

## ARTICLE I: PURPOSE AND ENACTMENT

### Chapter 1.01: Purpose

This ordinance is adopted for the following purposes, among others:

- 1.01.01 To promote the health, safety, morals, convenience, order, prosperity, and the general welfare of the **City**;
- 1.01.02 To provide adequate light and air;
- 1.01.03 To achieve such timing, DENSITY and distribution of land development and use as will prevent overcrowding of land so as to avoid undue concentration of population; to encourage such distribution and population to facilitate the adequate provision of transportation, water, sewerage, SCHOOLS, parks and other public services;
- 1.01.04 To encourage such distribution and population, land development and use as will secure safety from fire, panic, and other dangers;
- 1.01.05 To regulate the location of trades, professions, businesses, and industries;
- 1.01.06 To achieve such DENSITY, design and distribution of housing as will protect and enhance residential property values;
- 1.01.07 To preserve the **City**'s historical and natural beauty, and encourage architecturally pleasing development, and
- 1.01.08 To improve the quality of life through protection of the **City**'s total environment including, but not limited to, the prevention of air, water and noise pollution.
- 1.01.09 To guide and regulate the orderly growth, development, redevelopment, and preservation of **City** in accordance with a well-considered COMPREHENSIVE PLAN and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
- 1.01.10 To protect the established character and the social and economic benefit of all property.
- 1.01.11 To promote the efficient utilization of land.
- 1.01.12 To promote the preservation of OPEN SPACE.
- 1.01.13 To provide adequate light, air, convenience of access, and safety from fire, flood and other dangers.
- 1.01.14 To reduce or prevent congestion in the public STREETS.
- 1.01.15 To facilitate a convenient, attractive, and harmonious community.
- 1.01.16 To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations.

- 1.01.17 To encourage economic development activities that provide desirable employment and enlarge the tax base.
- 1.01.18 To promote the preservation of the unique natural and physical resources of the **City**, including forested areas, streambeds, and archaeological sites.
- 1.01.19 To achieve compliance with all applicable state and federal regulations.
- 1.01.20 To provide for and promote housing for all income groups within the **City** and to promote the stability of neighborhoods.
- 1.01.21 To implement the authority, powers, and duties of the PLANNING COMMISSON and MAYOR AND COUNCIL pursuant to state and local law, include but not limited to the Constitution of the State of Georgia Article 9, Section 2, Paragraph 4 and Ga. L. 1956, p.3332, as amended.
- 1.01.22 To provide for protection of the constitutional rights and obligations of all citizens within the **City**.

### **Chapter 1.02: Legislative Authority**

The MAYOR AND COUNCIL of Bogart, Georgia under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and Chapter66, Title 36 of the Official Code of Georgia Annotated, ordains and enacts into the law and Official Zoning Ordinance for Bogart.

### **Chapter 1.03: Interpretation, Application, and Jurisdiction**

Whenever the provisions of this Ordinance impose greater restrictions upon the use of land buildings or upon the height of building or require a larger percentage of LOT to be left unoccupied than the provisions of other ordinances, rules, regulations, permits or any EASTMENTS, covenants or other agreements between parties, the provisions of this Ordinance shall govern as provided below.

- 1.03.001 All other conflicting ordinances or resolutions are repealed to the extent inconsistent herewith; provided, that nothing herein shall repeal or modify the conditions accompanying zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by this Ordinance.
- 1.03.002 All variances and exceptions heretofore granted shall remain in force, and all conditions imposed shall remain in effect. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against these violations heretofore commenced.

1.03.003 No BUILDINGS, STRUCTURE, premises or land shall hereinafter be used or occupied and no BUILDING or part thereof shall be erected, remodeled, extended, enlarged, constructed, moved, or altered in a manner that increases the extent of non-conformity except in conformity with the regulations herein specified for the DISTRICT in which it is or is to be located.

## ARTICLE II: SHORT TITLE

### Chapter 2.01: Title

This ordinance shall be known and may be cited as “The Zoning Ordinance for Bogart, Georgia”.

## ARTICLE III: DEFINATION OF TERMS

### Chapter 3.01: Definitions

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “PERSON” includes a firm, corporation, association, organization, trust or partnership. The word “LOT” includes “plot” or “parcel”. The word “BUILDING” includes “STRUCTURE”. The word “shall” is always mandatory. The word “used” or “occupied”, as applied to any land or BUILDING, shall be constructed to include the words “intended, arranged, or designed to be used or occupied”. The word “used” shall be deemed also to include “designed”, “intended”, or “arranged to be used.” The term “erected” shall be deemed also to include “constructed”, “reconstructed”, altered”, “placed”, or “moved”. The term “land use” and “use of land” shall be deemed also to include “BUILDING use” and “use of BUILDING”. The word “adjacent” means “nearby” and not necessarily “CONTIGUOUS”. The word “map” means the “Official Zoning DISTRICT Map for Bogart, Georgia”.

NOTE: Defined terms are identified in all capital letters throughout the ordinance.

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section.

- 3.01.001      **ACCESSORY BUILDING:** A subordinate BUILDING, the use of which is incidental to, and reasonably related to, a main BUILDING on the same LOT or to the primary use of the property. The ACCESSORY BUILDING shall be of a size and nature customarily incidental and subordinate to the principal BUILDING. A “detached” ACCESSORY BUILDING shall be one that does not have a common wall with the main BUILDING on the same LOT.
- 3.01.002      **ACCESSORY DWELLING UNIT**  
  
A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing ATTACHED or DETACHED RESIDENTIAL STRUCTURE.
- 3.01.003      **ACCESSORY USE:** A use of land or of a BUILDING or portion thereof customarily incidental and subordinate to the PRINCIPAL USE of the land or BUILDING and located on the same LOT with such PRINCIPAL USE.
- 3.01.004      **ALLEY:** A platted service way providing a secondary means of access to abutting properties.
- 3.01.005      **ALTERNATIVE TOWER STRUCTURE:** Natural or man-made alternative design mounting structures that camouflage or conceal the presence of antennas or telecommunication towers including, but not limited to clock towers, bell towers, church steeples, light/power poles, electric transmission towers, and man-made trees (without ACCESSORY BUILDINGS/structures).
- 3.01.006      **ALTERATION:** Any change in the supporting member of a BUILDING, any modification or change in construction, any addition which increases the area or height, any change in use of or movement of a BUILDING from one location to another, or any increase in the amount or column of space used for any activity.
- 3.01.007      **ANIMAL HOSPITAL:** Facility for the treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian.
- 3.01.008      **APPLICANT:** Any PERSON who applies for a REZONING ACTION any OPPONENTS or other PERSON representing on behalf of a PERSON who applies for a REZONING ACTION.
- 3.01.009      **ART STUDIO**

Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft, including the accessory sale of art produced on the premises.

3.01.010 ASSISTED LIVING

A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living including meals, housekeeping, medication assistance, laundry, and regular check-ins. Such a facility includes a central or private kitchen, dining, recreational, and other facilities with separate bedrooms or living quarters.

3.0.011 ATTACHED RESIDENTIAL

A single-family DWELLING UNIT, with a private entrance, which is part of a STRUCTURE whose DWELLING UNITS are attached horizontally as a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. Also known as TOWNHOUSE, MANSION FLAT or CONDOMINIUM but does not include a DUPLEX.

3.01.012 AUDITORIUM

A BUILDING or STRUCTURE designed or intended for use for the gathering of people as an audience to hear music, lectures, plays and other presentations.

3.01.013 AUTOMOBILE SALES LOT: A premises designed or used for storage and display for sale of automobiles, motorcycles, recreational vehicles, or other motorized vehicles. Motorized vehicles for sale will typically be stored outside. All other activities must be in an enclosed BUILDING.

3.01.014 AUTOMOBILE SERVICE STATION: Any area of land, including structures thereon, used for retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.

3.01.015 AWNING: See "CANOPY"

3.01.016 BANNER: A TEMPORARY SIGN intending to be hung either with or without a frame, possessing characters, letters, illustrations, ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia of political, PROFESSIONAL, religious, educational, or corporate organizations providing that such flags, emblems and insignia are displayed for non-commercial premises.

- 3.01.017 BED AND BREAKFAST: A DWELLING UNIT, other than a HOTEL or boarding house, or portion thereof, where short-term lodging rooms and meals are provided to registered guests for compensation. The operator of the BED AND BREAKFAST must live on the premises.
- 3.01.018 BLOCK: A piece or parcel of land entirely surrounded by public highways or STREETS, but excluding ALLEYS.
- 3.01.019 BUFFER: A landscaped or naturalized area used to visibly separate one use from another through SCREENING and distance; to shield or BLOCK noise, light, glare, or visual or other conditions; to BLOCK physical passage to non-similar areas; or to reduce air pollutions, dust, dirt, and litter.
- 3.01.020 BUILDING: Any STRUCTURE, either permanent or temporary, or above or below ground, and designed, built or used as a shelter or enclosed for persons, animals, or property of any kind.
- 3.01.021 BUILDING HEIGHT: The vertical distance measured from the average finished grade at the front of the STRUCTURE to the highest point of the BUILDING, excluding any antenna but, including architectural projections.
- 3.01.022 BUILDING INSPECTOR: The individual designated by the MAYOR AND COUNCIL to serve as BUILDING INSPECTOR for Bogart, Georgia.
- 3.01.023 BUILDING LINE: A line established, in general, parallel to the front STREET LINE, side property line, or rear property line between which line and the property line no part of a BUILDING shall project.
- 3.01.024 PRINCIPAL BUILDING: A BUILDING in which the primary use of the LOT on which the BUILDING is located is conducted.
- 3.01.025 BUSINESS ENTITY: Any corporation, partnership, limited partnership, firm, enterprise, franchise association or trust.
- 3.01.026 CAMPAIGN CONTRIBUTION: A contribution as defined in O.C.G.A. § 21-5-30.
- 3.01.027 CANOPY: A shelter constructed of non-grid materials on a supporting frame projecting from and supported by the exterior wall of a BUILDING.
- 3.01.028 CATERING SERVICE: A service housed in a permanent STRUCTURE providing meals or refreshments off-premises.
- 3.01.029 CEMETARY, 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.

- 3.01.030 CEMETARY, 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 that RELIGIOUS INSTITUTION.
- 3.01.031 CERTIFICATE OCCUPANCY: A permit authorized and issued by the CITY BUILDING INSPECTOR indicating that the use of the BUILDING or land in question is in conformity with this Ordinance, or that a legal variance therefrom has been approved.
- 3.01.032 CITY CLERK: The CITY CLERK of Bogart, Georgia.
- 3.01.033 CITY ENGINEER: The CITY ENGINEER of Bogart, Georgia.
- 3.01.034 CITY OFFICIAL: Any member of the MAYOR AND COUNCIL.
- 3.01.035 CLINIC: A BUILDING where human patients, who are not lodged overnight, are admitted for examination and treatment.
- 3.01.036 CLINIC or LODGE: Buildings and facilities owned or operated by a corporation, association, or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is generally carried on as a business.
- 3.01.037 COMMERCIAL USE: An occupation, employment, or enterprise that is carried on from profit by the owner, lessee, or licensee.
- 3.01.038 COMMUNITY CENTER: A meeting place where people living in the same community may carry on cultural, recreational, or social activities.
- 3.01.039 CONDOMINIUM: A single DWELLING UNIT in a multi-unit dwelling or STRUCTURE, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
- 3.01.040 CONTINUED CARE REIREMENT COMMUNITY: A community planned and operated to provide a continuum of care from INDEPENDENT LIVING through NURSING HOME. The facilities allow individuals to live within the same community as their needs progress through the spectrum of care.
- 3.01.041 COMPREHENSIVE PLAN: The “Joint COMPREHENSIVE PLAN 2030” for Oconee COUNTY and the cities of Bishop, Bogart, North High Shoals, and Watkinsville, February 2008, as adopted and as may be amended.

- 3.01.042 CODE ENFORCEMENT OFFICER: The individual or his or her designee interprets, administers, and enforces the provision of this ordinance.
- 3.01.043 CONDITIONAL USE: A use which is not permitted inherently but which may be permitted within a zoning DISTRICT subject to approval by the MAYOR and COUNCIL.
- 3.01.044 CONDITIONAL USE PERMIT: The permit issued as a precondition to allowing any CONDITIONAL USE in a zoning DISTRICT.
- 3.01.045 CONDOMINIUM: An estate in REAL PROPERTY consisting of an undivided interest with other purchasers in the common grounds together with a separate interest in a DWELLING UNIT located on the common grounds.
- 3.01.046 CONTIGUOUS: Having a common boundary or edge; abutting; or touching.
- 3.01.047 CONVENIENCE STORE: A small retail establishment that is designed and stocked to sell primarily prepackaged food items, but may have beverages, periodicals, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of CONVENIENCE STORES are those operated by “7-11,” “Golden Pantry,” and “Kangaroo.” Gas pumps are an ACCESSORY USE to a CONVENIENCE STORE.
- 3.01.048 CONVENIENCE STORE/GAS STATION/FAST FOOD RESTAURANT: A parcel that contains a combination SERVICE STATION, CONVENIENCE STORE, and fast-food RESTAURANT in one STRUCTURE located on one parcel.
- 3.01.049 COUNTRY CLUB: A social and recreational facility that is usually private or semi-private. A golf course that was part of a private COUNTRY CLUB would only be open to members or guests who are accompanied by members. A semi-private COUNTRY CLUB would allow some access to non-members. In addition to a golf course, a typical COUNTRY CLUB might also have a RESTAURANT of social CLUB, tennis and swim facilities.
- 3.01.050 COUNTY: Oconee County, Georgia.
- 3.01.051 DAY-CARE CENTER: A BUILDING operated by a PERSON, society, agency, corporation, INSTITUTION, or group that receives for group care fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age.
- 3.01.052 DAY-CARE HOME: A private dwelling operated by any PERSON who receives pay for supervision and care, fewer than 25 hours per day, without transfer of legal custody, 3 but not more than 6 children under 18 year of age who are not related to such persons and whose parents or guardians are not residents in the same private dwelling.



- 3.01.053 DENSITY: The number of DWELLING UNITS permitted per net acre of land. (Net acre = gross acre less STREETS, EASEMENTS, water and OPEN SPACE.)
- 3.01.054 DETACHED RESIDENTIAL: A site-built home that meets local BUILDING codes, that contains 1 DWELLING UNIT per LOT and designed for residential use.
- 3.01.055 DEVELOPER: The owner of land proposed for development or his/her representative.
- 3.01.056 DISTRICT: A section of Bogart, Georgia where the zoning regulations are uniform.
- 3.01.057 DUPLEX: A BUILDING containing two (2) single-family DWELLING UNITS totally separated from each other by an unpierced wall extending from ground to roof.
- 3.01.058 DWELLING, SINGLE-FAMILY: A STRUCTURE including Site-built, modular, manufactured and mobile homes that contain 1 DWELLING UNIT designed for residential use that is surrounded by OPEN SPACE on the same LOT.
- 3.01.059 DWELLING, TWO-FAMILY (DUPLEX): A STRUCTURE containing two (2) DWELLING UNITS designed and arranged for residential use by two (2) families living independently of each other.
- 3.01.060 DWELLING, MULTI-FAMILY: A building containing three (3) or more DWELLING UNITS, including units that are located one over the other.
- 3.01.061 DWELLING UNIT: A BUILDING or apportion of any BUILDING designed and arranged for living quarters for one (1) FAMILY and having cooking facilities. A DWELLING UNIT includes SITE-BUILT HOME, manufactured home, INDUSTRIALIZED HOME, and ½ of a DUPLEX.
- 3.01.062 EASEMENT: A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another PERSON or entity.
- 3.01.063 EDUCATIONAL FACILITIES PRESCHOOL: A facility providing day care with educational services for children not yet attending elementary SCHOOL
- 3.01.064 ELECTRICAL SUBSTATION: An assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity. An ELECTRICAL SUBSTATION shall be secondary, supplementary, subordinate, and auxiliary to the main system.
- 3.01.065 ENGINEER: A registered, PROFESSIONAL ENGINEER licensed by the State of Georgia.

- 3.01.066 FAMILY: One (1) or more individuals permanently occupying a DWELLING UNIT and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, or HOTEL, as defined in this ordinance.
- 3.01.067 FENCE: A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails.
- 3.01.068 FINANCIAL INSTITUTION: INSTITUTION which collects funds from the public and places them in financial assets, such as deposits, loans, and bonds, rather than tangible property.
- 3.01.069 FINANCIAL INTEREST: All direct ownership interests of the total assets or capital stock of a BUSINESS ENTITY where such ownership interest is 10 percent or more.
- 3.01.070 FLOOR AREA: The gross heated, finished horizontal area of the several floors of a BUILDING exclusive of basement, attic, carport, or GARAGE.
- 3.01.071 FREESTANDING SIGNS: A SIGN which is wholly independent from any BUILDING or other STRUCTURE and not designed as a temporary or PORTABLE SIGN.
- 3.01.072 FRONTAGE: The STREET coincident to the front boundary line of the parcel. For the purpose of CORNER LOTS, all sides of a LOT adjacent to STREETS shall be considered FRONTAGE.
- 3.01.073 FUNERAL HOME: A BUILDING used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A FUNERAL HOME includes a funeral chapel.
- 3.01.074 GARAGE: AN ACCESSORY BUILDING or a portion or PRINCIPAL USE used for parking or storage of automobiles of the principal building's occupants. A carport is considered a private GARAGE.
- 3.01.075 GARAGE REPAIR: A BUILDING and premises designed or used for the purpose of service or commercial repair of motor vehicles.
- 3.01.076 GAS STATION: A place which sells gasoline to pump directly into a car or into an approved container.
- 3.01.077 HEALTH DEPARTMENT: The Oconee COUNTY HEALTH DEPARTMENT.
- 3.01.078 HOME OCCUPATION: An occupation or profession conducted entirely within a DWELLING UNIT and for financial gain, which is clearly subordinate to the use of the dwelling and which does not change the character thereof.

- 3.01.079 HOME OFFICE: An office use conducted entirely within a DWELLING UNIT which is carried on solely by the unit's occupant and is incidental and secondary to the principal dwelling. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. "HOME OFFICE" shall not include any business which involved the sale, manufacture or repair of merchandise on the premises. HOME OFFICE shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors.
- 3.01.080 HOTEL: A BUILDING offering transient lodging accommodations for more than 20 PERSON on a daily rate to the general public and in which ingress and egress to and from all rooms are made through an inside lobby or office.
- 3.01.081 ICE BOX: An insulated metal chest into which bags of ice are placed for sale while payments for the bag(s) of ice is/are made inside the principal BUILDING. ICE BOXES are permitted outside only as an ancillary storage container to a grocery or CONVENIENCE STORE and must be located under a sheltered area attached to the principal BUILDING.
- 3.01.082 ILLUMINATED SIGNS: A SIGN lit in any manner by an artificial light source.
- 3.01.083 INCIDENTAL SIGN: A SIGN, emblem, or decal no-larger than one (1) sq. ft. and general informational that has a purpose secondary to the principal LOT on which it is located. Example: credit cards accepted, official notice of service as required by law, trade affiliation, business hours, "telephone", "self-service", etc. These signs are typically located on doors, windows or BUILDING walls. No SIGN with a commercial message legible from a position off the parcel on which the SIGN is located is considered an INCIDENTAL SIGN.
- 3.01.084 INDEPENDENT LIVING: a living arrangement that maximizes independence and self-determination, especially of disabled persons living in a community instead of in a medical facility. Core services provided by INDEPENDENT LIVING Centers include: information and referral, INDEPENDENT LIVING skills training, peer counseling, and individual and systems advocacy.
- 3.01.085 INDUSTRIALIZED HOME: A DWELLING UNIT manufactured in accordance with the Georgia Industrialized Building Act and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto, and meeting the following development standards:
- A. A minimum width of twenty-eight (28) feet.
  - B. A minimum roof pitch of 3.12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any DWELLING UNIT for which a BUILDING UNIT for which a BUILDING

permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous BUILDING permit.

C. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.

D. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, or stone, comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.

E. A curtain wall, un-pierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar or similar material as approved by the BUILDING INSPECTOR.

F. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the international Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning as approved by the BUILDING INSPECTOR. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.

G. Utility meters must be mounted to the STRUCTURE rather than on utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.

H. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The STRUCTURE must include steps which lead to ground level, and both landing and steps must meet the requirements of the International Building Code.

I. The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq., and the rules promulgated thereunder.

- 3.01.086 INDUSTRIAL SERVICES: Establishments providing the following non-polluting light INDUSTRIAL SERVICES including metal, machine, and welding shops; cabinetry and woodworking shops; furniture upholstery shops; and similar businesses engaging in custom fabrication and repair.
- 3.01.087 INSTITUTION: A non-profit corporation or non-profit establishment.
- 3.01.088 JUNKED VEHICLE: Any wrecked or inoperable automobile, truck or other vehicle which does not bear a current license plate.

- 3.01.089 KENNELS: Any location where, for commercial purposes, four (4) or more adult dogs, cats, rabbits, or other domestic animals are let for the purpose of boarding, caring for, raising, grooming, breeding, training or sale. Litters of animals of not more than six (6) months old are excluded from the definition.
- 3.01.090 KINDERGARTEN: A SCHOOL for pre-elementary SCHOOL children ranging in age from four (4) through six (6) years, which operates for less than four (4) hours per day.
- 3.01.091 LANDSCAPE BUSINESS: A business whose primary operation is the sale and/or installation of organic material, plants, pine straw, and other limited accessory products for the landscape industry, and the storage and use of associated landscape vehicles and equipment.
- 3.01.092 LAUNDROMAT: A business that provides home-type washing, drying, ironing machines or coin-operated dry-cleaning machines for hire and use by customers on the premises.
- 3.01.093 LAUNDRY AND DRY-CLEANING PICK-UP: A business that provides only for the convenience of taking and picking up laundry and which does not have any on-site equipment for processing the laundry.
- 3.01.094 LIGHT INDUSTRY: Establishments engaged in the non-polluting manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, "light industrial" shall not include loud, dusty, polluting, odorous or other intensive industrial uses or those which tend to produce smoke, soot, or vibration, or those uses including without limitation mining and extracting industries, asphalt plants, concrete plants, cement plants, abattoirs, chicken houses, slaughterhouses, use or storage of flammable or explosive materials, use of radioactive materials, poisons, pesticides, or herbicides, or petrochemical industries, rubber refining, primary metal, or related or similar industries.
- 3.01.095 LIVE/WORK: A STRUCTURE that is specifically built (or altered) to accommodate retail or office uses on the ground floor and residential uses on the upper floors
- 3.01.096 LOADING SPACE: A space within the PRINCIPAL USE or on the same LOT that provides for standing, loading or unloading of trucks and other carriers.
- 3.01.097 LOT: A portion of, or parcel of land separated from other portions or parcels by description, metes and bounds, intended to transfer or ownership or for BUILDING development in the office of the Clarke or Oconee County Tax Commissioners, as appropriate, or the Clarke or Oconee Tax Assessors, as appropriate.
- 3.01.098 LOT CORNER: A LOT abutting two (2) or more public STREETS or COUNTY maintained roads at their intersection.

- 3.01.099 LOT, DOUBLE FRONTAGE or THROUGH LOT: A LOT with FRONTAGE on two (2) public STREETS and/or COUNTY maintained roads that do not intersect at a point abutting the property.
- 3.01.100 LOT, INTERIOR: A LOT other than a CORNER LOT.
- 3.01.101 LOT OF RECORD: A LOT whose existence, location, and dimensions have been legally recorded or registered in a deed or on play in the office of the Clerk of the Superior Court of Clarke or Oconee County, as appropriate.
- 3.01.102 LOT WIDTH: The horizontal distance between one side LOT line measured at the minimum front SETBACK line.
- 3.01.098 LOT WIDTH: (cul-de-sac): For a LOT having the majority of its FRONTAGE on a cul-de-sac, the LOT WIDTH shall be the horizontal distance between the side lines of the LOT, measured at the minimum required FRONT YARD (BUILDING SETBACK) line or at a line parallel to said SETBACK line, which is no more than twice the minimum FRONT YARD SETBACK distance from the STREET.
- 3.01.103 LUNCH COUNTER: A retail establishment where the preparation and serving of food is not the principal business of the retail establishment, defined as not generating the large percentage of gross sales or occupying the largest percentage of the retail FLOOR AREA. Food served in the establishment shall be unpackaged, in individual servings, and in a ready-to-consume state. Customers shall be served while seated at tables or counters located within the BUILDING.
- 3.01.104 MAJOR PROJECT: Any multi-family residential use; institutional use; PROFESSIONAL service and office use; COMMERCIAL USE in the GB or NB DISTRICTS; outdoor recreation use; transportation, communication, and utility use; or industrial use.
- 3.01.105 MANSION FLAT: A STRUCTURE which has the exterior appearance of a large house which contains 2 or more DWELLING UNITS with each DWELLING UNIT contained in its entirety on a single floor.
- 3.01.106 MANUFACTURED HOME, CLASS A: A DWELLING UNIT, meeting the definition of “manufactured home: contained in O.C.G.A § 8-2-160, fabricated in an off-site facility for installation or assembly at the BUILDING site, bearing a label certifying it is constructed in compliance with the Federal Manufactured home Construction and Safety Standards Act, 41 U.S.C. § 5401 et esq., and meeting the following development standards. Minimum width of at least twenty-eight (28) feet and a minimum length of at least sixty (60) feet.
- The roof shall have a minimum 3:12 roof pitch which means having a pitch equal to at least five inches or horizontal run. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal

tiles, slate, built up gravel materials, standing seam (non-corrugated tin or steel) or other materials approved by the MAYOR AND COUNCIL. The roof overhang must be at least one (1) ft. when measured from the vertical side.

