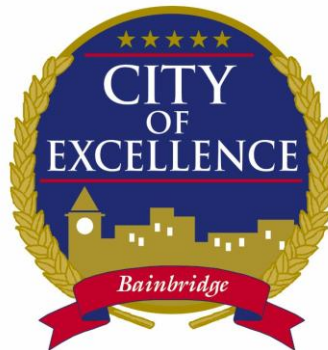




# ZONING ORDINANCE



Adopted: May 17, 2005  
As Amended: May 20, 2025

Prepared Under Contract By:  
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Alpharetta, Georgia



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**ARTICLE 1**  
**PREAMBLE AND ENACTMENT, JURISDICTION AND LEGAL STATUS PROVISIONS**

CHAPTER 1.1	PREAMBLE AND ENACTMENT
CHAPTER 1.2	JURISDICTION
CHAPTER 1.3	LEGAL STATUS PROVISIONS

**CHAPTER 1.1**  
**PREAMBLE AND ENACTMENT**

Section 1.1.1.	Preamble and Enactment.
Section 1.1.2.	Adoption and Effective Date.

**Section 1.1.1. Preamble and Enactment.**

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authorities of municipalities may adopt plans and exercise the power of zoning; and

WHEREAS, Section 5.4 of the Bainbridge, Georgia, city charter authorizes the mayor and aldermen of the City of Bainbridge to pass zoning and planning laws; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and have since been amended, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the governing body has adopted a comprehensive plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised to include a new land use element; and

WHEREAS, the comprehensive plan specifies a number of goals and policies that are not currently implemented by the land use regulations of participating municipalities; and

WHEREAS, the governing body desires to help assure the implementation of the comprehensive plan as amended; and

WHEREAS, the governing body desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of their citizens;

WHEREAS, the governing body desires further to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the governing body desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the governing body desires to classify land uses, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the governing body finds that the regulations contained in this ordinance are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. sections 36-66-1 et seq., so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the planning commission has considered this matter;

It is hereby ordained by the governing authority of the City of Bainbridge that the following articles and sections (of an ordinance known collectively as the "Bainbridge Zoning Ordinance") are hereby enacted into law.

**Section 1.1.2. Adoption and Effective Date.**

This zoning ordinance is hereby adopted and shall become effective immediately upon its adoption by each governing body, the public welfare demanding it.

This the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## CHAPTER 1.2 JURISDICTION

- Section 1.2.1. Jurisdiction.  
Section 1.2.2. Zoning of Annexed Lands.

### **Section 1.2.1. Jurisdiction.**

This zoning ordinance shall apply within the incorporated limits of the City of Bainbridge, Georgia.

### **Section 1.2.2. Zoning of Annexed Lands.**

Property annexed or proposed to be annexed into the city limits of Bainbridge (after its date of adoption by the Governing Body) shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this zoning ordinance. Such property annexed may be zoned by the Governing Body to any zoning district or districts established in this ordinance. Lands hereafter annexed into the city limits of Bainbridge shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this zoning ordinance as now or hereafter amended, unless otherwise specifically provided in this ordinance.

## CHAPTER 1.3 LEGAL STATUS PROVISIONS

Section 1.3.1.	Conflict with Other Laws.
Section 1.3.2.	Validity and Severability.
Section 1.3.3.	Repeal of Conflicting Ordinances.
Section 1.3.4.	Validity of Conditions of Zoning.
Section 1.3.5.	Codification.

### **Section 1.3.1. Conflict with Other Laws.**

Whenever the regulations of this zoning ordinance require or impose more restrictive standards than are required in or under any other ordinance, the requirements of this zoning ordinance shall govern. Whenever the provisions of any state or federal statute require more restrictive standards than are required by this zoning ordinance, the provisions of such statute shall govern.

