stone, textured concrete masonry, or cementitious fiberboard.
    - b. Materials shall continue around the corner of the building to facades not visible from the public street a minimum depth of 20 feet.
    - c. Metal shall be permitted only as metal split seam roofing or as an architectural accent that comprises a maximum of ten percent (10%) of the building façade. Acceptable metal materials are limited to architectural metal panels, architectural metal cladding, metal mesh, and perforated metal. Prohibited metal materials include but are not limited to: stock PEMB metal skins commonly referred to as "R-panel" and sheet metal systems with exposed fasteners, except as required for perforated metals.
  - (2) Fenestration.
    - a. Fenestration shall be provided for a minimum of 35 percent of the length of all building facades.
    - b. The length of facade without intervening fenestration or entryway shall not exceed 20 linear feet.
    - c. Fenestration shall not utilize painted glass, reflective glass, or other similarly treated or opaque windows.

#### **Section 94-97 – Downtown design standards.**

- (a) Intent. These criteria are intended to address a building's appearance and integration into the Central Business District. The criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City's planning and visioning documents.
- (b) Applicability.
  - (1) The building design regulations of this Section apply to all buildings in the Central Business District (CBD) except single-family residential buildings, or unless otherwise expressly stated.
  - (2) Applicable facades. The Building Design Standards apply to all facades visible from the street, facing streets, and adjacent to or visible from open spaces.
  - (3) New Construction. These standards apply to new construction in their entirety.

- (4) Improvements, Alterations, and Modifications. For existing structures, these standards shall apply when any improvements, alterations, or modifications are made to an applicable façade, as defined above. An existing façade is only required to comply to the extent that the characteristics being modified cannot be made more deficient than previously existed prior to the improvements.

(c) Exterior finish materials.

- (1) Exterior building materials shall be primarily painted or unpainted brick; stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone; and unpainted terracotta.
- (2) Materials shall continue around the corner of the building to facades not visible from the public street a minimum depth of 20 feet.
- (3) Metal shall be permitted only as metal split seam roofing or as an architectural accent that comprises a maximum of ten percent (10%) of the building façade.
- (4) Prohibited Materials. Stucco, synthetic brick or stone, concrete masonry units (CMU), corrugated metal, and vinyl are not permitted as exterior finish materials.
- (5) Prohibited Color Palette. The use of bright, neon, and/ or fluorescent colors is prohibited.

(d) Fenestration.

- (1) Fenestration shall be provided for a minimum of 50 percent of the length of all building facades.
- (2) The length of facade without intervening fenestration or entryway shall not exceed 20 linear feet.
- (3) Fenestration shall not utilize painted glass, reflective glass, or other similarly treated or opaque windows.
- (4) Building façades shall be constructed of no more than three (3) primary materials and/ or colors. Additional materials may be used as secondary, trim, or accent materials.

(e) Shopfront Design Standard

- (1) The ground story of all buildings with a commercial use on the ground floor in the CBD shall contain the following elements as illustrated in Figure 94-97:
  - a. *Cornice/ Articulated Floor Line.* The cornice visually separates one floor from the adjacent floor(s). The cornice can be articulated with a change of color, pattern, or material.
  - b. *Sign Board.* A sign board shall be an area between the cornice and window system where a wall sign is placed. The sign board shall be a minimum of two (2) feet in height and shall extend the width of each architectural bay.
  - c. *Transom.* Transoms are horizontally articulated windows located below the sign board. The window system shall extend the full width of the architectural bay or tenant space but may be separated by mullions and muntins consistent with the design aesthetic. Grilles are prohibited.

- d. *Recessed Entry.* Recessed entries are important to the retail experience to protect the users from inclement weather, increase the amount of space in which to display merchandise, and to ease the transition of users to and from the public realm. Entryways shall be recessed from the plane of the shopfront façade a minimum of three (3) feet.
- e. *Display Window.* Display windows provide frames for retail users to display merchandise and contribute to the active and vibrant character along the historic street front. Display windows shall not be separated with mullions, muntins, or grilles.
- f. *Bulkhead.* Bulkheads shall be a minimum of 18 inches in height and shall extend the full length of the architectural bay or tenant space.
- g. Grilles, other faux features, and metal shopfront window systems shall be prohibited.



Figure 94-97.- Shopfront Design Standards

## Division 6.3 Sustainability Requirements

### Section 94-98 – Applicability.

The sustainable development measures in this Section shall be addressed by all new developments or redevelopment, as defined by this Chapter.

### Section 94-99 – Calculation and evaluation.

#### (a) Minimum Points Required.

- (1) All commercial, multi-family, and mixed-use projects, unless otherwise

noted, shall achieve a minimum of four (4) points from any combination of the sustainable development measures as valued in **Table 94-100 - Sustainability Measures**.

- (2) Single-family developments shall achieve a minimum of one (1) point per lot. Individual lot development or redevelopment is not required to fulfill the sustainability requirements of this Division.
- (b) Minimum Requirements of the Measure. All points shall be awarded based on meeting the minimum requirements of each sustainability measure, as indicated in this Section.
- (c) Required Documentation. The following documentation is required:
  - (1) Documentation of which measures and total number of points the applicant will achieve shall be indicated on the development permit application submitted to the City.
  - (2) Documentation is required to clearly illustrate the extent to which the minimum requirements of each of the selected measures is to be met through permanent construction or policies.

#### **Section 94-100 – Sustainability measures.**

##### **(a) Energy category measures.**

- (1) Renewable energy. Incorporate renewable energy generation on-site. The following renewable energy generation sources are applicable: solar thermal or photovoltaics, ground-sourced heating or cooling; fuel cells or microturbines using non-fossil fuel, wind energy conversion; other means of generating electricity without using a fuel, such as kinetic, heat exchange as approved by the Zoning Official.
- (2) Green roof. Install a vegetated roof for at least 50 percent of any building roof area or roof deck; a minimum of 500 square feet is required to receive credit.
- (3) Energy efficient fixtures. Installation of ENERGY STAR appliances and LED light bulbs for a minimum of 80 percent of the fixtures and equipment. If there is not an ENERGY STAR option available in the market, those fixtures do not need to be included in the calculation.

##### **(b) Water category measures**

- (1) Building water efficiency. Installation of WaterSense plumbing fixtures with the following minimum efficiency rates:
  - a. Toilets: 1.1 gpf
  - b. Urinal: 0.125 gpf
  - c. Faucets/ aerators: 1.0 gpm, unless a higher flow rate is dictated by sink use (e.g., kitchen prep sink).
- (2) Stormwater runoff. Install bioswales in lieu of a minimum of ten (10) percent traditional stormwater facilities. Bioswale boundaries shall be recorded at Pickens County Superior Court with a 5-foot easement radius.
- (3) Pervious pavement. Install an open grid or pervious pavement system on 65 percent of all hardscape surface areas, including sidewalks, plazas, courtyards,

parking lots, and driveways. The water shall be directed into the groundwater or other acceptable storm accommodation per the Zoning Official.

- (4) Water reclamation. Install a water collection device to be used in lieu of potable water for irrigation, water features, etc.

(c) Transportation category measures.

- (1) Bicycle storage. Provide long-term bicycle storage using lockable, enclosed bicycle storage units for ten (10) percent of required motor vehicle parking with no more than 10 spaces required (e.g.: if a site requires 50 motor vehicle parking spaces, a minimum of 5 enclosed bicycle storage spaces shall be provided to receive credit for this measure).
  - (2) Bicycle repair center. Provide a designated bicycle repair center open to the public and consisting of, at least one air pump, water, and basic tools for minor repairs.
- (d) Sustainable certification. Certification through EarthCraft, LEED, Green Globes (three globes minimum to receive credit for this measure), National Green Building Standard (NGBS) (silver minimum to receive credit for this measure), or another third-party certification program approved by the Zoning Official.
- (e) Alternative measures. The applicant may submit an alternative sustainable development measure for approval by the Zoning Official. The measure shall further a sustainability goal and shall not be considered standard practice for current developments. The measure shall be unrelated to any of the other measures defined in this Section. Based upon their review, the Zoning Official shall approve for the number of points to be awarded. Required documentation shall clearly illustrate that the measure furthers a sustainability goal.

Table 94-100 – Sustainability Measures		
Category	Measure	Value
ENERGY	Renewable Energy	5 points
	Green Roof	4 points
	Energy Efficient Fixtures	1 point
WATER	Building Water Efficiency	2 points
	Stormwater Runoff	2 points
	Pervious Pavement	3 points
	Water Reclamation	1 point
TRANSPORTATION ALTERNATIVE	Bicycle Storage	1 point
	Bicycle Repair Center	1 point
	Sustainability Certification	5 points
	Alternative Measures	1 to 3 points

Sections 94-101—94-110 – Reserved

## ARTICLE 7 | LOT AND SITE DEVELOPMENT FEATURES

## Division 7.1 General Lot Regulations

### Section 94-111 – Lot Standards.

- (a) Development shall conform to minimum lot standards in **Section 94-16 – Lot and building regulations**.
- (b) The term “lot” shall not include any portion of a dedicated right-of-way.
- (c) Lot size square footage calculations shall also exclude any areas reserved for easements or rights-of-way upon which, by the nature thereof, construction is prohibited (i.e., easements for ingress and egress to other lots or properties, major power line transmission easements, etc.).
- (d) *Dimension, size, and shape orientation.* The lot area, width, shape, and orientation in subdivisions must be in accordance with requirements of the city zoning and land development ordinances.
- (e) *Creation of regular lots.* Side lot lines shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.
- (f) *Frontage.* Each lot shall front upon an existing paved private or public street.
- (g) *Buildable area.* Lot shall contain adequate buildable area that is suitable for the intended use.
- (h) *Through lots.* Through lots are discouraged in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from arterials or to overcome specific disadvantages of topography and orientation, lots fronting such features may be platted in greater depth so that dwellings may be set back an additional distance from the arterial or other feature. Such lots may obtain vehicular access from a rear alley or internal subdivision streets and do not constitute prohibited through lots.
- (i) *Spite strips.* The creation of spite strips is prohibited.
- (j) *Flag lots.* The creation of flag lots is prohibited.
- (k) *Common lots.* Substandard lots may be created for the purposes of siting common amenities like pools, clubhouses, greenspaces, detention ponds, etc., provided appropriate access easements are properly recorded to facilitate ongoing maintenance and operations of the facilities. In no case shall a common amenity share a lot with an individual single-family detached residential lot.

### Section 94-112 - Existing Lots of Record.

Any lot of record which is legal at the time of the adoption or amendment of the Ordinance from which this Chapter is derived, may be used, subject to the following exceptions and modifications:

- (a) Use of substandard lots. Where the owner of a lot, at the time of the adoption or amendment of the Ordinance from which this Chapter is derived, does not own sufficient area and width to enable him to conform to the dimensional requirements of this Chapter, such lot may be used as a buildable lot.
- (b) Individual lot not meeting minimum lot dimension requirements. In addition to subsection (a) of this Section, in any residential district, any lot of record existing at the time of adoption or amendment of the Ordinance from which this chapter is derived which has a width or area less than that required by this chapter may be used as a

building site for a single-family dwelling only. In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, the City Council is empowered to hear the request for a minimum variance.

- (c) Adjoining lots. When two or more adjoining lots of record with a continuous street frontage along each such lot are in one ownership at any time after the adoption of this Zoning Ordinance, as amended from time to time, and any lot, individually, has less area or frontage, depth or width than is required for a buildable lot as required by this chapter, then such contiguous lots shall be considered as one or more reconfigured single lots so long as the minimum area, frontage, depth and width requirements of this Chapter are maintained for each such reconfigured lot.

### **Section 94-113 - Underground Electric and Communication Utilities.**

- (a) Undergrounding Utilities. Utilities, including telephone, electric power, and cable television in both public and private rights-of-way, shall be placed underground for all new developments with total floor areas 20,000 sf or over. This requirement does not apply to high voltage power lines.
- (b) Fee in lieu. Except when extreme conditions of underlying rock, the expense to bury overhead utilities is deemed to be unreasonably costly due to the complexity of the work, or other conditions prevent this requirement from being met, the developer may request approval from the Zoning Official a fee-in-lieu arrangement with the project developers.
  - (1) Developer shall contribute toward the City's Utility Conversion Fund in lieu of requiring burial of the utilities. Such fee-in-lieu arrangement shall be based on a cost per linear foot of such underground relocation of utilities established by the City Council, and it may be adjusted from time to time by City Ordinance.
  - (2) A City fund, known as the "The City of Jasper Utility Conversion Fund" is hereby created. The purpose of said fund is to accept deposits as described herein, along with other funds or grants apportioned by the Mayor and City Council, and the use of such funds shall be restricted for the sole purpose of offsetting the cost of projects undertaken by the City that bury or relocate power lines from streets and sidewalks.
- (c) Sequencing. Fee in lieu or burial of utilities shall be done prior to issuance of any certificate of occupancy being issued for structures in any phase abutting the right-of-way within which the overhead utilities are situated.
- (d) New residential dwellings shall be attached to a permanent foundation constructed in accordance with the Building Code or state of Georgia regulations, as applicable. The area beneath the ground floor of the dwelling shall either be a slab foundation or shall be enclosed around the exterior of the dwelling with a foundation wall of masonry at least 4 inches thick, penetrated by openings only for installed vents or access doors. No new residential dwelling shall be permitted connection to municipal water or sewer systems unless it is attached to a permanent foundation.
- (e) In all single and multi-family residential developments:
  - (1) Individual systems for water, fuel/ gas, and HVAC shall be required for each unit.



- (2) Individual metering shall be provided for water, electric, and fuel/ gas.
- (3) Easements for utility lines shall be provided in the common ownership area where lateral service connections shall take place.
- (4) The Zoning Official is authorized to grant an administrative variance allowing relief to this subsection (d) in accordance with **Division 8.3**.

#### **Section 94-114 - Streets.**

- (a) Street access. Except as otherwise permitted in these regulations, each building shall be located on a lot or parcel which abuts a public or private street.
- (b) Extension of existing streets. Existing streets shall be connected and extended appropriately within the limits of a development. However, streets or portions of streets adjacent to a proposed nonresidential use, which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a nonresidential use. In addition, private drives which provide access to nonresidential use shall not be permitted in any residential district.
- (c) Street access in nonresidential districts. Driveway cuts for service drives, entrances, exits, and other similar facilities on public streets in nonresidential districts shall not be located within 20 feet of any street intersection or within 50 feet on center of another curb cut. A curb cut shall be no greater than 30 feet in width and no closer than 20 feet to any property line.
- (d) Traffic control devices. If the traffic to be generated by a use in a nonresidential district will demand traffic control devices to ensure public safety, the developer shall install such necessary devices. Such a determination shall be made by the Zoning Official, in consultation with the state Department of Transportation, and approved by the City Council.
- (e) State Department of Transportation approval. All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the state Department of Transportation prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive.
- (f) Private streets not to be used to satisfy off-street parking requirements. Private streets shall not be used to satisfy the off-street parking requirements of this chapter. Private streets shall be assigned names and locations and shall be shown on plans required for the issuance of building and development permits. All private street names shall be approved by the County or relevant governing body to avoid conflicting names.

#### **Section 94-115 – Covenants Required.**

All new subdivisions (or condominium/ townhome/ cottage developments) proposing common property, including amenity space, greenspace, stormwater features, private roads, etc. shall establish a mandatory homeowners association. The developer shall execute, record, and maintain documents for the homeowners or condominium association, which establish dues, fees, and responsibilities related to maintenance of units and common facilities.

### **Division 7.2 Parking and Access**

#### **Section 94-116 - Purpose.**

The purpose of this Division is to provide regulations to foster safe and efficient



circulation of vehicles and pedestrians on private and public streets, and to minimize nuisances from on-street parking.

### **Section 94-117 - Off-street parking for Non-residential Uses.**

- (a) Applicability. This Section shall apply to all commercial, mixed-use, multi-family, or other non-residential uses permitted by this Chapter.
- (b) Off-street automobile parking and storage. Off-street automobile parking and storage spaces shall be provided on every lot on which any of the uses are hereafter established.
- (c) Off-street automobile parking and storage spaces shall be equal in number to at least the minimum requirements for the specific use set forth in **Table 94-119** for each use on the property.
- (d) If the required off-street automobile parking or storage spaces cannot be provided on the same lot on which the principal use is located, the City Council may permit such spaces to be provided on another property, provided such property is no more than 500 feet from the nearest boundary of the principal use, and is approved through the special use permit process of **Division 8.4**. As part of the process, the properties shall provide a covenant requiring the parking spaces to remain a subservient use to the subject property, until such a time that the requirement is repealed through the same special use process.
- (e) Design.
  - (1) Such automobile parking or storage spaces shall be provided with vehicular access to a street or alley.
  - (2) Each automobile parking space shall be at least nine (9) feet wide and 18 feet long.
  - (3) Parking lots shall be paved with concrete, asphalt, or other finished material. Gravel and loose stone parking lots are prohibited.
  - (4) Bumper guards. For each parking space adjacent to a pedestrian walkway, sidewalk, open space, or similar feature, a bumper guard or wheel stop shall be installed.
  - (5) Marking. Each parking space shall be painted with stripes, not less than three inches wide, running the length of each of the longer sides of the space or by other acceptable methods, which clearly delineate the parking space within the parking lot.
  - (6) All off-street automobile parking and storage spaces shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.
  - (7) Off-street parking areas shall have curbs, gutters, and non-wooded parking light poles built to local power company specifications and in conformity with City specifications.
  - (8) Off-street parking areas shall be graded to ensure proper drainage,

surface with asphalt or concrete materials. Materials may be pervious, if designed and engineered as such.

(9) Landscaping shall be provided in accordance with **Sections 94-137 and 138.**

- (f) Handicapped parking. Parking for the handicapped within a nonresidential district shall be provided at a size, number, and location according to the requirements of the ADA accessibility guidelines (ADAAG), published by the U.S. Architectural and Transportation Barrier Compliance Board (ATBCB), as amended.