The exterior siding materials shall consist of wood, masonry, hardboard, stucco, Masonite, vinyl lap, or other materials of the like appearance comparable in composition and durability to the exterior siding commonly used in site-built dwellings.

Be attached to a permanent foundation that meets Building Code requirements including any tie down straps required by International Building Code regulations.

A landing must be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The STRUCTURE must include steps which lead to ground level, and both landing and steps must meet the requirements of the International Building Code.

- 3.01.107 MANUFACTURED HOME SPACE: Land within a MANUFACTURED HOME SPACE which is reserved or leased for the placement of an individual manufactured home, accessory structures and the exclusive use of its occupants.
- 3.01.108 MANUFACTURED HOME SPACE: Any LOT where two (2) or more manufactured homes are customarily parked for a period of time exceeding thirty (30) days.
- 3.01.109 MAYOR OR COUNCIL: The MAYOR OR COUNCIL for Bogart, Georgia.
- 3.01.110 MEMBER OF THE FAMILY: The spouse, mother, father, brother, sister, son, or daughter of a CITY OFFICIAL.
- 3.01.111 MINI-WAREHOUSE: A BUILDING consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.
- 3.01.112 MOBILE HOME: A transportable, factory-built STRUCTURE designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Act of 1974, which became effective June 15, 1976.
- 3.01.113 MOTEL: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- 3.01.114 NON-CONFORMING BUILDING or STRUCTURE: Any lawfully existing BUILDING or STRUCTURE which does not conform to these regulations governing the type, bulk, location, height or size of buildings or structures.

- 3.01.115 NON-CONFORMING: A LOT, the area, width, or other characteristics of which fails to comply with applicable regulations and which was of-record and in full compliance with all applicable federal, state, and local laws, rules and regulations prior to the enactment of these or other regulations, but which does not comply with requirements of these regulations.
- 3.01.116 NON-CONFORMING USE: A lawful use of land that does not comply with the use regulations for its zoning DISTRICT which complied with applicable regulations at the time the use was established.
- 3.01.117 NON-OPERATING VEHICLE: Any motorized vehicle that does not have a current license tag.
- 3.01.118 INSURANCE TREE: An encroaching tree or plant that causes actual harm or poses an imminent danger of actual harm to adjoining property.
- 3.01.119 NURSING HOME: A facility for (3) or more unrelated ill or aged persons not operating as the functional equivalent of a FAMILY, that provides food, shelter, and medical care for compensation in addition to meeting the physical, emotional, and social needs of the unrelated aged or ill persons.
- 3.01.120 OFF-STREET PARKING: An area exclusive of public or private THOROUGHFARE where motor vehicles may be stored for the purposes of temporary, daily, or overnight parking.
- 3.01.121 OFFICE, BUSINESS: Establishments providing direct services to consumers, such as insurance agencies, banks, real estate offices, medical offices, and commercial mailing facilities (but not including bulk mailing distribution centers or offices that are incidental and accessory to the business or sales activity that is the PRINCIPAL USE).
- 3.01.122 OFFICE, CORPORATE: An establishment primarily providing internal office administration services as opposed to customer service in a single BUILDING or a campus setting: for example, the headquarters, regional offices or the administrative offices for a corporation. Generally, the majority of traffic comes from employees and not the general public.
- 3.01.123 OFFICE, PROFESSIONAL: Government office or the office of a member of a recognized profession in the following categories: architectural, engineering, planning law, accounting, insurance, real estate, medical, dental, optical, or similar profession.
- 3.01.124 OFFICE PARK: A development on a tract of land that contains a number of separate office buildings, supporting uses and OPEN SPACE designed, planned, constructed and managed on an integrated and coordinated basis.
- 3.01.125 OPEN SPACE: Land used for recreation, resource protection, amenity, or BUFFERS. In no event must any area of a LOT constituting the minimum LOT area nor any part of an existing or future road, RIGHT-OF-WAY, OFF-STREET



PARKING, LOADING SPACE, or area immediately underneath electrical transmission lines be counted as OPEN SPACE. OPEN SPACES shall be substantially free of structures, but may contain such improvements as shown on the plans as finally approved. Unless dedicated and accepted by the City, maintenance shall be the responsibility of the property owner(s) of the OPEN SPACE.

- 3.01.126 OPPONENT: Any PERSON who opposes a REZONING ACTION or any attorney or other PERSON representing or acting on behalf of a PERSON who opposes a REZONING ACTION.
- 3.01.127 OPPOSE: To appear before, discuss with, or contact, either orally or in writing, a Bogart official and argue against a REZONING ACTION.
- 3.01.128 PARK or PLAYGROUND, NEIGHBORHOOD: Neighborhood space, lawn, PARK or PLAYGROUND that is primarily unpaved. These shall not include active recreation structures such as ball fields and courts, but may include PLAYGROUND equipment for children.
- 3.01.129 PARKING LOT, OFF-STREET: An area exclusive of a public or private THOROUGHFARE where motor vehicles may be stored for temporary, daily or overnight parking.
- 3.01.130 PASSIVE RECREATION: Recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed.
- 3.01.131 PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a pole, rope, wire or string, often in series, and designed to move in the wind.
- 3.01.132 PERMITTED USE: Any use by right which is specifically authorized in a particular zoning DISTRICT.
- 3.01.133 PERSON: An individual, partnership, committee, association, corporation, labor organization or any other organization or group of persons.
- 3.01.134 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 for two (2) or more adults who are not related to the owner or administrator of the home by blood or marriage. Personal services include, but are 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.
- 3.01.135 PLANNING COMMISSION: The Oconee County Planning Commission.

- 3.01.136 PLAT: A survey of a LOT, tract or parcel of land including LOT lines, STREET rights-of-way and EASEMENTS, with the dimensions of these features inscribes thereon.
- 3.01.137 PRINCIPAL USE: The primary purpose for which land or a BUILDING is used.
- 3.01.138 PRINTING ESTABLISHMENT: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limiting to offset printing, lithography, web offset, flexographic, and screen process printing.
- 3.01.139 PROFESSIONAL: When used in connection with “use” and “Occupancy” a use or occupancy by PERSON generally engaged in rendering personal, executive, sales or administrative services or activities, including accountants, architects, PROFESSIONAL ENGINEERS and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered PROFESSIONAL in character. The term, however, does not include repairs, or sales of tangible personal property stored or located within the BUILDING not any use which would create any loud noises or noxious odors within Bogart.
- 3.01.140 PROJECTING SIGN: An on-premises SIGN projecting more than eight (8) inches from the outside wall or walls of any BUILDING or supports upon which it is attached.
- 3.01.141 PROPERTY INTEREST: The direct ownership of REAL PROPERTY, including any percentage of ownership less than total ownership.
- 3.01.142 REAL PROPERTY: Any tract or parcel of land and, if developed, any buildings or structures located on the tract or parcel of land.
- 3.01.143 REAR LOT LINE: a LOT line which is opposite and most distant from the front LOT line, and, in the case of an irregular shaped LOT, a line ten (10) feet in lengthy within the LOT, parallel to and at the maximum distance from the front LOT line.
- 3.01.144 RECREATION CENTER: A facility dedicated for recreational purposes to primarily serve the residents of the community. It may include indoor and/or outdoor facilities, CLUB house, pool, tennis courts, basketball courts, gymnastics, skating, playgrounds, playing fields, and similar youth and FAMILY oriented recreational facilities.
- 3.01.145 RECREATIONAL VEHICLE: A vehicular-type portable STRUCTURE without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

- 3.01.146 RELIGIOUS INSTITUTION, COMMUNITY: A RELIGIOUS INSTITUTION with a seating capacity of between three hundred (300) and six hundred (600) persons in the sanctuary or main activity area and additional gross FLOOR AREA associated with RELIGIOUS INSTITUTION offices, culinary, nursery and toiletry areas, group meeting rooms.
- 3.01.147 RELIGIOUS INSTITUTION, MEGA (Also known as Megachurches): A large RELIGIOUS INSTITUTION with a seating capacity of more than six hundred (600) persons in the sanctuary or main activity area and that may also include additional gross FLOOR AREA for offices, culinary, nursery and toiletry areas, and group meeting rooms. Megachurches often encompass one or more ACCESSORY USES including child-care, SCHOOLS and after-school programs, overnight accommodations, retail sales, soup kitchens, thrift shops, community shelter, recreational facilities, and other such uses.
- 3.01.148 RELIGIOUS INSTITUTION, NEIGHBORHOOD: A RELIGIOUS INSTITUTION with a seating capacity of less than three hundred (300) persons in the sanctuary or main activity area and additional gross FLOOR AREA is limited to offices, culinary, nursery and toiletry areas, and group meeting rooms.
- 3.01.149 RESTAURANT: An establishment where food and beverages are sold for consumption on the premises, generally in an enclosed BUILDING. A snack bar or refreshment stand in a public or non-profit community swimming pool, PLAYGROUND, or PARK operated solely for the convenience of patrons of the facility is not a RESTAURANT.
- 3.01.150 RESTAURANT, DRIVE-THROUGH: An eating establishment which caters to motor-driven vehicle business as opposed to a RESTAURANT serving exclusively inside an enclosed BUILDING.
- 3.01.151 RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accompanied by a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.
- 3.01.152 RETAIL, LARGE SCALE: A store over 5,000 square feet that provides goods directly to the consumer. This definition does not include bulk retail which involves a high volume of sales of products in a WAREHOUSE setting. Large scale retail is auto-oriented.
- 3.01.153 RETAIL, SMALL SCALE: A store of less than 5,000 square feet gross FLOOR AREA carrying goods for consumer or household use: excluding, however, animal sales or service; BUILDING materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods, art or craft objects, flower shops, gift shops, and boutiques.

- 3.01.154 REZONING ACTION: An action by the MAYOR OR COUNCIL adopting an amendment to the zoning ordinance and map that has the effect or rezoning REAL PROPERTY from one zoning classification to another.
- 3.01.155 RIGHT-OF-WAY: That area, distinguished from an EASEMENT, which is owned in fee-simple by Bogart or other government, for the present or future use of roads, STREETS, and highways, together with its drainage facilities and other supporting uses and structures.
- 3.01.156 RIGHT-OF-WAY LINE: The outside boundary of a RIGHT-OF-WAY, whether such RIGHT-OF-WAY is established by usage, recorded EASEMENT, deed, dedication or by any official RIGHT-OF-WAY map of Bogart, Georgia.
- 3.01.157 SATELLITE DISH ANTENNA: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.
- 3.01.158 SCHOOL: A public or private facility that provides a curriculum of elementary and secondary academic instruction including KINDERGARTEN and pre-KINDERGARTEN.
- 3.01.159 SCREENING: A method where a view of one site is shielded, concealed, or hidden from another site. SCREENING techniques include fences, walls, beams, densely planted vegetation, natural vegetation or other features.
- 3.01.160 SELF-STORAGE FACILITY: See “MINI-WAREHOUSES”
- 3.01.161 SETBACK: The minimum horizontal distance between the LOT line and property RIGHT-OF-WAY LINE and the nearest front, side or rear line of the BUILDING, including terraces or any covered projections not excluding steps.
- 3.01.162 SERVICE ESTABLISHMENT: Any establishment whose primary activity is the provision of assistance, as opposed to products.
- 3.01.163 SERVICE STATION: Any establishment used for retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting.
- 3.01.164 SHOPPING CENTER: A group of retail business and service uses on a single site with common parking facilities.
- 3.01.165 SIGNS: A STRUCTURE or device designed or intended to convey information to the public in written or pictorial form.
- 3.01.166 SIGN, DIRECTIONAL: A SIGN located within a development at a street intersection or private drive (other than an entrance) on which the name of a street and/or the institutionalized corporate business names or other building

identification with address indicating direction to their location. The purpose of this SIGN is to provide directions to the tenant.

- 3.01.167 SIGN, DIRECTORY: A SIGN which is located within the boundary of a development as defined by the approved Plan on which the address and name of the business, tenants and/or occupants for the development is places.
- 3.01.168 SIGN, GROUND: A permanently affixed SIGN which is wholly independent of a building for support.
- 3.01.169 SIGN, ILLUMINATED DIRECT: A SIGN illuminated by an internal light source.
- 3.01.170 SIGN, ILLUMINATED INDIRECT: A SIGN illuminated by an external light source directed primarily toward such SIGN.
- 3.01.171 SIGN, NUMBER OF: For the purposes of determining number or signs. Ground signs shall be equal to the number of SIGN structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, such element shall be considered to be a single SIGN.
- 3.01.172 SIGN, POLITICAL: Signs identifying or urging voter support for a particular election issue, political party or candidate for public office.
- 3.01.173 SIGN, PORTABLE: Signs which are attached to vehicles, trailers, movable structures, or attached to SIGN structures which are not securely anchored into the ground, or any SIGN which may be transported or is designed to be transported.
- 3.01.174 SIGN STRUCTURE: Poles, posts, foundations, and the like, which provide structural support of the SIGN.
- 3.01.175 SIGN, WALL: A SIGN applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than six (6) inches from the outside wall. The total lettering on one side of a building or structure shall constitute one WALL SIGN.
- 3.01.176 SIGN AREA: The area of a SIGN shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the SIGN and including all of the elements of the matter displayed. Structural frames and members not bearing advertising matter shall not be included in computation of surface area.
- 3.01.177 SIGN FACE: The part of a SIGN that is or can be used for display purposes.

3.01.178 SITE-BUILT HOME: A DWELLING UNIT constructed on the BUILDING site from basic materials delivered to the site, and which is constructed in accordance with the International Building Code, and meeting the following development standards: Minimum width in excess of sixteen (16) feet.

The roof shall have a minimum 3:12 roof pitch which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, standing seam (non-corrugated tin or steel) or other materials approved by the MAYOR AND COUNCIL. The roof overhang must be at least one (1) ft. when measured from the vertical side.

The exterior siding materials shall consist of wood, masonry, hardboard, stucco, Masonite, or vinyl lap or other materials of like appearance.

Be attached to a permanent foundation that meets all BUILDING codes requirements.

A landing must be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The STRUCTURE must include steps which lead to ground level, and both landing and steps must meet the requirements of the International Building Code.

3.01.179 SOLID FENCE: An artificially constructed barrier of any material or combination of materials generally manufactured for fencing, erected to enclose or screen areas of land in a manner where the area inside the fencing is not readily visible at any distance.

3.01.180 SOLID WALL: A wall constructed in such a manner to prohibit viewing of land, materials, buildings, etc. located behind the wall, from an individual standing outside and parallel to the wall.

3.01.181 STORAGE TRAILER: A prefabricated portable storage BUILDING commonly attached to a cab or chassis for transportation.

3.01.182 STORY: That portion of a BUILDING, other than a cellar, included between the surface of the floor and the ceiling above it.

3.01.183 STREET: A public or private THOROUGHFARE which affords the principal mean of ingress and egress to abutting property.

3.01.184 STREET LINE: The legal line between STREET RIGHT-OF-WAY and abutting property.

- 3.01.185      STRUCTURE: Anything constructed or erected with a fixed location on or in the ground, or attached having a fixed location on the ground. Structures include, but are not limited to the following: Site-built buildings, manufactured, mobile and INDUSTRIALIZED HOMES, billboards, swimming pools; advertising signs; and satellite dishes.
- 3.01.186      SUBDIVISON: The division of a tract, LOT, or parcel into two (2) or more LOTS, BUILDING sites, or other divisions for the immediate or future purposes of sales, lease, offer or development. The division of property by testamentary or intestate division is excluded from this definition.
- 3.01.187      SUBDIVISION REGULATIONS: The SUBDIVISION REGULATIONS for Bogart, Georgia dated 2007, and as may be amended.
- 3.01.188      SUSPENDED SIGN: A SIGN that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- 3.01.189      SWIMMING POOL, PRIVATE: A swimming pool where access is restricted to its membership and their guests.
- 3.01.190      SWIMMING POOL, PRIVATE: A swimming pool which the general public has access.
- 3.01.191      TELECOMMUNICATION TOWER: Any STRUCTURE that is designed and constructed primarily for the purpose of supporting one or more antennas: self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, and cellular communications towers.
- 3.01.192      THOROUGHFARE: A STREET whose primary function is to provide intercounty, intercounty, or intracity and to feed regional thoroughfares.
- 3.01.193      TOWNHOUSE: A Site-built attached DWELLING UNIT that is erected in a row as part of a single BUILDING, on adjoining LOTS, each being separated from the adjoining unit or units by approved fire-resistant party wall or 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, and the units shall have a minimum of two (2) floors, but no access between adjoining units.
- 3.01.194      UPPER FLOOR RESIDENTIAL: A studio, one-bedroom, or multi-bedroom DWELLING UNIT located on any floor other than the basement, ground, or STREET level floor.
- 3.01.195      VARIANCE, AREA: A minimal relaxation or modification of the strict terms of the height, area, placement, SETBACK, YARD, BUFFER, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of

the owner of said property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

- 3.01.196 VENDING MACHINE: A coin-operated device, which dispenses a product or service without an attendant.
- 3.01.197 VETERINARY CLINIC or HOSPITAL: Facility for the treatment of domestic animals, operated under the supervision of a licensed veterinarian. The boarding of animals is limited to short-term care incidental to the CLINIC USE and does not take place in outside runs or KENNELS.
- 3.01.198 VISUAL SCREEN: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.
- 3.01.199 WALL SIGN: A SIGN fastened, placed, or painted upon or parallel to the face of the BUILDING and supported throughout its length from the BUILDING. This detention shall include AWNING signs.
- 3.01.200 WAREHOUSE: Storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.
- 3.01.201 WHOLESALE ESTABLISHMENT: An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or PROFESSIONAL business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 3.01.202 WHOLESALE ESTABLISHMENT WITH WAREHOUSE: The display, storage, and sale of goods to other firms, for resale, as well as activities involving significant movement and storage of products or equipment, including warehousing.
- 3.01.203 WINDOW or DOOR SIGN: Any SIGN, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a WINDOW or upon the windowpanes or glass and is visible from the exterior of the WINDOW.
- 3.01.204 YARD: An OPEN SPACE on the same LOT with the PRINCIPAL USE, unoccupied and unobstructed by buildings or structures from ground to sky except where projections and ACCESSORY BUILDINGS are expressly permitted in these regulations.
- 3.01.205 YARD, FRONT: An open, unoccupied space on the same LOT with the PRINCIPAL USE, extending the full width of the LOT and situated between the RIGHT-OF-WAY LINE and the BUILDING LINE projected to the side lines of the LOT. Covered porches, whether enclosed or unenclosed, are considered part of the PRINCIPAL USE and shall not



project into a required FRONT YARD. For CORNER LOTS, the frontage may be established by the orientation of the building or of the principal entrance if the building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the frontage shall be deemed to be on the street with the greatest traffic.

- 3.01.206 YARD, REAR: A YARD extending across the full width of the LOT and lying between the REAR LOT LINE and the nearest line of the BUILDING. REAR YARD depth shall be measured at right angles to the rear of the LOT.
- 3.01.207 YARD SIDE: A YARD lying between the side line of the LOT and the nearest line of the BUILDING and extending from the FRONT YARD to the REAR YARD, or in the absence of either, such front or REAR YARDS, to the front or REAR LOT lines, SIDE YARD width shall be measured a right angle to sidelines of the LOT.
- 3.01.208 ZONING ACTION: A request for any action under the Zoning Ordinance, including, but not limited to, rezoning, variance, CONDITIONAL USE PERMITS, and SIGN regulation.

## ARTICLE IV: ESTABLISHMENT OF DISTRICTS

### Chapter 4.01: Establishment of Districts

For the purposes of this zoning ordinance, Bogart is divided into zoning DISTRICTS as follows:

- R-1 Single-family Residential
- R-2 Two-family Residential
- CBD Central Business District
- GB General Business District
- NB Neighborhood Business
- IND Industrial District
- P-O-R Professional, Office, Research District

### Chapter 4.02 Official Zoning Map

The location and boundaries of the above-listed DISTRICTS are established as shown on a map entitled the “Official Zoning Map of Bogart, Georgia”. The map together with all notations, references and other information shown thereon shall be the official map and is hereby made a part of this Ordinance. The map is a public record and is kept permanently in the City Hall and accessible to the general public during normal business hours.

### **Chapter 4.03 Map Amendment**

If, in accordance with provisions of this Ordinance, changes are made in the DISTRICT boundaries or other information portrayed in the Official Zoning Maps, such changes must be made on the Official Zoning Maps within 30 days after the amendment has been approved by the MAYOR AND COUNCIL together with a numerical entry on the Official Zoning Maps referring to the application on file which states the date of the official action and the brief description of the nature of the changes.

### **Chapter 4.04: Rules for Determining Boundaries**

The following rules apply where uncertainty exists with respect to the boundaries of any zoning DISTRICTS shown on the Official Zoning Map of Bogart.

- 4.04.001 Unless otherwise indicated, the DISTRICT boundaries are indicated as approximately following property lines, land LOT lines, centerlines of STREETS, highways, ALLEYS or railroads, centerlines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- 4.04.002 Where DISTRICT boundaries are approximately parallel to or extend to the centerlines of STREETS, highways, railroads, including their right-of-way, or the centerlines of streams, reservoirs, or other bodies of water, DISTRICT boundaries shall be constructed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, dimensions shall be determined by the scale shown on the Official Zoning Maps.
- 4.04.003 Where a public road, STREET, or ALLEY is officially abandoned, the regulations applicable to the parcel to which is reverts shall apply.

## **ARTICLE V: APPLICATION OF REGULATIONS**

### **Chapter 5.01: Use**

No BUILDINGS, STRUCTURE, premises, or land use shall be used or occupied and no BUILDING or part thereof shall be erected, extended, enlarged, constructed, moved, or altered except in conformity with three regulations for the DISTRICT in which it is, or will be, located,

### **Chapter 5.02: Building Height**

No BUILDING or STRUCTURE shall be erected, constructed or altered that exceeds the height limit for the DISTRICT in which it is located.

### **Chapter 5.03: Lots**

No LOT, even though it may consist of one or more adjacent LOTS of record, shall be reduced in size so that LOT OF RECORD or depth, front, side or REAR YARD, LOT area per FAMILY or the requirements of this ordinance are not maintained. This section shall not apply when a portion of a LOT is acquired for public use.

### **Chapter 5.04: Yards**

No part of a YARD or other OPEN SPACES required for one BUILDING shall be included as part of a YARD or other OPEN SPACE similarly required for another BUILDING. Every part of a required YARD or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projection do not extend more than two (2) ft. into the YARD area requirements.

### **Chapter 5.05: Accessory Use or Building**

- 5.05.001 ACCESSORY BUILDINGS shall be permitted only in REAR YARDS, except as otherwise provided in this Ordinance. In a residential DISTRICT, ACCESSORY USES customarily located within FRONT or SIDE YARDS of residences are the following: garages or carport (SIDE YARD only), walls and fences as permitted herein, mailboxes, driveways, walkways, lamp posts, landscaping, vegetable gardens, provided they do not exceed 30 percent of the FRONT YARD, and basketball goals adjacent to driveways. No ACCESSORY USES or structures, except driveways, mailboxes or minimal landscaping shall be located within a public right-of-way.
- 5.05.002 ACCESSORY USES customarily located in REAR YARDS of residences are the following: storage buildings, patios, swimming pools, dog runs, dog pens and dog houses. Any ACCESSORY USE or STRUCTURE, except walls, fences, driveways and landscaping, shall be set back not less than five feet from any LOT line, or not less than the distance established by other portions of this Ordinance.
- 5.05.003 No necessary STRUCTURE shall be erected prior to construction of the PRINCIPAL BUILDING to which it is accessory.

- 5.05.004 In residential DISTRICTS, unless otherwise allowed by this Ordinance, no ACCESSORY BUILDING shall exceed 1,000 square feet and the total FLOOR AREA of accessory structures shall not exceed 50 percent of the footprint of the principal dwelling.
- 5.05.005 No ACCESSORY BUILDING shall be utilized unless the principal STRUCTURE is also occupied. There shall be a distance of not less than ten (10) feet between a principal and ACCESSORY BUILDING located on the same LOT or parcel unless the PRINCIPAL BUILDING and the ACCESSORY BUILDING share a common wall.
- 5.05.006 A detached ACCESSORY BUILDING shall not be more than two (2) stories high and shall not be constructed on more than thirty (30) percent of the REAR YARD.
- 5.05.007 No detached ACCESSORY BUILDING may be located in the FRONT YARD or SIDE YARD of a LOT.
- 5.05.008 Manufactured homes or mobile homes or storage trailers may not be used as ACCESSORY BUILDINGS in any residential DISTRICT.
- 5.05.009 Dumpsters are ACCESSORY BUILDINGS and must be screened by a SOLID FENCE.