### **Section 1.3.2. Validity and Severability.**

Should any section or provision of this zoning ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the zoning ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

### **Section 1.3.3. Repeal of Conflicting Ordinances.**

The zoning ordinance adopted October 20, 1987, as amended, is hereby repealed. All other ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this zoning ordinance full force and effect, except that any ordinances or resolutions repealed by this section shall not limit or impair the city's authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

### **Section 1.3.4. Validity of Existing Conditions of Zoning.**

Notwithstanding the repeal of prior ordinances via Section 1.3.3 of this zoning ordinance, if a property was zoned subject to conditions prior to the adoption of this zoning ordinance, the existing zoning conditions shall continue to apply to said property.

### **Section 1.3.5. Codification.**

It is the intention of the governing body, and it is hereby ordered that this zoning ordinance shall become and be made a part of the Code of Ordinances of the City of Bainbridge, Georgia, and the articles, chapters, and sections of this zoning ordinance may be renumbered if necessary to fit most appropriately into the Code of Ordinances of the municipality.

## ARTICLE 2 DEFINITIONS

CHAPTER 2.1      INTERPRETATIONS  
CHAPTER 2.2      DEFINITIONS

### CHAPTER 2.1 INTERPRETATIONS

Section 2.1.1.      Interpretations of Certain Terms.  
Section 2.1.2.      Applicability of Definitions.  
Section 2.1.3.      Use of Figures for Illustration.

#### **Section 2.1.1. Interpretations of Certain Terms.**

Except as specifically defined herein, or in other Articles of this zoning ordinance containing definitions, all words used in this ordinance shall have their customary dictionary definitions. Unless otherwise expressly stated, the following words defined in this Article shall have the meaning herein indicated. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural number include the singular.

#### **Section 2.1.2. Applicability of Definitions.**

The interpretations and definitions provided in this Article shall apply to the entire zoning ordinance unless the context clearly indicates otherwise. In cases where another Article or Chapter of this ordinance contains definitions, such definitions are primarily intended to apply to said Article or Chapter only; provided, however, that a definition provided in another Article or Chapter of this zoning ordinance may have meaning outside the context of that particular Article or Chapter to the extent the context does not clearly indicate otherwise.

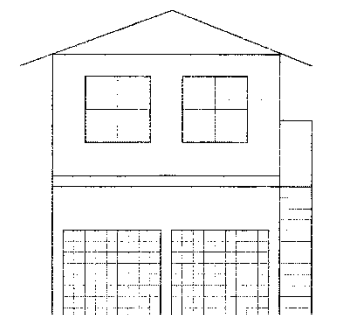
#### **Section 2.1.3. Use of Figures for Illustration.**

Figures and illustrations associated with defined terms or regulations in this zoning ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the meaning of regulations as written.

## CHAPTER 2.2 DEFINITIONS

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

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



Accessory Apartment, Detached  
(Above Garage Shown)

Active recreational facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or multiple purposes; community picnic pavilions (including covered facilities with grills and/or fire rings); community buildings for recreational events, and golf courses, excluding clubhouses, developed areas and accessory uses. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Agriculture: Farming, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. This term specifically includes "horticulture," or the growing of fruits, vegetables, herbs, flowers or ornamental plants. This term also includes plant nurseries and greenhouses, where lands or structures are used primarily to cultivate trees, shrubs, flowers or other plants for sale.

Aircraft landing field: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances.

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

Alteration: Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes;

any addition to a building; any change in use; or, any movement of a building from one location to another.

Alternative tower structure: Clock towers, bell towers, church steeples, water towers, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

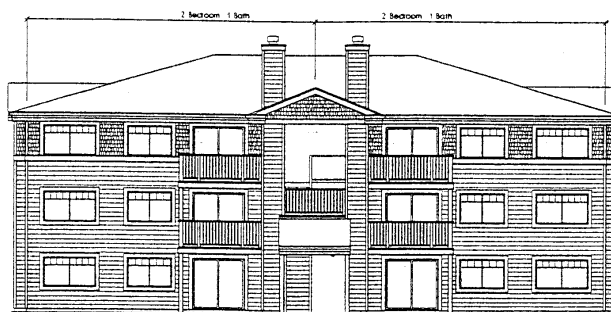
Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special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

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic animals. This definition includes veterinary clinics and animal day care facilities.