#### **Section 94-118 – Off-street parking for Residential Uses.**

- (a) Applicability. This Section shall apply to all single-family detached or attached dwelling uses permitted by this Chapter.
- (b) Off-street automobile parking and storage. Off-street automobile parking and storage spaces shall be provided on every lot on which any of the uses are hereafter established.
- (c) Such automobile parking or storage spaces shall be provided with vehicular access to a street or alley.
- (d) If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.
- (e) No inoperable vehicle shall be permitted in any residential district for more than 14 days unless, it is in an enclosed garage. All repairs accessory to any residential use shall be in an enclosed garage.
- (f) No commercial vehicle as licensed by the state with gross vehicle weight (GVW) exceeding 11,000 pounds shall be allowed to park overnight in the R-1, R-2, R-3, DRI-6, SFA, or MFR zoning districts.
- (g) Commercial vehicles, licensed by the state, buses, and recreational vehicles shall not be allowed to park overnight on the street in the R-1, R-2, R-3, DRI-6, SFA, or MFR districts.
- (h) Recreational vehicles are prohibited from parking in the front yard of R-1, R-2, R-3, DRI-6, SFA, or MFR districts.
- (i) Driveways and parking surfaces shall be paved with concrete, asphalt, or other finished material. Gravel and loose stone are prohibited.
- (j) Driveways shall provide a minimum depth of 22 feet upon lots which have frontages that lack an existing sidewalk and where installation of a new sidewalk is not required.
- (k) Driveways shall provide a minimum depth of 24 feet upon lots which have frontages that have an existing sidewalk or where installation of a new sidewalk is required. No portion of the sidewalk shall be included in the calculation of the required driveway depth.
- (l) Vehicles parked in driveways shall stay clear of any road, sidewalk, or other transportation route. Furthermore, vehicles parked in driveways shall not obstruct the movement of vehicles or pedestrians.

#### **Section 94-119 - Motor Vehicle Parking Ratios for All Uses.**

Off-street motor vehicle parking spaces shall be provided in accordance with the minimum ratios established in **Table 94-119.**

- (a) Gross leasable area (GLA) is the building floor area in square feet that a developer may lease.
- (b) Gross floor area (GFA) is the sum of the areas of several floors of a building, including all areas for human occupancy, as measured from the exterior faces of the walls, but excluding unenclosed porches, interior parking spaces, or any space where the floor to ceiling height is less than 6.5 feet

Table 94-119 - Minimum Off-Street Parking Requirements by Use	
Use	Required Parking spaces
<b>Residential</b>	
Dwelling, multifamily (including one-bedroom units)	2 per dwelling unit
Dwelling, single-family detached	2 per dwelling unit.
Dwelling, single-family attached	2 per dwelling unit.
Active Adult Living housing	1 space per dwelling unit.
Group home	1 per employee, plus 1 per bedroom.
Guest Parking (Single Family Detached Exempt)	0.5 guest parking spaces per dwelling unit. For multifamily dwellings with ground floor commercial uses: Up to 30% of required guest parking spaces may be provided through shared parking arrangements with on-site businesses.
Manufactured home, modular home, industrialized home	2 per dwelling unit.
Neighborhood center	1 per 250 square feet GFA.
Nursing home	1 per 4 beds, plus 1 per 2 employees.
Rooming house and boardinghouse	1 per room to be let.
<b>Commercial-Retail</b>	
Automobile, truck sales & service	1 space per 250 square feet of sales floor area, plus 2 spaces per service bay.
Auto parts store	1 per 400 square feet GFA, plus 1 per each employee on maximum shift.
Boat sales, service and repair	1 per 300 square feet GFA, 2 space minimum.
Convenience store, can include fuel	1 per 200 square feet GFA.

**Table 94-119 - Minimum Off-Street Parking Requirements by Use**

Use	Required Parking spaces
service	
Furniture, home furnishing and equipment store	1 per 500 square feet GFA, 2 space minimum.
Grocery store	1 per 200 square feet GFA.
Hardware store	1 per 200 square feet GFA.
Liquor store	1 per 400 square feet GFA.
Manufactured home sales	4 per sales person.
Restaurant or other eating and drinking establishment	1 per 125 square feet GFA.
Retail stores (general merchandise)	1 per 200 square feet GLA.
Shopping center, planned, under 400,000 square feet GLA.	5 per 1,000 square feet GLA.
Shopping center, planned, 400,000 square feet or more GLA.	5.5 per 1,000 square feet GLA.
Tire sales, service, and vulcanizing	1 per 300 square feet GFA.
<b>Commercial – Service and Entertainment</b>	
Amusement center, game room	1 per 200 square feet GFA.
Amusement park	Space equal in number to 30 percent of capacity.
Automobile repair and body shop	1 per 150 square feet GFA.
Auto oil change shop	3 per service bay.
Auto/ motor vehicles race track	1 per 4 seats.
Bait shop	1 per 250 square feet GFA.
Bank or financial institution, full service	1 per 175 square feet GFA.
Bar, cocktail lounge, tavern, night club	1 per 125 square feet of GFA.
Barbershop, beauty salon	1 per 400 square feet of GFA.
Bed and breakfast home	1 per guest room, plus 2 per owner dwelling unit.
Brewery/ distillery/ winery	1 per 200 square feet GFA.
Brew pub	1 per 125 square feet GFA.
Bowling alley	1 per 125 square feet of GFA.

**Table 94-119 - Minimum Off-Street Parking Requirements by Use**

Use	Required Parking spaces
Craft brewery, meadery, or distillery	1 per 200 square feet GFA.
Dry cleaning	1 per 200 square feet GFA.
Food hall	1 per 300 square feet GFA.
Funeral home/ mortuary	0.33 per seat.
Gas station, full service	2 per fuel pump plus 3 per service bay.
Gas station, self-serve (fuel only)	2 per fuel pump.
Health club and facilities	1 per 200 square feet GFA.
Hotel, motel, motor lodge	1 per sleeping room or suite, plus 1 additional space per 2,000 GFA.
Laundromat	1 per 200 square feet GFA.
Machinery sales, service and repair	1 per 200 square feet GFA.
Miniature golf course	3.5 per each hole.
Offices (business, medical, dental, and professional)	1 per 225 square feet GFA .
Pet shop and dog grooming shop	1 per 400 square feet GFA with a minimum of 4 spaces.
Printing, publishing and engraving	1 per 300 square feet of sales space.
Repair, service, general merchandise	1 per 300 square feet of sales space.
RV sales and camper sales, service and repair	4 spaces for each sales person.
Shooting range, indoor	21 per 400 square feet of GFA.
Studio for art, photograph and similar uses	1 per 400 square feet GFA, 3 space minimum.
Theater, movie or drama	1 per 3 seats.
Truck terminal	1 per 1,000 square feet GFA.
Veterinary clinic	1 per 225 square feet GFA .
Video store	1 per 200 square feet GFA.
<b>Industrial – Storage, Warehousing, Wholesale Trade</b>	
Mini warehouse (self-service storage facilities)	1 per 9 storage units.
Warehouse and storage buildings	1 per 500 square feet of GFA.

**Table 94-119 - Minimum Off-Street Parking Requirements by Use**

Use	Required Parking spaces
Junkyard, salvage yard	2 per employee.
Wholesale, trade establishments	1 per 500 square feet of GFA.
<b>Industrial – Manufacturing establishment, Processing</b>	
Manufacturing and industrial uses	1 per 500 square feet of GFA.
Contract construction	1 per 250 square feet of gross office space.
Mineral extraction and processing	1 per 2 employees on maximum working shift.
<b>Public-Institutional</b>	
Ambulance services	1 per each emergency vehicle plus.
Art gallery	1 per 250 square feet GFA.
Auditorium, assembly hall, civic center, community center	1 per 4 seats or bench seating spaces.
Cemetery, mausoleum	1 per employee.
Childcare facilities	1 per each 1.5 employees, plus 1 per 4 pupils.
Place of worship	1 per 4 seats or bench seating spaces.
Club and lodges, noncommercial	1 per 100 square feet GFA.
Convent and monastery	1 per 2 beds.
Hospital, health and medical institution	3.3 per 1,000 square feet of GFA.
Library	1 per 400 square feet GFA.
Museum	1 per 250 square feet GFA.
Recycling center	1 per employee.
School, public or private: elementary and middle	2 per classroom, but not less than 5 spaces
School, public or private: high school	4 per classroom, but not less than 15 spaces
School public or private: college	10 per classroom.
School public or private: vocational/ technical	20 per classroom.
<b>Transportation, Communication, Utilities</b>	

**Table 94-119 - Minimum Off-Street Parking Requirements by Use**

Use	Required Parking spaces
Bus terminal	4 per each loading and unloading bay.
Radio, TV and communication transmission tower	1 per 2 employees on premises, plus 1 per 300 squarefeet of sales or customer space.
Utility facilities	1 per employee, plus 1 per stored vehicle.
Water treatment facilities	1 per employee.
Park, recreation, conservation	1 per employee
Golf courses and club houses, private	6 per hole, plus additional spaces for each accessory facility.
Golf courses and club houses, public	8 per hole, plus additional spaces for each accessory facility.
Golf driving range	2 per each driving tee.
Park with recreational facilities	Spaces equal in number to 30 percent of capacity.
Recreation vehicle park	1.5 per each RV space.
Shooting range, outdoor; skeet range and trap range	1 per employee, plus 1 for each shooter.
Shooting range, outdoor: target range	1 per employee, plus 1 per shooting lane.
Skating rink, roller and ice	1 per 200 square feet of GFA.
Swimming pool, public	30 space minimum.
<b>Agriculture</b>	
Agricultural services	2 per 3 employees or 1 per 400 square feet GFA.
Kennel	1 per 1,000 square feet GFA.
Lumberyard	1 per each 500 square feet GFA.
Meat packing and processing, slaughter yard	1 per 1,000 square feet GFA.
Nursery, greenhouse	1 per 400 square feet of GFA, plus 1 per 2,000 squarefeet of exterior nursery area
Sawmill	1 per employee.
Stockyard	1 per employee on maximum shift.

**Section 94-120 - Loading.**

(a) Every building or structure used for business, trade, or industry shall provide space as

indicated herein for the loading and unloading of vehicles off the street or public alley.

- (b) Such spaces shall have access to an alley, or if there is no alley, to a street.
- (c) Such spaces shall be so arranged that no vehicle is required to back onto a public street, road, or highway in order to leave the premises.
- (d) Loading spaces shall have a vertical clearance of at least 14.5 feet within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other vehicles.
- (e) Loading shall be provided on-site as follows:
  - (1) Commercial. One space sized ten (10) feet by 25 feet for each 20,000 square feet of total floor area or fraction thereof.
  - (2) Industrial. One space sized ten (10) feet by 50 feet for each 10,000 square feet of floor area plus one additional space for each 60,000 additional square feet of total floor area or fraction thereof.
  - (3) Bus and truck terminals. Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

#### **Section 94-121 - Access Management.**

- (a) All off-street parking lots shall have access to a paved public or private street and be served by a paved access drive.
- (b) Interparcel access is required between all abutting parking lots and sites based on site conditions and as determined by the Zoning Official, to provide a cross access drive and pedestrian access to allow circulation between sites.
  - (1) Interparcel access is not required between nonresidential uses and single-family residential uses.
  - (2) This shall be accomplished by stubbing a connection to each adjacent the property line. The property owner shall grant an access easement granting public access through the lot. This easement shall be submitted to the Zoning Official and recorded by the applicant or property owner with the Pickens County Superior Court.
  - (3) Joint driveways between properties shall be established wherever feasible along a major thoroughfare or arterial or collector street.
- (c) All developments shall have access to a public right-of-way. The number of access points shall be in accordance with **Table 94-121c**.

Table 94-121c - Minimum Number of Access Points:	
Development Type	Minimum Number of Access Points
Residential, 40 or fewer units	1
Residential, 41—150 units	2
Residential, 151—300 units	3



Table 94-121c - Minimum Number of Access Points:	
Development Type	Minimum Number of Access Points
Residential over 300 units	4
Nonresidential, 50,000 SF or less of gross floor area	1
Nonresidential, 50,001 SF to 200,000 SF of gross floor area	2
Nonresidential, 200,001 SF or more of gross floor area	2 or more, as determined by the Zoning Official

(d) The separation of access points on a thoroughfare, arterial, or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements in accordance with **Table 94-121d**.

- (1) The distance between access points shall be measured from the centerline of the proposed driveway or street to the centerline of the nearest existing adjacent driveway or street.
- (2) Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
- (3) No driveway, except driveways providing residential access, shall be allowed within 100 feet of the centerline of an intersecting thoroughfare or arterial or collector street.
- (4) No nonresidential access except right in/ right out channelized access shall be allowed within 100-feet of the centerline of any other thoroughfare or arterial.
- (5) The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

Table 94-121d - Driveway Separation	
Posted Speed Limit of Road	Minimum Driveway Spacing
Less than 35 mph	125 feet
36 to 45 mph	245 feet
Greater than 45 mph	440 feet

- (e) All street design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- (f) Along thoroughfares, arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards

which would otherwise be created by the proposed driveway location. The Zoning Official may require the submission of a traffic analysis based on the scale and scope of the project to determine required improvements.

- (g) Deceleration lanes are required for access to residential uses containing 20 or more units that provide less sight distance (in feet) than ten times the posted speed limit (in miles per hour) in accordance with **Table 94-121g**.
  - (1) The minimum deceleration lengths shall be as specified below. The Zoning Official may vary length requirements based upon a consideration of available sight distances and other contextual features as determined by an engineering study to verify traffic safety.
  - (2) Deceleration lanes located within 75 feet of an intersection radius may be extended to the intersection.

Table 94-121g - Deceleration Lanes	
Operating Speed	Deceleration Lane Dimensions
Subdivision streets	Not required
35 mph	150'+50' taper
40 mph	150'+50' taper
45 mph	150'+50' taper
55 mph	200'+150' taper

#### Section 94-122 - Private Streets.

- (a) Private streets are allowed only if the development seeking to have private streets is fifteen (15) acres or larger in area
- (b) Where this Chapter measures minimum building setback lines and frontages, or imposes development standards in connection with, or with reference to public streets, such measurements or standards set forth in the district regulations and supplemental regulations of the Zoning Ordinance, in this Chapter or elsewhere in this Code apply similarly for property abutting a private street where such private street has been approved by the City Council. Nothing in this Section is intended to authorize any kind of development on a private street that would not be authorized where there was public right-of-way.
- (c) Private streets within any zoning district may not be used to satisfy the off-street parking requirements of this Code. Private streets within any district must be assigned names and locations. The names of these streets must be shown on plans required for the issuance of building and development permits as provided by the building code in **Chapter 18** and the City Zoning Ordinance. The County must approve all private street names and addresses to avoid conflicting names and addresses.
- (d) Where sanitary or storm sewer lines are constructed underneath a private street, the developer is required to grant an easement to the applicable utility authority for their installation, maintenance and repair. In the case of private streets, the City is authorized to assign responsibility for maintenance of storm sewers to a property owners association.

- (e) Developers and property owners' associations must ensure access to all private streets by emergency and law enforcement vehicles and must ensure that private streets are constructed to allow access by all emergency vehicles and law enforcement vehicles.
- (f) The use of private streets may not result in an increase in permitted density above that which would otherwise be permitted by the applicable district regulations. Density calculations must be made based on a public street system that provides for a private street must be density neutral.
- (g) Private streets must comply with requirements for public streets found in the Zoning Ordinances and all other applicable sections of the City Code. Private streets must be surfaced with the same type of materials that are used by the City for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the City to surface and resurface streets so long as such alternative materials are approved by the Zoning Official. The paving and/ or the resurfacing of a private street shall be inspected by an engineer, and the applicant developing or paving the private street shall provide an inspection report by said engineer with the engineer's seal to the Zoning Official and which verifies that the private street complies with the requirements for public streets in the City of Jasper.
- (h) The City Council may authorize a private street for a development or annexation under fifteen (15) acres in size where the Zoning Official has certified that the applicant has submitted all required documentation as set forth herein and where the City Council finds that:
  - (1) The location of the proposed private street will not adversely impact use of any existing surrounding public street;
  - (2) The minimum standards for the construction of private streets outlined herein have been met;
  - (3) The location of the proposed private street will not adversely impact adjacent existing communities or neighborhoods;
  - (4) The applicant has shown that there is the requisite legal mechanism for the maintenance of the proposed private street; and,
  - (5) The applicant has provided written evidence that the proposed private street system is acceptable to the City departments or divisions responsible for law enforcement, sanitation, transportation and fire and rescue.
- (i) Private street rights-of-way must be owned by a mandatory homeowners' or property owners' association created by recorded covenants and incorporated under state law for any development served by such private streets, or in the case of the condominium form of ownership, owned jointly by the unit owners and maintained by the mandatory homeowner's association required by statute. Required standards for homeowners' and property owners' associations:
  - (1) A public access easement, utility easement, and or declaration of covenants must entirely overlay the rights-of-way and be recorded with the Pickens County Superior Court.
  - (2) All applicable setbacks, lot widths, and lot areas must be measured from the association right-of-way. This provision is intended to prohibit the incorporation

of any portion of the private street into any buildable lot.

- (3) Membership in the association must be mandatory for each original and successive purchaser of a lot, building, or unit within the development.
- (4) The association must be organized so that it has clear legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses.
- (5) The recorded declaration of covenants and articles of incorporation creating the association must provide that all private streets and associated improvements are owned by the association or are held in common by the property owners within the development.
- (6) The streets must be properly maintained and insured with no liability or maintenance responsibilities accruing to the City. The recorded declaration of covenants and articles of association must specifically require the association repair and maintain each private street in the same manner as similar public streets are maintained by the City, and such maintenance and repair must be performed in compliance with all City standards and all applicable provisions of law.
- (7) The declaration of covenants and articles of association must provide for a street maintenance fund the proceeds of which may be used solely for the purpose of the regular maintenance of streets, whether for resurfacing or similar purpose. For the purposes of providing further assurance that City funds may not be used for maintenance of private streets the developer must submit proof of deposit of 50 percent of the current estimate of resurfacing costs as determined by the Zoning Official in an interest-bearing account on behalf of the association.
- (8) The association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in this subsection. At least 15 percent of all fees or assessments paid must be set aside in the maintenance fund. Any unpaid assessments will constitute a lien in favor of the association on the lot, building, or unit of the owner.
- (j) Prior to any final plat approval, the developer must submit recorded articles of incorporation, declarations of covenants, bylaws for the association, and proof of the maintenance deposit.
- (k) At the end of the 12-month maintenance period provided for in this subsection, a developer must provide a maintenance bond or letter of credit, renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The bond must be for an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the Zoning Official. The developer may avoid securing a maintenance bond if they submit proof to the Zoning Official that 100 percent of the then-current estimate of resurfacing costs, as determined by the Zoning Official, has been deposited in an interest-bearing account on behalf of the association. If the

developer chooses this alternative the declarations of covenants and articles of association must specifically require the association to continuously maintain 100 percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.

- (l) Within nine (9) months following approval of the final plat, the Zoning Official must inspect the private streets to ensure compliance with all City standards and all applicable provisions of this Code including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer must be notified of any deficiencies in writing, and such deficiencies must be corrected within 60 days of the written notice of deficiencies unless the City agrees to extension of that period in writing.
- (m) Failure to correct the complete list of deficiencies constitutes a violation of this Section and will subject the developer to prosecution for a code violation in the city municipal court. Any person found to have violated this Section is subject to a fine of not less than \$500.00 for each violation. Each day that the violation exists is a separate and distinct offense.
- (n) The Zoning Official must deny the issuance of certificates of occupancy until all deficiencies have been corrected.