#### **Chapter 5.06: Temporary Buildings**

Temporary buildings used in conjunction with construction work may only be permitted in any non-residential DISTRICT provided that no temporary BUILDING shall be used for a residential purpose and the BUILDING must be removed immediately upon the completion of construction.

#### Chapter 5.07: Number of Buildings

Only one (1) principal residential dwelling per LOT unless otherwise specified.

#### Chapter 5.08: Vision Clearance at Intersections

In all Zoning DISTRICTS, except the Central Business DISTRICT, no other obstruction to vision between 2 ½ feet and 1- feet from the ground level, except utility poles, light or STREET signs or tree trunks, shall be permitted within 20 feet of the intersection of the right-of-way lines of STREETS, roads, highways or railroads.

#### Chapter 5.09: Standard Lots of Record

Any platted LOT OF RECORD which was legally existing prior to the adoption of this Ordinance, which has an area or a width less than required by this Ordinance, may be used, subject to the following: When two or more such LOTS which are in one ownership at

any time after the adoption of this Ordinance, such LOTS shall be combined as a single LOT or several LOTS of the minimum width and area required in the DISTRICT.

## ARTICLE VI: GENERAL PROVISIONS

### Chapter 6.01: Approvals

- 6.01.001 All City, COUNTY, and State of Georgia approvals and permits required for the use/operation of the land, structures and/or businesses shall be obtained by the APPLICANT before the use/operation begins.
- 6.01.002 For all residential SUBDIVISION, business and industrial development fronting on a State Highway, no BUILDING or development permits shall be issued until the approval of the Georgia Department of Transportation of entrances and exits, curbs, drainage and other matters.

### Chapter 6.02: Non-conforming Buildings and Uses

- 6.02.001 Continuance of Non-conforming Uses
- A. The lawful, constitutional elimination of existing non-conforming structures and uses is as important a subject of health, safety and general welfare as is the prevention of establishing new uses that would violate the provisions of this ordinance. The lawful use of any STRUCTURE or land at the time of the enactment or amendment of this Ordinance may be continued, except the nonconforming use shall not be:
1. Extended to occupy a greater area of land on the same parcel or an adjoining parcel.
  2. Extended to occupy a greater area of a STRUCTURE unless such additional area existed at the time of the passage of this Ordinance and was clearly designed to house the same use as the nonconforming use occupying the other portion of the STRUCTURE.
  3. Re-established after discontinuance for one year, regardless of whether there is an intent to abandon.
  4. Changed to another or different non-conforming use.
- 6.02.002 Continuance of a Non-conforming Building
- A. Nothing in this section shall prevent the strengthening or restoring to a safe condition of any BUILDING or part thereof declared unsafe by any official charged with protecting the public safety or health. However, the same 50%

provision of this section shall apply. A non-conforming BUILDING existing at time of the enactment of this Ordinance may be retained except as follows:

1. No BUILDING may be enlarged or altered except in conformance with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe sanitary condition. Interior remodeling, including changing of interior partitions, is permitted for conforming buildings.
2. No BUILDING other than a single-family detached dwelling, shall be rebuilt, altered or repaired after damage exceeding 50 percent of the replacement cost of the above-ground STRUCTURE at the time of destruction, except in conformity with this Ordinance, provided that such damage occurred as a result of fire or natural disaster.
3. Should a non-conforming BUILDING be voluntarily moved any distance, the non-conforming BUILDING and all non-conforming structures and personally on the LOT shall be eliminated within 60 days thereafter.

6.02.003 Amortization and Discontinuance

A. Notwithstanding other provisions of this Ordinance, certain nonconforming land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered, or otherwise made to conform with this Ordinance within the periods of time set forth below. The MAYOR AND COUNCIL, upon findings in the specific case, may permit not more than one extension for not more than the time indicated. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of this Ordinance.

<b>Nonconformity</b>	<b>To Be Discontinued In</b>	<b>Maximum Extension</b>
Wrecking, junk, scrap, vehicle repair or salvage yards and other open used of land, signs, sign structure, automotive storage and sales LOTS, outdoors storage yards for lumber, building materials, contractor's equipment.	1 Year	6 Months
Nonconforming fences, walls, and hedges impeding vision at intersections.	60 Days	30 Days

6.02.004 Validity of Previously Issued Permits and Approvals

A. No provision of this Zoning Ordinance shall affect the validity of 1) any BUILDING or grading permit lawfully issued prior to this Ordinance, provided that all time constraints for such permit shall be observed, or 2) any development permit lawfully authorized prior to this Ordinance, upon approval of relevant construction drawings; and such development may proceed to record provided that all time constraints and conditions relating to the approval are observed, and that the LOT size relating to the approval are observed, and that the LOT size and construction of buildings shall be in accordance with the area and dimensional requirements existing on the date of such approval.

### **Chapter 6.03: Street Frontage Requirements**

No building or STRUCTURE shall hereafter be erected on a LOT that does not abut for at least 25 feet upon an open street which shall be either a public STREET, a publicly maintained STREET, a private STREET easement, or an approved easement line as applicable.

### **Chapter 6.04: Access to Public Streets**

Access to public STREETS shall be maintained per the following:

- 6.04.001 Each PRINCIPAL USE shall be on a LOT with FRONTAGE on a public STREET with RIGHT-OF-WAY as required in Chapter 6.03.
- A. For single-family and two-family uses, there shall be:
1. Access from internal SUBDIVISION STREETS, if the LOT has FRONTAGE on the interior STREET of a SUBDIVISION.
  2. Access as follows for all other existing STREETS or roads:
    - a. No more than one access way per 100 feet for individual LOT FRONTAGE on a roadway, which shall not exceed 30 feet in width, measured at the edge of a roadway surface at a line 5 feet outside and parallel to the edge of the roadway surface. The width of the rest of said access way shall not exceed 20 feet, which shall not be increased until said line 5 feet from the roadway.
- B. For all uses other than single-family and two-family (including industrial, commercial, business and multi-family uses), there shall be:
1. No more than one access way on any one STREET FRONTAGE of less than 140 feet, nor more than 2 access ways on any one STREET FRONTAGE of 140 feet to 210 feet. If a 3<sup>rd</sup> access way is required due to topography; it must be approved by the MAYOR AND COUNCIL. All access ways shall not exceed 80 feet in width, measured at the edge of

the roadway surface, and shall be gradually reduced (by equivalent radii or tapers) so as not to exceed 30 feet in width at a line drawn parallel to, and between 12 feet and 25 feet from the outside edge of the roadway surface. All such access ways should intersect the roadway a 90 degrees, however, when circumstances exist, such that this is not practical or desirable, the MAYOR AND COUNCIL, upon recommendation from the PLANNING COMMISSION, may permit the intersection to occur at an angle of not less than 45 degrees, with compatible radii or tapers.

2. No access way within 10 feet of the intersection of a straight-line projection of any side (or rear) LOT line and the edge of the roadway surface, and all uses other than single family and two-family shall not have any access ways less than 20 feet apart, at the edge of the roadway.

C. At roadway intersections, no access way shall be established within 5 feet of the points of tangency of the curve connecting such roadways. Measurements shall be made along the edge of the roadway surface from the nearest point of tangency.

D. No curbs or rights-of-way shall be cut, paved, established, or otherwise altered until a scale plan, indicating compliance with these requirements, has been approved by the MAYOR AND COUNCIL.

E. Access ways shall be defined by paving or use of curbs.

F. A permit must be obtained from the City of Bogart or Georgia Department of Transportation before curb cuts or any other point of access shall be authorized onto state-owned highway or city-maintained rights-of-way from abutting property.

## **Chapter 6.05: Driveway Apron**

6.05.001 A driveway apron shall be installed for all new and replacement driveways.

A. Driveway apron limitations, exemption, construction requirements.

1. For single-family and two-family uses, the driveway apron width shall be:

- a. 12 feet for a one-way driveway serving one single-family dwelling.
- b. 15 feet for a one-way driveway serving one, two-family dwelling.
- c. 21.5 feet for a two-way driveway serving one or more two-family dwellings.



2. The length of driveway aprons, for single-family and two-family homes, shall not be less than 10 feet measured at the property line of the respective property frontage abutting the right-of-way where the driveway apron is to be installed.
3. Dwellings that do not have property abutting a RIGHT-OF-WAY, except for an easement or a narrow strip of land intended for ingress and egress, are exempt from driveway apron size limitations only.
4. Cement concrete or asphalt shall be used for installing or replacing driveway aprons.
5. Driveway aprons cannot be installed within 3 feet of a tree planted in the City RIGHT-OF-WAY.
6. Trees in City RIGHTS-OF-WAY shall not be removed for the purpose of installing a driveway apron.

### **Chapter 6.06: Automobile Parking**

Within Bogart, off-street automobile storage or parking space shall be provided on every LOT on which any permitted or CONDITIONAL USE is established in accordance with this Ordinance.

#### 6.06.001 Parking Goals

- A. Enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian friendly environments by encouraging shared parking.
- B. Reduce inefficient, single-purpose parking.
- C. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- D. Increase visibility and accessibility of parking.
- E. Provide flexibility for the redevelopment of small parcels.

#### 6.02.002 On-street Parking

- A. On-street parking for guests shall be permitted on interior subdivision STREETS within the R1 and R2 zones, except within 25 feet of the RIGHT-OF-WAY of an intersecting STREET.

#### 6.02.003 Off-street Parking

A. In all zoning DISTRICTS, OFF-STREET PARKING facilities for motor vehicles for the use of occupants, employees, and patrons of the BUILDING or structures hereafter erected, altered, or extended shall be provided and maintained as follows:

1. Surface:

a. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete, or similar materials or porous pavement. A potential porous pavement site needs to meet the following criteria:

(1) Soils should have a permeability between 0.5 and 3.0 inches per hour.

(2) The bottom of the store reservoir should be completely flat so that infiltrated runoff will be to infiltrate through the entire surface.

(3) Porous pavement should be located at least 2 to 5 feet above the seasonally high groundwater table, and at least 100 feet away from drinking water wells.

b. Porous pavement parking areas shall meet the design requirements of §6.02.003.2

2. Parking Area Design

a. All OFF-STREET PARKING areas, excluding driveways associated with residential development shall be designed so that vehicles may exit without backing onto a public STREET unless no other practical alternative is available due to topography or LOT configuration.

b. OFF-STREET PARKING areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility, or other STRUCTURE.

c. Individual spaces shall not be less than 8 feet wide and shall have minimum area of 160 square feet exclusive of drive and aisles.

d. Circulation Area Design

(1) Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

(2) Interior driveways, when used with a 90-degree-angle parking shall be not less than 24 feet wide; when used with 60-degree-angle parking, not less than 12 feet wide with one-way traffic; when used with 60-degree-angle parking, not less

than 12 feet wide with one-way traffic; when used with parallel parking or where no parking exists, not less than 10 feet for one-way traffic and not less than 20 feet for two-way traffic.

e. Surfacing and Drainage

(1) All OFF-STREET PARKING shall be properly drained and surfaced to avoid water and dust problems.

f. Lighting

(1) All parking area lighting shall be full cutoff-type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from adjacent residential properties and away from the vision of passing motorists.

B. Shared OFF-STREET PARKING

1. Two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use, provided the following conditions are met:

a. The minimum required number of parking spaces for the combined uses shall be reduced by 20 percent where hours of operation overlap and the uses within the businesses share general customer traffic.

b. Off-site spaces shall be within 600 feet walking distance of a BUILDING entrance or use. If the pedestrian access is to cross an arterial STREET, appropriate safety measures must be present to help the pedestrian cross the STREET. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the STRUCTURE or use to the parking LOT.

c. The parking facility to be shared must contain at least the minimum required spaces of the largest individual use sharing the LOT and shall be developed to the extent of at least being paved and striped according to the standards of this ordinance.

d. The parking facility to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent EASEMENT by the owner of the uses being served.

e. No changes shall be made to the shared parking facility which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without approval of the BUILDING INSPECTOR.

f. Parking spaces to be shared must not be reserved for a specific PERSON, individual, or use on a twenty-four-hour basis.

g. Handicap parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.

h. LOADING SPACE shall not be shared.

i. Any proposed change in the use of a STRUCTURE that shares a parking facility will require proof that adequate parking is available.

j. Off-site and shared parking may be used in combination to develop parking facilities, provided all the requirements of this section are met.

C. Parking Requirements: Off-street automobile parking shall be provided according to the minimum requirements below:

OFF-STREET PARKING	
USE	REQUIRED PARKING
DETACHED RESIDENTIAL	2 SPACES per unit
ATTACHED RESIDENTIAL	1 space per bedroom, up to 2 per unit plus 1/6 parking space per ATTACHED RESIDENTIAL unit for use as shared parking for visitors.
Accessory Dwelling	1 space per bedroom, up to 2 per unit

DAY-CARE CENTER	1 per 500 square feet of gross FLOOR AREA
HOTEL	1 per guest room plus 1 per 500 sq. ft.
RECREATION CENTER	1 per 400 sq. ft. of facilities
Restaurants	1 space for each 4 seats provided for patron use.
Retail	1 space for every 500 square feet of gross FLOOR AREA*
Office/business	1 space for every 500 square feet of gross FLOOR AREA*
RELIGIOUS INSTITUTIONS	1 space for each 6 seats in the main AUDITORIUM or sanctuary
Institutional	1 space for every 6 seats
Business Park/Industrial	1 space each for maximum number of employees present at any one time*
Senior Living	1 space per 3 beds

\*OFF-STREET PARKING for COMMERCIAL USES shall be sufficient to provide parking for employees of all proposed uses, as well as customer parking. Spaces reserved for employees shall be designated as such by means of signage.

1. Unlisted Uses. Upon receiving a development application for a use not specifically listed in the above-table, the BUILDING INSPECTOR shall apply the OFF-STREET standard specified for the listed use that is deemed most similar to the proposed use or require a parking study.

#### D. OFF-STREET PARKING for Land Uses with Unique Parking Requirements

1. Land uses which have widely varying parking demand characteristics, making it impossible to specify a single OFF-STREET PARKING standard shall comply with the following:

a. A DEVELOPER proposing to develop or expand a land use with unique parking requirements shall submit a parking study that provides justification for the number of OFF-STREET PARKING spaces proposed. A parking study shall include:

(1) Estimates of parking demand based on recommendations of the Institute of Traffic ENGINEERS, or other acceptable estimates as approved by the BUILDING INSPECTOR, and should include other reliable data collected

from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by DENSITY, scale, bulk, area, type of activity, location, or parameters of the use that may be estimated to parking requirements

(2) The study shall document the source of data used, and methods used to develop the recommendations. After reviewing the parking study, the BUILDING INSPECTOR shall establish a minimum OFF-STREET PARKING standard for the proposed use.

E. Location of parking space

1. OFF-STREET PARKING facilities for residential uses shall be provided and located on the same LOT as the BUILDING they are intended to serve.
2. Required OFF-STREET PARKING in residential zones shall not lie within the FRONT YARD SETBACK nor within any required SIDE YARD SETBACK adjacent to a STREET. (Driveway spaces within these setbacks cannot be counted for required OFF-STREET PARKING.)
3. If adequate OFF-STREET PARKING facilities for other than residential uses cannot be reasonably provided on the same LOT on which the PRINCIPAL USE is conducted, the MAYOR AND COUNCIL may permit such parking spaces to be provided on other off-street property owned by the APPLICANT, both cases being subject to the following:
  - a. Such other LOT is within 400 feet of the property line of such PRINCIPAL USE;
  - b. Such other LOT has the same zoning or less restrictive zoning classification of the PRINCIPAL USE LOT;
  - c. Such other LOT is not located across any arterial or major collector road from such PRINCIPAL USE; and
  - d. An executed EASEMENT (or other recordable instrument reasonably satisfactory to the Mayor, Council, and City Attorney using as criteria Georgia law on such documents) dedicating the off-site parking to the property that the spaces serve or will be shared shall be submitted with the application for a BUILDING permit and shall be approved by the Mayor, Council and City Attorney and recorded with the Clerk of Superior Court prior to issuance of a CERTIFICATE OF OCCUPANCY. A copy of the recorded document must be supplied to the CITY CLERK. This document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Mayor, Council, and City Attorney.
4. Required OFF-STREET PARKING shall be set back no less than 20' from the back of an adjacent sidewalk.

F. Handicap parking spaces.

1. Handicap parking spaces shall be required for all retail, OFFICE, BUSINESS, industrial and institutional uses.
2. ATTACHED RESIDENTIAL units designed for occupancy by disabled persons shall provide one handicap parking space for each dwelling unit designed for each occupancy.
3. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.
4. Handicap parking spaces serving a particular BUILDING shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular BUILDING, handicap parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance to the parking area. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
5. Number of handicap parking spaces.

HANDICAP PARKING SPACES	
Total parking Space in Lot	Minimum Required Number of Handicap Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for every 100 over 1,000

6. For every eight handicap parking spaces, there must be at least 1 van-accessible space. If there is only 1 handicap parking space, that space must be van-accessible.

## 7. Parking space dimensions

- a. Parking spaces must be 8 feet by 18 feet with a five-foot-wide access table.
- b. Van-accessible spaces must be 8 feet by 18 feet with an eight-foot-wide access aisle.
- c. Parking spaces that are parallel to a pedestrian walk which is handicap-accessible may have the same dimensions as those of standard vehicles.

### **Chapter 6.07: Off-street Loading and Unload spaces.**

- 6.07.001 Each off-street LOADING SPACE shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular LOADING SPACE will be used exclusively by shorter trucks, the BUILDING INSPECTOR may reduce the minimum length accordingly to as little as 35 feet.
- 6.07.002 Each required off-street LOADING SPACE shall have direct access to a STREET or ALLEY or have a driveway which offers satisfactory ingress and egress for trucks.
- 6.07.003 Sufficient space for off-street loading and unloading must be provided for each INSTITUTION, HOTEL, commercial or industrial BUILDING or similar use requiring the receipt or distribution of materials or merchandise, and having a FLOOR AREA of more than 10,000 square feet of floor. Such space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, STREET or ALLEY.
- 6.07.004 Sufficient off-street LOADING SPACE (not necessarily a full space if shared by adjacent establishments) must be provided for each commercial or industrial BUILDING requiring the receipt or distribution of materials for merchandise and having a FLOOR AREA of less than 10,000 square feet. The space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, STREET or ALLEY.
- 6.07.005 All required off-street loading spaces shall be located on the same LOT as the BUILDING which they are intended to serve, or on an adjacent LOT when the loading spaces are shared with the use occupying said adjacent LOT.
- 6.07.006 Permanent Reservation. Area reserved for off-street loading in accordance with this Ordinance must be reduced or changed to any other use unless the PERMITTED USE that the off-street loading serves is discontinued or modified. However, equivalent LOADING SPACE may be provided and approved by the BUILDING INSPECTOR.

### **Chapter 6.08: Stacking Space for Drive-through Facilities.**



6.08.001 Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:

A. Stacking spaces and lanes for drive-through stations shall not impede on- and off-site traffic movements, shall not cross or pass-through OFF-STREET PARKING areas, and shall not create a potentially unsafe condition, where crossed by pedestrian access to a public entrance of a BUILDING.

B. Drive-through lanes shall be separated from OFF-STREET PARKING areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

1. Approach lanes for drive-through facilities shall have the following minimum widths:

a. One lane: 12 feet per lane

b. Two or more lanes: 10 feet per lane

c. All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet

d. ALLEYS or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.

e. Each stacking space shall be a minimum of 10 feet by 20 feet.

C. The number of stacking spaces shall be provided as follows:

<b>Activity Type</b>	<b>Minimum Stack</b>	<b>Measured From</b>
Automated Teller Machine	3 per machine	Teller Machine
Bank teller lane	3 per lane	Teller WINDOW
Car Wash Stall, automatic	4	Entrance
Car Wash Stall, self-service	1	Entrance
Gasoline Pump Island	20 feet from each end of the pump island	
Other	Determined by BUILDING INSPECTOR	

## **Chapter 6.09 Classification of Streets**

All STREETS in Bogart, Georgia, are divided into six (6) classes.

6.09.001 Arterial STREETS and highways are those which are used primarily for fast or heavy through traffic.

- 6.09.002 Collector STREETS are those which carry traffic from minor STREETS to the major system of freeways, expressways, and arterial STREETS and highways.
- 6.09.003 Minor local residential STREETS, including cud-de-sacs, are those which are used primarily for access to the abutting properties.
- 6.09.004 Minor local commercial and industrial STREETS are those which are primarily for access to the abutting commercial and industrial properties.
- 6.09.005 ALLEYS are those which are used primarily for vehicular service access to the rear of side of properties otherwise abutting on a STREET.
- 6.09.006 Marginal access STREETS or FRONTAGE roads are minor STREETS which are parallel and adjacent to freeways, expressways, or arterial STREETS and highways; and which provide access to abutting properties and protection from through traffic.

#### **Chapter 6.10: Storage and Parking of Recreational Vehicles, Trailers, and other Vehicles**

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any LOT occupied by a dwelling or any LOT in any Residential DISTRICT except in accordance with the following requirements:

- 6.10.001 No commercial vehicle used for hauling explosive, gasoline or liquefied petroleum products is permitted.
- 6.10.002 Recreational vehicles, hauling trailers, or boat trailers are permitted if parked or stored behind the FRONT YARD BUILDING LINE.
- 6.10.003 A RECREATIONAL VEHICLE shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a RECREATIONAL VEHICLE park authorized under this Ordinance, or as otherwise stated in this Ordinance.
- 6.10.004 In all residentially zoned DISTRICTS it is prohibited to park or store abandoned, wrecked or JUNKED VEHICLES, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity. For the purposes of this subsection, an abandoned vehicle shall be a vehicle without current state license.

#### **Chapter 6.11: Landscaping and Buffers**

- 6.11.001 Landscape Plan
  - A. A landscaping plan is required for all MAJOR PROJECTS.

## B. Application Procedure and Requirements.

1. If a preliminary PLAT is required, said landscaping plan shall be submitted with the preliminary plat.
2. If no preliminary PLAT is required, said landscaping plan shall be submitted for review forty-five (45) days prior to the issuance of a land disturbance permit.
3. The applicant shall file 4 copies of the landscaping plan with the City Clerk, and the applicant shall also file 8 copies of the landscaping plan with the PLANNING DEPARTMENT. The application shall be made on forms furnished by the City Clerk, with the fee.
4. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The DEVELOPER(s) shall retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that the removal is recommended by a certified arborist due to the impact of the proximity of the proposed construction on the tree. Where trees will be removed, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property has an existing tree DENSITY which does not allow adequate space or light for additional trees as determined by a certified arborist or registered landscape architect. The landscape plan shall show the locations or the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.
5. A MAJOR PROJECT which abuts a STREET shall maintain a minimum landscape strip of twenty (20) feet, in addition to any required BUFFER along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress, and along the entire side and rear of the property. Said area shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.
6. All new business primarily related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be directly visible from the roadway on which the BUILDING fronts; and so that cars, trucks or other vehicles stored on the premises prior to and after the service or repair are properly screened from view.
7. Any operation not conducted within a BUILDING, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be so designed and constructed that no outdoor operation, activity or storage shall be

directly visible from the roadway on which the BUILDING fronts and that said operation, activity or storage are properly screened from view.

6.11.002 Review Process

A. Upon receipt of 4 copies of a complete application and plat, the City Clerk shall keep 4 copies for the Mayor and City Clerk to review. The applicant shall provide 8 copies of the documents to the Oconee County PLANNING DEPARTMENT for review by the PLANNING COMMISSION.

B. The PLANNING COMMISSION may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application: approval, denial, or approve with conditions.

C. If no recommendation is made by the PLANNING COMMISSION, then it shall report to the MAYOR AND COUNCIL that it makes no recommendation. If the PLANNING COMMISSION makes a recommendation, it shall submit its recommendation to the MAYOR AND COUNCIL will consider the landscape plan.

D. The MAYOR AND COUNCIL shall consider the landscape plan at its next regular Council meeting following the PLANNING COMMISSION at which the landscape plan was considered.

E. So that the purpose of this Ordinance will be served and so that the health, public safety and general welfare will be secured, the MAYOR AND COUNCIL may approve, approve with conditions, or deny the landscape plan, defer an action to a later meeting date, or allow a withdrawal of the landscape plan by the APPLICANT, if requested.

6.11.003 Buffers or Uncomplimentary Users

A. Purpose and Intent. This section requires landscaped BUFFERS to be provided and maintained when certain land uses are adjacent to or directly across from each other to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. Landscaped BUFFERS are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the BUFFER and the required plantings within the BUFFER vary depending upon the relative intensities of the abutting or adjacent uses.

B. How to Determine Landscaped BUFFER Requirements. Landscaped BUFFERS shall be located at the perimeter of the BUILDING site for any given use, and shall not be located in any portion of a public RIGHT-OF-WAY. The following procedures shall be followed to determine the type of landscaped BUFFER required:

1. Identify whether the proposed land use is a residential or non-residential use. Identify whether the land use category of the adjacent or adjoining use(s) is residential or non-residential.