Animal quarters: Any structure which surrounds or is used to raise, breed (husbandry), house, shelter, care for, feed, exercise, train, exhibit, display, or show any animals or livestock other than domestic pets. This is not intended to apply to non-structural, fenced land for grazing. This includes the term "barn" when used to shelter livestock or other animals.

Antenna: Any exterior apparatus designed for telephone, radio, or television communications or data transmission through the sending and/or receiving of electromagnetic waves.

Apartment: A building, distinguished from a "duplex" or "two-family" dwelling, designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each family for rent or lease. The term "apartment" shall include "triplex" and "quadraplex." For purpose of this ordinance, an apartment building shall also be considered a "multi-family" dwelling.

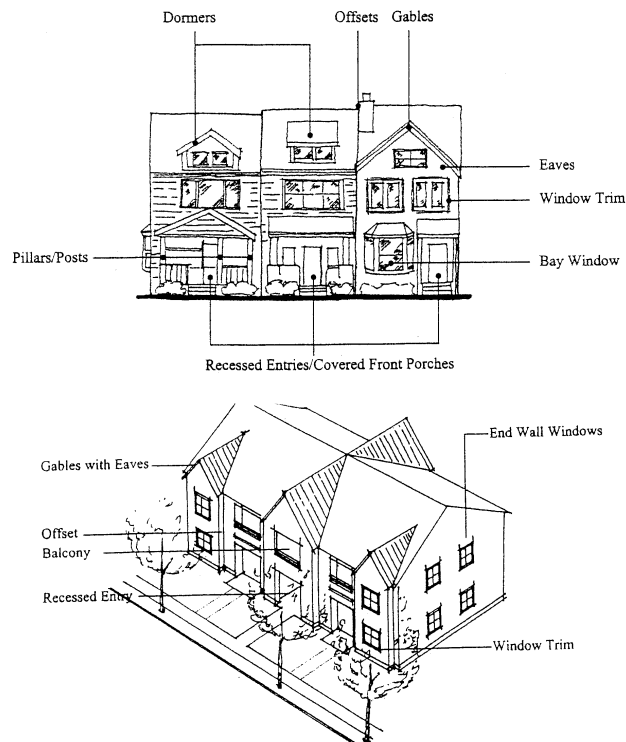


Appeal: A request for a review of an administrative official's interpretation of any provision of this zoning ordinance, or a request for a review of an action taken by an administrative official in the application or enforcement of this zoning ordinance.

Arcade: A building or part of a building containing four or more video, pinball or similar player-operated amusement devices, for commercial use. An arcade is an indoor commercial recreation facility.

**Architectural features:**

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



**Assembly hall:** A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

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

**Automated teller machine:** A mechanized consumer device that is operated by a customer and which performs banking and financial functions. An automated teller machine is an accessory use.

**Automobile sales or service establishment:** New or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, rental, and/or service, including manufactured home and modular building sales, agricultural implements and equipment, and similar pieces of equipment of vehicle. This definition includes automotive services such as rental car facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, and oil change and lubrication facilities.

**Bar:** Any establishment (by whatever name it may be known including but not limited to bar, barroom, club, juke joint, honkytonk, night club, pool hall, pool room, pub, recreation center and any other like or similar name describing the same or similar type of activity) which holds any consumption on premises alcoholic beverage license but which does not meet the requirements of a Food Service Establishment as defined herein.

**Basement:** That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

**Batching plant:** A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

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

**Biomass production and storage:** Material used for the production of such things as fuel alcohol and nonchemical fertilizers, from sources such as plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

**Boarding house:** See rooming house.

**Borrow site:** A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc. where the material is removed from the site.

**Botanical garden:** A private facility, either nonprofit or operated for a fee, for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

**Brewery:** An industrial use that brews ales, beers, or similar beverages on site. This definition excludes micro-breweries.