#### **Section 94-123- Street Abandonment.**

- (a) Any abandonment of an actual existing paved public street by the City pursuant to this Section must comply with the applicable requirements set forth in state law and this Code, including, but not limited to, the requirements set forth in O.C.G.A. §32-7-2(b) and 32-7-4 and as may hereinafter be amended.
- (b) A property owner may petition the City Council to abandon an existing public street that abuts the owner's property. The petition must include documents that comply with all of the requirements set forth in this Section. The petition must contain evidence that each abutting landowner to the public street seeks to have the street abandoned.
- (c) The petition must contain evidence that once abandoned pursuant to the requirements of state law, all property owners that abut the street agree that ownership of the street must be placed in a property owners' association. The petition must include evidence that 100 percent of all property owners in the property owners' association have agreed that the street at issue may become private and have agreed to maintain and exercise control over the private street as required by this Division.
- (d) The petition must contain evidence that the property owners' association has the financial ability to maintain the street and associated improvements in perpetuity.
- (e) The petition must include evidence that the declaration of covenants and articles of association or other legal instruments creating the property owners' association provide or have been amended to provide that membership in the property owners' association is mandatory for each original and successive purchaser of a lot, building, or unit on the street.
- (f) The petition must include evidence that the property owners' association must be organized so that it has absolute legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and

fences, entry gates and gatehouses.

- (g) The petition must include evidence that the declaration of covenants creating the property owners' association must be recorded with Pickens County Superior Court, and the recorded declaration of covenants and articles of incorporation creating the property owners' association must provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development in compliance with all requirements for private streets as provided in Section 94-122.
- (h) The paving and/ or the resurfacing of a private street shall be inspected by an engineer, and the applicant developing or paving the private street shall provide an inspection report by said engineer with the engineer's seal to the zoning official and which verifies that the private street complies with the requirements for public streets in the City of Jasper.
- (a) The City Council shall not consider a petition for abandonment unless it:
  - (1) Contains all of the evidence and documents required by this Section;
  - (2) Is supported by an analysis by the City that shows that the street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and
  - (3) Is supported by an analysis by the Zoning Official that shows that the abandonment of the street does not negatively impact adjacent neighboring communities and the public at large.

#### **Section 94-124 - Trailers in City limits.**

No trailers are permitted to park in the City limits. Those already parked may remain until removed by owner, but no replacements will be allowed.

#### **Section 94-125 – Traffic Impact Analysis.**

- (a) Purpose and Intent, By requiring traffic impact studies for proposed developments meeting certain thresholds, the City will be better able to determine the transportation demands of development proposals and provide for reduction of adverse impacts on the transportation system.
- (b) Objectives. The City finds that requiring a traffic impact study for proposed developments that meet certain thresholds will help to achieve the following objectives:
  - (1) Forecast additional traffic associated with new development, based on accepted practices.
  - (2) Determine the improvements that are necessary to accommodate the new development.
  - (3) Allow the local government to assess the impacts that a proposed development may have and assist the local government in making decisions regarding development proposals.
  - (4) Help to ensure safe and reasonable traffic conditions on streets after the development is complete.
  - (5) Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.

- (6) Provide information relevant to comprehensive planning, transportation planning, transit planning and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access and other transportation system considerations.

(c) Thresholds of applicability.

- (1) All applications for development that meet or exceeds the following thresholds shall require a traffic impact study. For developments requesting a rezoning, the study shall be conducted and submitted with the rezoning request.

Table 94-125C – Thresholds of Applicability	
Development Type	Thresholds
Office	Greater than 50,000 gross square feet
Commercial	Greater than 50,000 gross square feet
Warehouse	Greater than 100,000 gross square feet
Hotel	Greater than 75 rooms
Assembly spaces	Greater than 500 seats
Residential, single-family detached or attached	Greater than 50 units
Residential, multifamily	Greater than 75 units
General	Any use that generates more than 100 peak hour trips

- (2) The Zoning Official may determine that a traffic impact analysis is necessary for developments that do not meet or exceed the aforementioned thresholds based on a finding of any one or more of the following conditions:
- There is a drive-thru proposed.
  - There is gate or any access point design requiring stacking or vehicular queuing;
  - There is modification to any existing access point.
  - There is a need to remove or add access points.
  - There will be a changing of the type of traffic control at the location.
  - There will be a roundabout, left turn lane, or other traffic calming feature proposed or required.
  - There are site visibility, roadway level of service, or emergency access concerns expressed by Fire Chief or City Engineer during the development review process.
  - The project requires annexation, rezoning, variance, or special use permit, or any combination thereof. Or in cases where an application has been



filed to amend a past condition of approval for an annexation, rezoning, variance, or special use permit.

- i. Any other condition or special circumstance, for any project which generates 100 vehicle trips or more at peak hour onto City or County roadways abutting the property, as determined by the Zoning Official,
- (d) Exemptions Any development of regional impact that complies with rules of the Georgia Regional Transportation Authority (GRTA) shall be exempt from this article.
- (e) Required Contents of a Traffic impact Study. The traffic impact study shall be prepared following and meeting the standards of the GRTA Development of Regional Impact technical guidelines, dated March 1, 2014, as may be amended from time to time. In addition, the following components shall be included:
- (1) Existing, proposed, and needed multi-modal transportation (walking, bicycling, transit, etc.) options.
  - (2) *References*. A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
  - (3) *Technical / Appendix*. Relevant technical information, including but not limited to: copies of raw traffic count data used in the analysis, calculation sheets and/ or computer software output for all LOS and V/ C calculations in the analysis, and warrant worksheets for signals, turn lanes, signal phasing, etc. used in the analysis.
  - (4) *Mitigation Measures and Costs*. Listing of all intersections and road segments that are forecasted to be Level of Service "E" and "F" in the horizon year, or if phased, in the years that each phase is planned to be complete, and an identification and description of specific mitigation measures including signal, turn lane, or other warrant analyses as appropriate and necessary to bring these intersections and road segments into compliance with a Level of Service "D" or other city-adopted level of service for said road segment or intersection.
  - (5) If roadway improvements are needed, the study shall show a drawing at an engineering scale of 1" = 20' for all recommended lane configurations.
  - (6) If signalization is warranted by the traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD), a warrant analysis shall also be conducted as a part of the traffic impact study. If a traffic signal is warranted, the warrant package in the study shall show a drawing at an engineering scale of 1" = 20', detailing the signal design and phasing plans.
  - (7) The estimated cost associated with implementing all such mitigation measures shall be provided in the traffic impact study. The traffic impact study may take into account any city/ county/ state-approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.
- (f) Additional Technical Specifications. Staff is further authorized to promulgate and require the use of additional technical specifications for conducting traffic impact studies, which shall be consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, "Trip Generation" published by the Institute of Transportation Engineers (ITE), and/ or Traffic Access and Impact Studies for Site Development: A Recommended Practice (Washington, DC: Institute of



Transportation Engineers, 1991), as may be amended or republished from time to time.

- (g) Recommendations for Mitigation of Impacts. As part of its application review, staff shall complete review of the study and submit to the applicant all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the discretionary development proposal that will mitigate traffic impacts of the proposed development.
- (h) Determination of Project and System Improvements. Planning and Development Department staff shall determine which mitigation measures constitute "project" improvements and which mitigation measures constitute "system" improvements within the context of the Georgia Development Impact Fee Act of 1990.
- (i) In the event that a particular improvement is called for in the traffic impact study or recommended by staff, if staff is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristics of both a project improvement and a system improvement, staff shall determine the proportion of the cost of such improvement that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.
- (j) Conditions of development. Upon the determination of project improvements needed to mitigate the traffic impacts of the discretionary development proposal as provided in this article, staff shall recommend that the project improvements be completed by the developer as conditions of approval of the discretionary development proposal.

#### Sections 94-126—94-130 - Reserved

### Division 7.3 Landscaping and Other Site Features

#### Section 94-131 - Purpose.

The landscaping and screening regulations of this division are intended to advance the general purposes of this Zoning Ordinance and to help:

- (a) Maintain and enhance the City's appearance;
- (b) Maintain and improve air quality;
- (c) Protect surface water quality and reduce the negative impacts of stormwater run-off by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
- (d) Moderate heat by providing shade; and
- (e) Encourage preservation and replacement of existing trees and landscaping.

#### Section 94-132 - Streetscape.

- (a) *Applicability.* Streetscape improvements and other pedestrian facilities shall be provided along all street frontages for any new or existing streets for the length of the full subject parcel or lot.
- (b) Streetscapes shall provide landscape and sidewalk zones in accordance with the following standards:
  - (1) Landscape Zone. A landscape and tree planting strip with a minimum width of eight (8) feet. This shall be measured from the back of curb of the public

or private road and shall apply to any property line which abuts a public or private road. Where no curbing is provided, landscape zone shall instead be measured from the right-of-way line of the public or private road.

- a. The planting strip shall be installed with overstory tree(s) offering a diameter of at least two (2) caliper inches and eight (8) feet in height at planting. Overstory trees shall be planted 40 feet on center for the entire length of the landscape zone. Understory trees shall be planted 20 feet on center for the entire length of the landscape zone.
  - b. An understory tree may be used instead of an overstory tree only at locations where overhead utility lines hang at a height of 60 feet or less from street grade.
  - c. Streetlights shall be located within the landscape zone and spaced a distance of 80 feet on center.
  - a. Landscape zones shall be planted with grass, ground cover or flowering plants, or consist of brick pavers, concrete pavers, or granite pavers where pedestrian crossing and/ or congregation is likely.
  - b. For redevelopments where the required perimeter strip does not exist, trees are still required. However, in lieu of an eight-foot-wide planting strip, a pavement cutout of a minimum of 80 square feet and with a minimum dimension of five (5) feet may be substituted. When a railroad or utility right-of-way separates the perimeter from a City right-of-way, the planting strip requirement and the tree planting requirements must still be met.
- (1) Sidewalk Zones. The sidewalk zone starts at the inner edge of the landscape zone and extends inward (toward the lot) for the minimum distance of six (6) feet. This area is intended exclusively to accommodate unimpeded pedestrian movement.
- a. Sidewalk Zones shall be paved in concrete and kept clear and unobstructed for the safe and convenient use of pedestrians. There shall be a minimum ten (10) feet vertical clearance maintained on all sidewalk zones.
  - b. All sidewalk zones shall be paved with concrete, and paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent pedestrian zone area.
  - c. When newly constructed sidewalks abut existing adjacent sidewalks that do not match the required width, the newly constructed sidewalk shall provide safe facilitation of pedestrian traffic flow to adjacent sidewalks by tapering to match the width of the existing sidewalks.
  - d. If no adjacent sidewalk exists, the new sidewalk shall terminate at the property line at the required width at the grade and location of the adjacent sidewalk zone. The sidewalk on the subject property shall be graded to facilitate a future direct connection to the sidewalk (e.g.: it shall

not terminate at a retaining wall).

- e. Any development that disturbs existing sidewalks on the subject or adjacent property shall replace disturbed areas to their pre-disturbance state and condition.
- f. Safe and convenient pedestrian pathways shall be provided from sidewalks along streets to each publicly accessible building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings within the same development. All such pathways shall be paved, with a minimum width of four (4) feet.

### **Section 94-133 - Open Space.**

(a) *Intent.* To provide open space as an amenity that promotes physical and environmental health and access to a variety of active and passive recreation options in support of the vision for the character of the City of Jasper.

(b) *Applicability.* On-site open space shall be provided for all development sites except single-family detached dwellings developed as individual lots.

(c) *Submittal of landscape plan.* The location and description of landscape materials, treatments, decorative paving, amenities, sidewalk furniture or other decorative elements, if any, shall be indicated on a landscape plan to demonstrate compliance with all required provisions.

(d) *Minimum open space ratio.* A minimum of ten percent (10%) on-site open space shall be provided for each applicable development site. Open space shall be at least fifty percent (50%) contiguous and located within the confines of the proposed development at a proximate location approved by the Zoning Official.

(e) *General requirements.* On-site open space shall be provided on all sites in accordance with these regulations:

(1) *Timing and Related Features*

- a. Open Space shall be constructed or dedicated as part of the first phase of construction.
- b. Multi-use Paths, Trails, or Walking Paths located within 75 feet of the top of a protected stream bank (i.e., located within a stream buffer) shall be publicly accessible and may be used to satisfy open space requirements.
- c. Stream buffers lacking a trail and public access, Parking Areas, required Yard Setbacks, Driveways, Detention Ponds, Grassed Areas between Dwelling Units, and Lot Remnants shall NOT be used to satisfy open space requirements.

(2) *Access.* All required open space shall be publicly accessible. Open spaces shall have unobstructed access from the nearest right-of-way or adjacent building, and a public access easement on a form created by the City shall be recorded with the Clerk of Superior Court of Pickens County.

- a. Each open space shall be adjacent to a public sidewalk, or other public space, or directly accessible with a connected path.

- b. When a building or individual ground-story commercial establishment adjoins an open space, pedestrian access (both ingress and egress), operable to residents or customers, shall be provided.
  - c. Open space dedication shall be guaranteed through conservation easements on a recorded final plat, land donation to the City, or permanent deed restriction; and,
  - d. Open space provided for commercial uses shall be open to the public during daylight hours.
- (3) *Private open space.* Rooftop patios, rooftop decks, shared tenant amenity spaces, green roofs, or any other controlled access or private open spaces are permitted and encouraged but shall not be used to satisfy open space requirements.
- (4) *Landscape requirements.*
  - a. A minimum of one (1) tree per 10,000 square feet of lot area or fraction thereof shall be
  - b. planted or preserved.
  - c. Required tree plantings used to satisfy minimum open space requirements shall be in accordance with Section 94-134 - Plant and landscape material.
  - d. Other landscape requirements of this Code (e.g.: parking lot landscaping or supplemental zones) shall not be counted to meet minimum open space landscape requirements.
- (5) *Measuring size.* The size of the open space is measured to include all landscape and paving, not including required streetscape sidewalks or other non-pedestrian paving surfaces.
- (6) *Stormwater.* Stormwater management practices, such as normally dry storage and retention facilities or ponds that retain water, may be integrated into open spaces, subject to the following:
  - a. Stormwater features in required open spaces shall be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design.
  - b. Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height.
- (7) ***Certificate of Occupancy.*** All open space requirements shall be fully met before issuance of a Certificate of Occupancy for the development. Bonds may be submitted in lieu of landscape installation per **Division 7.8 - Guarantees and Sureties.**
- (f) *Alternative compliance.* Requirements of this Section shall be met by open space provided on the subject development site, unless off-site open space or a fee in lieu of open space provision is approved in accordance with these standards:
  - (1) *Off-Site.* In lieu of open space dedication on site, a developer or property owner

may transfer the required land area to be dedicated to open space to a receiving site.

- a. The purpose of the off-site open space program is to transfer required quantities of open space area from eligible sending sites (subject lots) to eligible receiving sites through a voluntary process that supports usable greenspaces of adequate scale and spacing without compromising efficient and sound land planning practices. This alternative compliance is anticipated to be used primarily in multi-lot projects being developed on similar construction schedules.
  - b. To count toward the subject site's required open space, the following shall be met:
    1. The area counted toward the subject lot's open space shall be newly planned. It may not be already planned, under permit review, permitted, under construction, or completed at the time the open space is requested to be counted to the off-site alternative compliance provisions.
    2. The area on the receiving site shall be under construction within six (6) months of the sending site (subject lot) receiving a Certificate of Occupancy.
    3. If the previous standard is not met, the sending site (subject lot) shall submit a bond equal to 150% of the value of the open space. The bond shall not be released until such a time that the open space is completed on the receiving site.
    4. The receiving site shall be located within one (1) mile of the sending site.
    5. All other open space standards shall be met for the combined open space.
- (2) *Fee in lieu.* In lieu of open space dedication, a cash value contribution may be provided to the City's Open Space Bank.
- a. *Maximum Area.* A maximum of 50 percent *Purpose.* The purpose of the fee in lieu provisions is to support and provide alternative funding mechanisms for City and other public open space projects in close proximity to the subject site that provide direct benefits to its residents and users in lieu of on-site open spaces.
  - b. *Value.* Contribution shall be equivalent to the square footage value of subject land multiplied times the square footage of such open space requirement. The value of the subject land shall be equal to the land value as determined by the Pickens County tax assessor on the most recent property tax statement.
- (2) (50%) of the required open space is permitted to be fulfilled by this Alternative Compliance Section. However, if the subject lot is less than one (1) acre, 100 percent (100%) of the open space may be fulfilled by this Alternative Compliance Section.

## **Section 94-134 - Plant and Landscape Material.**

- (a) Deciduous trees used to satisfy the landscaping and screening regulations of this Ordinance shall have a minimum caliper size of two (2) inches at time of planting. Evergreen trees shall have minimum height of 6 feet at time of planting. Trees shall have a minimum mature height of 30 feet. Tree varieties shall be selected from **Section 94-314**.
  - (1) Required street tree plantings and landscape zones shall not count toward the minimum open space tree plantings and vice versa.
  - (2) On-site tree plantings shall be spaced a minimum of 25 feet on-center for understory trees and 60 feet on center for overstory trees.
- (b) Shrubs used to satisfy the landscaping and screening regulations of this division shall have a minimum container size of three (3) gallons.
- (c) Ground cover plants or landscape material shall consist of shrubs, pine straw mulch, or other similar landscape material.
- (d) Preserved trees shall be credited toward satisfying the tree planting requirements of this Ordinance on the following basis:
  - (1) Preserved trees three (3) inches or more in diameter at breast height (DBH) up to 6 inches DBH will be credited as three (3) trees.
  - (2) Preserved trees larger than 6 inches DBH, up to 12 inches DBH will be credited as 4 trees;
  - (3) Preserved trees that are more than 12 inches DBH up to 24 inches DBH will be credited as 5 trees; and,
  - (4) Preserved trees that are more than 24 inches DBH will be credited as 10 trees.
- (e) *Landscaped Areas*.
  - (1) Where adjacent to vehicle use or storage areas, all landscaped areas shall be protected by wheel stops, curbs, or other physical barriers and shall be covered with grass, organic mulch, or low maintenance ground cover.
  - (2) Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil.

#### **Section 94-135 - Maintenance.**

- (a) Required landscaping and screening shall be continuously maintained, including necessary watering; weeding; pruning; pest control; litter and debris clean-up; and replacement of dead, diseased or damaged plant material.
- (b) Trees shall be limbed to ten (10) feet in height above the sidewalk or any transportation route.
- (c) Failure to comply with an approved landscaping plan, including failure to maintain required landscaping and screening and failure to replace dead, diseased, or damaged landscaping, constitutes a violation of this Zoning Ordinance and is subject to penalties and enforcement under **Division 9.2- Enforcement**.