2. Identify whether the proposed and adjacent or adjoining uses are high impact, medium impact, or low impact, residential class I or class II uses by referring to §6.11.006.
3. Determine the landscaped BUFFER required on each BUILDING site boundary (or portion thereof) by referring to §6.11.008.
4. Select the desired landscape BUFFER option from those set forth in §6.11.007. Any of the listed option shall satisfy the requirement of buffering between adjacent or adjoining land uses.

6.11.004 Landscaped Buffer Design and Materials

- A. Existing native plant material. The use of existing native species of plant material is strongly encouraged in landscaped BUFFERS. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped BUFFER. Where the planting requirements of §6.11.007 require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.
- B. Mixed-use development. Landscaped BUFFERS required at the perimeter of the development shall be based on each portion of the property.

6.11.005 Use of landscaped Buffers.

- A. OPEN SPACE. Landscaped BUFFERS may be counted toward satisfying OPEN SPACE requirements, and may be used for PASSIVE RECREATION. They may contain pedestrian or bike trails provided that the total width of the BUFFER is maintained and that all planting requirements of this section are met and the VISUAL SCREEN provided by the landscape BUFFER will be fully achieved. In no event, however, shall the following uses be permitted in landscaped BUFFERS: play fields, stables, swimming pools, tennis courts, parking LOTS, and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.
- B. Stormwater retention/detention facilities. The MAYOR AND COUNCIL, upon recommendation of the Planning Director and CITY ENGINEER, shall be authorized to allow stormwater retention/detention facilities to encroach into landscaped BUFFERS a maximum of twenty-five (25) percent of BUFFER width, where it is found that all planting requirements of this section are met and the VISUAL SCREEN provided by the landscape BUFFER will be fully achieved.
- C. Ingress and Egress. Ingress and egress to the proposed use and utilities may cross the BUFFER provided they minimize the amount of BUFFER devoted to this use.

D. Lighting, fences, walls and signs. Lighting, fences, walls, and identification signs may be located within the required BUFFER. All lighting shall be full cut-off fixtures and reflect the light away from adjacent residential properties.

E. Pedestrian walkways. Sidewalks, walkways and paths may be allowed within the required BUFFER, provided that:

1. The total width of BUFFER is maintained.
2. All other requirements of these ordinances are met.

6.11.006 Classification of uses for determining Buffer requirements.

A. Nonresidential uses. For the purpose of determining landscaped BUFFER requirements, nonresidential land uses are classified as high, medium, or low, impact uses as follows:

1. High impact uses. High impact uses are particular uses of land that, because of their operation and physical characteristics are expected to have a strong effect on abutting or adjacent uses.

High impact uses include:

- a. LIGHT INDUSTRY
- b. All ACCESSORY uses associated with the above uses.
- c. Wastewater treatment plant.

2. Medium impact uses. Medium impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a moderate effect on adjoining or adjacent uses. Medium impact uses include:

- a. COMMERCIAL USES, except for PROFESSIONAL and office uses, meant to serve the traveling public.
- b. Transportation, Communication and Utility uses, except for wastewater treatment plants.
- c. All ACCESSORY uses associated with the above uses.

3. Low impact uses. Low impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a limited effect on abutting or adjacent uses. Low impact uses include:

- a. Institutional uses.
- b. Outdoor recreation uses.
- c. PROFESSIONAL service and office use.

d. COMMERCIAL USES meant to serve the adjacent neighborhood.

e. MANUFACTURED HOME SPACES.

f. All ACCESSORY uses associated with the above uses.

4. Residential uses. For the purposes of determining landscaping BUFFER requirements, residential uses are classified as follows:

a. Residential class I.

(1) Residential uses with a DENSITY of 2 units per acre. However, single-family homes that are not part of a larger development requiring site plan approval are exempt from all landscaped BUFFER YARD requirements

(2) All ACCESSORY uses associated with the above uses.

b. Residential class II.

(1) Two-family and Multi-family, and other residential uses with a DENSITY equal to or exceeding 2 units per acre.

(2) All ACCESSORY uses associated with the above uses.

6.11.007 Table of Landscaped Buffer Requirements

<b>Use Intensity BUFFER Classification Matrix</b>					
<b>Use of Subject Property</b>	<b>Use of Adjacent Property</b>				
	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Residential II</b>	<b>Residential I</b>
High	None	10'	20'	50'	100'
Medium	None	None	10'	25'	50'
Low	None	None	None	25'	25'
Residential II	10' with screen	10'	10'	None	25'
Residential I	10' with screen	10'	10'	None	None

To determine buffers for vacant lots, assign adjacent use based on zoning classification.

6.11.008 Waiver of Landscape Buffers

A. Following a review and recommendation by the Planning Department, the MAYOR AND COUNCIL may waive a landscape buffer otherwise required by this Section, or reduce its extent to an appropriate dimension, provided that the MAYOR AND COUNCIL, deems such waiver or reduction as adequate to protect the health, safety or general welfare of the public, and provided that reasonable objections from adjoining property owners shall be considered in making such waiver or reduction. Such action shall be handled as a variance under this Ordinance.

6.11.009 Landscaped Buffer options

A. The BUFFER is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the BUFFER, are allowed. The edges of the landscaped BUFFER may meander provided that:

1. The total area of the BUFFER is equal to or greater than the total area of the required landscaped BUFFER.
2. When the requirements of this section result in a fractional number of plantings, the fraction shall be counted as one (1) plant unit.

6.11.010 Location of landscaped Buffers

A. Required BUFFERS between proposed land use categories are set forth in the tables below. If the land next to the proposed development is vacant the required BUFFER shall be determined by the existing zoning on the adjacent property as shown in the tables below. For the purposes of this ordinance, “adjacent parcel” shall include parcels separated from the proposed development by a public RIGHT-OF-WAY or EASEMENT less than fifty (50) feet in width.

<b>Minimum BUFFER Requirements</b>				
<b>BUFFER Type</b>	<b>Width</b>	<b>Per 100 linear feet</b>		<b>1 shrub per * Shrubs/Hedge</b>
		<b>CANOPY Trees*</b>	<b>Under STORY Trees*</b>	
Type A	40'	4	6	50 sq. ft.
Type B	50'	5	7	75 sq. ft.
Type C	75'	4	5	150 sq. ft.
Type D	90'	3	3	175 sq. ft.
Type E	175'	2	2	250 sq. ft.
Type F	10'	2	1	75 sq. ft.

\*Variations in quantities and spacing of BUFFER shrubs may be approved when larger plants are provided.



- 6.11.011 Canopy Trees. For the purposes of this section, a tree is defined as a plant species having an average mature crown spread of fifteen (15) feet or greater when growing in Bogart and having a trunk or trunks that eventually can be maintained in a clean condition, clear or lateral woody growth of five (5) feet or greater. CANOPY tree species as defined shall be a minimum of eight (8) feet overall height immediately after planting with at least a two (2) inch diameter (caliper). Trees having average, eventual mature crown spread of less than fifteen (15) foot crown spread. All trees shall be located no closer than three (3) feet from the edge of any designated planting area.
- 6.11.012 Under Story Trees. Understory tree species used shall have an average mature crown spread of at least 15 feet when grown in Bogart, Georgia. Understory tree species shall be a minimum of five feet in height and have a caliper of at least one and one-half inches immediately after planting.
- 6.11.013 Shrubs. For the purposes of this section, a shrub shall be defined as any self-supporting woody evergreen or flowering species generally growing or maintained at a height of five (5) feet or less. Shrubs shall be a minimum of twenty-four (24) inches in height when measured immediately after planting and planted a maximum of thirty-six (36) inch on center.
- 6.11.014 Maintenance of landscaped Buffers.
- A. The maintenance of all landscaped BUFFERS shall be the responsibility of the property owner. Failure to maintain such landscaped BUFFERS in an attractive and healthy state shall be considered a violation of this ordinance.
- B. Dead or dying trees or shrubs shall be replaced as soon as practicable so as to provide the intended SCREENING and buffering affect. If, in the determination of the Code Enforcement Officer, dead or dying trees or shrubs are present, the property owner will be notified and the trees or shrubs must be replaced. Failure to replace trees or shrubs after notification shall be deemed a violation of the Bogart Zoning Ordinance.
- C. NUISANCE TREES and Shrubs Excluded. NUISANCE TREES and shrubs, shall be excluded from any landscaping plan and shall be removed from existing vegetation proposed to be used as a BUFFER.
- 6.11.015 Minimum Planting Areas.
- A. CANOPY trees shall have a planting area no less than ten (10) feet wide in all dimensions.
- B. Under STORY trees shall have a planting area no less than eight (8) feet wide in dimensions.
- 6.11.016 Plant and Structure Location

A. All plant materials shall be installed to achieve the purposes for which that planting is required. The required planting should be generally be in an irregular line and spaced at random and be varied to achieve maximum growth for each plant and tree species.

1. CANOPY trees shall be placed no closer than ten (10) feet from any STRUCTURE.

2. Under STORY trees and shrubs shall be planted no closer than three (3) feet from any STRUCTURE.

B. To avoid a power line conflict, vegetation that exceeds twenty-five (25) feet in height at maturity shall not be included closer than thirty (30) feet of the vertical plane of an existing power line.

6.11.017 Landscape Plans. Whenever the provisions of this section apply, a landscaping plan shall be submitted for review with the Preliminary PLAT or site plan. The landscape plan must be drawn to scale, with a narrative and any necessary calculations, and include the following:

A. Dimensions and north arrow.

B. Preserved trees.

C. Locations of proposed signs and lighting.

D. Locations of proposed sidewalks or other paths and ingress and egress locations and widths.

E. Proposed location and spacing of all required plantings.

F. Overhead and underground utilities existing and proposed.

G. Subject property zoning and current use and adjoining property zoning and current use.

Prior to the issuance of a CERTIFICATE OR OCCUPANCY, the Planning Department shall conduct an inspection to ensure the BUFFER is installed as required.

## **Chapter 6.12: Interior Parking Lot Landscaping**

All OFF-STREET PARKING shall be laid out, constructed, and maintained according to the following requirements (except in residential LOTS in the R-1 or R-2, DISTRICTS). Note: OFF-STREET PARKING includes parking spaces or LOTS for customers and employees.

6.12.001 Off-street Parking Lot Landscaping

A. OFF-STREET PARKING areas in all zoning DISTRICTS shall be subject to the following requirements. For the purpose of calculating OFF-STREET PARKING LOT square footage, all areas within the lot's perimeter are counted, including the planting islands, curbed areas, corner LOTS, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking LOT may not be used to meet the interior planting requirement. The required amount of landscaping is based on the following sliding scale. Landscape provisions only apply to parking areas for customers or employees.

Total Area of LOT	Percent of the Total Area (square feet) of LOT that must be an Interior Planting Area
0 – 15,000	5.0%
15,000 – 29,999	7.5%
30,000 or greater	10.0%

B. OFF-STREET PARKING shall consist of planting islands. The maximum distance between trees in linear islands shall be thirty (30) feet and the minimum width of a planting island shall be twelve (12) feet.

C. Planting islands shall be evenly spaced throughout the parking lot and shall be distributed approximately once every ten (10) spaces for residential sites and once every fifteen (15) spaces for commercial development. Planting islands parallel to parking spaces must be at least nine (9) ft. wide to allow car doors to swing open.

D. Trees must have a clear trunk at least six (6) ft. above the finished grade to allow vehicular circulation beneath the tree CANOPY without causing any damage. Deciduous shade trees planted with ground cover or low shrubs are recommended as the primary plant materials. Shrub varieties should be evergreen.

E. Good visibility in the parking LOT is important for security and traffic safety reasons. Plants that restrict visibility, such as tall shrubs or low-branching trees, should be avoided.

F. To prevent cars from parking too close to trees or damaging shrubs, a curb or wheel stop must be provided.

G. Trees shall be disturbed to break up the parking LOT and to create a CANOPY effect. A minimum of one (1) large maturing CANOPY tree a minimum of eight (8) feet tall and two (2) inches caliper at time of planting and three (3) evergreen shrubs shall be required for every ten (10) parking spaces. The distribution of the trees must maximize shading during the summer months.

### **Chapter 6.13: Tree Protection**

During construction and development, trees that are to be preserved shall be protected from activities that may injure or kill them. To the extent possible, trees within the required SETBACKS or BUFFER strips shall be preserved. Trees should be fertilized and watered before construction begins to help them resist stress. A barrier for each tree or grouping shall be installed a distance of 2 feet away from the trunk for every inch diameter of that tree's DIAMETER BREAST HEIGHT (DBH). Spread a 10-to-12-inch layer of wood chips over the portion of the root zone that extends beyond the barrier and into the path of construction traffic to lessen the impact of heavy equipment on the root zone.

### **Chapter 6.14: Application Procedure and Requirements**

The APPLICANT shall file six (6) copies, with the CITY CLERK with an application for BUILDING permit or CONDITIONAL USE PERMIT that includes a fee as determined by the MAYOR AND COUNCIL. The application shall:

- 6.14.001 Be made on any forms furnished by the CITY CLERK together with a fee as determined by MAYOR AND COUNCIL.
- 6.14.002 Include a PLAT of all land which the APPLICANT proposes to place structures, improve or subdivide, including any unit divisions not scheduled for immediate development, and all land immediately adjacent extending one hundred (100) feet from the subject property, and of that directly opposite the subject property, extending one hundred (100) feet from the STREET FRONTAGE of opposite land, with the names of owners as should in the Assessor's files.
- 6.14.003 Include a Site Plan as required in §6.15.
- 6.14.004 Comply in all respects with these regulations, the Bogart Zoning Ordinance, and any other applicable regulations.
- 6.14.005 Be presented to the MAYOR AND COUNCIL at least thirty (30) days prior to a regular Council meeting.

### **Chapter 6.15: Site Plan**

All permitted uses in CBD, GB, NB, IND, and P-O-R Zoning Districts shall require submittal of a civil site plan and building construction plans prior to application for building permit. No building permit may be approved until the MAYOR AND COUNCIL approves the civil site and building construction plans.

All conditional uses in R-1 and R-2, CBD, BG, NB, IND, and P-O-R, zoning districts shall require submittal of a civil plan and construction plans prior to application for the conditional use. No building permit may be approved until the MAYOR AND COUNCIL approve the civil site and building construction plans.

#### 6.15.001 Content of Site Plan

The site plan, submitted to the Mayor and Council, shall be in ink on a reproducible medium, prepared in accordance with acceptable professional standards. The submittal copies shall consist of black-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. The civil site plan must reference the legal survey of the parcel. A copy of the survey must be included with the civil site plan stamped by a licensed land surveyor. The preliminary plat shall be prepared at a scale of one (1) inch equal to one hundred (100) feet. The recommended maximum dimension of the sheet size is 24 by 36 inches, provided, however, additional sheets may be used.

The civil site plan shall contain the following:

- A. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, the names of adjoining developments, and the names of adjoining streets. The current zoning of the property and all property adjoining and/or adjacent to the property including any properties across the street.
- B. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot. The boundary lines shall include the entire tract and data s required herein shall apply to the entire tract.
- C. Proposed unit division or stage development, if any, as proposed.
- D. Contour lines based on sea level datum. These shall be drawn at intervals of not more than two (2) feet. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified.
- E. The location of existing streets, easements, water bodies, streams, all trees over 18” in diameter at 4.5 feet above the ground, and other pertinent features such as environmental areas, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
- F. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way, building set-back lines and buffers.
- G. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.
- H. The name and address of the owner or owners of land to be developer, the name and address of the developer if other than the owners, the name of the land surveyor and/or name of the engineer and landscape architect.
- I. The date of the map, approximate true north point, scale, and proposed name of the development.
- J. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such the ground; the location of all proposed monuments. Mathematical closure shall be within a tolerance of one foot in five thousand feet.

- K. Name of the development and all new streets as approved by the Mayor and Council. A separate dedication plat must be prepared by the developer if any improvements are proposed to be dedicated to the City of Bogart.
- L. Indication of the use of any lot and all uses other than residential proposed by the developer as well as statement of proposed ownership.
- M. Blocks shall be consecutively numbered or lettered in alphabetic order. The blocks in numbered addition to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions. Out lots shall be lettered in alphabetical order. If blocks are numbered or lettered, out lots shall be lettered in alphabetical order within each block.
- N. List of underground utilities describing the owner of the utility as well as contact name and phone number. The plan shall show location and size of all existing and planned utilities in and adjacent to the proposed development. At a minimum this includes water, sewer, storm drains and catch basins, other stormwater management utilities, electric, street lights, gas and telecommunications. Includes the proposed location of any interconnections.
- O. Statement of approval for any utility other than a utility owned by the City that must approve and accept the proposed utility extension.
- P. Residential developments must include the following:
  - 1. Total area in development.
  - 2. Number of dwelling units in the development including the number of bedrooms.
  - 3. Area and percentage covered by:
    - a. Structures
    - b. Streets, roads and alleys
    - c. Sidewalks
    - d. Recreation areas
    - e. Landscaping
    - f. Total area covered by tree canopy
    - g. Parking area
- Q. Commercial developments must include the following:
  - 1. Total area proposed to be developed
  - 2. Area of percentage of lot covered by structures
  - 3. Area and percentage of lot covered by structures
  - 4. Total number of parking spaces
  - 5. Total area covered by tree canopy at maturity of trees
- R. Transportation Impact Analysis

## **Chapter 6.16: Transportation Impact Analysis**

- 6.16.001 Transportation Impact Analysis (TIA) shall be required for any proposal site development that can be reasonably expected to generate more than 500 vehicle trip ends during a single day and/or more than 50 vehicle trip ends during a single hour.
- 6.16.002 The transportation Impact Analysis shall address at least the following areas:
- A. All proposed site access points
  - B. All intersections bordering or adjacent to the site FRONTAGE including the closest intersecting collector or arterial STREET.
  - C. Any road segment or intersection where the proposed development can be expected to generate more than 25 additional vehicle trips during a single hour.
  - D. Any road segment or intersection where the additional volumes created by the proposed development is greater than 10 percent of the current traffic volume (for road segments) or the current entered volume (for intersections).
  - E. The analysis shall include the following study time frames: existing conditions, full site buildout conditions, and a five-year forecast.
- 6.16.003 The TIA Report shall include those items required by Oconee County Traffic Impact Report Standards. The final scope of the traffic study may be administratively adjusted by the CODE ENFORCEMENT based on the current or projected traffic conditions on the roads in the vicinity of the proposed development or if the development includes a land use change.

## **Chapter 6.17: Storm Water Management Impact Analysis**

- 6.17.001 Applicability
- A. This chapter shall be applicable to all land development in the area of the City regulated under the NPDES Stormwater Phase II Permit, including, but not limited to, site plan development applications, subdivision development applications, and grading permit applications, unless exempted pursuant to §6.17.B.2. New development or redevelopment site that meets one or more of the following criteria shall require a Storm Water Management Report in accordance with §6.17.002.A:

1. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities that result in the disturbance of land of one acre or more:
2. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity that results in the disturbance of land of one or more acre or more:
3. Any new development or redevelopment, regardless of size, that is defined by the City to be a hotspot land use; or,
4. Land development activities that are smaller than a minimum applicability criteria set forth in §6.17.A.1. and 2 above if such activities are part of a larger common plan of development activities may take place at different times on different schedules.

B. The following activities are exempt from this Chapter:

- a. Individual single-family or duplex residential lots that are not part of a sub-division or phased development project;
- b. Additions or modification to existing single-family or duplex residential structures;
- c. Agriculture or silvicultural land management activities within areas zoned for these activities; and,
- d. Repairs to any stormwater management facility or maintenance practice deemed necessary by the Oconee County Public Works Director.

6.17.002 A Storm Water Management Impact Report

1. Locations and description of all surface and subsurface water features and flood hazard zones on site.
2. Location, description and hydrologic and hydraulic analysis of all store-water runoff contributions to site. A map shall be provided clearly showing off-site contributing drainage basin.
3. Locations, description and hydrologic and hydraulic analysis of all proposed storm-water management facilities.
4. Location and description of all proposed stormwater management facilities.
5. The report shall be prepared pursuant of all requirements of the City of Bogart Storm Water Management Ordinance and the Soil Erosion and Sediment Control Ordinance and the Athens-Clarke COUNTY Design Standards. A PROFESSIONAL ENGINEER shall prepare the analysis/report.

6.17.003 The following must be submitted to the Oconee County or Athens-Clarke County HEALTH DEPARTMENT, whichever is appropriate, for review:



A. Any STRUCTURE that requires a new septic tank system must submit a PLAT with information regarding the area topography (topo), soil types, and any water wells in the area. This information should be shown on the preliminary PLAT or site plan, whichever is appropriate.

B. Any development which incorporates food service (restaurants, bakeries, etc.) is required to submit a complete set of plans. The HEALTH DEPARTMENT determines the equipment to be required based upon the nature of the food and food service. It is recommended that the APPLICANT contact the HEALTH DEPARTMENT prior to development of plans for information regarding required equipment.

C. Any development utilizing an existing septic tank system will require a review and approval of the existing system.

6.17.004

The following must be included on all documents submitted to the Oconee County or Athens-Clarke County Public Utilities Department, whichever is appropriate, for review:

A. The site plans must indicate all existing water and sanitary sewer mains and EASTMENTS within and immediately adjacent to the subject property.

B. The site plan must indicate the proposed location for water and sanitary sewer service connections and proposed service lines.

C. Both fire and domestic water demand must be included for large users (large commercial and industrial users). The site plan must indicate the size and location of existing water and sanitary sewer services, if applicable. Please note if existing services are to be utilized. Cross Connection/Backflow Protection Plans must be drawn by a Georgia State Mechanical ENGINEER, a certified Backflow Tester or Georgia State Licensed Plumber. Plans must include a site plan indicating the location of domestic water and fire line vault sizes, type, and size of backflow devise. If a reduced pressure zone backflow devise is required, a cross section diagram of the vault is required. Please show vault drains.

D. The following notation(s) shall also be shown:

1. Explanation of drainage EASEMENT, if any.

2. Explanation of side EASEMENT, if any.

3. Explanation of reservations, if any.

4. Endorsement of owner, as follows:

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Owner

Date

E. Architectural plans including floor plans, elevation, and construction information is sufficient detail so that the MAYOR AND COUNCIL may determine the extent and character of the STRUCTURE proposed.

F. Form for endorsement by Mayor as follows:

“Pursuant to the Zoning Regulations of Bogart, Georgia, all requirements of approval having been fulfilled, this civil site plan was given approval by the MAYOR AND COUNCIL. This certificate of approval shall expire and be null and void on one (1) year from approval unless applicant has obtained a development permit

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Mayor

Date

G. Any other information that the CITY ENGINEER or MAYOR AND COUNCIL deem necessary to determine that the site plan conforms to the requirements of the Zoning Ordinance, SUBDIVISION Regulation or applicable local, state and federal laws.

H. The lack of any information under any item specified herein, or improper information supplied by the APPLICANT, shall be cause of disapproval of a civil site plan.

## **ARTICLE VII: USE PROVISIONS BY DISTRICT**

### **Chapter 7.01: R-1 Residential**

This DISTRICT is intended primarily for DETACHED RESIDENTIAL units on LOTS larger than those in the R-2 DISTRICT and supportive land uses servicing the neighborhood population such as NEIGHBORHOOD PARKS, PLAYGROUNDS, fire stations, and DAY-CARE CENTERS and DAY CARE HOMES in an effort to create complete neighborhoods.

7.01.001 Permitted and Conditional uses are listed in §8.01.

**Chapter 7.02: R-2 Residential**

This DISTRICT is intended for DETACHED and ATTACHED RESIDENTIAL units including TOWNHOUSES, DUPLEX or similar type development and supportive land uses servicing the neighborhood population such as NEIGHBORHOOD PARKS, PLAYGROUNDS, fire stations, and DAY-CARE CENTERS and DAY CARE HOMES in an effort to create complete neighborhoods.

7.02.001 Permitted and Conditional uses are listed in §8.01

**Chapter 7.03: CBD Central Business**

This DISTRICT is primarily designed to accommodate the development of high DENSITY COMMERCIAL USES that are typically found within central business DISTRICTS, along with those appropriate related facilities near to such an area. Retail establishments, PROFESSIONAL offices, restaurants and governmental office are allowed as PERMITTED USES, and existing structures are exempted from the parking standards. Residential uses are allowed as a CONDITIONAL USE in existing, upper STORY buildings.

7.03.001 Permitted and Conditional uses are listed in §8.01.

**Chapter 7.04: NB Neighborhood Business**

This DISTRICT is primarily designed to accommodate the development of SMALL-SCALE RETAIL stores and PROFESSIONAL offices within close proximity to residential communities, along with those appropriate related facilities necessary to such an area. This zoning DISTRICT encourages development that is pedestrian oriented and blends harmoniously with surrounding housing units.

7.04.001 Permitted and Conditional uses are listed in §8.01.

**Chapter 7.05: GB General Business**

This DISTRICT is intended for commercial developments that are designed to serve the automotive traveling public. The DISTRICT is intended to serve the automobile, its passengers and highways' users. This DISTRICT targets retail, service, and office development that is compatible with the CBD environment and require additional space to accommodate their activity.



ACCESSORY DWELLING UNIT	• 1	• 1						
ACCESSORY BUILDING	•	•	•	•	•	•	•	•
ALTERNATIVE TOWER STRUCTURE			•	•	•	•	•	
ART STUDIO	•	•	•	•				
ASSISTED LIVING		•		•			•	•
ATTACHED RESIDENTIAL	○	•						
AUDITORIUM				•				
AUTOMOBILE SALES LOT				•				○
BED AND BREAKFAST	○	○		•	•			
CATERING SERVICE			•	•			•	•
CEMETERY, PUBLIC				•				
CEMETARY, RELIGIOUS INSTITUTE	○	○		•				
CLUB				•				
COMMUNITY CENTER		•		•				
CONDOMINIUM	○	•						
CONTINUING CARE RETIREMENT COMMUNITY		•		•			•	•
CONVENIENCE STORE				•				
CONVENIENCE STORE/GAS STATION/FAST FOOD RESTAURANT				•				•
COUNTRY CLUB	○	○		•				
DAY-CARE CENTER	○	○		•	○			
DAY-CARE HOME	○	•						

1 Square footage of the footprint of ACCESSORY DWELLING UNIT cannot exceed 30% of the footprint of the primary DWELLING UNIT. Total square footage of the ACCESSORY DWELLING UNIT cannot exceed 40% of the total square footage of the primary DWELLING UNIT. There shall be no more than one (1) ACCESSORY DWELLING UNIT.

Use	Zoning DISTRICT							
	R-1	R-2	CBD	GB	NB	IND	P-O-R	TB
DETACHED RESIDENTIAL	•	•						
DUPLEX (DWELLING UNIT)		•						
DWELLING, MULTI-FAMILY		•						
EDUCATIONAL FACILITY, PRESCHOOL				•			•	
ELECTRICAL SUBSTATION	○	○		•	•	•	•	•
FINANCIAL INSTITUTION			•	•	•		•	•
FUNERAL HOME				•				•
GARAGE, REPAIR				•				○
GAS STATION				•				•
HOME OCCUPATION	•	•						
HOME OFFICE	•	•						
HOTEL/MOTEL								•
ICE BOX				•				
INDEPENDENT LIVING		○		•			•	
INDUSTRIAL SERVICES						•		
INDUSTRIALIZED HOME (modular home)	•	•						
INSTITUTION				•			•	
LANDSCAPE BUSINESS				•		•		
LAUNDROMAT				•	•			
LAUNDRY AND DRY CLEANING PICKUP				•	•			
LIGHT INDUSTRY						•	•	•
LIVE/WORK			•	•	•			
LUNCH COUNTER				•				

MANUFACTURED HOME, CLASS A		•						
MANSION FLAT	○	•						
MINI-WAREHOUSE				•				
PRINTING ESTABLISHMENT						•		•
NURSING HOME		○		•			•	•
OFFICE, BUSINESS			•	•	•		•	•

Use	Zoning DISTRICT							
	R-1	R-2	CBD	GB	NB	IND	P-O-R	TB
OFFICE, CORPORATE				•			•	•
OFFICE, PROFESSIONAL			•	•	•		•	•
PARK, PLAYGROUND (NEIGHBORHOOD)	•	•						
PARKING LOT, OFF-STREET				•				
PERSONAL CARE HOME		○		•				•
RECREATION CENTER		•		•	•			
RECREATION FACILITIES, COMMUNITY					•			•
RELIGIOUS INSTITUTION, MEGA	•	•						
RELIGIOUS INSTITUTION, NEIGHBORHOOD	•	•						
RESTAURANT			•	•				•

RESTAURANT, DRIVE-THROUGH				•				
RESTAURANT, FAST FOOD			•	•				
RETAIL, LARGE SCALE				•				•
RETAIL, SMALL SCALE			•	•	•			
SCHOOL, Private				•			•	•
SATELLITE DISH ANTENNA	•	•	•	•	•	•	•	•
SERVICE ESTABLISHMENT			•	•	•	•	•	•
SWIMMING POOL, PRIVATE	○	○						
SWIMMING POOL, PUBLIC		○		•	○			
TOWNHOUSE	○	•						
UPPER FLOOR RESIDENTIAL			•	•	•			
VENDING MACHINE			•	•				
VETERINARY CLINIC or HOSPITAL			•	•	•		•	•
VETERINARY CLINIC or HOSPITAL with boarding				•			•	
WAREHOUSE				•		•		
WHOLESALE ESTABLISHMENT				•			•	
WHOLESALE ESTABLISHMENT WITH WAREHOUSE						•		

**Chapter 8.02: Minimum Lot SIZE, Width, Setbacks, etc.**

This chapter is established to show the minimum size, width, and maximum height requirements for the land uses within each designated DISTRICT. The table below enumerates the requirements. The stated minimum LOT size is based on the availability of



public water and sewer. If public water or sewer service is available, the standards applicable to that zoning DISTRICT will vary at least as to minimum LOT size in as much as all development which will utilize public sewerage requires less developable LOT size. LOT size shall be based on factors including the size of the BUILDING required for that use, required parking and ground water flow. Oconee County HEALTH DEPARTMENT is authorized to increase minimum LOT sizes and otherwise vary DISTRICT development standards to accommodate the need to use septic tanks or well and HEALTH DEPARTMENT regulations in this regard. The unavailability of public sewer or water shall preclude the ability to develop projects which cannot utilize septic tanks.



DISTRICT	Minimum LOT Size			Min. Sq. Ft. per DWELLING UNIT/Min Heated FLOOR AREA	Minimum YARD Requirements			
	LOT Area (sq. ft)	LOT Size per DWELLING UNIT (sq. ft.)	LOT WIDTH (ft.)		Front SETBACK from STREET R/W	Minimum SIDE YARD	Minimum REAR YARD	Maximum Height of BUILDING
					Arterial All Other Streets			
R-1								
well & septic	51000	51000	100	1600	40/30	10	30	35
public water or unity or public sewerage	30000	30000	100	1600	40/30	10	30	35
public water & public sewerage	20000	20000	100	1600	40/30	10	30	35
R-2								
<b>Single family</b>								
Well & septic	51000	51000	100	1100	40/30	10	30	35
Public water or Community or public sewerage	30000	30000	100	1100	40/30	10	30	35
Public water & public sewerage	20000	20000	100	1100	40/30	10	30	35
<b>Two-family</b>								
Well & septic	51000	25500	100	1100	40/30	10	30	35
Public water or community or public sewerage	30000	15000	100	1100	40/30	10	30	35
Public water & public sewerage	20000	10000		100	40/30	10	30	35
CBD					0	0	0	25

GB	-	-	-	-	30/20	0	See BUFFER Requirements, §6.11	40
NB	-	-	-	-	35/20	0	See BUFFER Requirements, §6.11	35
R-1								
P-O-R	-	-	-	-	35/20	0	See BUFFER Requirements, §6.11	35
IND	-	-	-	-	35/20	20	See BUFFER Requirements, §6.11	80
TB					50/35	10	10	35

1) In those cases where a RIGHT-OF-WAY does not exist, the City of Bogart will allow a FRONT YARD SETBACK equal to the front SETBACK in the table above plus 40 feet. This FRONT YARD SETBACK shall be measured from the centerline of the road.

## ARTICLE IX: SPECIAL PROVISIONS

### Chapter 9.01: Recreational Vehicles

Recreational Vehicles (RVs) on Private LOTS. Individual RV's occupied temporarily by a guest of the owner or tenant of the property on which the RV is located, shall be allowed, not to exceed fifteen (15) consecutive calendar days in any sixty (60) day period.

### Chapter 9.02: Individual Manufactured Homes

- 9.02.001 BUILDING Permit. A BUILDING permit shall be required to be obtained form the MAYOR AND COUNCIL for each manufactured home which is henceforth located to or moved within the city.
- 9.02.002 Occupancy Permit. An occupancy permit shall be issued by the BUILDING INSPECTOR in advance of occupancy or use of each manufactured home:
- A. Which is hereafter located in Bogart, Georgia.
  - B. Which has not been occupied within the preceding six (6) months; or
  - C. Where there is a change in use of the manufactured housing unit.
- 9.02.003 General Criteria. Each individual manufactured home unit shall be subject to the following criteria:
- A. Minimum LOT area for each manufactured home unit shall be in accordance with the zoning DISTRICT in which the manufactured home is to be located.
  - B. Each manufactured home unit shall have steps sufficient to provide ingress and egress from two (2) exterior doors of such unit.
  - C. The manufactured home unit must be supported by piers and the foundation must be enclosed by permanent concrete, painted concrete masonry or brick.
  - D. YARD SETBACK and unit orientation requirements shall conform to the zoning DISTRICT the manufactured home is to be located in.
  - E. All manufactured homes, located in Bogart, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by O.C.G.A. §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the application rules and regulations adopted by the Georgia Safety Fire Commissioners (See O.C.G.A. §8-2-160 et. Seq.)
- 9.02.004 Sewer. If a trunk sewer line is in existence adjacent to the property on which the manufactured home is to be located, the manufactured home unit shall be connected to such line prior to the first occupancy of the home. If the trunk sewer line is not available prior to the first occupancy of the home, the home shall be connected to an individual sewerage disposal system in conformity with the requirements of the Oconee County HEALTH DEPARTMENT. No occupancy shall be approved without an

approved septic tank permit from the Oconee County HEALTH DEPARTMENT or Athens-Clarke County HEALTH DEPARTMENT whichever has jurisdiction.

- 9.02.005 Water. If a water main is in existence adjacent to the property in which the manufactured home is to be located, the manufactured home shall be connected to such main prior to the first occupancy of the home. If a water main is not available prior to the first occupancy of the home, the home shall be provided with water in conformity with the requirements of the Oconee COUNTY HEALTH DEPARTMENT or Athens-Clarke County HEALTH DEPARTMENT whichever has jurisdiction.
- 9.02.006 Utilities. Each manufactured home unit must have electrical service wired in accordance with the National Electrical Code prior to the first occupancy of the unit. Utility meters must be mounted to the STRUCTURE rather than on utility pole.
- 9.02.007 ACCESSORY USE. Manufactured homes may not be used as an ACCESSORY BUILDING in any residential DISTRICT. In other DISTRICTS, manufactured homes may be used as an accessory as provided in this ordinance. ACCESSORY BUILDINGS shall not be used for human occupancy unless and until such use is in conformance with this ordinance and is approved by the MAYOR AND COUNCIL.
- 9.02.008 Limitations. No MOBILE HOME, as defined in this ordinance, is permitted to be moved to or be used as residential dwelling in Bogart which not registered with the COUNTY Tax Commissioner on or before the effective date of this ordinance.
- 9.02.009 BUILDING and OCCUPANCY PERMITS. BUILDING and OCCUPANCY PERMITS issued by the BUILDING INSPECTOR or his/her authorized agent are required for any manufactured home moved to Bogart.
- A. Prior to issuing a BUILDING permit, it is unlawful to move, locate, relocate, erect, or make utility connections of any kind to mobile or manufactured home in Bogart.
- 9.02.010 All mobile and manufactured homes must be registered with the Tax Commissioner and approval of the septic system by the HEALTH DEPARTMENT must be obtained before an OCCUPANCY PERMIT can be issued.
- A. Prior to issuing an Occupancy Permit it is unlawful to occupy or otherwise use as a residence a mobile or manufactured home in Bogart.
- 9.02.011 Application Requirements for BUILDING and OCCUPANCY PERMITS for MOBILE or MANUFACTURED HOMES. An application for permits for location and occupancy of a mobile or manufactured home is required to be filed by the owner or the owner's agent in the office of the Bogart BUILDING INSPECTOR before a BUILDING or OCCUPANCY PERMIT is issued.
- A. The permit application shall describe the mobile and manufactured home as to size, dimensions, year, model, the zoning DISTRICT and tax map and parcel number of the planned location of the mobile or manufactured home, the intended use of the mobile or manufactured home, the name of the owner and the name of the intended occupants, and the source of water and type of water disposal system.
- B. If the intended use of the mobile or manufactured home is an ACCESSORY USE, hardship use, then details of such proposed use shall be provided by the APPLICANT.

C. The electrical, heating, and gas systems must be inspected to ensure that the MOBILE HOME is safe for residential occupancy. All such inspections must be certified and documented by PERSON holding a current license applicable to such testing and in accordance with Title 43 of the Official Code of Georgia.

9.02.012 Mobile and manufactured homes shall:

A. Meet the requirements of the International Building Code, the Georgia State Fire Marshall and the manufacturers specifications prescribed for the setup of such DWELLING UNITS, whichever is more stringent. These include but are not limited to: footing, piers, tie-downs and anchors;

B. Meet the requirements of the National Electrical Code (NEC) and the electric utility company providing electrical service, whichever is more stringent;

C. Be provided with prefabricated or permanent stairs and landing, constructed of pressured treated lumber, masonry or metal sufficient to provide safe ingress and egress from two (2) exterior doors of the unit. Individual landings shall be a minimum nine (9) sq. ft. and contain side rails if over thirty (30) inches from the ground;

D. Be underpinned with skirting material and masonry construction. Manufactured homes located in R-1 and R-2, zoning DISTRICTS must be attached to a permanent foundation with underpinning of brick or masonry construction; and

E. Meet all other applicable state and COUNTY statutes, regulations and ordinances.

9.02.013 Temporary Usage. A manufactured home may be used as an office in a SUBDIVISION by a contractor during construction or development as temporary residence during construction of a permanent residence; or a temporary residence during the reconstruction of a permanent residence which has been destroyed by fire, natural disaster, or condemnation. All of the above uses must be required in writing, be for a period not exceed twelve (12) months, and have written approval of the MAYOR AND COUNCIL. The MAYOR AND COUNCIL may extend the twelve (12) month period one time where necessary for up to an additional six (6) month period.

### **Chapter 9.03: Home Occupation**

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-1 and R-2 DISTRICTS, maintain and preserve character of residential neighborhoods; 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. Residential HOME OCCUPATIONS, where permitted, must meet the following special requirements.

9.03.001 A HOME OCCUPATION is subordinate to the use of a DWELLING UNIT for residential purposes. No more than 25 percent or 500 sq. ft., whichever is less, 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.

9.03.002 No more than two (2) HOME OCCUPATIONS shall be permitted within a single DWELLING UNIT, but both operators must reside on the premises.

- 9.03.003 A HOME OCCUPATION shall be carried on wholly within the PRINCIPAL USE. No HOME OCCUPATION nor any storage of goods, materials, or products connected with a HOME OCCUPATION shall be allowed in ACCESSORY BUILDINGS or GARAGES, attached or detached.
- 9.03.004 No one other than residents of the dwelling and one (1) non-family member shall be employed in the conduct of a HOME OCCUPATION.
- 9.03.005 A HOME OCCUPATION shall produce no noise or obnoxious odors, vibration, glare, fumes, or electrical interference detectable to normal sensory perception outside the STRUCTURE.
- 9.03.006 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 to be permitted.
- 9.03.007 No traffic shall be generated by such HOME OCCUPATIONS in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such HOME OCCUPATION shall be met off-street and other than in a FRONT YARD.
- 9.03.008 On the premises, retail sales are prohibited.
- 9.03.009 There shall be no exterior indication of the HOME OCCUPATION or variation from the residential character of the PRINCIPAL USE.
- 9.03.010 No on STREET parking of business-related vehicles (either marked or commercially equipped) shall be permitted at any home. No business vehicles larger than a van, panel truck, or pick-up truck is permitted to park overnight on the premises. The number of business-related vehicles is limited to 1.
- 9.03.011 The APPLICANT must be the owner of the property on which the HOME OCCUPATION is to be located, or must have written approval of the owner of the property if the APPLICANT is a tenant.
- 9.03.012 Permitted HOME OCCUPATIONS:
- A. Architectural services
  - B. ART STUDIO
  - C. Beauty Shops (limited to a one beautician operation)
  - D. Consulting Services
  - E. Data Processing
  - F. Dental technician and laboratory
  - G. Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, Herbalife)



- H. Drafting and graphic service
- I. Dressmaking, sewing, tailoring, contract sewing (one machine)
- J. Electronic assembly
- K. Engineering services
- L. Financial planning or investment services
- M. Flowering arranging
- N. HOME OFFICE
- O. House cleaning service
- P. In-home child care, but no more than six (6) children at a time, including the care giver's own pre-SCHOOL children unless prohibited by state law.
- Q. Insurance sales or broker
- R. Interior design
- S. Laundry and ironing service
- T. Locksmith
- U. Real estate sales or broker
- V. Telephone answering, switchboard call forwarding
- W. Tutoring
- X. Writing, computer programming
- Y. Other similar uses as approved by the MAYOR AND COUNCIL

#### **Chapter 9.04: Automobile Service Stations**

Within the DISTRICTS permitting AUTOMOBILE SERVICE STATIONS, the following requirements apply:

- 9.04.001 Location. The property where an AUTOMOBILE SERVICE STATION is located must not be within one hundred (100) feet of any residential DISTRICT, or any property containing a SCHOOL, public PLAYGROUND, RELIGIOUS INSTITUTION, HOSPITAL, public library, INSTITUTION for children or dependents.

- 9.04.002 Site REQUIREMENTS. An AUTOOBILE SERVICE STATION must have a minimum FRONTAGE on the primary STREET of one hundred twenty (120) feet and a minimum LOT area of 12,000 sq. ft. All buildings shall be set back forty (40) feet from all STREET RIGHT-OF-WAY lines and all canopies shall be set back forty (40) feet from all STREET RIGHT-OF-WAY lines.
- 9.04.003 Access to Site. Vehicular entrances or exits at an AUTOMOBILE SERVICE STATION:
- A. must not have more than two curb cuts for the first one-hundred twenty (120) feet of STREET FRONTAGE or fraction thereof.
- 9.04.004 Gasoline Pump Islands. All gasoline pump islands shall be set back from the RIGHT-OF-WAY LINE, or where a future widening line has been established, the SETBACK line shall be measured from the widening lines. Pumps shall be at least sixty (60) feet from the RIGHT-OF-WAY of an arterial STREET, fifty-five (55) feet from the RIGHT-OF-WAY of a collector STREET, and forty-five (45) feet from the RIGHT-OF-WAY of other STREETS.
- 9.04.005 OFF-STREET PARKING. A minimum of two (2) OFF-STREET PARKING spaces are required with an additional OFF-STREET PARKING space for each lubrication and wash bay.
- 9.04.006 Other Site Improvement. In addition to the above requirements, the following additional site improvements must be adhered to:
- A. A raised curb of at least six (6) inches high must be erected along the STREET property lines except for driveway openings.
- B. A SOLID FENCE or wall eight (8) in height must be erected along all property lines adjacent to any residential LOT. The MAYOR AND COUNCIL has the discretion to require a vegetative BUFFER meeting the standards of §6.12, in lieu of or in addition to the required wall FENCE based on the character of the area where the site is located.
- C. Exterior lighting must be arranged so that it is deflected away from adjacent properties and STREET.
- D. Signs, whether permanent or temporary, must not be placed within the public RIGHT-OF-WAY and must be arranged so that they do not obstruct visibility for drivers or pedestrians.
- E. All drives, parking storage, and service areas must be paved and curbed and a good stand of grass must be maintained on the remainder of the LOT.
- F. Storage of Inflammable Products. Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases is prohibited at any AUTOMOBILE SERVICE STATION in all zoning DISTRICTS. All used motor oil must be stored in underground tanks. However, storage tanks for retail sales of propane gas and natural gas is permitted.

## **Chapter 9.05: Cemeteries**

- 9.05.001 Public Cemeteries. Within the DISTRICT permitting public cemeteries, the following requirements shall apply:
- A. The site proposed for a cemetery must not interfere with the development of a system of collector or larger STREETS in the vicinity of such site.
- B. Any new cemetery must be located on a site containing not less than 20 acres.

- C. All structures must be set back no less than twenty-five (25) feet from any property line or STREET RIGHT-OF-WAY LINE.
- D. All graves or burial LOTS must be set back not less than twenty-five (25) feet from any property line or minor STREET RIGHT-OF-WAY lines, and not less than fifty (50) feet from any collector or arterial RIGHT-OF-WAY LINE.
- E. The entire cemetery property must be landscaped and maintained.
- F. Prior to approval of the request for the location of a new cemetery, a perpetual care plan must be submitted to the MAYOR AND COUNCIL for review at least thirty (30) days prior to City of Bogart Public meeting at which the request will be heard. No action shall be taken at the first meeting. The MAYOR AND COUNCIL shall have sixty (60) days following the public hearing to receive reports for the **Oconee** COUNTY PLANNING COMMISSION. The MAYOR AND COUNCIL has 60 days following recommendation by the PLANNING COMMISSION, to approve with modifications or deny the request.
- G. Said cemetery may front only on a collector, major STREET, or State Highway, and the entrance to and exit from such cemetery shall be only on the STREET on which it fronts.
- H. The site must have adequate paved OFF-STREET PARKING. All buildings must be placed not less than fifty (50) feet from any property line. Property must be bordered by a ten (10) ft. wide BUFFER along its exterior boundary line, not bordering the FRONTAGE STREET and not extending into the required FRONT YARD. This BUFFER should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective VISUAL SCREEN.

9.05.002 Religious Institution Cemetery. Within the DISTRICTS permitting public cemeteries, the following requirements shall apply:

- A. If the cemetery is located on the same property as the RELIGIOUS INSTITUTION, adequate OFF-STREET PARKING shall be provided.
- B. If the entrance and exit to the cemetery is other than that used as entrance and exit for the RELIGIOUS INSTITUTION, then the cemetery may front only on a collector, major STREET or a state highway, and the entrance and exit to such cemetery shall be only from the STREET on which it fronts.
- C. All graves and burial LOTS must be twenty-five (25) feet from any property line, and at least fifty (50) feet from any collector, major STREET or state highway RIGHT-OF-WAY LINE.
- D. The cemetery must be bordered by a ten foot (10) wide BUFFER along its exterior lines that do not border the FRONTAGE STREET. The BUFFER must not extend into the required FRONT YARD. The BUFFER should be planted with evergreen trees or other evergreen shrubs that grow at least eight (8) feet tall within 5 years and provide an effective VISUAL SCREEN.

**Chapter 9.06: Bed and Breakfast**

- 9.06.001 The acceptance of paying guest shall be an ACCESSORY USE to the DWELLING UNIT.
- 9.06.002 The only uses permitted shall be the renting of rooms and the serving of food to guests renting said rooms (ACCESSORY USES commonly associated with HOTELS, i.e., laundry services, gift shops, banquet halls, barber and beauty shops, shall not be permitted);
- 9.06.003 All parking shall be off-street; and

0.06.004 One (1) WALL SIGN, not exceeding one (1) sq. ft in area, motionless, non-lighted, shall be permitted. No other signs shall be permitted on the premises.

### **Chapter 9.07: Clubs and Fraternal Organizations**

9.07.001 The buildings are placed not less than fifty (50) feet away from any property lines.

9.07.002 There is a planted BUFFER twenty (20) feet wide along its exterior boundary lines not bordering the FRONTAGE STREET and not extending into the required FRONT YARD. The BUFFER should be planted with evergreen trees and evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective VISUAL SCREEN.

9.07.003 Adequate paved and lined OFF-STREET PARKING must be provided.

### **Chapter 9.08: Outdoor Storage Yards**

9.08.001 The storage YARD must not be located within a required FRONT YARD.

9.08.002 The storage YARD must be SETBACK at least twenty-five (25) feet from any side or rear property lines of BUFFER, if it exists, and shall be screened by a SOLID FENCE of material commonly manufactured for fencing; at least eight (8) feet high which is SETBACK a similar distance from any side or rear property lines, appropriately landscaped and maintained.

9.08.003 If an outdoor storage YARD is established in connection with a permitted BUILDING, it shall meet the above requirements.

### **Chapter 9.09: Non-operating Vehicles**

9.09.001 Vehicles not in operating condition shall not be parked between the residence and the STREET or STREETS the residential parcel adjoins.

9.09.002 All vehicles not in operating condition must be parked in the carport or GARAGE.

9.09.003 All automobile parts must be stored within a GARAGE or enclosed BUILDING that is an ACCESSORY BUILDING.

### **Chapter 9.10: Telecommunication Towers**

9.10.001 Definitions. As used in this section, the following terms shall have the meanings indicated:

A. Antenna shall mean any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

B. FAA shall mean the Federal Aviation Administration

C. FCC shall mean the Federal Communications Commission

D. Preexisting towers and antennas shall have the meaning set forth in § 9.10.002.D of this ordinance.

E. Height shall mean, when referring to a tower or other STRUCTURE, the distance measured from ground level to the highest point on the lower or other STRUCTURE, even if said highest points is an antenna.

F. Public officer shall be defined as in § 41-2-8 of the Official Code of Georgia Annotated.

G. Tower shall mean any monopole or ALTERNATIVE TOWER STRUCTURE that is designed and constructed primarily for the purpose of supporting one or more antennas.

#### 9.10.002 Applicability

A. DISTRICT Height Limitations. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning DISTRICT. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

B. Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance. Provided a license or lease authorizing such antennas.

C. Amateur Radio: Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in heights and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receiving only antennas.

D. Pre-existing towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet any new requirements of this ordinance, other than the requirements of §§ 9.11.003.E and 9.11.003.F. Any such towers or antennas shall be referred to in this ordinance as “preexisting towers” or “preexisting antennas.”