#### **Section 94-136 - Alternative Compliance.**

- (a) *Design Alternatives*. To accommodate creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development and/or redevelopment challenges, the Zoning Official is authorized to approve alternative

compliance landscape plans prepared by a landscape architect licensed to practice in the State of Georgia. In order to approve such alternative compliance landscape plans, the Zoning Official shall determine that the proposed landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this Division or that one or more of the following conditions or opportunities are present:

- (1) The site has space limitations or an unusual shape that makes strict compliance with the regulations of this Division impossible or impractical;
- (2) Physical conditions on or adjacent to the site such as topography, soils, vegetation, or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this division; or
- (3) Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary.

#### **Section 94-137 - Parking Lot Perimeter Landscape.**

- (a) The parking lot perimeter landscape regulations of this Section are intended to help mitigate the visual and operational impacts of parking lots when such areas are adjacent to public streets or residential zoning districts.
- (b) Unless otherwise expressly stated, the parking lot perimeter landscape regulations of this Section apply to the construction or expansion of any parking area except those on lots occupied by residential buildings containing fewer than four (4) dwelling units.
- (c) Parking lots subject to these regulations shall be screened from view of public streets using buildings, landscaping, or a combination of buildings and landscaping. Landscaping provided to meet this requirement shall comply with one of the following options:
  - (1) A landscape strip at least five (5) feet wide containing shrubs planted to provide a solid visual screen at least three (3) feet in height at the end of the first growing season, with the remainder of the landscape strip covered with groundcover plants or annual or perennial vegetation; or
  - (2) A landscape strip at least three (3) feet in width containing a solid masonry wall at least three (3) feet in height, with the remainder of the landscape strip covered with groundcover plants, sod, or annual or perennial vegetation.
- (d) Shade trees shall be provided within required parking lot perimeter landscape strips at the rate of at least one (1) tree per 40 feet of parking lot frontage adjacent to a street or sidewalk.
- (e) Parking lots shall be screened from view of abutting residentially-zoned (R-A, R-1, R-2, R-3, DRI-6, or SFA) lots using buildings or one of the following options:
  - (1) An opaque fence at least six (6) feet in height and at least one (1) tree per 25 linear feet of fence;
  - (2) A masonry wall with a minimum height of six (6) feet;
  - (3) A dense evergreen hedge with a minimum height of five (5) feet at the time of planting; or



- (4) A row of evergreen trees with a minimum height of six (6) feet at the time of planting;

#### **Section 94-138 - Interior Parking Lot Landscape.**

- (a) Unless otherwise expressly stated, the parking lot interior landscape regulations of this Section apply to the construction or expansion of any parking area containing more than 20 motor vehicle parking spaces. In the case of a parking lot expansion triggering compliance with these regulations, the minimum requirements for landscape area and plant material are calculated solely on the expanded area.
- (b) Parking lots subject to these interior parking lot landscape regulations shall include at least 35 square feet of landscape area per motor vehicle parking space within the parking lot.
- (c) Plant material shall be provided within the interior of parking lots in accordance with **Table 94-138**.
- (d) Interior parking lot landscaping shall be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all of the following requirements:
- (1) They shall be at least 200 square feet in area;
  - (2) They shall include at least one (1) shade tree per island and be covered with ground cover plants or mulch;
  - (3) They shall be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and,
  - (4) Parking rows that end abutting a paved driving surface shall have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands shall be located to comply with all applicable regulations of this Section.
- (e) The Zoning Official is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

**Table 94-138 - Interior Parking Lot Planting**

<b>Plant Type</b>	<b>Minimum Required</b>
Shade Trees	1 per 8 motor vehicle spaces
Shrubs	2 per 10 motor vehicle spaces
Ground Cover	Complete coverage of required landscape areas

- (f) Maintenance and specifications. The responsibility for maintenance of landscape areas shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this Division.

#### **Division 7.4 Transition Buffers**



## Section 94-139 - Determinations and Requirements.

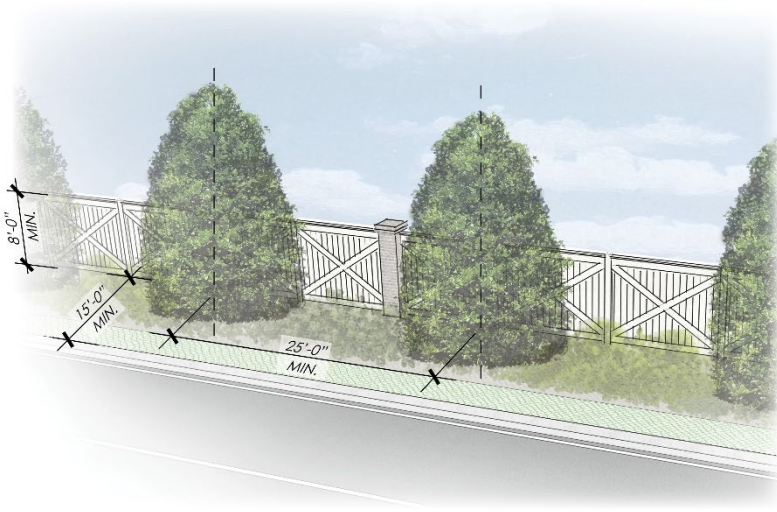
Buffers shall be provided for all proposed development on the subject lot in accordance with **Table 94-139** and design requirements of this Division.

Table 94-139 - Buffer Type Requirements Between Dissimilar Zoning Districts													
Adjacent Districts	Subject Property District [Buffer goes on this lot]												
		R-A	R-1	R-2	R-3	DRI 6	SFA	MFR	C-1A	C-1	CBD	C-2	M-1
	R-A residential agriculture								A	A	B	B	B
	R-1 low density single-family residential			A	A	A	A	A	A	B	B	B	B
	R-2 med. density single-family residential						A	A	B	B	B	B	B
	R-3 high density single-family residential							A	A	A	A	A	B
	Single-family attached residential							A	A	A	A	A	B
	Multifamily residential								A	A		A	B

## Section 94-140 - Buffer Design.

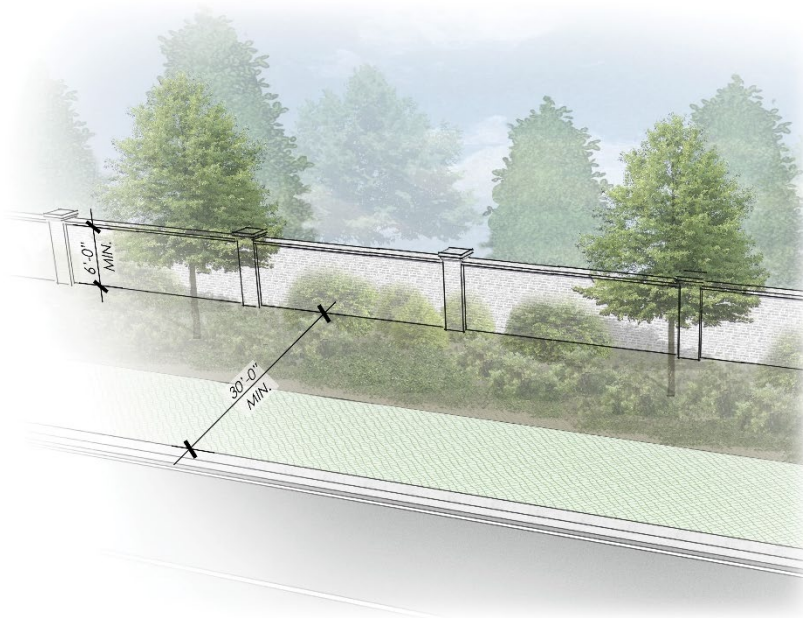
All buffers required by this Division shall conform to the following specifications:

- Buffer plan. Prior to development, a buffer plan shall be required to show the types and locations of all screening devices within a required buffer
- Screening of service areas. Landscaping within buffer areas shall be used to screen potentially objectionable views from streets or adjoining properties of parking areas and service areas used for refuse containers, HVAC equipment, and units and electrical transformers and similar purposes, in addition to **Section 94-158 - Screening**.
- Existing trees and plants. Existing on-site trees and shrub plants may be credited as meeting the requirements of this Division if the Zoning Official determines that such plant materials achieve the purposes of this Division.
- Buffer A design. Buffer A, as required by **Table 94-139**, shall consist of a minimum depth of 15 feet and shall consist of plantings and a fence, wall (not otherwise part of a structure or accessory structure), or aberm, which meets the standards of this Division.



*Buffer A Design Typical*

- (e) Buffer B design. Buffer B, as required by **Table 94-139**, shall have not less than a minimum depth of 30 feet and shall consist of plantings and a fence, wall (not otherwise part of a structure or accessory structure), or a berm, or any combination thereof, which meets the standards of this Division.



*Buffer B Design Typical*

(f) Planting area shall have a minimum width of twelve (12) feet.

- (1) Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that will provide the best screening effectiveness.
- (2) Trees used to meet the minimum screening requirements shall be any evergreen species identified in **Section 94-314**. They shall be planted a minimum 25 feet on center.
- (3) Shrubs shall be a minimum of one (1) gallon size at the time of planting and shall attain a minimum height of six (6) feet within three (3) years after planting.
- (4) Walls. Walls shall be of masonry construction and a minimum height of six (6) feet in height.
- (5) Fences. Fences shall be a minimum of eight (8) feet in height and constructed of standard wood fencing materials or vinyl-coated chain link with privacy slat inserts that will provide at least 90 percent visual blockage.
- (6) Berms. Earthen berms shall be a minimum of six (6) feet in height.

#### **Section 94-141 - Location of Buffers.**

Buffers shall be located within and along the outer perimeter of a lot or parcel adjacent to each district requiring a buffer. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right-of-way.

#### **Section 94-142 - Use of Buffers.**

A buffer may be used for some forms of passive recreation such as pedestrian, bike or equestrian trails, or as a stormwater retention area, provided that:

- (a) No planted materials shall be eliminated for the purpose of making the buffer suitable for such a use.
- (b) The total width of the required buffer area shall be maintained.

#### **Division 7.5 Fences and Walls**

##### **Section 94-143 - Applicability.**

Requirements in this Division apply to all districts except those zoned R-A.

##### **Section 94-144 - Height**

- (a) Fences and walls shall not exceed four (4) feet in height when located in the front yard or ten (10) feet in height when located in any other (non-front) yard.
- (b) Gates may be up to six (6) feet in height in front yards.
- (c) Vehicular gates are prohibited, unless a special use permit is secured through the process outlined in Division 8.4.
- (d) Wing walls shall not exceed twelve (12) feet in height or the height of the foundation wall to which it is attached, whichever results in a lower wing wall height.
- (e) Heights are measured from finished grade at the base of the fence or masonry wall to the highest point of the fence or wall.

- (f) Fence and masonry wall columns, posts and ornaments are permitted to exceed maximum allowed fence and wall heights by up to two (2) feet.
- (g) Fences and walls surrounding entire developments are prohibited. For the purposes of this subsection, the term, "entire development" does not refer to an individual single-family lot.

#### **Section 94-145 - Fence Materials and Design.**

- (a) Chain link fences are prohibited along all street frontages in any residentially-zoned (R-A, R-1, R-2, R-3, DRI-6, SFA, or MFR) districts.
- (b) The finished side of all fences shall face the abutting property and public right-of-way.
- (c) Fences are not permitted to contain barbed wire, spikes or similar devices, or an electric charge.

#### **Section 94-146 - Setbacks.**

Retaining walls on lots shall be set back from side property lines by a distance of at least 50% of the required side building setback.

#### **Section 94-147 - Administrative Relief.**

- (a) The Zoning Official is authorized to grant an administrative variance allowing retaining walls and fences of up to twelve (12) feet in height in accordance with **Division 8.3**.
- (b) Lawfully established existing retaining walls that exceed the maximum height or setback limits of this Section may be repaired and replaced as long as the repair or replacement does not result in an increase in the height of the retaining wall that is replaced and does not increase the footprint of the existing retaining wall by more than ten percent (10%).

#### **Sections 94-148—94-156 - Reserved**

#### **Division 7.6 Service Areas**

#### **Section 94-157 - Dumpsters.**

- (a) A solid fence on three sides shall enclose all dumpsters.
- (b) The height of the fence shall be equal to or higher than the height of the dumpster and in accordance with **Division 7.5 Fences and Walls**.
- (c) The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.
- (d) Dumpsters shall be placed in the rear yard and shall be located a minimum of five (5) feet from property lines
- (e) In no case, shall loading activities hinder or obstruct the free movement of vehicle, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
- (f) Service activities within 300 feet of residential uses, including single-family detached, single-family attached, multifamily, and mixed-use development with a residential component shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m. This measurement shall be the shortest distance between the dumpster enclosure and any point on the property line of the residentially used property. These restrictions shall also apply to any service activities

within a mixed-use development located within 300 feet of any residential unit within that development. In this case, the measurement shall be the shortest distance between the dumpster enclosure to the exterior wall of a residential unit.

- (g) Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as the certificate of occupancy/ completion is issued. If no permit is required for the associated work, a temporary dumpster may be permitted for a period up to 30 days.
- (h) Access to dumpsters shall be provided via a paved, dust-free surface.
- (i) Dumpsters shall have coverings that remain closed to prevent debris from being carried away by strong wind gusts onto adjacent rights of way or property. Oil separators have a primary function of removing liquid oil from wastewater. The following land uses shall include an oil separator: car washes, mining sites, vehicular workshops, gasoline service stations, and manufacturing facilities.
- (j) Grease interceptors have a primary function of removing fatty solids from wastewater to prevent blockages in drains. Service areas for the following uses shall include grease interceptors: commercial kitchens and restaurants, Cafes and other similar uses which only serve or sell pre-made food products and do not produce new foodstuffs on site, may be exempt by the Zoning Official from this requirement.

#### **Section 94-158 - Screening.**

Building mechanical and accessory features/ equipment shall be screened in accordance with the following:

- (a) Shall be located to the side or rear of the principal structure or on the roof and shall be in the location of least visible from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from any public space or public right-of-way.
- (b) When located on rooftops, these features shall be incorporated in the design of the building and screened with building materials similar to the building utilizing an architectural element such as a parapet.
- (c) Shall not be permitted between the building and any public street, with the exception of features less than eight (8) cubic feet, provided they are screened.

#### **Division 7.7 Other Regulations**

#### **Section 94-159 - Insect and Rodent Control.**

The following requirements apply to all properties in the City:

- (a) All buildings, structures, grounds, and storage areas shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the appropriate state regulatory authority.
- (b) Lumber, pipe, and other building materials shall be stored at least one (1) foot above the ground.
- (c) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be screened with appropriate wire mesh or other suitable materials.
- (d) The growth of brush, weeds, and grass shall be controlled to prevent harborage of

ticks, chiggers, and other noxious insects. Open areas shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.

### **Section 94-160 - Outdoor Lighting.**

- (a) Purpose and intent. This Section is intended to reduce the problems created by improperly designed and installed outdoor lighting. They are intended to eliminate problems of glare and minimize light trespass, with regulations that avoid unnecessary direct light from shining onto abutting properties or streets.
- (b) Applicability. Outdoor lighting installed in the City shall be in conformance with the requirements established by this Section.
- (c) Exemptions. The following shall be exempt from the provisions of this Section:
  - (1) All temporary emergency lighting needed by police or fire departments or other emergency services;
  - (2) All hazard warning luminaires required by federal regulatory agencies;
  - (3) All vehicular luminaires;
  - (4) Safety lighting, as defined in this Section;
  - (5) All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels;
  - (6) Signs as permitted in **Chapter 95**.
  - (7) Aesthetic lighting limited to interior roadway lighting with a maximum height of two (2) feet within a development, not intended to take the place of required street lighting, or lighting to be utilized within open space used to feature decorative plantings, sidewalks, walkways, or ornamental objects, such as fountains or similar features. Aesthetic lighting, although exempt from an isometric foot-candle plan, shall be identified on all design plans as to type of light and location to ensure appropriate use of aesthetic lighting in accordance with this Section.
- (d) Outdoor lighting regulations.
  - (1) Cutoff fixtures. All luminaires not exempted from this Section hereafter installed for outdoor lighting shall be full cutoff luminaires or another luminaire which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire
  - (2) Type of lighting. Outdoor lighting shall be CFL or LED.
  - (3) Glare. See **Chapter 26, Section 26-57(11)**.
  - (4) No lighting plan shall be approved which will result in direct light that exceeds the requirements or is otherwise inconsistent with this Section.
  - (5) Intensity Specifications. Illuminance levels for outdoor lighting fixtures shall comply with the standards in Table 94-160a. and b measured at three (3) feet above ground or finished grade.



**Table 94-160a - Illuminance levels at property lines**

<b>At Property Lines Including Rights-Of-Way</b>	<b>Minimum Footcandles</b>	<b>Maximum Footcandles</b>
At property line abutting a residential use	0	0.5
At property line abutting an office or institutional use	0	1.0
At property line abutting a commercial or industrial use	0	1.5

**Table 94-160b - Illuminance levels in parking lots**

<b>Off-Street Parking Lots</b>	<b>Minimum Footcandles</b>	<b>Average Footcandles</b>	<b>Maximum Footcandles</b>
Residential uses	0.5	2.0—3.0	4
Institutional and agricultural uses	1.0	3.0—4.0	6
Commercial uses	2.0	6.0—7.0	12
Industrial uses	1.0	4.0—5.0	8

**(e) Plans required.**

- (1) Applicants for any permit for any single-family detached or attached use proposing outdoorlighting fixtures shall submit evidence that the proposed work will comply with the outdoorlighting regulations of this Section.
  - a. The submission shall include a description, count, and location of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers.
- (1) Applicants for any permit for any non-single-family use proposing outdoor lighting fixtures shall submit evidence that the proposed work will comply with the outdoor lighting regulations of this Section in accordance with the following:
  - a. Plans indicating the location on the premises of each outdoor illuminating device, bothproposed and any already existing on the site.
  - b. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors. The description shall include, but is not limited to, catalog cuts, and illustrations by manufacturers.
  - c. Photometric data, such as that furnished by manufacturers or similar, showing the angle ofcut-off of light emissions.
  - d. Photometric plans shall include the maximum and average light layout.

**Section 94-161 - Outdoor Storage.**

- (a) The outdoor storage regulations of this Section apply to the storage of goods, materials, and equipments as an accessory use to commercial or industrial use types when located outside of enclosed buildings, including:
  - (1) Material in boxes, in crates, or on pallets;
  - (2) Overnight storage of vehicles awaiting repair (not including new vehicles for sale); construction and contractor's equipment, including lawnmowers;
  - (3) Fleet vehicles; and
  - (4) Construction material such as lumber, pipe, steel, unpackaged soil, mulch, recycled material, or similar items.
- (b) Outdoor storage is allowed only in C-2 and M-1 districts.
- (c) Storage shall be enclosed by a fence not less than six (6) feet in height containing opaque material to provide visual screening from any rights of way or residentially-zoned (R-A, R-1, R-2, R-3, DRI-6, SFA, or MFR) lots. Fleet vehicles do not require screening.