#### 9.10.003 General Guidelines and Requirements

A. Purposes: Goals: The purpose of this ordinance is to establish general guidelines for the sitting towers and antennas. The goals of this ordinance are to (i) encourage the location of towers throughout the community (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage co-users of towers and antennas, and (v) enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

B. PRINCIPAL or ACCESSORY USE. Antennas and towers may be considered either PRINCIPAL or ACCESSORY USE. A different existing use or an existing STRUCTURE on the same LOT shall not preclude the installation of an antenna or tower on such LOT. For purposes of determining whether the installation of a tower or antenna compiles with DISTRICT development regulations including but not limited to set-back requirements, LOT-coverage requirements, and other such requirements, the dimensions of the entire LOT shall control, even though the antennas or towers may be located on leased parcels within such LOTS. Towers that are constructed, and antennas that are installed. In accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or STRUCTURE.

C. Inventory of Existing Sites. Each APPLICANT for an antenna and/or tower shall provide to the MAYOR AND COUNCIL an inventory of existing towers that are either within the jurisdiction of the City of Bogart or within one-quarter mile of the city limits, including specific information about the location, height, and design of each tower. The MAYOR AND COIUNCIL may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other

organizations seeking to locate antennas within the jurisdiction of the city, provided, however, the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics: Lighting. The requirements set forth in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance.

E. Towers shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

F. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, SCREENING, and landscaping that will blend the tower facilities to the natural setting and built environment. If an antenna is installed on a STRUCTURE other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting STRUCTURE so as to make the antenna and related equipment as visually unobtrusive as possible. Towers shall be artificially lighted, unless required by FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternative and approve the design that would cause the least disturbance to the surrounding views.

G. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided in § 41-2-6 through 41-2-17 of the Official Code of Georgia Annotated.

H. Building Code; Safety Standards. To ensure the structural integrity of tower, 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. If, upon inspection, the City of Bogart concludes that a tower fails to comply with such codes and standards and constitutes a danger to PERSON or property, then upon notice provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance, otherwise, the city may remove such tower at the owner's expense. Any such removal by the city shall be in the manner provided in §§ 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated.

I. Site Plan. Each APPLICANT shall submit a site plan and architectural plan including elevation of the proposed tower prior to obtaining a permit for construction. Specific PERMITTED USES are exempt from this provision.

#### 9.10.004 Permitted Uses.

A. General. The uses listed in this section are deemed to be PERMITTED USES and shall not require administration review or special use permit. Nevertheless, all such uses shall comply with §§ 9.11.003.A through 9.11.003.G of this ordinance, and all other applicable ordinances.

B. Specific PERMITTED USES. The following uses are specifically permitted:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning DISTRICT; provided, however, that such tower shall be set back from any existing property line a distance equal to one and one-half times the height of the tower;
2. Installing an antenna on an existing STRUCTURE other than a tower (such as a BUILDING, SIGN, light pole, water tower, or other freestanding nonresidential STRUCTURE) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing STRUCTURE; and
3. Installing an antenna on any pre-existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said pre-existing tower and does not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

9.10.005

Administrative Approvals.

A. The MAYOR AND COUNCIL may administratively approve the uses listed in this section.

B. Each APPLICANT for administrative approval shall apply to the MAYOR AND COUNCIL, providing the information set forth in §§ 9.11.006, and 9.11.006. in addition to a site plan and architectural plan.

C. The MAYOR AND COUNCIL shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application.

D. In connection with any such administrative approval, the MAYOR AND COUNCIL may, in order to encourage share use, administratively waive any zoning DISTRICT SETBACK requirements by up to fifty percent (50%).

E. If administrative approval is denied, the APPLICANT may appeal said denial in accordance with the provisions of the zoning ordinance concerning appeals of administrative decisions.

F. Specific Administratively Approved Uses. The following uses may be approved by the MAYOR AND COUNCIL after conducting an administrative review:

1. Installing an antenna on an existing STRUCTURE other than a tower (such as a BUILDING, SIGN, light pole, water tower, or other free standing nonresidential STRUCTURE) that is less than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing STRUCTURE;
2. Installing an antenna on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to height of said existing tower.
3. Locating any tower in P-O-R zoning DISTRICT provided a licensed PROFESSIONAL ENGINEER certifies the tower can structurally accommodate the number of shared users proposed by the APPLICANT; and, the MAYOR AND COUNCIL conclude the tower meets the requirements of §§ 9.11.003D through H;

4. The tower is to be set back from any existing property line a distance equal to one- and one-half times the height of the tower; and that the tower meets the following height and usage criteria;

5. For a single user, up to ninety (90) feet in height; For two users, up to one hundred twenty (120) feet in height; and

6. For three and more users, up to one hundred fifty (150) feet in height; provided that no tower shall exceed one hundred seventy (170) feet in height.

#### 9.10.006

##### Special Use Permits.

A. General. The following provision shall govern the issuance of special use permits:

1. If the tower or antenna is not a PERMITTED USE under §9.11 of this ordinance or permitted to be approved administratively pursuant to §9.11.005 of this ordinance, then a special use permit shall be required for the consideration of a tower or the placement of an antenna in all zoning DISTRICTS.

2. In granting a special use permit, the governing authority may impose conditions in the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

3. Any information of an engineering nature that that APPLICANT submits, whether civil, mechanical, or electrical shall be certified by a licensed PROFESSIONAL ENGINEER.

B. Information Required. Each APPLICANT requesting use permit under this ordinance shall submit a scaled site plan and scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed PROFESSIONALS, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements. SETBACKS, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

C. Factors Considered in granting Special Use Permits. The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden of the APPLICANT of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby.

D. Height of the proposed tower;

1. Proximity of the tower;

2. Nature of use on adjacent and nearby properties;

3. Surrounding topography;

4. Surrounding tree coverage and foliage;

5. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and



6. Proposed ingress and egress; and

7. Availability of suitable existing towers and other structures as discussed in §9.11.03.C of this ordinance.

E. Availability of Suitable Existing Towers and Other Structures.

1. No new tower shall be permitted unless the APPLICANT demonstrated to the reasonable satisfaction of the governing authority that no existing tower or STRUCTURE can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or STRUCTURE can accommodate the APPLICANT proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area required to meet APPLICANT engineering requirements.

b. Existing towers or structures are not of sufficient height to meet APPLICANT engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support APPLICANT proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structure 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 tower or STRUCTURE or to adapt an existing tower or STRUCTURE for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The APPLICANT demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. SETBACKS and Separation for new towers. The following SETBACKS and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however that the governing authority may, reduce the standard SETBACKS and separation requirements if the goals of this ordinance would be better served thereby.

1. Towers must be set back a distance equal to one and one-half time the height of the tower from any off-site residential STRUCTURE.

2. Towers, guys, and accessory facilities must satisfy the minimum zoning DISTRICT SETBACK requirements.

3. In zoning DISTRICTS other than industrial, or general business zoning DISTRICTS, towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

G. SETBACKS and Separation for buildings adjacent to towers. Any BUILDING other than an ACCESSORY BUILDING that is to be constructed or located adjacent to a TELECOMMUNICATION TOWER must be located a minimum distance from the tower equal to one and one-half times the height of the tower.

H. Security Fencing. Towers shall be enclosed by security fencing less than six feet in height and also be equipped with an appropriate anti-climbing device.

I. Landscaping. The following requirements shall govern the landscaping surrounding all towers.

1. A tower must be landscaped with two rows of vegetation at the boundaries adjacent to residential and COMMERCIAL USES, parks, STREETS, and other sensitive areas as determined by the MAYOR AND COUNCIL.
2. The planting strip must be approximately twenty-five (25) feet width and required plantings must start at the property line inward and include rows of evergreen shrubs, deciduous trees, and taller evergreen trees.
3. In areas of heavy vegetation, the base of the tower must be painted green to the tree line with the remainder painted silver to retain its galvanized finish.

J. Towers built on the same site must be similar in height, design and color.

9.10.007 Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the city may, in the manner provided in § 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated, remove such antenna or tower or at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Regulated tower uses are VHF and UHF television; FM radio; AM radio; two-way radio; common carriers; cellular telephone; fixed point microwave; and low-power television.

Tower use not regulated by this ordinance are: portable, hand held, and vehicular transmissions; industrial, scientific, and medical equipment operating at frequencies designated for the purposes by the FCC; a source on non-ionizing electromagnetic radiation with an effective radiated power of seven (7) watts or less; a sole-source emitter with an average output of one (1) kilowatt or less if used for amateur purposes; and goods in storage or shipment or on display for sale, provided the goods are not operated, except for occasional testing or demonstration.

9.10.008 Towers must comply with regulations established by the Federal Aviation Administration and the Federal Communications Commission.

9.10.009 CONDITIONAL USE PERMIT

A. In order to obtain a CONDITIONAL USE PERMIT, APPLICANT must demonstrate that:

1. Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower;
2. The selected tower design is visually unobtrusive as possible, given technical, engineering, economic, and other pertinent considerations;
3. The proposed tower is a minimum height necessary to accommodate the antennae and no higher than existing towers housing similar antennas;
4. Existing on-site vegetation will be preserved as much as possible;

5. Tower site is large enough to contain debris resulting from tower failure. The type, height, and structural characteristics for the tower will determine site size.
6. The site for a guyed tower includes the circle bounded by the guy anchors. An additional one hundred (100) ft. BUFFER is required between the anchors and adjacent property lines.
  - B. No new tower may be taller than one hundred seventy (170) feet.
  - C. No landscaping is required for those portions of the tower site that abut properties zoned Industrial (IND).
  - D. Nighttime lighting of towers is prohibited unless required by the FAA.
  - E. Towers built on the same site must be similar in height, design and color.

### **Chapter 9.11: Satellite Antenna Dish**

- 9.11.001 Satellite Antenna Dish. A thirteen (13) foot diameter or larger satellite antenna dish must be located behind the rear of BUILDING LINE and outside of SIDE YARD SETBACK.
- 9.11.002 General Guidelines and Requirements. An eighteen (18) inch or smaller satellite antenna dish shall not be located on the dwelling's FRONT YARD wall or on any FRONT YARD roof plane. Dish antennas may be located on either a back yard roof plane, or SIDE YARD of the dwelling.

### **Chapter 9.12: Technology Business District**

- 9.12.001 To promote uniformity and continuity within the DISTRICT, land in a development within the DISTRICT shall be allocated as follows:
  - A. Greenspace to be owned and maintained by the developers or the development's owner's association, shall comprise ten (10) percent of the development. Greenspace includes, but is not limited to, natural areas, active and passive recreation areas, and stormwater detention or retention ponds.
  - B. Business, retail or commercial uses shall comprise twenty (20) percent of the development.
  - C. Office or Institutional uses shall comprise fifteen (15) percent of the development.
  - D. Light Industry or Technology shall comprise fifty-five (55) of the development.Light Industry or technology may be substituted for office, professional, and/or business or commercial. Office or institutional may be substituted for business, retail or commercial.
- 9.12.002 Individual lots in the aforementioned districts must comply with the following maximum impervious surface percentages to be considered in compliance with the TB District regulations.
  - A. 85% Business, Retail or Commercial

B. 65% Office or Institutional

C. 75 Light Industry or Technology

9.12.003 The following minimum lots sizes must also be adhered to within the TB District.

A. 20,000 sq. ft. – Business, retail or commercial

B. 30,000 sq. ft. – Office or institutional

C. 40,000 sq. ft. – Light Industry or Technology

9.12.004 In all cases involving industrial uses which require heavy utility drains in terms of water usage or the disposal of industrial waste, it is necessary for the representatives of the incoming industry to consult with and must obtain approval from both the MAYOR AN DCOINCIL and the HEALTH DEPARTMENT prior to the establishment of any such use.

### **Chapter 9.13: Garage**

A detached GARAGE shall be permitted in the SIDE or REAR YARD within five (5) feet of the PRINCIPAL USE.

### **Chapter 9.14: Fences**

Fences are required as follows:

9.14.001 MINI-WAREHOUSE or self-storage facilities.

A. An eight-foot-high privacy FENCE or chain link FENCE with visual blocking is required on all rear property lines, and side property lines behind the front edge of warehouse buildings. Property lines adjacent to an industrial zoning district are exempt from this requirement.

9.14.002 Utility Substation

A. The structures are enclosed by a chain link security FENCE at least 8 feet high.

9.14.003 Fences and Free-standing Walls

A. In all residential zoning districts, a FENCE or free-standing wall in any front yard area must be set back from the right-of-way line by at least 3 feet. No set-back is required alongside or rear lot lines.

B. For all office/commercial and industrial districts, there shall be no minimum setback or fences or freestanding walls; provided that any FENCE or freestanding wall shall not obstruct visibility at street intersections.

### **Chapter 9.15: Garage, Repair**

9.15.001 All body work or painting shall be conducted within a fully enclosed building. The storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose of repairing motor vehicles, dismantled parts or supplies shall not be visible beyond the premises.

## **Chapter 9.16: Screening**

9.16.001 SCREENING must provide a visual and acoustical barrier which is of such nature and DENSITY that it provides year-round maximum shielding, concealment or hiding from the normal level of a first STORY WINDOW or abutting LOT.

## **ARTICLE X: SIGNS**

### **Chapter 10.01: Purpose and Intent**

10.01.001 This Article is to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of all signs and outdoor advertising structures.

10.01.002 Any SIGN not specifically permitted under this Article shall be prohibited. Details on sizes and types of signs are in the chart at the end of this chapter. The following types of signs shall be permitted and regulated within the residential districts:

A. Real estate signs and similar yard signs and window signs. Such signs shall be removed within ten (10) days after the subject lot or building leased or sold or construction is completed, respectively.

B. Permanent signs identifying the name of a subdivision.

C. Church bulletins, signs identifying cemeteries, public or private recreation facilities, churches, public buildings and facilities or other non-residential uses and specified conditional uses.

D. Political signs or other signs containing non-commercial messages.

E. Weekend directional signs.

F. Accessory announcement signs for public or non-commercial uses.

Permitted signs in the non-residential commercial and industrial districts are shown in the table at the end of this Article.

10.01.003 Standards.

A. Content.

1. No SIGN, display, or device shall depict nudity, sexual conduct, obscene or pornographic material or advertise an illegal activity,

B. Location

1. All signs must be on private property.

2. No SIGN can be erected on or encroach on public right-of-way.

3. No SIGN shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device.

### C. NUMBER OF SIGNS

1. Each GROUND SIGN on a parcel count as one SIGN STRUCTURE.
2. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.
3. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single SIGN.

### D. Illumination of Signs

1. Only permanent signs in non-residential districts shall be allowed to be illuminated provided that:
  - a. No SIGN shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature or date.
  - b. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
  - c. The light from any ILLUMINATED SIGN shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
  - d. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
  - e. Signs are illuminated only by downward facing external illumination. Internal illumination is prohibited.

### E. Further Standards

1. No SIGN shall be similar to an authorized traffic control device or markings.
2. No SIGN or SIGN STRUCTURE above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way. However, a SIGN STRUCTURE not more than six inches in diameter, if located on a corner lot where services are provided to the motoring public, may be located within 15 feet of the intersection of the right-of-way if all other requirements of the Article are met and the lowest elevation of the SIGN surface is at least 10 feet above the ground level.
3. No SIGN shall obstruct any fire escape, any means of egress or ventilation or which prevents free passage from one part of a roof to the other part thereof; nor shall any SIGN be attached to a fire escape.
4. It shall be unlawful to post any signs or advertisements on any building, FENCE or other property belonging to another person without the written consent of the owner being provided to the city.

### F. Weekend directional signs are permitted from 1:00pm Friday to 11:59 pm. Sunday subject to the following:

1. Directional signs shall not exceed 4 square feet per side and be no more than 3 feet in height.

2. Signs must be securely attached to an independent device no more than forty inches above ground level. Mounting must be secure.
3. All mounting devices shall be removed when the SIGN is removed.
4. All mounting devices shall bear the name and phone numbers of the installer/owner.
5. Signs shall be waterproof.
6. Signs shall not be within ten feet of the pavement of any street.
7. No two signs referring to the same project, event, or purpose may be separated by less than 2,500 lineal feet.
8. No more than two directional signs for any one project, event, or purpose may be located at the intersection of two roads.

G. Political signs not exceeding 24 square feet shall be permitted in any zoning district subject to the following:

1. Before any POLITICAL SIGN is erected, the permission of the owner of the property upon which the SIGN is proposed to be erected shall be obtained.

H. Directory Signs are authorized in all non-residential planned subdivisions of land within any non-residential zoning district subject to the following conditions:

1. Signs may not be within 100 feet of an entrance to a project.
2. One such SIGN per entrance (exclusive of driveways) is permitted.
3. Maximum SIGN area is 16 square feet unless otherwise stated.
4. Maximum height of the SIGN shall be 6 feet.
5. Name of the project may be listed together with the tenant listing; however, the SIGN area devoted to the name of the project shall not be larger than five square feet.
6. Signs shall be permanently constructed and consist of low-maintenance materials such as stone, masonry, metal, ceramic materials, or plastics.

10.01.004 Exempt Signs. The following are exempt unless otherwise expressly prohibited. These signs shall meet height and setback requirements.

A. Non-illuminated real estate signs, excluding portable signs, not in excess of six square feet in all zoning districts, provided such signs are on the lot for sale or lease and are limited to one SIGN per frontage. Such signs shall be removed within ten days after the subject lot or building is leased or sold. Parcels exceeding three acres may have a real estate or construction SIGN of up to 16 square feet.

B. Signs of a non-commercial nature and in the public interest, erected by or on the order of a public officer in the performance of his duty.

- C. Signs on private property prohibiting trespassing, hunting or directing traffic movement, each not exceeding three square feet in area, and not advertising any business, service or product.
- D. On-premises credit card or bank instant teller identification signs up to three square feet in total area. Such signs shall be located at least ten feet from the pavement of any street. A maximum of two signs is allowed.
- E. Any SIGN not visible from public thoroughfares or any SIGN within a business, office, mall, or totally enclosed area.
- F. On-premises temporary signs advertising festivals and special public events, provided they are set back at least ten feet from any street pavement, and do not exceed 16 square feet in area. Such signs shall be allowed for a maximum period of 15 consecutive days, after which they must be removed.
- G. On-premises directional signs, including exit/entrance, shipping/receiving, or other directional information, not to exceed six square feet in area or four feet in height. These signs are to give traffic directional information only and shall not be used to advertise products or services.
- H. Signs at individual residences, provided such signs are set back at least ten feet from any street pavement and do not exceed three square feet in area or four feet in height
- I. Identification Signs.
  - 1. Identification signs indicating the name and street number of owner or occupant provided that no such SIGN shall exceed three square feet in SIGN area or contain any advertising display. Signs may be wall or building mounted or freestanding, provided that if freestanding, the SIGN shall not exceed a height of 3 feet. One SIGN shall be allowed per road frontage.

10.01.005

Prohibited Signs.

A. The following types of signs or advertising devices are prohibited in all zoning districts:

1. Roof signs,
2. Sidewalk, A-type, sandwich or curb-type signs.
3. Portable signs.
4. Swinging or projecting signs, unless written approval is granted by the City Zoning Administrator. In no case, however, shall this type SIGN exceed two square feet.
5. Animated signs.
6. Flashing, blinking, or varying light intensity signs except tie, temperature and date.
7. Signs on public right-of-way.



8. Signs which contain or are in imitation of an official traffic SIGN or signal or contain the words “stop,” “go,” “slow,” “caution,” “danger,” “warning” or similar words, except for construction signs and barricades and except when the words are incorporated in the permanent name of a business.
  9. Courtesy benches, trash cans, and similar devices on which advertising is displayed.
  10. Trailer signs.
  11. Signs attached to any street signs or markers traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.
  12. Rotating signs.
  13. Window signs which collectively cover more than 25 percent of the total window glass surface area of a structure.
  14. Signs or advertising devices attached to any vehicle or trailer parked for more than 48 hours so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services, or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a SIGN attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the SIGN makes reference. No signs on trailers or other non-motorized vehicles will be allowed under this provision.
  15. Signs not in good repair, specifically including any SIGN which is in a state of disassembly or any SIGN which has its internal lighting exposed to view.
  16. Abandoned signs, which advertise an activity, business, product or service no longer conducted or available.
  17. Neon Signs.
- B. The City shall be empowered to remove or cause to be removed at the owner’s expense all prohibited signs.

10.01.006

Temporary Signs

- A. Temporary signs or advertising devices may be displayed on-premise upon issuance of a temporary permit from the City. Temporary on-premise signs shall only be located with non-residential zoning districts.
- B. Only one temporary on-premises SIGN or advertising device may be displayed on a lot at a time. Each occupant or tenant of a multi-occupant building or multi-tenant building may display one banner flush with a wall during the permit period without regard to the prior usage of temporary on-premises signs by others on the lot.
- C. A temporary on-premise SIGN or advertising device shall require a permit on a semi-annual basis which allows two, 10-day periods to utilize a temporary on-premise SIGN or advertising device (i.e, one 10-day period from January through June 30, then a second 10-day period from July 1 through December 31.) There must be at least a 30-day break between any two, 10-day permitted periods.

D. It shall be unlawful to display any TEMPORARY SIGN or advertising device without a permit. The temporary permit shall be acquired prior to the display of any TEMPORARY SIGN or advertising device. The permit shall specify the first and last day of the period in which display of the TEMPORARY SIGN or advertising device is permitted. Display of the TEMPORARY SIGN or advertising device shall be allowed at 12:01 am on the first day specified on the permit and shall expire at 11:59 pm on the last day specified on the permit.

E. Signs placed pursuant to temporary permits shall be removed on or before the last day of the permit.

10.01.007 SIGN Permit – When Required, Application, Issuance

A. A SIGN permit is required before:

1. a non-exempt SIGN may be erected or attached to, suspended from or supported on a building structure; or
2. before an existing non-exempt SIGN may be enlarged, relocated or materially improved upon to an extent of 50 percent of its total replacement value as determined by the BUILDING INSPECTOR.

B. Application

1. Applications for SIGN permits required above shall be filed by the SIGN owner or owner's agent with the City Clerk upon forms as provided. The application shall describe and set forth the following and any additional information pertinent to the SIGN application as may be requested by the City:

- a. The type and purpose of the SIGN as defined by this Ordinance.
- b. A site plan showing the location of the SIGN.
- c. Elevation drawing showing the height and dimensions of SIGN FACE.
- d. The total construction cost of the SIGN.
- e. The street address of the property upon which subject SIGN is to be located and the proposed location of the SIGN on the subject property. In the absence of a street address, a method of location acceptable to the City shall be used.
- f. The square foot area per SIGN and the aggregate square foot area if there is more than one SIGN FACE.
- g. The name(s) and address(es) of the owner(s) of the real property on which the subject SIGN is to be located.
- h. Written consent of the owner for the SIGN.
- i. The name, address, phone number, and business license number of the SIGN contractor.
- j. Business license number of SIGN owner if the SIGN is for a business.
- k. A SIGN permit shall become null and void if the SIGN for which the permit was issued has not been completed within six months after the date of issuance.

2. Each application shall contain an agreement to indemnify and save the City harmless of all damages, demands or expenses which may in any manner be caused by the SIGN or SIGN STRUCTURE. Each applicant shall present to the City on request a certificate of liability insurance prior to the issuance of a SIGN permit.

C. A SIGN permit shall be issued when the plans, specifications, and intended use of the applied SIGN or part thereof conform in all respects to the applicable provisions of the Ordinance and the Building Code.

D. The City may issue a temporary permit for instructional signs prior to the event. The applicant requesting a permit shall file a bond in the amount of \$50. Said bond will be remitted upon the removal of all signs by the applicant within 10 days following the event and the observance of all laws, ordinances, and regulations. Said permit shall allow signs to be posted no earlier than seven days prior to the event.

E. The City may issue a permit for temporary signs to be attached to a building or beneath a canopy prior to a special event. The applicant requesting a permit to place the above-mentioned signs shall file a bond in the amount of \$50. Said bond will be remitted upon the removal of all signs by the applicant within 10 days following the event and the observance of all laws, ordinances, and regulations. Said permit shall allow signs to be posted no earlier than seven days prior to the event.

F. Every SIGN constructed, erected or maintained for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such SIGN, and shall have the number of the permit affixed on the framework of the SIGN so the information shall be readily accessible and durable.

G. SIGN permits shall not be required for exempt signs.

H. An Electrical Permit shall be required for all signs using electrical wiring and connections.

I. A SIGN permit shall become null and void if the SIGN from which the permit was issued has not been completed within a period of six months after the date of issuance.

J. Upon receipt of a properly completed application for a SIGN permitted under the Ordinance, the City shall examine and process the application within ten working days. A permit may be denied if the applicant, landowner or lessee is presently maintaining a SIGN in violation of this Zoning Ordinance. No permit shall be issued until the appropriate application, including exact dimensions, area, and estimated construction cost, have been filed with the City and fees have been paid as established by the City. The foregoing SIGN table governs. All sizes and distances reflect feet.

K. No SIGN shall be closer than 10 feet to the back of curb of a public roadway. Multiple SIGN faces are permitted on each SIGN STRUCTURE. However, total faces shall not exceed total permitted square feet. Properties with multiple road footage from one road frontage to the other.

#### 10.01.008 Construction and Maintenance

A. It shall be unlawful to erect or place any SIGN which does not conform to the requirements of this Ordinance.

B. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in repair and unless constructed of galvanized or non-corroding metal shall periodically be given a protective coating.

C. The area immediately in front of all freestanding signs shall be maintained free of weeds in excess of 12” in height and debris.

10.01.009 Enforcement

A. Enforcement personnel may order the removal of any SIGN in violation of this Ordinance, including when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the SIGN has not been constructed in compliance with this Ordinance or with the specifications of the application or site plans, that the SIGN permit has expired or that the SIGN is otherwise not in compliance with this Ordinance.

B. Notice shall be given to the permit holder and the owner of the SIGN, or if the SIGN owner cannot be found or cannot be determined, notice shall be given to the SIGN erector and property owner and/or any other party that procured the erection of the SIGN.

C. The removal order shall be issued only after the appropriate party fails to comply within seven days after the receipt of written notice of non-compliance by the City or within ten days from the mailing of such notice if no receipt indicating acceptance is returned. If a permit was issued, such notice shall operate to revoke the permit.

D. An aggrieved party may appeal the removal order within 10 days of the date that the notice was received.

E. If the SIGN Is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the enforcement personnel are authorized to remove or cause to be removed the SIGN and to collect the costs thereof as provided below.

F. Removal or any SIGN as provided for in this Section shall be without liability to the City, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the SIGN owner shall be responsible.

G. If the SIGN owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the SIGN erector and/or property owner or any other party that procured rection of the SIGN. If payment or arrangement to make payment Is not made with 60 days after the receipt of said statement, the City shall certify the amount thereof for collection to their Attorney.

H. In the event signs that are removed remain unclaimed for more than 120 days from date of impound, the signs shall be disposed of in accordance with state law.

I. Enforcement personnel may remove or direct the removal of any SIGN in violation, without giving notice to any party, where:

1. said SIGN is upon other public property; or
2. said SIGN poses an immediate safety threat to the life or health of any members of the public.

10.01.010 Non-Conforming Signs

A. Signs which do not comply with this Ordinance and were legally placed before the effective date of this Ordinance shall become non-conforming with respect to the requirements set forth herein; however, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior Ordinances shall be removed or brought into compliance herewith as soon as practicable, but within 30 days from the effective date of this Ordinance

B. Non-conforming signs made of paper, cloth or other non-durable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground or that are located within a public right-of-way, shall be removed as soon as practicable but within 30 days from the effective date of this Ordinance.

C. Upon failure to comply with the requirements of this Ordinance, the City may cause the removal of any non-conforming SIGN at the expense of the owner.

D. A non-conforming SIGN shall not be replaced by another non-conforming SIGN except that the substitution or interchange of poster panels, painted boards or demounted material on non-conforming signs shall be permitted.

E. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing shall be permitted except to make the SIGN comply with the requirements of this Ordinance.

F. Each non-exempt SIGN which exists at the effective date of this Ordinance shall be registered by its owner with the City Clerk.

G. Without limitation, SIGN erectors, SIGN owners, and such other responsible parties may be cited for the violation of any provisions of this Ordinance. The fine for any one SIGN found in violation of this Ordinance tried upon a citation or upon an accusation shall be as provided in this Ordinance.

10.01.011 Project DIRECTORY SIGN. Such signs are permitted in all non-residential planned subdivisions of land within any nonresidential zoning district subject to the following:

A. SIGN may not be located within 100 feet of an entrance to a project.

B. Only one such SIGN is permitted per project entrance (exclusive of driveways).

C. A vehicular storage lane (one-way) must be provided so that the SIGN may be viewed by an individual in a vehicle.

D. The SIGN is not located within the public right-of-way.

E. Setback from right-of-way may be zero (0) feet.

F. Maximum SIGN area is 100 square feet.

G. Maximum height of the SIGN shall be eight (8) feet.

H. Name of the project may be listed together with the tenant listing; however, the name of the project shall not be larger than five (5) square feet.

I. Signs are permanently constructed and consist of low-maintenance materials such as stone, masonry, metal, ceramic materials, and plastics.

10.01.012 Project DIRECTIONAL SIGN. Such signs are authorized in all non-residential planned subdivisions of land within any nonresidential zoning district subject to the following:

A. Maximum SIGN area shall not exceed 32 square feet



## **ARTICLE XI: EXCEPTIONS AND MODIFICATIONS**

### **Chapter 11.01: Area Variances**

- 11.01.001 Where the owner of a plot of land consisting of one (1) or more adjacent LOTS of record at the time of the enactment of this ordinance, does not own sufficient CONTIGUOUS land to enable him or her to conform to the minimum LOT size requirements of this Ordinance; or if the topography, physical shape, or other unique features of such LOTS of record, prevent reasonable compliance with the SETBACK if used as a BUILDING site upon approval of the MAYOR AND COUNCIL, the YARD and other space requirements of the DISTRICT in which the property is located may be reduced by the smallest amount that will permit reasonable use of the property as a BUILDING site. Such reduction of these space requirements shall constitute a variance. Further, the MAYOR AND COUNCIL may grant variances only upon finding that all of the following conditions exist:
- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
  - B. The application of this Ordinance to the particular piece of property would create an unnecessary hardship; and
  - C. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; and
  - D. Such conditions are peculiar to the particular piece of property involved; and
  - E. The special circumstances surrounding the request for a variance are not the result of acts by the APPLICANT; and
  - F. The variance is not a request to permit a use of land, buildings, or structures which are not permitted by right or by CONDITIONAL USE PERMIT in the DISTRICT involved.
- 11.01.002 Public hearings on variances shall be conducted pursuant to this ordinance.
- 11.01.003 If the variance request is denied, then the same property may not be considered for an AREA VARIANCE for at least six (6) months immediately following the denial of the AREA VARIANCE by the MAYOR AND COUNCIL.

### **Chapter 11.02: Front Yard Setback of Dwellings**

- 11.02.001 The FRONT YARD SETBACK does not apply under the following conditions:
- A. The proposed BUILDING is to be located wholly or in part within one hundred (100) feet of each existing adjacent BUILDING.
  - B. The proposed BUILDING is to be located in the same BLOCK and zoning DISTRICT as its adjacent buildings;
  - C. The proposed BUILDING fronts on the same side of the STREET as its adjacent buildings; and
  - D. The average SETBACK of its adjacent buildings is less than the minimum required SETBACK for the zoning DISTRICT.

However, in no case may the SETBACK for the proposed BUILDING be less than the average setback of adjacent buildings from the STREET RIGHT-OF-WAY on which the proposed BUILDING fronts, or if not established RIGHT-OF-WAY, fifty (50) feet from the centerline of the road in the case of a COUNTY maintained STREET or seventy (70) feet for a federal or state STREET, except as otherwise provided in Article VIII.

### **Chapter 11.03: Height Limits**

The height limits of this Ordinance will not apply to structures not intended for human occupancy such as RELIGIOUS INSTITUTION spires, flag poles, chimneys, monuments, water towers or similar structures. The height limits apply to signs and towers.

### **Chapter 11.04: Conditional Uses**

CONDITIONAL USES are permitted in those DISTRICTS herein provided, where such use is deemed to be in harmony with the overall pattern of development of the area in which it is proposed and where such use shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and where it will not be detrimental or injurious to property or improvements in the neighborhood.

Proposed CONDITIONAL USES are considered for approval by the MAYOR AND COUNCIL, upon recommendation by the **Oconee** COUNTY PLANNING COMMISSION, following an advertised public hearing, when the MAYOR AND COUNCIL find that:

- 11.04.001 Adequate provision will be made on the proposed site for SETBACKS, fences, SCREENING, or other improvements to protect adjacent properties from possible adverse effects, such as glare, noise, dust, vibration, odor, electrical disturbances, or similar factors.
- 11.04.002 Vehicular and pedestrian traffic on adjacent STREETS will not be hindered or endangered.
- 11.04.003 OFF-STREET PARKING and loading and the exits and entrances of the proposed use will be adequate in terms of location, amount, and design to serve the use.
- 11.04.004 Adequate public facilities are available to the site.
- 11.04.005 The proposed use will not adversely affect the property values or general character of the area.

### **Chapter 11.05: Site Plan Requirements Required for Amendments to the Official Zoning Map, Conditional Use Permits, Variance Requests, and as otherwise required**

- 11.05.001 Minimum Requirements. All applications to amend the Official Zoning Maps submitted or initiated by a party other than the MAYOR AND COUNCIL, or an application submitted for a CONDITIONAL USE PERMIT or Variance Application, or as otherwise required, shall be filed with the City of Bogart and accompanied by, at a minimum, the following items:
  - A. An application form as available from the City of Bogart, complete in all respects.
  - B. An application fee as required by the MAYOR AND COUNCIL to cover administrative and advertising costs.
  - C. A typed legal description of the subject property.



D. A Site Plan drawn to scale, designating the subject property and identifying existing and proposed buildings and uses, adjacent existing land uses and Zoning DISTRICTS, including those across abutting public roads, and any other significant site improvements proposed to accommodate the proposed use, or to BUFFER adjacent uses, etc., or a PLAT of the subject property where no specific land use is proposed. The sheet size for the site plan should generally be twenty-four (24) in. by thirty-six (36) in. (24" x 36"), with an 8-1/2 x 11 in. reduction provided. In the case where only a PLAT of the subject property is provided and no specific land use is proposed, the MAYOR AND COUNCIL will evaluate the application based upon the most intense possible land use permitted in the proposed Zoning DISTRICT.

E. For an Amendment to the Official Zoning Map a narrative statement from the APPLICANT is required specifically describing the proposed use of the property.

#### **Chapter 11.06: Developments of Regional Impact (DRI)**

11.06.001 The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are to sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's and agencies. Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local governments' jurisdictional boundaries, impacts on other jurisdictions need to be assessed. If a development project is submitted to the MAYOR AND COUNCIL for review, then the time deadlines imposed under this ordinance are suspended until the DRI review process is complete.

### **ARTICLE XII: ADMINISTRATION, ENFORCEMENT AND PENALTIES**

#### **Chapter 12.01: Building Inspector**

The provisions of this Ordinance are administrated and enforced by the CODE ENFORCEMENT OFFICER, who is given the authority to interpret, administer, and enforce the provisions of this Ordinance. The governing body of Bogart, Georgia, is hereby given the authority and responsibility to appoint a CODE ENFORCEMENT OFFICER. The power and duties of the CODE ENFORCEMENT OFFICER and his designee include:

- 12.01.001 Examining applications pertaining to the use of land, or structures and approving the application when they conform with this Ordinance.
- 12.01.002 Authorizing issuance of all BUILDING permits and certificates of occupancy, and keeping permanent records thereof.
- 12.01.003 Conducting inspections of structures and uses to determine compliance with this Ordinance.
- 12.01.004 Maintaining permanent and current records of the Zoning Ordinance including maps and amendments.

If the CODE ENFORCEMENT OFFICER shall find this Ordinance is being violated, he shall notify in writing the violator, indicating the nature of the violation and ordering action necessary to correct it. He shall order discontinuance of illegal uses; removal of illegal structures or

structural changes; discontinuance of any illegal work; or shall take any other action authorized by this Ordinance to ensure compliance.

### **Chapter 12.02: Building Permit Required**

It is unlawful for any BUILDING to be located, erected, moved, added to or structurally altered, moved, or altered in any way that effects the exterior appearance of a building, excluding painting, without obtaining a BUILDING Permit issued by the CODE ENFORCEMENT OFFICER with approval of the Oconee County HEALTH DEPARTMENT, where required. No BUILDING Permit may be issued except in conformity with the provisions of this Ordinance and other applicable ordinances or resolutions approved by the MAYOR AND COUNCIL.

### **Chapter 12.03: Application for Building Permit**

No STRUCTURE shall be erected, moved, added to or structurally altered at a cost exceeding \$200, without a BUILDING Permit issued by the CODE ENFORCEMENT OFFICER. No BUILDING Permit shall be issued except per this Ordinance, and adopted BUILDING Codes. All applications for Land Disturbance Permits, and Building Permits for uses other than one-adopted BUILDING Codes. All applications for Land Disturbance Permits, and BUILDING Permits for uses other than one- and TWO-FAMILY DWELLING, shall be accompanied by plans, drawn to scale of not less than one (1) of an inch equal to fifty (50), showing:

- 12.03.001 The actual dimensions of the LOT to be built upon;
- 12.03.002 The STREET(s) which abut the property;
- 12.03.003 The size of the BUILDING on the LOT;
- 12.03.004 The location of the BUILDING on the LOT;
- 12.03.005 The location of the existing STRUCTURE on the LOT, if any;
- 12.03.006 The location of DWELLING UNIT the BUILDING is designated to accommodate, if applicable;
- 12.03.007 The SETBACK lines of buildings on adjoining LOTS;
- 12.03.008 The layout of OFF-STREET PARKING and LOADING spaces; and
- 12.03.009 Such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

The CODE ENFORCEMENT OFFICER shall forward the site plan to the PLANNING DEPARTMENT for review and approval; however, no site plan is required for individual SINGLE- and TWO-FAMILY DWELLING UNITS.

One copy of the plan must be returned to the Owner or agent when such plan has been approved by the CODE ENFORCEMENT OFFICER. The LOT location of the BUILDING thereon must be staked out on the ground and approved by the CODE ENFORCEMENT OFFICER or CODE ENFORCEMENT OFFICER before starting any construction. If the proposed excavation, filling, or construction as set forth in the application is in conformity with the provisions of this Ordinance and other Ordinances of the City then in force, the CODE ENFORCEMENT OFFICER may issue a BUILDING permit upon payment of the required fee.

If a BUILDING permit is refused, the CODE ENFORCEMENT OFFICER must state the cause of the refusal in writing within 3 working days after such refusal.

#### **Chapter 12:04: Construction Progress**

Any BUILDING permit issued will become invalid unless the work authorized by the permit is commenced within 12 months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

#### **Chapter 12.05: Certificate of Occupancy and Certificate of Completion**

- 12.05.001 A CERTIFICATE OF OCCUPANCY issued by the CODE ENFORCEMENT OFFICER is required in advance of occupancy or use of:
- A. Any LOT or change in the use thereof;
  - B. A BUILDING is hereafter erected, altered, or moved or, there is a change in the use of an existing STRUCTURE; or
  - C. A change in any lawful NON-CONFORMING USE.
- 12.05.002 A Certificate of Completion shall be issued in lieu of a CERTIFICATE OF OCCUPANCY where the BUILDING is occupied during the alteration.
- 12.05.003 No CERTIFICATE OF OCCUPANCY shall be issued unless the LOT or STRUCTURE complies with this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the CODE ENFORCEMENT OFFICER and a copy shall be furnished, on request, to any PERSON having an interest in the STRUCTURE or land involved.
- 12.05.004 A CERTIFICATE OF OCCUPANCY is required prior to the activation of permanent power service by the appropriate power company.
- 12.05.005 Within three (3) working days after the application for a CERTIFICATE OF OCCUPANCY, a final inspection of the property in question shall be made by the CODE ENFORCEMENT OFFICER who, upon payment of any required fees, then shall SIGN and issue a CERTIFICATE OF OCCUPANCY if the use of the land or BUILDING, as stated on the Certificate and signed by the Owner or his authorized agent, is found to conform to the applicable provisions of this Ordinance, and if the final construction of said BUILDING complied with the plans submitted of the BUILDING permit.

## **Chapter 12.06: Fees**

The MAYOR AND COUNCIL shall establish a schedule of fees and a collection procedure for BUILDING permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule shall be available in City Hall and may be amended by the MAYOR AND COUNCIL, from time to time, to cover the costs of administration of this Ordinance. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **Chapter 12.07: Penalties for Violation**

Any PERSON, firm, or corporation violating any provision of this Ordinance shall be punished by a fine of not more than \$1,000.00 and/or by confinement not to exceed 30 days, for each violation of this Ordinance. Each day such violation continues is considered as a separate offense.

## **Chapter 12.08: Remedies**

In the event any BUILDING is erected, constructed, altered, repaired, converted or maintained, or any BUILDING or land used on violation of this Ordinance, the CODE ENFORCEMENT OFFICER, any appropriate COUNTY authority may institute injunction, mandamus, or other appropriate action or proceeding to prevent the violation in the case of each BUILDING or land use.

## **Chapter 12.09: Inspections**

The CODE ENFORCEMENT OFFICER, or his/her authorized assistant(s) has/have the power to make inspections of buildings (their construction and use) and the land (its use development and SUBDIVISION) to determine that any such BUILDING or land use does not conform to this Ordinance. The CODE ENFORCEMENT OFFICER or any PERSON so designated by the MAYOR AND COUNCIL to enforce this ordinance must notify the owner thereof in writing of the manner in which such BUILDING or land does not conform and the owner shall have sixty (60) days in which to remedy the conditions therein specified; provided, however, the the CODE ENFORCEMENT OFFICER may, at his/her discretion, extend the time for compliance with any such notice.

## **ARTICLE XIII: APPEAL PROCEDURES**

This Article is established to identify the procedure whereby any aggrieved party may appeal the decision of the BUILDING INSPECTOR or CITY ENGINEER.

### **Chapter 13.01: Appeal from the Building Inspector**

- 13.01.001 Appeal to MAYOR AND COUNCIL. Any PERSON or PERSONS, jointly or severally aggrieved by any decision (including the failure to decide within thirty (30) days upon submission of all documents required by this ordinance) of the BUILDING INSPECTOR, has the right to appeal to the MAYOR AND COUNCIL. Such appeal must be filed with the CITY CLERK within thirty (30) days of the rendering of the decision by the BUILDING INSPECTOR.
- 13.01.002 Appeal from the MAYOR AND COUNCIL. Any PERSON or PERSONS, jointly or severally aggrieved by any decision of the Bogart MAYOR AND COUNCIL has the right to appeal to the Clarke or Oconee County Superior Court, whichever is appropriate, if such appeal is filed with the Clerk of the COURT within thirty (30) days of the rendering of the decision by the Bogart MAYOR AND COUNCIL.

- 13.01.003 Stay of Proceedings. An appeal to the Court of Record stays all proceedings in the furtherance of the action appealed from, unless the BUILDING INSPECTOR certifies to the City Attorney after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate, stay would, in his/her opinion, cause imminent peril to life and property.

## ARTICLE XIV: AMENDMENTS

### Chapter 14.01: Amendment Procedure Jurisdiction

This Ordinance, including the Official Zoning Map of Bogart, Georgia may be amended from time to time by the MAYOR AND COUNCIL as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the PLANNING COMMISSION for public hearing review and recommendation. The PLANNING COMMISSION shall have 45 days within which to submit its report. If the PLANNING COMMISSION fails to submit a report within the forty-five (45) day period, it shall be deemed to forfeit its opportunity.

### Chapter 14.02: Application for Amendments

14.02.001: Request to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

- A. Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the MAYOR AND COUNCIL, or by application filed by the owner(s) of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting any change in zoning DISTRICT classification, by a property owner or owners more than once every 12 months.
- B. Application procedure. Application forms for amendment requests shall be obtained from the CITY CLERK. Completed forms, together with an application fee plus any additional information the APPLICANT feels to be pertinent, will be filed with the CITY CLERK. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required.
- C. Applications for amendments, including all required fees, attachments and supplemental information, must be submitted in proper form at least 21 days prior to a PLANNING COMMISSION hearing to be heard at that hearing.
- D. The amendment application form provided by the CITY CLERK shall require that the APPLICANT set forth a written justification for the requested zoning amendment.
- E. The application form shall require that the APPLICANT state the exact language of any zoning ordinance text amendment requested, and/or the specific zoning ordinance map amendment being requested.
- F. Applications for a zoning ordinance map amendment shall include:
  1. A written legal description of the property which is the subject of the rezoning request, including the current tax parcel number.

2. Three copies of a PLAT of the subject property drawn to scale, prepared and sealed by an architect, ENGINEER, landscape architect or land surveyor whose state registration is current and valid, showing the following information:

- a. North arrow, land LOT and DISTRICT.
- b. Property lines with dimensions and angles of turns.
- c. Adjoining STREETS with present right-of-way and pavement widths.
- d. Location of existing structures.
- e. Present and proposed zoning.

3. An application for an amendment to rezone shall be accompanied by such other plans, elevations or additional information as the CITY CLERK and this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional information may include without limitation traffic studies, utility studies, and drainage studies. At a minimum the following shall be submitted:

a. Residential Zoning DISTRICT Proposals

- (1) Show how the proposed property is to be subdivided including proposed STREETS.
- (2) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- (3) State minimum LOT size and total number of LOTS proposed.
- (4) State minimum house size proposed.

b. Commercial or Non-Residential and Multi-family Zoning DISTRICT Proposals.

- (1) Show proposed layout of BUILDING locations with driveway and parking LOTS.
- (2) Show proposed curb cuts or existing driveway/roadways.
- (3) Show all required BUFFERS and BUILDING set back lines.
- (4) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- (5) State the DENSITY per acre and the square feet per acre of total buildings.

4. All applications shall include the notarized signature of the APPLICANT and, in the case of a requested zoning map amendment, if the APPLICANT is not the current property owner, such application shall include the notarized authorization form from the property owner for the requested rezoning.

5. The application for amendment form furnished by the CITY CLERK shall require APPLICANT to list all individuals or business entities which have any ownership interest in the property affected by the proposed rezoning. In addition, the application shall require the APPLICANT to list any of the MAYOR AND COUNCIL members and/or PLANNING COMMISSION member, if any, to whom

the APPLICANT has made a CAMPAIGN CONTRIBUTION or gift aggregating \$250 or more than 2 years prior to the date of filing the application for rezoning. This form shall require the APPLICANT to list the name(s) of the recipient of the gift or CAMPAIGN CONTRIBUTION, if any, the dollar amount of each gift or CAMPAIGN CONTRIBUTION, the date of the contribution or gift, and a description of any gifts which fall within the disclosure requirements.

6. The CITY CLERK shall transmit a copy of the application materials to the PLANNING DEPARTMENT and each member of the MAYOR AND COUNCIL, with the requirement that each member of the MAYOR AND COUNCIL review the information presented, provide supplemental information in writing as required below, and return same to the CITY CLERK for filing in the zoning records prior to the time that any consideration is given to the rezoning request.

7. The above-transmittal by the CITY CLERK shall require that each member of the MAYOR AND COUNCIL state whether he or any member of his FAMILY (including spouse, mother, father, brother, sister, son or daughter) has an ownership interest in the property affected by the proposed rezoning, or a FINANCIAL INTEREST of ten (10%) percent or more in any BUSINESS ENTITY which has an ownership interest in the property to be considered for rezoning. In the event such an interest exists, the transmittal from the CITY CLERK shall require explicit detail from the member of the MAYOR AND COUNCIL about the nature and extent of that interest. No member of the MAYOR AND COUNCIL shall participate or vote in a matter in which he has any pecuniary or special interest.

#### 14.02.002 PLANNING COMMISSION Action

A. Before making a recommendation on any proposed amendment to this ordinance, the PLANNING COMMISSION shall hold a public hearing thereon.

B. Official notice shall be given in the legal organ in the CITY where the subject parcel is located, 15-45 days prior to the hearing, which shall include the hour, time, place, and date of the hearing, the location of the property, the present zoning classification, and the proposed zoning classification.

C. The City shall post a SIGN 15-45 days prior to the hearings in a conspicuous place on the property which shall include the hour, time, place and date of the hearing, the location of the property, the present zoning classification, and the proposed zoning classification.

D. Public hearing shall be pursuant to the procedures established by the PLANNING COMMISSION.

#### E. PLANNING COMMISSION Recommendation

1. The PLANNING COMMISSION shall make any of the following recommendations with respect to an application, approval, denial, referral, withdrawal, reduction of the land area for which the application is made, change of the zoning DISTRICT requested, or imposition of conditions.

2. The PLANNING COMMISSION shall submit its recommendation or report of no recommendation on an application for a proposal to the MAYOR AND COUNCIL prior to the scheduled public hearing in which the MAYOR AND COUNCIL will consider the application.

3. If the PLANNING COMMISSION fails to submit a recommendation or report within 45 days of its public hearing, the PLANNING COMMISSION's recommendation shall forfeit its opportunity to recommend.

4. Following the recommendation by the PLANNING COMMISSION, all papers and data pertinent to the application, plus the minutes, shall be transmitted to the MAYOR AND COUNCIL for final action.

14.02.003 MAYOR AND COUNCIL Action

A. Before taking action on the proposal and after receipt of the PLANNING COMMISSION recommendations or reports thereon, the MAYOR AND COUNCIL shall hold a public hearing on the proposal.

B. The public hearing shall be held pursuant to §14.05 of this ordinance.

C. So that the purpose of this Ordinance will be served and so that health, public safety and general welfare will be secured, the MAYOR AND COUNCIL in its decision on the application may, in its legislative discretion, approve or deny the application as submitted, defer a decision until a specified meeting date, require the APPLICANT to file a site plan or other plans regarding the application and defer action to a later meeting date, or allow a withdrawal of the application by the APPLICANT, if requested. However, no decision shall be rendered by the MAYOR AND COUNCIL on any project subject to Developments of Regional Commission. Also see §11.08.