**Sections 94-162—94-166 - Reserved**  
**Division 7.8 Guarantees and Sureties**  
**Section 94-167 - General**

Before plat recordation or other project close-out, the Zoning Official must certify that the developer/ subdivider has obtained the necessary bonds, other sureties, and/ or agreements that ensure completion of all required public and private improvements on the subject property. Three types of guarantees and sureties may be provided for as a part of the final plat approval and development permitting process:

- (a) Performance guarantees.
- (b) Maintenance guarantees.
- (c) Maintenance agreements/ inspections.

**Section 94-168 - Performance Guarantees.**

Performance guarantees shall be allowed for required site improvements (public or private) not yet completed. In lieu of requiring the completion, installation, and dedication of any and all improvements (e.g., water, sewer, street lights, landscaping, sidewalks, etc.) prior to approval of a final plat or certificate of occupancy/ completion (CC/ CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to complete all required improvements prior to the release of the performance guarantee.

- (a) The performance guarantee shall be payable to the City and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer or subdivider and verified by the City, of installing all outstanding required improvements.
- (b) The duration of the guarantee shall be for no longer than twelve (12) months, or until such lesser time that the improvements are accepted by the City.

**Section 94-169 - Maintenance Guarantees.**

Maintenance guarantees shall be provided as required in this Ordinance for the ongoing maintenance of improvements and landscaping (public only) . Prior to



approval of a final plat or final certificate of occupancy/ completion (CC/ CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and living condition all applicable improvements prior to the release of the maintenance guarantee.

- (a) The maintenance guarantee shall be payable to the City and shall be in an amount equal to 60 percent of the construction value for all public improvements, as estimated by the developer or subdivider and verified by the City.
- (b) The duration of the surety shall be for a period of 36 months following the date of approval of development conformance, marked by the approval of a final plat or final certificate of occupancy/ completion (CC/ CO).

#### **Section 94-170 - Maintenance Guarantees (Stormwater).**

Stormwater maintenance guarantees shall be provided as required in Chapter 26 for the ongoing maintenance of stormwater management facilities and features. Prior to approval of a final plat or final certificate of occupancy/ completion (CC/ CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and working order all applicable improvements prior to the release of the maintenance guarantee.

- (a) The stormwater maintenance guarantee shall be payable to the City and shall be in an amount equal to \$5.00/ cubic foot of storage provided by the stormwater management facility, as estimated by the developer or subdivider and verified by the City.
- (b) The duration of the surety shall be for a period of 24 months following the date of approval of development conformance, marked by the approval of a final plat or final certificate of occupancy/ completion (CC/ CO).
- (c) The guarantee shall be accompanied by the appropriate agreements outlined in **Section 94-171**.

#### **Section 94-171 - Maintenance Agreements/ Inspections (Stormwater).**

Prior to the issuance of any project close-out, final plat, or certificate of completion/ occupancy requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/ or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

- (a) The inspection and maintenance agreement, if applicable, must be approved by the City prior to approval, and recorded in the deed records of the office of the Clerk of the Superior Court of Pickens County, Georgia. The inspection and maintenance agreement shall identify, by name or official title, the person(s) responsible for carrying out the inspection and maintenance.
- (b) Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title.

These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

- (c) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice, including their associated landscaping measures. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (d) In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance in **Chapter 26, Article IV**.
- (e) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

#### **Section 94-172 - Guarantee Specifications.**

The developer or subdivider shall provide either one, or a combination, of the following guarantees in the amounts and durations specified in this Division. Any expenses associated with the cost verification by the City shall be paid entirely by the applicant.

- (a) Bond. Bond(s) shall be secured from a surety bonding company authorized to do business in the state. The bond shall be payable to the City.
- (b) Cash or equivalent security. The developer or subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City.
- (c) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City of Jasper an agreement between the financial institution and the applicant guaranteeing the following:
  - (1) That said escrow amount will be held in trust until released by the Zoning Official and may not be used or pledged by the applicant in any other transaction during the term of the escrow; and
  - (2) That in case of a failure on the part of the developer or subdivider to complete said improvements/ maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

#### **Section 94-173 - Default.**

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this chapter or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution

holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City. Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.

#### **Section 94-174 - Release of Guarantee Security.**

The City may release a portion of any security posted as the improvements are completed or maintenance period completed and approved by the Zoning Official. When the Zoning Official approves said improvements, the Zoning Official shall inspect the premises, and if work is found to be completed and satisfactory, the Zoning Official shall release the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this Ordinance.

#### **Sections 94-175—94-184 - Reserved**

### **ARTICLE 8 | REVIEW AND APPROVAL PROCEDURES**

#### **Division 8.1 Common Provisions**

#### **Section 94-185 - Applicability.**

The common provisions of this Division apply to all of the review and approval procedures of this Zoning Ordinance, unless otherwise expressly stated.

#### **Section 94-186 - Georgia Zoning Procedures Law.**

The review and approval procedures of this Zoning Ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is incorporated by reference in its entirety. If any provision of this Zoning Ordinance is in conflict with any provision of the Zoning Procedures Law or if this Zoning Ordinance fails to incorporate a provision required for the implementation of the Zoning Procedures Law, the Zoning Procedures Law controls. This does not apply to procedures that are more restrictive than those established by the Georgia Zoning Procedures Law. These procedures apply to Sign Ordinance review outlined in **Chapter 95**, as referenced within that Chapter.

#### **Section 94-187 - Procedures Summary Table.**

**Table 94-187** provides a summary of review and decision-making authority under this Zoning Ordinance. In the event of conflict between **Table 94-187** and the detailed procedures identified in this Zoning Ordinance, the detailed procedures govern.

<b>Table 94-187 –Reviews and Decision-Making Procedures</b>			
<b>Legend: R =Review/ Recommendation   DM=Decision-Making Body</b>			
<b>Procedure</b>	<b>Zoning</b>	<b>Planning</b>	<b>Mayor and City</b>

	Official	Commission	Council
Variance	R	R	DM
Administrative Variance	DM	--	--
Amendment and Special Use	R	R	DM
Annexation	R	R	DM
Concurrent Variance	R	R	DM
Appeals of Administrative Decision	--	--	DM

## **Section 94-188 - Application and fees.**

### **(a) Form of application.**

- (1) Applications required under this Zoning Ordinance shall be submitted on such forms as required by the Zoning Official.
- (2) The Zoning Official may develop checklists of application submittal requirements and make those checklists available to the public.

### **(b) Application filing fees.** Applications shall be accompanied by the fee amount indicated in the fee schedule that has been approved by the Mayor and City Council. Application filing fees are nonrefundable once the application has been accepted and determined to be complete.

### **(c) Application completeness, accuracy, and sufficiency.**

- (1) An application will be considered complete and ready for processing only if it is submitted in the required quantity and form, includes all required information and supporting documentation, and is accompanied by the required application filing fee.
- (2) The Zoning Official shall make a determination of application completeness.
- (3) If an application is determined to be incomplete, the Zoning Official shall provide written notice to the applicant along with an explanation of the application's deficiencies.
- (4) No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
- (5) Applications deemed complete by the Zoning Official will be considered to be in the next available processing cycle and will be reviewed by City staff, affected agencies, and other review and decision-making bodies in accordance with applicable review and approval procedures of this Zoning Ordinance.

## **Section 94-189 - Pre-application Meetings.**

Pre-application meetings provide an early opportunity for City staff and applicants to discuss the procedures, standards, and regulations required for development approval under this Zoning Ordinance. Pre-application meetings are required whenever the provisions of this Zoning Ordinance expressly state that they are required. They are encouraged in all cases.

### **Section 94-190 - Application Processing Cycles.**

The Zoning Official is authorized to promulgate reasonable application processing cycles and schedules for processing applications under this Zoning Ordinance. Processing cycles may establish:

- (a) Deadlines for receipt of complete applications;
- (b) Timeframes for determination of application completeness;
- (c) Dates of regular meetings;
- (d) Timing of staff reviews and reports;
- (e) Estimated timeframes for completion of reviews and decision-making;
- (f) Timelines for consideration of Comprehensive Plan Amendments (e.g., annual or semi-annual); and
- (g) Other information regarding administrative practices and customs that will assist applicants and the general public.

### **Section 94-191 - Withdrawal and Hold of Applications.**

- (a) Withdrawal of applications.
  - (1) Applications may be withdrawn at the discretion of the applicant and with approval by the property owner without prejudice at any time before the legal advertising. The applicant is required to submit the request to withdraw in writing to the Zoning Official.
  - (2) Applications may be withdrawn without prejudice after the legal advertising but before a public hearing at the discretion of the applicant. The applicant/ property owner shall not be entitled to a refund and is required to submit the request to withdraw in writing to the Zoning Official.
  - (3) Applications may only be withdrawn after a public hearing by majority vote of the Mayor and City Council.
- (b) Administrative hold of applications.

Applications may be placed on an administrative hold by the Zoning Official and deferred to a later meeting if new information has become available about a request or additional information is needed related to the request.

### **Section 94-192 - Conditions of Approval.**

When decision-making bodies approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development. No condition in the form of a development exaction for other than a project improvement may be imposed within the meaning of the Georgia Development Impact Fee Act. Any conditions imposed shall comply with the following:

- (a) Conditions may be imposed to mitigate any possible adverse impacts of the proposal on neighboring persons or properties, consistent with the purposes of this Zoning Ordinance, the goals and objectives of the Comprehensive Plan, and State Law.

- (b) Once imposed, specific conditions adopted and set forth by any zoning amendment with respect to any property shall control or limit the use of such property and enforced against the then current owner and all successors in title, unless and until such zoning conditions are modified by the adoption of a new zoning amendment applicable to said property.
- (c) Except as otherwise expressly stated, amendments, changes to approved conditions, or special use permits may be approved or altered only by following the same procedures as the original approval.

#### **Section 94-193 - Outside Agency Reviews.**

*Developments of regional impact.* If a proposed development qualifies as a Development of Regional Impact (DRI) pursuant to O.C.G.A. § 50-8-7.1, no final action may be taken by the legislative or administrative bodies detailed in this Chapter until such DRI report is received from the Northwest Georgia Regional Commission and comments, if any, are addressed to the satisfaction of the Zoning Official.

#### **Sections 94-193—94-200 - Reserved**

#### **Division 8.2 Variances**

##### **Section 94-201 - Applicability.**

All requests for relief from strict compliance with the regulations of this Zoning Ordinance require review and recommendation from the Zoning Official and Planning Commission before a final decision is rendered by Mayor and City Council. Mayor and City Council is authorized to consider and approve, approve with conditions, or deny variances in accordance with the variance procedures of this Division.

##### **Section 94-202 - Prohibited Variances.**

The Variance procedures of this Division shall not be used to:

- (a) Allow a structure or use not authorized in the subject zoning district;
- (b) Allow a prohibited use defined in **Article 5**.
- (c) Allow an increase in maximum building height;
- (d) Waive, vary, modify or otherwise override a condition of approval attached to an amendment, special use permit, or other legislative development approval under this Zoning Ordinance;
- (e) Reduce, waive, or modify in any manner the minimum lot area or lot width required for any lot;
- (f) Allow the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights; or
- (g) Allow the expansion or enlargement of any nonconforming use.

##### **Section 94-203 - Authority to File.**

Applications for variances may be filed by the owner of the subject property or the property owner's authorized agent.

##### **Section 94-204 - Pre-application Meeting.**

A pre-application meeting is recommended for all variance requests.

### **Section 94-205 - Application Filing.**

Variance applications shall be filed with City Hall.

### **Section 94-206 - Public Hearing Notices.**

Notice of required public hearings shall be provided as follows:

- (a) Each notice shall provide the following information:
  - (1) Time of hearing
  - (2) Place of hearing
  - (3) Purpose of request
  - (4) Location of property
  - (5) Present zoning
- (b) Newspaper notice. Newspaper notice shall be provided at least 30 days before but not more than 45 days before the date of the City Council public hearing.
- (c) Posted notice. Posted notice (signs) shall be posted at least 30 days but not more than 45 days before the date of the City Council public hearing.
- (d) Property owner notice. Mailed notice shall be made via USPS to the owner(s) of the lot(s) subject to the requested action as identified on the Pickens County tax assessor online database at the time of the mailing at least 30 days but not more than 45 days before the date of the City Council public hearing. If a more current ownership record is submitted with the application, that information shall be used for the notice.

### **Section 94-207 - Staff Review.**

Upon receipt of a complete variance application, City staff shall review the proposal and prepare an analysis and recommendation for consideration by the Planning Commission and Mayor and City Council. This review and analysis shall be transmitted to the Planning Commission and Mayor and City Council before their respective public hearings on the matter. The staff report shall also be made available to the applicant and the general public.

### **Section 94-208 - Planning Commission Public Meeting and Recommendation.**

- (a) The Planning Commission shall hold a public meeting to consider all variance applications. At the public meeting, City staff shall introduce the variance request and outline its recommendation based on the criteria of **Section 94-210 - Review and approval criteria**. The applicant for variance shall have the right to present testimony and other evidence in support of the variance request. Proponents and opponents of the variance request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five minutes. The Planning Commission may ask questions and seek clarification of any testimony or evidence presented.
- (b) Following the close of the public comment period and consideration of all testimony, documentary evidence, and matters of record, the Planning Commission



shall act to recommend that the variance be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 94-210 - Review and approval criteria**. The Planning Commission may also recommend deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.

- (c) The Planning Commission's final recommendation shall be made within a reasonable period of time, but in no event, more than 30 days from the date of the close of the meeting.
- (d) The Planning Commission's recommendation shall be transmitted to the Mayor and City Council. Neither the recommendation of the staff or the Planning Commission is binding on the Mayor and City Council.

#### **Section 94-209 - City Council Public Hearing and Decision.**

- (a) The City Council shall hold a public hearing to consider all variance applications. At the public hearing, City staff shall introduce the variance request and outline its recommendation based on the criteria of **Section 94-210**. The applicant for variance shall have the right to present testimony and other evidence in support of the variance request. Proponents and opponents of the variance request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five minutes. The City Council may ask questions and seek clarification of any testimony or evidence presented.
- (b) Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the City Council shall act to approve the variance, approve the variance with conditions, or deny the requested variance. The City Council is also authorized to defer action on the variance or allow the applicant to withdraw the variance without prejudice. The City Council's final decision shall be made within a reasonable period of time, but in no event, more than 60 days from the date of the close of the hearing.

#### **Section 94-210 - Review and Approval Criteria.**

- (a) The City Council may authorize variances from the provisions of this Zoning Ordinance based on consideration all of the following criteria:
  - (1) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography; and
  - (2) The application of this Ordinance to the particular piece of property would create an unnecessary hardship; and
  - (3) Such conditions are peculiar to the particular piece of property involved;
  - (4) Such conditions are not the result of actions of the property owner; and
  - (5) Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Zoning Ordinance.

#### **Section 94-211 - Successive Applications.**

If a variance application is denied, an application to vary the same Zoning



Ordinance provision for the same portion of the subject property may not be resubmitted for twelve (12) months from the date of the denial.

#### **Section 94-212 - Appeals.**

See **Division 8.7.**

#### **Section 94-213 - Transfer.**

Approved variances, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

#### **Section 94-214 - Amending Conditions of Approval.**

A request for changes in conditions of approval attached to an approved variance shall be processed as a new variance application in accordance with the procedures of this Division, including the requirements for fees, notices, and hearings.

#### **Sections 94-215—94-220 - Reserved**

#### **Division 8.3 Administrative Variances**

#### **Section 94-221 - Applicability.**

The Zoning Official is authorized to approve the following administrative variances:

- (a) Allow the increase in maximum lot coverage by up to ten (10) percent;
- (b) Allow the increase in maximum parking by up to ten (10) percent;
- (c) Allow the decrease in minimum setback by up to ten (10) percent; but not including any transitional buffer;
- (d) Allow the increase in the maximum retaining wall or fence height by no more than two (2) feet.
- (e) Allow relief for utility requirements in Section 94-113(d).

#### **Section 94-222 - Authority to File.**

Applications for approval of administrative variances may be filed by the owner of the subject property or the property owner's authorized agent.

#### **Section 94-223 - Pre-application Meeting.**

A pre-application meeting is recommended for all administrative variance requests.

#### **Section 94-224 - Application Filing.**

Administrative variance applications shall be filed at City Hall.

#### **Section 94-225 - Posted Notice**

- (a) Posted notice (signs) shall be posted within five (5) days of the date of filing an application for an administrative variance. Posted notice shall provide the following:
  - (1) Purpose of request
  - (2) Location of property
  - (3) Present zoning

- (4) Deadline for accepting comments outlined in Section 94-226(b).
- (b) Community members of the City wishing to support or oppose a request for administrative variance shall file their comments in writing with the Zoning Official. The deadline for acceptance of comments is 14 days after notice was posted on the property.

#### **Section 94-226 - Zoning Official's Decision.**

- (a) The Zoning Official shall review each application for an administrative variance and act to approve the application, approve the application with conditions, or deny the application.
- (b) The Zoning Official shall not take final action to approve or deny an administrative variance until at least 15 days after the notice was posted. Any comments received with respect to the administrative variance request shall be taken into account, as they relate to the review and approval criteria of Section 94-210 only, prior to the Zoning Official reaching his or her decision. All decisions shall be made in writing within 30 days of the date the application was filed, unless the applicant agrees to an extension of time for the decision.

#### **Section 94-227 - Review and Approval Criteria.**

The Zoning Official's decision to approve or deny an administrative variance shall be based on the variance review and approval criteria of **Section 94-210**.

#### **Section 94-228 - Appeals.**

Final decisions on administrative variances may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of **Division 8.6**.

#### **Section 94-229 - Transfer.**

Approved administrative variances and any attached conditions run with the land and are not affected by changes in tenancy or ownership.

#### **Section 94-230 - Amending Conditions of Approval.**

A request for changes in conditions of approval attached to an approved administrative variance shall be processed as a new application in accordance with the procedures of this Division.

#### **Sections 94-231—94-237 - Reserved**

### **Division 8.4 Amendments and Special Uses**

#### **Section 94-238 - Applicability.**

- (a) The procedures of this Division apply to all amendments (zoning map, Comprehensive Plan/ future development map, annexations, changes to conditions of zoning, and text) and special use permits required under this Zoning Ordinance. If referenced generally as "amendments" herein this Division, the regulations are referring to all amendments, annexations, and special use processes.
- (b) **Concurrency with Zoning Map Amendments.** No zoning map amendment shall be considered if it is not consistent with the future development map. Pursuant to the future development map, an applicant may submit an amendment to the map, either

separately or concurrently with a proposed zoning map amendment. If a future development map amendment is denied, then any concurrent zoning map amendment may be withdrawn in the discretion of the applicant, or the applicant can elect to have the City Council proceed forward with a determination of the associated zoning map amendment.