D. Such a permitted withdrawal shall not be subject to the 12-month prohibition on re-filing

E. The MAYOR AND COUNCIL may also require that the land area for such application be reduced, or that conditions be added or deleted, or a zoning decision other than requested be made, as the MAOR AND COUNCIL deem appropriate.

F. In adopting an amendment to the Zoning Map, the MAYOR AND COUNCIL may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purpose of the Zoning DISTRICT(s) involved and to further the goals and objectives of the COMPREHENSIVE PLAN. Such conditions include but are not limited to:

1. SETBACK requirements from any LOT line;
2. specified or prohibited locations for buildings, parking, loading or storage areas or other land use;
3. driveway curb cut restrictions;
4. restrictions as to what land uses or activities shall be permitted;
5. maximum BUILDING HEIGHTS or other dimensions;
6. special drainage or erosion provisions;
7. landscaping or planted area which may include the location, type and maintenance of plant materials;
8. fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation;
9. special measures to alleviate undesirable views, light, glare, noise, dust or odor;



10. permitted hours of operation;
11. architectural style;
12. a requirement that the existing BUILDING(s) be retained;
13. a requirement that builders must build according to the site plans as adopted;
14. a limitation on exterior modifications of existing buildings;
15. or any other requirement that the MAYOR AND COUNCIL may deem appropriate and necessary as a condition of rezoning. Such Conditions:
  - a. Shall be included in the motion approving the amendment for adoption;
  - b. Shall be required of the property owner and all subsequent occupants and owners as a condition of their use of the property for the approved rezoning, and;
  - c. Shall be enforced by the BUILDING INSPECTOR in the same manner as any other provision of this Zoning Ordinance.
  - d. Should the condition cease to be met, the approval may be revoked after a public hearing conducted with same notice and procedures as the original approval process.

#### **Chapter 14.03: Standards of Review**

- 14.03.001 The following standards governing the exercise of the City's zoning power are to be considered by the MAYOR AND COUNCIL and the PLANNING COMMISSION in balancing the interest of the public health, safety, morality or general welfare against the unrestricted use of property:
- A. The existing land use pattern;
  - B. The possible creation of an isolated DISTRICT unrelated to adjacent and nearby DISTRICTS;
  - C. The population DENSITY pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, SCHOOL, utilities, and STREETS;
  - D. The costs to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, SCHOOLS, STREETS, law enforcement, fire protection and other public services;
  - E. The possible impact on the environment, including, but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality;
  - F. Whether the proposed zoning amendment will allow uses which will be a detriment to the value of adjacent property in accordance with existing regulations;
  - G. Whether there are substantial reasons why the property cannot be used and developed in accordance with the existing regulations;

- H. The aesthetic effect of the existing and proposed use of the property as it relates to the surrounding area;
- I. The extent to which the proposed zoning amendment is consistent with the comprehensive land use plan;
- J. The possible effects of the proposed zoning amendment on the character of the zoning DISTRICT.
- K. The relationship that the proposed zoning amendment bears to the purpose of the overall zoning amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed zoning change will carry out the purposes of these zoning regulations;
- L. Any application for a zoning map amendment which does not contain a specific site plan carries a rebuttable presumption that such rezoning shall adversely effect the zoning scheme;
- M. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
- N. In those instances in which property fronts on a major THOROUGHFARE and also adjoins an established residential neighborhood, the factor of preservation in the residential neighborhood shall be considered to carry great weight;
- O. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned and
- P. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the ZONING ACTION.
- Q. After receiving the application for amendment, the report and recommendation of the PLANNING COMMISSION, and other pertinent information, the MAYOR AND COUNCIL shall apply the evidence to the standards of review in making its decision. It will not be required that the PLANNING COMMISSION or the MAYOR AND COUNCIL consider criteria contained in the standards of review which are inapplicable. It shall be the duty of the APPLICANT to carry the burden of proof that the proposed zoning amendment promotes the public health, safety, morality or general welfare.
- R. In ruling on any application in which the petitioner has brought a challenge to the existing zoning classification, the MAYOR AND COUNCIL may impose upon said property any appropriate conditions, which might be consistent with the considerations contained above.

#### **Chapter 14.04: Changes in Zoning Map or Text**

Following final action by the MAYOR AND COUNCIL, any necessary changes shall be timely made in the Zoning text and/or Zoning Map. A written record of the type and date of such change shall be maintained by the CITY CLERK. The type and date of change to the Map shall be timely marked directly on the Map, and initialed by the CITY CLERK.

#### **Chapter 14.05: Public Hearings, Procedures, and Rezoning Standards**

14.05.001 Public Hearing Required. Before enacting an amendment to this Ordinance, one public hearing must be the MAYOR AND COUNCIL for review and recommendation.

14.05.002 APPLICANT Notification. The CITY CLERK must notify the APPLICANT of the date, time, and place of the required public hearings.

14.05.003 Publication of Notice. At least fifteen (15) and not more than forty-five (45) days prior to the date of the public hearings, the City of Bogart shall cause a notice of the hearings to be published in a newspaper of general circulation of in Bogart. The notice shall state the time, place and purpose of the hearings.

If a zoning decision is for the rezoning of property and the rezoning is initiated by a party other than the MAYOR AND COUNCIL or the PLANNING COMMISSION, then the notice, in addition to the requirements in the above paragraph, shall also include the name of the APPLICANT for rezoning, tax parcel number, location of the property, present zoning classification of the property, and the proposed zoning classification.

The newspaper notice shall be substantially as follows:

#### NOTICE OF PUBLIC HEARING

A petition has been filed requesting that the property location at \_\_\_\_\_ in Bogart, Georgia be rezoned from \_\_\_\_\_ to \_\_\_\_\_. A public hearing will be on \_\_\_\_\_ at \_\_\_\_\_ to receive public comment regarding this petition. For additional information contact \_\_\_\_\_ at (phone).

14.05.004 SIGN. In addition to the newspaper notice and not less than fifteen (15) days prior to the MAYOR AND COUNCIL public hearing the BUILDING INSPECTOR shall cause to have posted in a conspicuous place on the area proposed to be rezoned one (1) or more signs, each shall be not less than six (6) sq. ft. in area, and each of which shall contain the following information:

#### NOTICE TO THE PUBLIC

A petition has been filed requesting that his property (Tax Parcel No. \_\_\_\_\_) located in GMD No. \_\_\_\_\_, be rezoned from \_\_\_\_\_ (present zoning DISTRICT classification) to \_\_\_\_\_ (proposed zoning DISTRICT classification).

A hearing will be held at the Bogart City Hall on \_\_\_\_\_

20 \_\_\_\_, at \_\_\_\_, \_\_ M.

All those having an interest in this petition should be present.

If the property proposed for rezoning does not have FRONTAGE on a public STREET, then the SIGN may be posted on the RIGHT-OF-WAY of the nearest public STREET which provides access to the site.

- 14.05.005 Action by City to Rezone Property to Original Zoning. When a rezoning request has been granted for a parcel of land on request by the owner or his agent, and no BUILDING permit has been applied for within twelve (12) months of the date of the rezoning, the MAYOR AND COUNCIL may initiate action to rezone the parcel to its original zoning. The procedures of this ordinance will be followed, except that no fees will be paid.
- 14.05.006 Procedure for Conducting a Public Hearing. The governing, calling, and conducting of hearings shall be accomplished in accordance with the following policies and procedures.
- A. All public hearing held pursuant to this ordinance shall be conducted as follows:
1. The presiding officer shall allow the representative of the PLANNING DEPARTMENT to present an overview of the application. Following this presentation, the APPLICANT or the applicant's agent or attorney shall be allowed to present the applicant's case and then shall be afforded an opportunity, prior to the closing of the public hearing to answer questions and respond to objections of others in attendance. A minimum of ten (10) minutes is allowed for presentation of data, evidence, and opinion by proponents of each zoning decision and a minimum of ten (10) minutes for presentation by OPPONENTS of each proposed zoning decision.
  2. Others desiring to speak or make a statement shall be given reasonable opportunity to do so but must first be recognized by the presiding officer. Upon rising to speak, the PERSON recognized will state his/her name. The presiding officer may also request that the PERSON furnish a home or business STREET address, as may be appropriate.
  3. Groups, affiliation, and associations shall designate a spokesperson who shall speak for the group.
  4. Both proponents and OPPONENTS of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak.
  5. Questions shall be directed only on to the presiding officer who shall respond or designate another PERSON for the response.
  6. The presiding officer may limit or terminate the discussion, statements or comments because of time, repetitiveness or irrelevancy.
  7. After all discussion concerning the zoning application is concluded, the presiding office shall close the public hearing for that particular zoning application, and shall address each zoning criteria listed in §14.07.001

#### **Chapter 14.06: Conditional Use**

14.06.001 Conditional Use Procedure

A. All petitions for CONDITIONAL USE approval shall be submitted to the CITY CLERK at least 21 days prior to a regularly schedule PLANNING COMMISSION meeting on application forms supplied by the CITY CLERK along with a fee as determined by MAYOR AND COUNCIL. Incomplete applications will not be viewed. Applications for all conditional uses must be accompanied by the following information.

1. Four (4) copies of a written description of the proposal designed to inform the City, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of DWELLING UNITS, vehicles trip ends, noise, water usage, sanity waste treatment and any other relevant concerns identified by the CITY or APPLICANT.

2. Four (4) copies of surveyed PLAT signed by a registered surveyor.

3. Four (4) copies of preliminary BUILDING and site plans drawn to scale showing the following information:

a. Project name.

b. Project owner.

c. Date, scale, and north arrow.

d. Vicinity map.

e. Use of adjacent property.

f. Exterior dimensions of the site.

g. Total project acreage.

h. Location, name and width of all existing or proposed STREETS.

i. Location of all proposed STRUCTURES.

j. Location of all off-STREET parking and driveway serving the project.

k. Proposed BUFFERS and/or SCREENING.

l. Location, height, fixture type and wattage of site lighting.

m. Dumpster locations.

n. Rough floor plans, including gross FLOOR AREA.

o. BUILDING HEIGHT.

4. The submittal of inaccurate or incomplete information may be cause for denial of the request, or, if said discrepancies are realized after approval of the petition or issuance of the relevant local permits, course for the revocation of the approval and any related permits by the MAYOR AND COUNCIL.

14.06.002 PLANNING COMMISSION Action

- A. Before making a recommendation on any proposed amendment to this ordinance, the PLANNING COMMISSION shall hold a public hearing thereon.
- B. Official notice shall be given in the legal organ in the CITY where the subject parcel is located, 15-45 days prior to the hearing, which shall include the hour, time, place and date of the hearing, the location of the property, the present zoning classification, and the proposed zoning classification.
- C. The City shall post a SIGN 15-45 days prior to the hearings in a conspicuous place on the property which shall include the hour, time, place, and date of the hearing, the location of the property, the present zoning classification, and the proposed zoning classification.
- D. Public hearing shall be pursuant to the procedures established by the PLANNING COMMISSION.
- E. PLANNING COMMISSION Recommendation
  - 1. The PLANNING COMMISSION shall make any of the following recommendations with respect to an application: approval, denial, referral, withdrawal, reduction of the land area for which the application is made, change of the zoning DISTRICT requested, or imposition of conditions.
  - 2. The PLANNING COMMISSION shall submit its recommendation or report of no recommendation on an application for a proposal to the MAYOR AND COUNCIL prior to the scheduled public hearing in which the MAYOR AND COUNCIL will consider the application.
  - 3. If the PLANNING COMMISSION fails to submit a recommendation or report within 45 days of its public hearing, the PLANNING COMMISSION's recommendation shall forfeit its opportunity to recommend.
  - 4. Following the recommendation by the PLANNING COMMISSION, all papers and data pertinent to the application, plus the minutes, shall be transmitted to the MAYOR AND COUNCIL for final action.

14.06.003 MAYOR AND COUNCIL Action

- A. Before taking action on the proposal and after receipt of the PLANNING COMMISSION recommendations or reports thereon, the MAYOR AND COUNCIL shall hold a public hearing on the proposal.
- B. The public hearing shall be held pursuant to §14.05 of this ordinance.
- C. So that the purpose of this Ordinance will be served and so that health, public safety and general welfare will be secured, the MAYOR AND COUNCIL in its decision on the application may, in its legislative discretion, approve or deny the application may, in its legislative discretion, approve or deny the application as submitted, defer a decision until a specified meeting date, require the APPLICANT to file a site plan or other plans regarding the application and defer action to a later meeting date, or allow a withdrawal of the application by the APPLICANT, if requested.
- D. Such a permitted withdrawal shall not be subject to the 12 month prohibition on re-filing.

E. In determining the compatibility of a use with adjacent properties and the overall community, the MAYOR AND COUNCIL must make the following findings if the use is to be approved or approved with conditions:

1. adequate provision is made by the APPLICANT to reduce any adverse environmental impacts of the proposed use to an acceptable level;
2. vehicular traffic and pedestrian movement on adjacent STREETS will not be substantially hindered or endangered;
3. off-STREET parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to SERVICE the use;
4. public facilities and utilities are capable of adequately serving the proposed use;
5. granting the request would not be an illogical extension of a use which would intrude a damaging volume of (1) agricultural or (2) COMMERCIAL USE into a stable neighborhood of well-maintained single-FAMILY homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
6. granting the request would not lead to congestion, noise and traffic hazards or overload public facilities current or planned;
7. granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;
8. granting this request would not lead to a major negative change in existing (1) levels of public SERVICE, (2) government employees or (3) fiscal stability; and
9. granting this request would not have a “domino effect,” in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the COMPREHENSIVE PLAN.

F. Unless otherwise noted, the site plan submitted in support of an approved CONDITIONAL USE shall be considered part of the approval and must be followed.

G. Approval of a proposed use by the MAYOR AND COMMISSION does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are not included in the original approval are subject to the provisions of this Chapter and the review of new detailed plans and reports for said alterations by the governing authority. All uses, construction or BUILDING approved by the CONDITIONAL USE must begin within 60 days of MAYOR AND COMMISSIONER’s approval and be fully completed within 1 year of approval.

## **Chapter 14.07: Variance**

### 14.07.001 Variance

A. All petitions for VARIANCE shall be submitted to the CITY CLERK at least 21 days prior to a regularly scheduled PLANNING COMMISSION meeting on application forms supplied by the CITY CLERK along with a fee as determined by MAYOR AND

COUNCIL. Incomplete applications will not be reviewed. Applications for all VARIANCE must be accompanied by the following information.

1. Four (4) copies of a written description of the proposal designed to inform the City, in detail, all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operations, number of employees, number of DWELLING UNITS, vehicle trip ends, noise, water usage, sanitary waste treatment and any other relevant concerns identified by the City or APPLICANT.

2. Four (4) copies of surveyed PLAT signed by a registered surveyor.

3. Four (4) copies of preliminary BUILDING and site plans drawn to scale showing the following information:

a. Project name.

b. Project owner.

c. Date, scale, and north arrow.

d. Vicinity map.

e. Use of adjacent property.

f. Exterior dimensions of the site.

g. Total project change.

h. Location, name and width of all existing or proposed STREETS.

i. Location of all proposed STRUCTURES.

j. Location of all off-STREET parking and driveway serving the project.

k. Proposed BUFFERS and/or SCREENING.

l. Location, height, fixture type and wattage of site lighting.

m. Dumpster locations.

n. Rough floor plans, including gross FLOOR AREA.

o. BUILDING HEIGHT.

4. The submittal of inaccurate or incomplete information may be cause for denial of the request, or, if said discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the MAYOR AND COUNCIL.

5. PLANNING COMMISSION Action



- a. Before making a recommendation on any proposed amendment to this ordinance, the PLANNING COMMISSION shall hold a public hearing thereon.
- b. Official notice shall be given in the legal organ in the CITY where the subject parcel is located, 15-45 days prior to the hearing, which shall include the hour, time, place, and date of the hearing, the location of the property, the present zoning classification, and the proposed zoning classification.
- c. The City shall post a SIGN 15-45 days prior to the hearings in a conspicuous place on the property which shall include the hour, time, place, and date of the hearing, the location of the property, the present zoning classification.
- d. Public hearing shall be pursuant to the procedures established by the PLANNING COMMISSION.

e. PLANNING COMMISSION

- (1) The PLANNING COMMISSION shall make any of the following recommendations with respect to an application approval, denial, referral, withdrawal, reduction of the land area for which the application is made, change of zoning DISTRICT requested, or imposition of conditions.
- (2) The PLANNING COMMISSION shall submit its recommendation or report of no recommendation on an application for a proposal to the MAYOR AND COUNCIL prior to the scheduled public hearing in which the MAYOR AND COUNCIL will consider the application.
- (3) If the PLANNING COMMISSION fails to submit a recommendation or report within 45 days of its public hearing, the PLANNING COMMISSION's recommendation shall forfeit its opportunity to recommend.
- (4) Following the recommendation by the PLANNING COMMISSION, all papers and data pertinent to the application, plus the minutes, shall be transmitted to the MAYOR AND COUNCIL for final action.

14.07.002 MAYOR AND COUNCIL Action

- A. Before taking action on the proposal and after receipt of the PLANNING COMMISSION recommendations or reports thereon, the MAYOR AND COUNCIL shall hold a public hearing on the proposal.
- B. The public hearing shall be held pursuant to §14.05 of this ordinance.
- C. So that the purpose of this Ordinance will be served and so that health, public safety and general welfare will be secured, the MAYOR AND COUNCIL in its decision on the application may, in its legislative discretion, approve or deny the application as submitted, defer a decision until a specified meeting date, require the APPLICATION to file a site plan or other plans regarding the application and defer action to a later meeting date, or allow a withdrawal of the application by the APPLICANT, if requested.
- D. Such a permitted withdrawal shall not be subject to the 12-month prohibition on re-filing.

14.07.003 Standards for Review

A. Where the owner of a plot of land consisting of one (1) or more adjacent LOTS or record at the time of the enactment of this ordinance, does not own sufficient CONTIGUOUS land to enable him/her to conform to the minimum LOT size requirements of this ordinance; or if the topography, physical shape, or other unique features of such LOTS or record, prevent reasonable compliance with the SETBACK if used as a BUILDING site upon approval of the MAYOR AND COUNCIL after recommendation by the PLANNING COMMISSION; the YARD and other space requirements of the Zoning DISTRICT in which the property is located may be reduced by the smallest amount that will permit reasonable use of the property as a BUILDING site. Such reduction of these space requirements shall constitute a variance. Further, the MAYOR AND COMMISSION may grant variances only upon finding that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of 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. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; and
4. Such conditions are peculiar to the particular piece of property involved; and
5. Such circumstances surrounding the request for a variance are not the result of acts by the applicants; and
6. The variance is not a request to permit a use of land, buildings, or STRUCTURES which is not permitted by right or by CONDITIONAL USE PERMIT in the Zoning DISTRICT involved.

B. Public hearings on variances shall be conducted pursuant to §12.01.003 of this ordinance.

C. If the variance request is denied, then the same property may not be considered for a variance for at least six (6) months immediately following the denial of the variance by the MAYOR AND COUNCIL.

## **ARTICLE XV: CONFLICT OF INTEREST IN ZONING ACTIONS**

### **Chapter 15.01: Disclosure of Financial Interests**

A CITY OFFICIAL who knows or reasonably should know he or she:

- 15.01.001 Has a PROPERTY INTEREST in any REAL PROPERTY affected by a REZONING ACTION upon which that official's local government will have the duty to consider.
- 15.01.002 Has a FINANCIAL INTEREST in any BUSINESS ENTITY which has a PROPERTY INTEREST in any REAL PROPERTY affected by a REZONING ACTION which that official's local government will have the duty to consider; or
- 15.01.003 Has a MEMBER OF THE FAMILY having any interest described in paragraph (1) or (2) of this section, shall immediately disclose the nature and extent of such interest, in writing, to the MAYOR AND COUNCIL. The CITY OFFICIAL who has an interest as defined in §15.01.001 and 002, shall disqualify himself from voting on the REZONING ACTION. The disqualified CITY official

shall not take any other action on behalf of himself or any other PERSON to influence action on the application for rezoning. Disclosures provided for in the section shall be a public record and available for public inspection at any time during normal working hours.

#### **Chapter 15.02: Disclosure of Campaign Contributions**

- 15.02.001 When any APPLICANT for ZONING ACTION has made, within two (2) years immediately preceding the filing of the applicant's application for the REZONING ACTION, CAMPAIGN CONTRIBUTION aggregating two hundred fifty dollars (\$250.00) or more to a local government official who will consider the application, it shall be the duty of the APPLICANT to file a disclosure report with the MAYOR AND COUNCIL showing:
- A. The name and official position of the local government official to whom the CAMPAIGN CONTRIBUTION was made; and
  - B. the dollar amount and description of each CAMPAIGN CONTRIBUTION made by the APPLICANT to the CITY OFFICIAL during the two years immediately preceding the filing of the application for the REZONING ACTION if first filed.
- 15.02.002 The disclosures required by 15.02.001 shall be filed within ten days after the application for the REZONING ACTION if first filed.
- 15.02.003 When any OPPONENT of a REZONING ACTION has made, within two years immediately preceding the filing of the REZONING ACTION being opposed, CAMPAIGN CONTRIBUTIONS aggregating \$250.00 or more to a CITY OFFICIAL which will consider the application, it shall be the duty of the OPPONENT to file a disclosure with the governing authority of the respective local government showing:
- A. the name and official position of the CITY OFFICIAL to whom the CAMPAIGN CONTRIBUTION was made; and
  - B. the dollar amount and description of each CAMPAIGN CONTRIBUTION made by the OPPONENT to the code official during the two years immediately preceding the filing of the application for the REZONING ACTION and the date of each such contribution.
- 15.02.004 The disclosure required by §15.02.003 shall be filed at least five calendar days prior the hearing by the PLANNING COMMISSION.
- 15.02.005 Any PERSON knowingly failing to comply with the disclosure requirements or violating the provision of this section is guilty of a misdemeanor.

### **ARTICLE XVI: LEGAL STATUS PROVISIONS**

#### **Chapter 16.01: Appeal of Decisions by the Building Inspector**

- 16.01.001 Appeals to the MAYOR AND COUNCIL may be taken by any PERSON aggrieved by any decision of the BUILDING INSPECTOR when it is alleged there is an error in any order, requirement, decision or determination made by the BUILDING INSPECTOR in the enforcement of this Zoning Ordinance.

- 16.01.002 Such appeal shall be taken within thirty days after the decision or interpretation has been either made in writing or by statements made at a public hearing of which a record will be provided in the minutes of the hearing by filing with the CITY CLERK a Notice of Appeal specifying the grounds thereof.
- 16.01.003 The CITY CLERK shall forthwith transmit to the MAYOR AND COUNCIL all papers constituting the record upon which the action appealed from was taken.
- 16.01.004 An appeal shall stay all proceedings in furtherance of the action appealed from unless the BUILDING INSPECTOR certifies to the MAYOR AND COUNCIL that, by reason of facts stated in this certificate, a stay would, in this opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than the MAYOR AND COUNCIL or by a restraining order granted by a court of record on application, and notice to the BUILDING INSPECTOR for good cause shown.
- 16.01.005 Upon making a decision upon the consideration of appeal, the MAYOR AND COUNCIL may, in conformity with the provisions of this Zoning Ordinance, reverse decisions or determinations from which the appeal is taken and may issue or revoke or direct the issuance or revocation of a BUILDING or other permit.

#### **Chapter 16.02: Appeals of Actions by the Mayor and Council**

- 16.02.001 Any PERSON or PERSONS severally or jointly aggrieved by any decision of the MAYOR AND COUNCIL may appeal to the Superior Court via Certiorari. Such shall be filed within 30 days from the date of the decision of the MAYOR AND COUNCIL. Upon failure to obtain the Writ of Certiorari within 30 days, the decision of the MAYOR AND COUNCIL shall be final.

#### **Chapter 16.03: Conflict with Other Laws**

When the regulations of this Ordinance impose more restrictive standards than are required in or under any statute of other legal document, the requirements of this Ordinance shall govern. When the provisions of any statute require more restrictive standards than are required by this Ordinance, the provisions of such Ordinance shall govern.

#### **Chapter 16.04: Severability**

In the event any article, section, subsection, sentence, clause or phrase of this Zoning Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses or phrases of this Zoning Ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The MAYOR AND COUNCIL hereby declares that it would have adopted the remaining parts of this Zoning Ordinance if it had known that such parts thereof would be declared or adjudged invalid or unconstitutional.

#### **Chapter 16.05: Repeal of Conflicting Regulations**

All ordinances and parts of ordinances in conflict with this Ordinance are herewith repealed.

#### **Chapter 16.06: No Prejudice to Pending Applications**

Notwithstanding anything to the contrary herein, this Zoning Ordinance shall not in any way prejudice or affect any pending application for rezoning before the PLANNING COMMISSION or the Mayor and City Council.

**Chapter 16.07: No Legality to Nonconforming Uses**

Nothing contained in this Zoning Ordinance shall be considered to approve or give legality to any non-conforming use which has been discontinued more than one year within the City regardless of whether there was intent to discontinue the use.