#### **Section 94-239 - Authority to Initiate.**

- (a) Amendments to the future development map, the zoning map, annexations, modifications of conditions of approval, and the text of this Zoning Ordinance may be initiated by the Mayor following a motion and a second, any member of the City Council following a motion and a second, or by the Zoning Official acting on behalf of the Mayor and City Council.
- (b) Amendments to the future development map, the zoning map, annexations, or modifications to conditions of approval may be initiated upon application by the owner of the subject property or the subject property owner's authorized agent.
- (c) Applications for special use permit approval may be filed by the owner of the subject property or the property owner's authorized agent.

#### **Section 94-240 – Pre-application Meeting.**

A pre-application meeting is required for all amendments.

#### **Section 94-241 - Application Filing.**

- (a) Owner-initiated applications for amendments shall be filed at City Hall.
- (b) No particular format is required for the City Council or Zoning Official to initiate an amendment, but they shall follow the process of any owner-initiated application except for the pre-application meeting in **Section 94-240**.

#### **Section 94-242 - Public Hearing Notices.**

Notice of required public hearings shall be provided as follows:

- (a) Each notice shall provide the following information:
  - (1) Time of hearing
  - (2) Place of hearing
  - (3) Purpose of request
  - (4) Location of property
  - (5) Present zoning
  - (6) Proposed zoning
- (b) Newspaper notice. Newspaper notice shall be published at least 30 days before but not more than 45 days before the date of the Mayor and City Council public hearings.
- (c) Posted notice. Posted notice (signs) shall be posted at least 30 days before but not more than 45 days before the date of the public hearing before the Mayor and City Council. City-initiated amendments shall not require posting of any signs.
- (d) Property owner notice. Mailed notice shall be made via USPS to the owner(s) of record on the Pickens County tax assessor online database at the time of the mailing at least 30 days but not more than 45 days before the date of the City Council public

hearing.

- (e) When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional notice requirements:
  - (1) City-initiated rezoning and/ or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
  - (2) Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
  - (3) Annexations.

#### **Section 94-243 - Staff Review.**

Upon receipt of a complete amendment application, City staff shall review the proposal and prepare an analysis and recommendation for consideration by the Planning Commission and Mayor and City Council. This review and analysis shall be transmitted to the Planning Commission and Mayor and City Council before their public hearings on the matter. The staff report shall also be made available to the applicant and the general public.

#### **Section 94-244 - Planning Commission Public Meeting and Recommendation.**

- (a) The Planning Commission shall hold a public meeting to consider all amendment applications. At the public meeting, City staff shall introduce the amendment request and outline its recommendation based on the criteria of **Section 94-246**. The applicant for the amendment shall have the right to present testimony and other evidence in support of the amendment request. Proponents and opponents of the amendment request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The Planning Commission may ask questions and seek clarification of any testimony or evidence presented.
- (b) Following the close of the public comment period and consideration of all testimony, documentary evidence, and matters of record, the Planning Commission shall act to recommend that the amendment be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 94-246 - Review and approval criteria**. The Planning Commission may also recommend deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
- (c) The Planning Commission may defer the application once for one period of up to 30 days or one (1) zoning cycle, whichever is longer, with the subsequent meeting date based upon the next available meeting on the approved calendar.
- (d) The Planning Commission's recommendation shall be transmitted to the Mayor and City Council. Neither the recommendation of the staff or the Planning Commission is binding on the Mayor and City Council.

### **Section 94-245 - City Council Public Hearing and Decision.**

- (a) The City Council shall hold a public hearing to consider all amendment applications. At the public hearing, City staff shall introduce the amendment request and outline its recommendation based on the criteria of Section 94-246 - Review and approval criteria. The applicant for the amendment shall have the right to present testimony and other evidence in support of the amendment request.
- (b) Proponents and opponents of the amendment request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The City Council may ask questions and seek clarification of any testimony or evidence presented.
- (c) When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing requirements:
  - (1) City-initiated rezoning and/ or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
  - (2) Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
  - (3) Annexations.
- (d) Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the City Council shall act to approve the amendment, approve the amendment with conditions, or deny the requested amendment. The Mayor and City Council is also authorized to defer action on the amendment, refer the application back to the Planning Commission for reconsideration, or allow the applicant to withdraw the amendment without prejudice.
- (e) The City Council's final decision shall be made within a reasonable period of time, but in no event more than 60 days from the date of the close of the hearing.

### **Section 94-246 - Review and Approval Criteria.**

The review and approval criteria shall be used in reviewing and taking action on all Amendment applications. No application for an amendment may be granted by the Mayor and City Council unless satisfactory provisions and arrangements have been made concerning each of the following considerations:

- (a) Zoning Map Amendments. The following review and approval criteria shall be used in reviewing and acting on zoning map amendments, including changing conditions to existing zoning:
  - (1) Whether the subject property under the proposed amendment is in conformity with the policies and intent of the adopted Comprehensive Plan for Pickens County, Jasper, Nelson and Talking Rock, as amended;

- (2) Whether the proposed amendment would allow a use that is generally suitable for the site compared to other possible uses and the uses and zoning of adjacent and nearby properties;
  - (3) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties;
  - (4) Whether the property to be affected by the proposed amendment can be used as currently zoned; and whether the value of the subject property are diminished by the current zoning;
  - (5) Whether the proposed amendment, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;
  - (6) Whether the property has been vacant as zoned and the length of time it has been vacant, if so;
  - (7) Whether the change requested is out of scale with the needs of the City as a whole or the immediate neighborhood;
  - (8) Whether adequate sites for the proposed use can be permitted on properties already appropriately zoned; and,
  - (9) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed amendment.
- (b) Comprehensive Plan and Future Development Map Amendments. The following review and approval criteria shall be used in reviewing and acting on all Comprehensive Plan and Future Development Map amendments:
- (1) Whether the Comprehensive Plan amendment proposal is compatible with the surrounding future land uses as identified in the Future Development Map;
  - (2) Whether the Comprehensive Plan amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water, and sewer;
  - (3) Whether the Comprehensive Plan amendment proposal negatively impacts natural and historic resources identified by the City;
  - (4) Whether the Comprehensive Plan amendment proposal is in the best interest of the City and the public good and whether the proposal protects the health and welfare of its citizens;
  - (5) Whether the property to be affected by the Comprehensive Plan amendment proposal has a reasonable economic use as currently designated on the Future Development Map; and
  - (6) Whether the land use amendment proposal meets the policies and intent established in the Comprehensive Plan for Pickens County, Jasper, Nelson and Talking Rock, as amended.
- (c) Text Amendments. The following review and approval criteria shall be used in reviewing and acting on all text amendments:

- (1) Whether the amendment is in conformity with the policy and intent of the Comprehensive Plan for Pickens County, Jasper, Nelson and Talking Rock, as amended; and
  - (2) Whether the proposed Zoning Ordinance text amendment corrects an error or inconsistency in the Zoning Ordinance, meets the challenge of a changing condition, or is necessary to implement established policy.
- (d) Special Permits. The following review and approval criteria shall be used in reviewing and acting on all special use permits, except for active adult living housing uses. Additional criteria for active adult living housing requests can be found in **Section 94-66(c)**.
- (1) Whether the subject property under the proposed special use is in conformity with the policies and intent of the adopted Comprehensive Plan for Pickens County, Jasper, Nelson and Talking Rock, as amended;
  - (2) Whether the proposed special use would allow a use that is generally suitable for the site compared to other possible uses and the uses and zoning of adjacent and nearby properties;
  - (3) Whether the change requested is out of scale with the needs of the City as a whole or the immediate neighborhood;
  - (4) Whether the establishment of the special use would impede the normal and orderly development of surrounding property for uses predominant in the area;
  - (5) Whether the location and character of the proposed special use would be consistent with a desirable pattern of development for the locality in general;
  - (6) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties;
  - (7) Whether the property to be affected by the proposed special use can be used as currently entitled; and whether the value of the subject property are diminished by the current permitted uses;
  - (8) Whether the proposed special use permit, if approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;
  - (9) Whether the property has been vacant as zoned and the length of time it has been vacant, if so;
  - (10) Whether the change requested is out of scale with the needs of the City as a whole or the immediate neighborhood;
  - (11) Whether adequate sites for the proposed use can be permitted on properties already appropriately zoned; and,
  - (12) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed special use.
- (e) Annexations. The following review and approval criteria shall be used in reviewing



and acting on all Annexations:

- (1) Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory;
- (2) Adequacy of access to the site;
- (3) Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
- (4) Adequacy and availability of the following public facilities and services to serve potential development at time of development;
  - a. Transportation. The urbanization of the site can be accommodated with existing transportation infrastructure in conjunction with proposed improvements. Any existing or proposed streets in the proposed annexation area shall be constructed or upgraded to City standards, whether those streets are public or private. Prior to annexation, a performance bond in accordance with **Section 94-168 - Performance guarantees**. is required to demonstrate compliance with these requirements. Actual improvements are required as soon as practicable upon annexation approval.
  - b. Sewer. The urbanization of the site can be accommodated based on current sewer capacity.
  - c. Water. The urbanization of the site can be accommodated based on current water capacity.
  - d. Stormwater. The urbanization of the site can be accommodated based on current stormwater capacity.
  - e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
  - f. Parks. The urbanization of the site can be accommodated based on current parks resources.
  - g. Schools. The urbanization of the site is analyzed for school capacity in a school forecast approved by Pickens County School District.
- (5) Demonstration of how the impacts of future development to City public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to City standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The City Council reserves the right to enter into a development agreement with the applicant that governs the extent and timing of infrastructure improvements;
- (6) The annexation is in the best interest of the City. Generally, the Council may consider the annexation is in the best interest of the City if it meets two or more of the following criteria:
  - a. It provides a needed solution for existing problems resulting from



insufficient sanitation, water service, public safety, code enforcement, or other urban service-related problems;

- b. It provides land for development to meet urban needs including jobs and/ or housing in an orderly and logical growth pattern;
- c. It fills in gaps in existing islands or other types of non-contiguous boundaries;
- d. It provides needed routes for utility and transportation networks.

(7) All natural hazards identified by the City, such as wetlands, floodplains, steep slopes and streams, including those mapped and unmapped by the City, County, State or other government agencies are identified;

(8) All historically designated and potentially eligible historic structures are identified;

(9) Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the Comprehensive Plan by urbanization of the subject property at time of annexation can be avoided or mitigated; and,

(10) The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy.

#### **Section 94-247 - Successive Applications.**

If an amendment application is denied, an application for an amendment affecting all or a portion of the same property may not be resubmitted for twelve (12) months from the date of the denial.

#### **Section 94-248 - Transfer.**

Approved amendments and special use permits and any attached conditions run with the land and are not affected by changes in tenancy or ownership.

#### **Section 94-249 - Modifying Conditions of Approval.**

Conditions attached to previously approved amendments may be modified in accordance with the following:

##### **(a) Minor Modification.**

(1) Modification of any of the following site plan characteristics, if attached as a condition of approval to an approved amendment, constitute a "minor modification" for purposes of interpreting this Section. For the purposes of this Section, a minor modification in the approved amendment means a slight alteration or change in layout, such as, but not limited to, small shifts in the location of buildings, streets, driveways, sidewalks, trails, utilities, easements or other similar features that do not negatively impact adjacent property, the public health and safety, the quality of materials, the appearance of the project, or the health and quality of the natural environment, including:

- a. The movement of any building or structure within the site, provided the movement of the structure is not closer to a property line or into a

- required buffer, landscape zone, sidewalk zone, or streetscape;
  - b. Any increase in the minimum size of residential units;
  - c. Any increase in the size of a required buffer or sidewalk;
  - d. Any decrease in building or structure height;
  - e. Any change in the proportion of floor space devoted to different authorized uses by less than 5 percent;
  - f. Any decrease in the land area of the subject property or project, provided it does not impact
  - g. other approved conditions; or
  - h. Any relocation of site features that do not exceed any other minor site modification thresholds.
- (2) The Zoning Official is authorized to approve minor modifications.
  - (3) Any request for a minor modification shall be made in writing to the Zoning Official. If an approved site plan exists, the request for minor modification shall be accompanied by a copy of the revised site plan.
  - (4) Modification of conditions attached to an approved amendment that are not classified as a minor modification constitute a “major modification” for purposes of interpreting this Section.
- (b) Major Modification.
- (1) Any modification request that exceeds the thresholds for a minor modification, or any modification the Zoning Official determined to be substantial enough to require City Council review, is considered a major modification.
  - (2) Any major modification of approved amendments shall be processed as a new amendment application in accordance with the procedures of this Division, including the requirement for fees, notices, and hearings.
  - (3) Any future alterations of conditions attached to an approved amendment shall be processed as a new amendment application in accordance with the procedures of this Article, including the requirement for fees, notices, and hearings.

## Sections 94-250—94-257 - Reserved

## Division 8.5 Concurrent Variances

### Section 94-258 - Authority.

The Mayor and City Council is authorized to consider and approve, approve with conditions, or deny variance applications that would otherwise require approval under **Division 8.2** simultaneously with any amendment or special use permit application. In such instances, the notices published and posted pursuant to **Section 94-242-Public Hearing Notices** shall also include notice that concurrent variances are being sought.

### Section 94-259 - Process.

- (a) The Planning Commission shall make a recommendation on the requested

concurrent variance in addition to its recommendation on the companion application.

- (b) The Planning Commission shall make its recommendation, and the Mayor and City Council shall take action on the concurrent variance request in a separate motion after acting on the companion application.
- (c) Any application for a variance that is not processed simultaneously with an amendment or special use permit application shall be processed as a separate variance request in accordance with the procedures of **Division 8.2**.
- (d) The public hearing may be conducted concurrently with the public hearing for the amendment.

#### **Section 94-260 - Review and Approval Criteria.**

In taking action on concurrent variance requests, the Planning Commission and Mayor and City Council shall apply the variance review and approval criteria of **Section 94-210 - Review and approval criteria**.

#### **Section 94-261 - Appeals.**

See **Division 8.7**.

### **Division 8.6 Appeals of Administrative Decisions**

#### **Section 94-262 - Applicability.**

The procedures of this Division apply to appeals of administrative decisions.

#### **Section 94-263 - Authority to File.**

Appeals of administrative decisions may be filed by any person aggrieved by, or by any City official, department, board or agency affected by any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance. A person may be considered aggrieved for purposes of this Section only if they are the applicant, the owner of the property that is the subject of the administrative official's decision, or they are a person with a substantial interest in the administrative official's decision who is in danger of suffering special damage or injury not common to all property owners similarly situated, as determined by the City Council.

#### **Section 94-264 - Application Filing.**

Applications for appeals of administrative decisions shall be filed with the Zoning Official within 15 days of the date of the order, requirement, or decision being appealed. Failure to act is not an order, requirement, or decision within the meaning of this Division. The appeal shall be scheduled to be heard at the next regularly scheduled City Council meeting for which required hearing notice can be provided, unless the applicant agrees to a later hearing date.

#### **Section 94-265 - Effect of Appeal.**

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the City Council, after the appeal is filed, that, because of facts stated in the certification, a stay

would cause imminent peril to life or property. In such a case, proceedings may be stayed only by a restraining order granted by the superior court on notice to the official whose decision is being appealed and on due cause shown.

#### **Section 94-266 - Record of Decision.**

Upon receipt of a complete application of appeal, the Zoning Official or other administrative official whose decision is being appealed shall transmit to the Mayor and City Council all papers constituting the record upon which the action appeal is taken.

#### **Section 94-267 - Hearing Notice.**

Mailed notice via USPS of the City Council hearing shall be provided to the following parties at least 30 days before the date of the City Council hearing.

- (a) Appellant;
- (b) If the appellant was not the original applicant for the decision being appealed, the original applicant; and.
- (c) Owner(s) of record on the Pickens County tax assessor online database at the time of the mailing, if different than the preceding notice requirements of this Section.

#### **Section 94-268 - Hearing and Decision.**

- (a) The City Council shall hold a public hearing to consider all appeals of administrative decisions. The only active participants are the appellant, the original applicant if other than the appellant, and the Zoning Official or other administrative official whose decision is being appealed. Participants in the meeting may present testimony, produce documentary evidence, and may cross examine testimony and evidence provided by another participant. The City Council may ask questions or seek clarification from any participant in the hearing.
- (b) Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the City Council shall make a decision. The decision shall be made within a reasonable period of time, but in no event, no more than 60 days from the date of the close of the hearing.
- (c) In exercising its powers, the City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. To that end, the City Council has all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all other applicable laws are met.

#### **Section 94-269 - Review Criteria.**

An appeal may be sustained only upon a finding by the City Council that the administrative official's action was based on an erroneous finding of a material fact or that the administrative official acted in an arbitrary manner.

#### **Section 94-270 - Appeals.**

See Division 8.7.

### **Division 8.7 Appeals**

### **Section 94-271 - Applicability.**

The procedures of this Division apply to all appeals not processed under **Division 8.6 - Appeals of Administrative Decisions.**

### **Section 94-272 - Authority to File.**

Any person aggrieved by a final decision of the Mayor and City Council may seek review in the Superior Court of Pickens County within 30 days of the date of the decision in accordance with the procedures established by Georgia law. A person is considered aggrieved for purposes of this Section only if the person or their property was the subject of the action appealed from, or the person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

### **Section 94-273 - Application Filing.**

Appeals of final quasi-judicial decisions of the City Council, as categorized by Georgia law, shall be by way of a petition for review pursuant to the Superior and State Court Appellate Practice Act (O.C.G.A. Section 5-3-1 et seq.) to the Pickens County Superior Court, with the petition for review filed within 30 days of the decision, and following the statutory procedures regarding a petition for review. All other final decisions of the City Council shall be appealed to the Pickens County Superior Court within 30 days of the date of the decision and in accordance with the procedures established by Georgia law.

### **Section 94-274 – Authority to Accept Service.**

The Zoning Official shall be authorized, without additional board or agency action, to accept service and/ or to approve or issue any form or certificate necessary to perfect the petition described in the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the City of Jasper City Hall.

### **Sections 94-275—94-284 - Reserved**

## **ARTICLE 9 | ADMINISTRATION AND ENFORCEMENT**

### **Division 9.1 Inspections**

#### **Section 94-285 - Right of Entry.**

- (a) Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Zoning Official shall be permitted to enter during all reasonable hours, or outside reasonable hours, in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Zoning Ordinance during the open period of any development or building permit.
- (b) Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Zoning Official may seek to enter, during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the

purpose of making inspections to determine compliance with the provisions of this Zoning Ordinance following issuance of a certificate of occupancy/ completion. Where consent is not given to entry, such City employees may seek a warrant to secure entry to the premises.

- (c) If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Zoning Official.
- (d) The owner or operator shall allow the Zoning Official ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography, and videotaping for ensuring compliance with the provisions of this Zoning Ordinance. The owner or operator shall allow the Zoning Official to examine and copy any records that are required under the conditions of any permit granted under this Zoning Ordinance.
- (e) The Zoning Official shall have the right to set up on any premises, property, or facility such devices as are necessary to conduct any monitoring and/ or sampling procedures.
- (f) The Zoning Official may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the City. The owner shall maintain this sampling and monitoring equipment at all times in a safe and proper operating condition or operator at their own expense.
- (g) Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/ or sampled shall be promptly removed by the owner or operator at the written or oral request of the Zoning Official and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (h) Unreasonable delays in allowing the Zoning Official access to a facility, property, or premises shall constitute a violation of this Zoning Ordinance.
- (i) If the Zoning Official has been refused access to any part of a premises, property, or facility and the Zoning Official is able to demonstrate probable cause to believe that there may be a violation of this Zoning Ordinance, or that there is a need to inspect and/ or sample as part of a routine inspection and sampling program designed to verify compliance with this Zoning Ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the City, then the Zoning Official may seek issuance of an inspection warrant from the municipal court.
- (j) The Zoning Official may determine inspection schedules necessary to enforce the provisions of this Zoning Ordinance.

#### **Section 94-286 - Inspection Warrants.**

- (a) The Zoning Official, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this Zoning Ordinance or observation, measurement, sampling or testing with respect to the provisions of this Zoning Ordinance.
- (b) Inspection warrants may be issued by the municipal court when the issuing judge is

satisfied that the department has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.

- (c) An inspection warrant shall be issued only if it meets the following requirements:
- (1) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
  - (2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;
  - (3) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and
  - (4) The warrant refers, in general terms, to the code provisions sought to be enforced.

## **Division 9.2 Enforcement**

### **Section 94-287 - Responsibility for Enforcement.**

- (a) If the Zoning Official determines that any violation of this Zoning Ordinance is taking place, or that a condition of zoning, variance, or other permit or administrative approvals are not complied with, the Zoning Official shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- (b) The written notice of violation shall at least contain the following information:
- (1) The name and address of the owner or responsible person;
  - (2) The address or other description of the site upon which the violation is occurring;
  - (3) A description of the nature of the violation;
  - (4) A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this Zoning Ordinance;
  - (5) The deadline or completion date of any such remedial actions or measures, to consist of not less than ten days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and
  - (6) A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.
  - (7) The name and contact information of the enforcement officer who drafted the Notice of Violation.
- (c) If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the



owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this chapter, provided that the Zoning Official may, at their discretion, extend the time for compliance with any such notice.

- (d) The Zoning Official also shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Zoning Official and shall under no circumstances be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in **Section 94-287(b)**. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Zoning Official, the Zoning Official may proceed with a notice of violation or other authorized enforcement action.

The Zoning Official also shall have the authority to extend the originally issued deadline for compliance by up to 6 months, if it is established to the Zoning Official's satisfaction that the responsible party is:

- (1) Acting in good faith to comply with the notice by taking incremental action to remedy the situation; and,
  - (2) Is unable to comply with the original deadline presented due to financial, medical, or legal hardship or another extenuating circumstance.
- (e) Appeals of notices of violation shall be made pursuant to the process outlined in **Division 8.6- Appeals and Administrative Decisions**.

#### **Section 94-288 - Stop work Orders and Revocations.**

The Zoning Official may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

#### **Section 94-289 - Other Enforcement.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of, any one or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Zoning Official shall first notify the applicant or other responsible person in writing of its intended action as provided in **Section 94-287(b)**. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Zoning Official may take any one or more of the following actions or impose any one or more of the penalties provided in **Section 94-290**:

- (a) Withhold certificate of completion/ occupancy. The Zoning Official may refuse to issue a certificate of completion/ occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has



otherwise cured the violations described therein.

- (b) Suspension, revocation, or modification of permit. The Zoning Official may suspend, revoke or modify the permit authorizing the project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Zoning Official may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations

## **Section 94-290 - Penalties for Violations**

- (a) Civil penalties. Where authorized by statute, in the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described by the specified deadline or completion date, the City may impose a penalty not to exceed \$1,000.00 (for each day the violation is not remedied after the specified deadline or completion date
- (b) Criminal penalties. The Police Department or Zoning Official may issue a citation to the applicant or other responsible person, requiring such person to appear in the municipal court of the City to answer charges for such violation. Upon conviction, a fine not to exceed \$1,000.00 or imprisonment for 60 days or both shall punish such person. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

## **Sections 94-291—94-295 - Reserved**

### **Division 9.3 Nonconformities**

#### **Section 94-296 - Purpose.**

Within the districts established by the Zoning Ordinance and in other provisions and amendments thereto, there exist lots, uses of land, structures, and development features that were lawfully established before the Zoning Ordinance was adopted or amended, but that would be prohibited under the terms of this Ordinance or future amendment. They are collectively referred to herein as “nonconforming situations.”

#### **Section 94-297 - Determination of Nonconforming Situations.**

- (a) Nonconforming structures include nonconforming buildings. An example of a nonconforming structure would be a building that was legally permitted prior to the enactment of this Ordinance or prior to annexation that now fails to meet the regulations established in this Zoning Ordinance.
- (b) An example of a nonconforming use of land would be a food processing plant that is located in a C-1 district. It was legally permitted in the M-1 district in 1982; however, the use is not permitted in the current C-1 district.
- (c) Common examples of nonconforming development features are off-street parking or loading areas that contain fewer spaces (or more, in the case of parking maximums) than required by current regulations and sites that do not comply with current landscaping or screening requirements.
- (d) Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the

intent of the City to require the cessation of certain of these nonconforming situations and to allow others to continue on a limited basis until they are otherwise removed or cease. Furthermore, the City intends that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this Zoning Ordinance, and that such nonconforming situations not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

#### **Section 94-298 - Increase of Nonconformity Prohibited.**

Unless otherwise specifically authorized in this Division, no nonconforming situation shall be enlarged, expanded, moved, or otherwise altered in any manner that increases any aspect of the existing degree of nonconformity.

#### **Section 94-299 - Burden of Nonconforming Status.**

- (a) The burden of proving a nonconformity was lawfully established rests entirely with the subject landowner.
- (b) A preponderance of evidence shall be provided by the subject landowner and be sufficient to show that the nonconformity was lawfully established before adoption of the subject regulations. Evidence shall also indicate that the nonconformity has been continuous and that the situation has not lost its nonconforming status. Examples of reliable evidence include: occupational tax certificates; building permits; zoning compliance permits; City and County billing records; utility billing records; assessment, tax or rent records; and directory listings.
- (c) The Zoning Official shall determine whether adequate proof of nonconforming status has been provided by the subject landowner.

#### **Section 94-300 - Nonconforming Lots of Record.**

- (a) An undeveloped lot that has an area, frontage, or other characteristic that does not conform to the requirements of the district in which it is located but was legally subdivided as a lot of record at the time it was permitted may be used for any use allowed in the zoning district in which it is now located; however, any use or structure built on this lot subsequent to the enactment of this Zoning Ordinance and any further subdivision of this lot or combination of this lot with another lot shall conform to all other standards of this Zoning Ordinance
- (b) Where land is taken for public purposes from a lot of record that was conforming at the time of such taking but becomes nonconforming due to said taking, the lot remaining shall be construed as a nonconforming lot of record.

#### **Section 94-301 - Nonconforming Uses.**

A nonconforming use of land may be continued so long as it is and remains otherwise lawful subject to the following provisions:

- (a) No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land or floor area than was occupied prior to the date of adoption or amendment of the Zoning Ordinance making such use nonconforming.
- (b) Unless otherwise specifically authorized, no nonconforming use of land shall be moved, enlarged, or extended, in whole or in part, onto any portion of the lot or parcel other than that portion occupied by such use prior to the date of

adoption or amendment of the Zoning Ordinance making such use nonconforming.

- (c) If any nonconforming use of land is discontinued for any reason for six (6) months, any subsequent use of land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.
- (d) Vacancy or non-use shall constitute discontinuance regardless of the intent of the owner, tenant, or lessee. Such restriction shall not apply for any period of time that such cessation is a direct result of governmental action impeding access to the premises.

#### **Section 94-302 - Nonconforming Structures.**

- (a) A nonconforming structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:
  - (1) No nonconforming structure may be enlarged or altered in a way which increases any aspect of its existing degree of nonconformity, but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.
  - (2) Should any nonconforming structure or nonconforming portion of structure be destroyed by any means except through a willful act of the owner or tenant, to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance. Should such structure or portion thereof be so destroyed to an extent of 50 percent or less of its replacement cost at the time of destruction, it may be reconstructed, provided said reconstruction does not increase any aspect of the previously existing aspect of nonconformity, and said reconstructed structure is used for a permitted use or a nonconforming use that is authorized by the requirements of **Section 94-301 – Nonconforming uses**.
  - (3) A nonconforming structure may be moved on its own lot only if such movement reduces the degree of nonconformity or eliminates such nonconformity.
  - (4) Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - (5) In cases where land is taken for public purposes from lots of record that are conforming at the time of such taking in such manner as to reduce setback(s) previously provided in relation to a portion of a structure below setback requirements applicable within the district, the portion of the structure involved shall be construed to be nonconforming.
- (b) Unsafe buildings. Nothing in this Zoning Ordinance shall prevent the maintenance, strengthening, or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Official or other proper authority.

#### **Section 94-303 - Nonconforming Development Features.**

- (a) Nonconforming development features may remain, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this Zoning Ordinance.
- (b) No change to any nonconforming development feature shall be made which increases the degree of nonconformity with the requirements of the Zoning Ordinance, but changes may be made which result in the same or a lesser degree of nonconformity. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking, loading or other development features that is required by the regulations for the current district, the deficiency thus created shall be construed as a nonconforming development feature.

## Sections 94-304—94-310 - Reserved

## ARTICLE 10 | TERMINOLOGY AND DEFINITIONS

### Division 10.1 Language of Interpretation

#### Section 94-311 - Meanings and Intent.

- (a) Except as defined herein, all other words used in this Zoning Ordinance shall be defined in accordance with the American Planning Association (APA), *A Planners Dictionary*, published April 1, 2004, as interpreted by the Zoning Official. For terms not found in *A Planners Dictionary*, words used shall be defined in accordance with *Merriam-Webster's Collegiate Dictionary, 11th Edition*, as interpreted by the Zoning Official and to be read in context with the purposes and provision of the span of the chapter it is being used to define.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the term "structure" shall include the term "building"; the term "shall" is mandatory and not discretionary.
- (c) References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular City government working days, excluding Saturdays, Sundays, and holidays observed by the City. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day is excluded. A day concludes at the close of business of City Hall, and any materials received after that time will be considered to have been received the following day.

#### Section 94-312 - Delegation of Authority.

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that department head, officer, or employee is authorized to delegate the assigned responsibility to other individuals over whom they have authority. This includes the identification of the Zoning Official or other position throughout the Chapter.

#### Section 94-313 - Terminology and Definitions.

***Accessory structure.*** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

**Active Adult Living.** Refer to “Senior Housing” definition herein.

**Addition (to an existing building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

**Adult business means the following:**

- (a) Any business which is conducted exclusively for the patronage of adults and to which minors are specifically excluded from patronage there either by law or by the operators of such business;
- (b) Any business where employees or patrons expose specified anatomical areas or engage in sexual activities as defined by a separate ordinance of the City; or
- (c) Any other business or establishment which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to sexual activities or anatomical areas.
- (d) Sexually oriented businesses are adult bookstores, adult video stores, adult dancing establishments, adult mini-motion picture theaters, adult motion picture arcade, adult video store, erotic dance establishment, or escort service, as those terms are defined in Chapter 6, Adult Entertainment, of the Municipal Code.

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

**Alteration.** Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use from that of one district classification to another; or, any movement of a building from one location to another.

**Apartment.** See Dwelling, multifamily.

**Aquifer.** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**Bed and breakfast home.** Rooms for rent that are within a single-family dwelling which:

- (a) Is occupied by the owner as their principal residence;
- (b) The same rental occupants shall not reside at for more than seven (7) consecutive days;
- (c) Breakfast is the only meal served and only to registered overnight guests;
- (d) No person who is not a resident on the premises is employed;
- (e) The exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and
- (f) The identification sign is no larger than two square feet and not internally lighted.

**Bed and breakfast inn.** A building, not necessarily owner occupied, that offers transient lodging accommodations and breakfast for four or more guestrooms for compensation; provided that:

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

**Boardinghouse.** A dwelling, permanently occupied by the owner or operator, where sleeping accommodation and meals, served upon the table, family style with no provision for cooking in any of the occupied rooms, are provided for five (5) or more persons not of the same family by prearrangement for definite periods and for compensation.

**Brewery/ distillery/ winery.** An industrial facility where malt, brewed or distilled beverages are produced (in spaces in excess of the micro-producer limits) on the premises and then sold or distributed for on- or off- premises consumption and must be licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue.

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

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

**Building height.** The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the top of the highest ridge of a gable, hip, or gambrel roof.

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

**Caliper.** Diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch caliper size.

**Cemetery, private.** Any plot of ground, building, mausoleum, other enclosure used for the burial of deceased persons of one collateral line of descent.



***Cemetery, public.*** A plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

***Cemetery, religious institution.*** A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of the religious institution.

***Child care center, group.*** A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours a day on a regular basis for compensation; serves seven to 18 persons and is licensed by the state.

***Child care facility.*** A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours per day on a regular basis for compensation; serves 19 or more persons and is licensed by the state; for children, the outdoor play area shall be enclosed by a fence of not less than four feet in height in the rear yard only. For the purposes of this chapter, the term "child care" shall include but not be limited to the terms "day care," "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school" and "preschool."

***Child care home, family.*** A customary home occupation which provides, for six or less persons who are not residents of the premises; care and supervision by a state registered resident adult for less than 24 hours per day on a regular basis for compensation.

***Child-caring institution.*** Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes, and that is licensed by the state department of human resources as a child-caring institution.

***City.*** The City of Jasper, located in Pickens County, Georgia.

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

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

***Community living arrangement.*** Any dwelling, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities (DBHDD).

**Comprehensive plan.** The Joint Pickens County-Jasper-Nelson-Talking Rock Comprehensive Plan as adopted and as may be subsequently amended by the County and the Cities of Jasper, Nelson, and Talking Rock.

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

**Craft Beer.** An alcoholic beverage that is obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing six (6) percent or more alcohol by volume and including ale, porter, brown stout, lager, beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

**DBH (diameter breast height).** The diameter of a tree 4.5 feet above average ground level.

**Direct light.** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

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

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

**Dwelling.** A building which is designed or used exclusively for residential purposes, including single-family, and multifamily residential buildings, rooming houses and boardinghouses, fraternities, sororities, dormitories, or industrialized homes, but not including hotels and motels.

**Dwelling, apartment.** See Dwelling, multifamily.

**Dwelling, Dense residential in-fill.** A single-family detached dwelling having one dwelling unit which is designed or used exclusively for single-family residential purposes, primarily being a detached site-built home, except as provided otherwise herein, and designed for in-fill development on small lots (being a standard lot size of at least 7,260 square feet, except as otherwise allowed herein) within appropriate existing urban residential areas within the City.

**Dwelling, multifamily.** A building or set of buildings containing a group of dwelling units on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings where such units extend from the lowest level to the roof.

**Dwelling, single-family, attached.** A residential structure designed to house a single-family dwelling unit from lowest level to roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall adjoining dwelling units.



This term includes duplexes, triplexes, and townhouses, either fee simple or condominium-owned.

***Dwelling, single-family, detached.*** A residential structure designed to house a single-family dwelling unit located on an individual lot which is not attached to any other dwelling unit by any means.

***Dwelling unit.*** One or more rooms located within a building and forming a single habitable unit with individual permanent sanitary and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes. Units in motels or other structures designed for transient residents are not included.

***Dwelling, zero lot line.*** A development of single-family detached dwellings in which one interior side yard may be lawfully reduced to zero on any lot for the purpose of creating larger, more usable, and more easily maintained yard spaces, particularly on smaller lots.

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

***Environmental conservation district.*** An environmental conservation district map overlay that imposes a set of requirements in addition to those of the underlying zoning district.

***Existing construction.*** Any structure for which the start of construction commenced before the effective date of the Ordinance from which this chapter is derived.

***FAA.*** The Federal Aviation Administration.

***Family.*** An individual, or two or more persons related by genetics, adoption, or marriage, or a group of four (4) or fewer persons who are not related by genetics, adoption, or marriage.

***Farming.*** The business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring and harvesting the crops.

***FCC.*** The Federal Communication Council.

***Fixture.*** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/ or a refractor or lens.

***Flea market.*** A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

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

***Floor area, gross.*** The gross heated areas of all floors, measured from the exterior faces

of the building.

**Food Hall.** Establishments consisting of three or more individually-licensed businesses within an enclosed building where food and beverages may be consumed on the premises, taken out, or delivered, and may also include small retail venues. Patrons may be served while seated and pay after eating, or orders may be made at a walk-up window, counter, machine, or remotely, and payment made prior to food consumption. Characteristics of food halls include but are not limited to: shared entrance/ lobby areas, compartmentalized spaces for individually licensed businesses, shared eating areas, shared restrooms, and shared "back of house" areas (e.g. storage, dishwashing, food preparation). Each compartmentalized space may have access to the exterior of the building, along with outdoor dining and seating areas, which may be shared with other businesses within the establishment.

**Footcandle.** A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. One footcandle (FC) is the equivalent of 10.76 Lux (1 Lux = 0.0929 FC).

**Frontage, street.** The distance a lot abuts on a street; the front lot line.

**Full cutoff luminaire.** Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture at angles above the horizontal plane.

**Funeral home.** A building used for human services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and the indoor storage of funeral vehicles. In addition, the actual cremation of the dead may occur within the building or accessory building.

**Garage, general service.** A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or incidental short-term storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles, to which repairs are not intended to be made.

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

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.

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

**Greenspace.** Naturalized area or areas set aside for alternate purposes other than roads or residences to be approved as part of the overall site plan prior to commencement of construction.

**Group home.** Residential occupancy of a dwelling other than a "household," typically

providing communal kitchen/ dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes, personal care homes, child-caring institutions, community living arrangements, homeless shelters, supportive living, and transitional housing facilities.

**Growler.** A properly sanitized reusable bottle made of glass or other material customary to the industry provided that the bottle is capable of being sealed with a screw cap and then sealed with a plastic collar over the screw for the purpose of complying with open container laws, and further provided that the bottle does not exceed sixty-four (64) ounces and is filled by a licensee or employee of the licensed establishment with craft draft beer from a keg for off-premises consumption.

**Hardship.** An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the City.

**Hazardous waste.** Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA) pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 CFR 261.

**Health department.** The County health department and/ or the state Department of Human Services.

**Health officer.** The legally designated health authority of the county, the state, or an authorized agent.

**Homeless shelter.** The provision of overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.

**Home occupation.** An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the provisions of these regulations.

**Hotel.** A building offering overnight sleeping accommodations for travelers with ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Such use has 80 percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, 24-hour desk/ counter clerk service, and a telephone switchboard service to receive incoming/ outgoing messages, and shall comply with the applicable requirements of the county health department and O.C.G.A. § 31-28-1 et seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

**Illuminance.** The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or footcandles.

**Impervious surface.** A man-made structure, surface, or material which prevents the

infiltration of stormwater into the ground below the structure, surface, or material. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

***Impervious Surface Ratio (ISR):*** The impervious surface ratio equals the total area of impervious surfaces divided by the net area (excluding the right-of-way of any public or private road) of the lot.

***Industrialized home.*** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the Industrialized Building Act, 1982 Ga. Laws 1982, pp. 1637—1643 (O.C.G.A. §§ 8-2-110—8-2-121).

***Industrial use,*** Activities that involve manufacturing, processing, fabrication, assembly, freight, handling, or similar operations, provided the operation of such use complies with all standards and limitations listed herein for the zone in which it is located.

***Institution.*** A public or semipublic building occupied by a governmental entity, nonprofit corporation or nonprofit establishment for public use.

***Isofootcandle plan.*** A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

***Junk.*** Wrecked or inoperative (whether repairable or not) motor vehicles, scrap copper, scrap brass, scrap rope, scrap glass, scrap rags, scrap metal, scrap paper, scrap batteries, scrap appliance, scrap beds and bedding, scrap rubber, scrap tires, scrap motor vehicle parts, scrap furniture, scrap wood, scrap building materials, scrap tools or other used materials that have been abandoned from their original use but may or may not be used again in their present form or in a new form.

***Junkyard.*** Any such use involving the storage of disassembly of wrecked automobiles, trucks, or their vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, commercial/ residential appliances, used paper, used cloth, used plumbing fixtures and used brick, wood or other building materials. Such uses shall be considered junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to other uses of the premises. A junkyard shall be presumed to exist if two or more inoperative motor vehicles are maintained for more than 45 days, except vehicles being held pursuant to a law enforcement agency impoundment; however, this presumption may be rebutted if no part of the motor vehicle is outside of a completely enclosed building and no part of the motor vehicle can be viewed from any portion of any adjoining property, road, or street.

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

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

**Light trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Lot.** A portion or parcel of land separated from other portions or parcels by a legal subdivision process based on an approved subdivision plat of record and intended for use, transfer of ownership, or for building development.

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

**Lot, flag.** A lot that sits behind lots which face directly onto a street with access provided to the bulk of the lot by means of a narrow corridor, whether providing the minimum amount of street frontage and width or not.

**Lot, frontage.** The length of the front lot line measured at the right-of-way line for the abutting street,

**Lot of record.** A lot which exists prior to the adoption or subsequent amendment of the Ordinance from which this chapter is derived, as shown or described on a plat or deed in the records of the local registry of deeds.

**Lot, through.** A lot other than a corner lot abutting two streets.

**Lot width.** The width of the lot at the front building setback line.

**Luminaire.** A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.

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

**Mayor and City Council.** The Mayor and City Council for the City of Jasper, Georgia. May also be referred to as City Council or Council.

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

**Modular home.** Any structure which meets the requirements of 24 C.F.R. § 3282.12(b) and the certification requirements of 24 C.F.R. § 3282.12(c), (d) and (e).

**Motel.** A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has 80 percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, 24-hour desk/ counter clerk service, and a telephone switchboard service to receive incoming/ outgoing messages, and shall comply with the applicable requirements of the county health department and O.C.G.A. § 31-28-1 et seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

**Multifamily dwelling.** See Dwelling, multifamily.

**Neighborhood center.** A building or facility used to provide recreational, social, educational and cultural activities for an area of community, which is owned and operated by the management agency of that community, or the homeowners' association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

**New construction.** Any structure for which the start of construction commenced on or after the effective date of the Ordinance from which this chapter is derived.

**Nonconforming use.** The use of any building or land which was lawful at the time of passage of the Ordinance, or amendment thereto, from which this chapter is derived, but which use does not conform, after the passage of the Ordinance, or amendment thereto, from which this chapter is derived with the regulations of the district in which it is situated.

**Nursery school.** See Kindergarten.

**Nursing home.** An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.

**Official Zoning Map.** The zoning map adopted by reference with the Zoning Ordinance, signed by the Mayor, attested to by the City Clerk, and on file in the Office of the City Clerk, as amended per the provisions of this Zoning Ordinance.

**On-site sewerage management system.** See Sewerage management system, on-site.

**Outdoor lighting.** The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Open Space.** Any parcel or area of land or water that is undeveloped land, a naturally landscaped area, or programmed spaces that is set aside, dedicated, or reserved for the enjoyment of property owners, occupants, property guests, and/ or the general public for recreational or conservational purposes.

**Parking area.** An open, unoccupied space used or required for temporary parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold, or no other business is conducted.

**Parking lot.** An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no



vehicles are to be equipped, repaired, or sold.

***Parking space.*** A space, enclosed or unenclosed, permanently reserved for the temporary storage of one vehicle and having access to a street or alley.

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

***Permit.*** Any written authorization for building, construction, alteration, development, occupancy, or other matter required by this chapter to be approved by a designated commission, board, official, or employee. The person to whom such permit is issued shall be known as the permittee or applicant.

***Personal care home.*** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. Personal care homes cannot provide nursing or other medical services, with the exception that those services defined specifically as "personal services" may be conducted by nurses or other appropriate medical personnel or admit and retain residents who need continuous medical or nursing care.

***Community personal care home.*** A personal care home that offers care to eight or more persons.

***Family personal care home.*** A personal care home that offers care to at least one but not more than four persons.

***Group personal care home.*** A personal care home that offers care to at least five but not more than seven persons. The term "personal care home/ facility" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

***Pervious Surface.*** Any material or surface which does not impede the infiltration of stormwater into the soil beneath such material or surface, i.e., material or surface through which water can run. Gardens, forests, vegetated areas, permeable concrete, and permeable asphalt are examples of pervious surfaces.

***Place of worship.*** A religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the County tax assessor.

***Planning Commission.*** The City of Jasper Planning Commission.

***Plat.*** A map, plan, or layout of a county, city, town, lot, section, subdivision, or development indicating the location and boundaries of properties.

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



**Principal building.** A building in which is conducted the main or principal use of the lot in which said building is situated.

**Principal use.** The primary purpose for which land or a building is used.

**Private land.** All lands and buildings not owned by government.

**Public recreational park.** Any park, playground, baseball field, tennis court, softball field, basketball court, ball field, bicycle area including mountain bike trails and paths, green space or green place owned and operated by the City of Jasper, Georgia, and to which the general public has access and a right to frequent for business, entertainment, recreation, or for other lawful purposes, and which has been either deeded to or dedicated to public use or ownership. The term "public recreational park" also includes any building, structure, or improvement owned and operated by the City of Jasper, Georgia for recreational purposes and includes but is not limited to indoor recreational facilities, skateboard areas, and any public sidewalks abutting any park, playground, or place described in this definition.

**Recorded plat.** A plat recorded in the office of the clerk of superior court of the county.

**Recreational vehicle.** A vehicle that is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty vehicle; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use or any landscape utility trailers, horse trailers, storage trailers, campers, fifth-wheel trailers, travel trailers, pop-up campers, transport trailers, mobile offices, and boat trailers.

**Redevelopment.** Any project which increases gross floor area by 50% or more, or any project where the cost of remodeling is greater than the assessed value of the existing site improvements as shown on the applicable county assessment and taxation records for the current year.

**Retaining wall.** Any structure constructed and erected between lands of different elevations to protect structures and/ or to prevent erosion.

**Right-of-way.** An area or strip of land, either public or private, on which a right of use has been recorded. A right-of-way, as distinguished from an easement, is owned in fee simple title by the city or other government, a duly organized homeowners' or property owners' association, or any other person.

**Right-of-way line.** The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

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

**Safety lighting.** Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.

***Sanitized, properly.*** In reference to Growlers, it means the container was: sanitized per the instructions of Star San sanitizer or any product that is the equivalent of Star San sanitizer; or, placed in an oven at a temperature of 340 degrees or higher for at least sixty (60) minutes; or, washed in an automatic dishwasher for a full wash and heat dry cycle with or without the addition of detergent agents; or, sanitized in conformance with the sanitation requirements for glassware used in restaurants as set forth in the rules or regulations of the Pickens County Health Department.

***Senior housing. Also known as Active Adult Living Housing.*** A residential facility that is constructed, substantially rehabilitated, or substantially renovated for the purpose of housing persons aged 55 years or older.

***Service station.*** Any building, structure, or land use primarily for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, but not including major repair work such as motor overhaul, body and fender repair or spray painting.

***Setback.*** The mean horizontal distance between the front street right-of-way line and the front line of the building or the allowable building lines as defined by the front yard regulations of this chapter.

***Sewerage management system, on-site.*** A septic tank, seepage tile sewage disposal system or any other sewerage management system other than a public or community sewerage system, serving single or multiple buildings, residences or other facilities designed for human occupancy or congregation, as approved by the County Board of Health.

***Sewerage treatment system, public.*** A municipal or community sewerage treatment system, including pipelines or conduits, pumping station, force mains and all other constructions, devices, and appliances appurtenant thereto, designed for treating or conducting sewerage for treatment and disposal into lakes, streams or other bodies of surface water.

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

***Sign.*** A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business located on the premises. Story means that portion of a building between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.

***Special use.*** A use not ordinarily permitted but which may be permitted upon additional review based on the particular characteristics of the proposed use and property and surrounding properties related to the promotion of the public health, safety, morals, or general welfare. This additional review is designed to minimize the negative impact on the surrounding properties and value. A special use must be approved as specified through the Special Use Permit requirements of **Division 8.4**. Since a special use is not ordinarily permitted, and only allowed after approval

of the requirements of **Division 8.4** as provided herein, the decision to allow a special use is a legislative decision by the Mayor and Council.

***Spite strip.*** A piece of land used to separate a street or road rights-of-way from adjoining property and whose primary purpose is to preclude access to such rights-of-way.

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

***Stream bank.*** The rising ground, bordering a stream, which serves to confine the water to the natural channel during the normal course of flow.

***Street.*** A public or private vehicular transportation route and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, or boulevard.

- (a) Minor or local street. Street used primarily for access to the abutting properties and serving travel demands in the immediate area.
- (b) Collector streets. Streets bringing traffic to arterials or interconnecting arterials. They provide for relatively easy movement at moderate speeds from homes and businesses to arterials.
- (c) Thoroughfare or arterial streets. Streets which function to move high volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

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

***Subdivision.*** The division, redivision, or separation of one parcel of land into two or more parcels, lots, building sites, or other divisions of land whether for the purpose of sale, legacy, or building development.

***Supportive living.*** Four or more dwelling units in a single building or group of buildings that are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and that does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

***Tower, telecommunications.*** Any physical component utilized in the provision of all types of telecommunications services, including all telecommunication support structures, alternative telecommunication support structures, antennas, equipment, infrastructure apparatus, base support mechanism, accessory equipment, towers, monopoles, small cell installations, and physical attachments necessary for the

provision of such telecommunications services.

- (a) ***Freestanding structure.*** Any freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication equipment; this term shall include self-supporting, guyed, and monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, alternative telecommunication support structures, and other similar structures.
- (b) ***Co-location.*** The placement or installation of a new antenna, including new small cell wireless technology on the property of a legally existing tower, structure, or building, or, if on a right-of-way, that of a utility or other franchisee legally existing in the public right-of-way. Such term includes the placement of accessory equipment within an existing equipment compound.
- (c) ***Alternative telecommunication support structure.*** Clock telecommunication support structures, bell telecommunication support structures, church steeples, light/ power poles, electric transmission telecommunication support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or telecommunication support structures. An alternative telecommunication support structure may include a pre-existing building.

***Townhouse.*** A single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each separated from the adjoining unit by approved fire-resistant party walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door which opens to the outdoors with no access between adjoining units.

***Trailer.*** Any non-motorized vehicle or wheeled attachment designed to be towable and intended to be used as a mobile home. Vehicles or trailers defined as recreational vehicles are not considered trailers.

***Transitional housing facility.*** The provision of long-term but not permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance as licensed and regulated by the Georgia Department of Community Supervision.

***Tree.*** A woody perennial plant having a single (usually elongate) main stem including, but not limited to, a shrub or vine of arborescent form.

***Universal design.*** A method of design that allows aging in place by creating an environment that can be used by everyone, regardless of age or physical condition.

***Utility.*** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways,

bridges, river/ lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

***Vape shop.*** Any business whose principal product line for retail sale is alternative nicotine products or vape juice or both. For the purposes of this Chapter, alternative nicotine products refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongos, and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar or electronic pipe. For the purposes of this Chapter vape juice refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food grade flavoring, and water, and can be used for vaping by means as an alternative nicotine product. For the purposes of this Chapter, “principal” shall mean that alternative nicotine products, vape juice, or both constitute at least 25 percent of the business’s aggregate retail sales.

***Water system, public.*** A system, owned and operated by a city, county, or a legislatively-created authority, for the provision to the public of piped water for human consumption, if such system has at least 15 service connections, or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Rules for Safe Drinking Water (Ga. Comp. Rules and Regs. 391-3-5 et seq.).

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

***Wine.*** Any alcoholic beverage containing not more than twenty-one (21) percent alcohol by volume, which is made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. The term ‘wine’ includes, but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, etc. The term ‘wine’ does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed a wine at the point in the manufacturing process when it conforms to this definition.

***Wine specialty shop.*** Means a retail establishment which has both package sales of wine and limited consumption on the premises of wine or craft beers, cigars, and related merchandise as per the conditions of Section 94-68, as amended.

***Wing wall.*** A wall that is constructed and poured at the same time as the building foundation and is structurally a part of the building foundation. A wing wall is not a retaining wall.

***Yard.*** An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.

***Yard, front.*** An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the right-of-way line and the front line of the building projected to the side lines of the lot.

***Yard, rear.*** An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

***Yard, side.*** An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

***Zone, overlay.*** A district which applies supplementary regulations to land which is classified into a specific zoning district.

***Zoning.*** The power of the City to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones.

***Zoning Official.*** The agent for, or the employee of the City of Jasper, Georgia, designated by resolution of the City Council to be the Zoning Official for the City of Jasper, Georgia, and who shall perform the duties as set out within this Zoning Ordinance, including but not limited to enforcement of the Zoning Ordinance. The City Council can designate the City Manager, the Mayor, or other proper agents, including but not limited to independent third-party contractors to be the Zoning Official, and by way of the authorizing resolution authorize the designated agent to delegate one or more duties of the Zoning Official to an appropriate designee or designees.

***Zoning Ordinance.*** The Zoning Ordinance adopted by the Mayor and City Council of the City of Jasper, Georgia and updated pursuant to the process outlined herein.

## **Division 10.2 Appendix**

### **Section 94-314 - Allowable Street Tree Species List.**

#### **(a) Native Understory Street Trees**

Acer barbatum Southern

sugar maple Carpinus

caroliniana Iron wood

Cercis canadensis Eastern

redbud Crataegus viridis

'Winter king' hawthorn

Nyssa sylvatica Black  
tupelo

Ostrya virginiana Hop hornbeam

(b) Native Overstory

Street Trees Acer

rubrum Red

maple carya spp.

Hickory

Celtis laevigata

Sugarberry

Fraxinus spp.

Ash Quercus

alba White oak

Quercus coccinea

Scarlet oak Quercus

falcata Southern red

oak Quercus

hemisphaerica Laurel

oak Quercus nigra

Water oak

Quercus phellos

Willow oak Quercus

prinus Chestnut oak

Quercus rubra

Northern red oak

Quercus shumardii

Shumard oak Sabal

palmetto Palmetto

palm

(c) Native and non-native Trees for Compacted Urban Soils

Acer ginnala Amur

maple Acer

campestre Hedge



maple

*Acer negundo* Boxelder (single  
stem forms)

*Acer nigrum* Black  
maple

*Acer platanoides*

Norway maple

*Acer rubrum* Red maple

*Acer saccharinum* Silver maple

(single stem forms)

*Acer saccharum*  
Sugar maple

*Alnus glutinosa* European

black alder

*Betula maximowicziana* Monarch

birch

*Betula nigra* River

birch

*Callistemon viminalis* Weeping

bottlebrush

*Celtis occidentalis*

Hackberry

*Crataegus crus-galli* Cockspur

hawthorn

*Crataegus phaenopyrum*

Washington hawthorn

*Fraxinus excelsior* European ash (plant only in

non-EAB areas)

*Fraxinus quadrangulata* Blue ash

(plant only in

non-EAB areas)

*Fraxinus pennsylvanica* Green ash

(plant only in non-EAB areas)

*Fraxinus tomentosa*

Pumpkin ash (plant only in non-EAB areas)

*Gleditsia*

*triacanthos inermis* Honeylocust

*Larix decidua* European

larch

*Melaleuca linariifolia*

Flaxleaf paperbark

*Nyssa*

*sylvatica* Sour gum

*Pinus flexilis* Limber pine  
*Pittosporum undulatum*  
 Victorian box  
*Populus deltoides* Cottonwood  
 (single stem forms)*Quercus bicolor*  
 Swamp white oak  
*Quercus macrocarpa* Bur oak  
*Quercus muehlenbergii* Chinquapin oak  
*Quercus palustris* Pin oak (plant only  
 in acidic areas)*Quercus rubrum*  
 Northern red oak  
*Quercus shumardii*  
 Shumard oak  
*Quercus texana*  
 Texas red oak *Salix*  
*nigra* Black willow  
*Taxodium distichum*  
 Baldcypress  
*Thuja occidentalis* Northern white cedar  
*Tilia cordata* linden (select  
 'Greenspire' 'Redmond' cultivars)*Ulmus*  
*americana* American elm  
*Ulmus japonica*  
 Japanese elm  
*Ulmus parvifolia*  
 Lacebark elm

(d) Native Evergreen Trees

*Gordonia lasianthus*  
 Loblolly bay *Ilex*  
*opaca* American  
 holly  
*Ilex vomitoria* Yaupon holly  
*Magnolia virginiana* Sweet bay magnolia

Persea borbonia Redbay  
Pinus virginiana  
Virginia pine Prunus  
caroliniana Cherry  
laurelJuniperus  
virginiana Red cedar  
Magnolia grandiflora Southern magnolia  
pinus elliottii Slash pine  
Pinus palustris  
Longleaf pine Pinus  
strobus Eastern  
white pinePinus  
taeda Loblolly pine  
Quercus hemisphaerica  
Laurel oak Quercus  
laurifolia Swamp laurel  
oakQuercus virginiana  
Live oak  
Sabal palmetto  
Palmetto palm  
Tsuga canadensis  
Hemlock