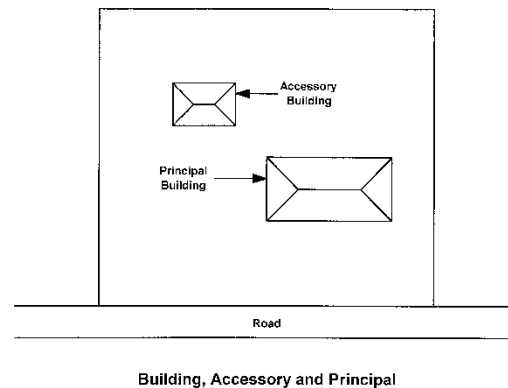
**Broadcasting studio:** A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

**Build-To-Rent Community:** A residential single-family subdivision with 80 or more dwellings and more than ten (10) percent of the dwellings therein occupied, or intended to be occupied, by tenants rather than owners. Senior living, retirement communities, or 55 and older communities are exempt from the Build-To-Rent regulations.

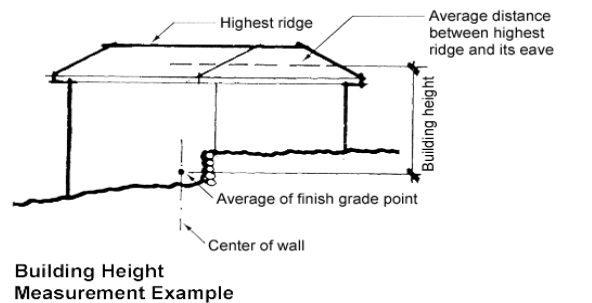
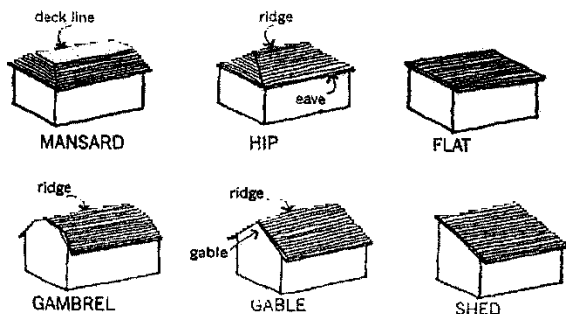
**Building:** The word "building" includes the word "structure."

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

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



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



### Roof Types

Source: Stoll, Garner, and Gill Rosmiller. Be Unique: A Model for Anti-Monotony in Residential Development. *Zoning News*, October 2003, p. 2.

**Building Inspector:** The city's official responsible for implementing and enforcing the applicable building codes of the city.

**Bulk storage:** The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

**Business service establishment:** A business activity engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services,

accounting, auditing, and bookkeeping services, messenger services and couriers, publications and business consulting firms, food catering, interior decorating, and locksmiths.

Campground: Any parcel or tract of real property that is designed for camping or outdoor recreation and containing two or more camping spaces offered for the use of the public or members of an organization. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles. Campgrounds may be “primitive,” where no sanitary facilities are provided for the comfort and convenience of campers. Campgrounds may be “semi-primitive,” where rudimentary facilities (privies and/or fireplaces) may be provided. Campgrounds may be “developed,” where utilities (sewer, water, and electricity), restrooms and refuse disposal are available. Campgrounds may be “fully developed,” with one or more service buildings.

Caretaker’s residence: A dwelling unit within a principal building or any freestanding building or structure that is an accessory use which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

Carport: An roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum or other metal, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of property, usually for private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities. For purposes of this ordinance, a car wash is considered an automobile sales and service establishment whether it is a principal use or accessory to another use or building.

Car Wash (Neighborhood): A site used for the hand washing and cleaning of passenger vehicles, other vehicles and/or other light duty equipment by staffed employees. The facilities must be completely enclosed with proper drainage consistent with the plumbing code, must provide sufficient parking and waiting area for customers, and operate only between the hours of 8:00 a.m. and 9:00 p.m.

Carnival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions and where the public either pays admission or participation fees. A carnival is a temporary use.

Cemetery: The use of property as a burial place.

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

Character: Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

Church: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: parsonage, schools, assembly or meeting halls,

non-profit indoor recreational facilities, day care, counseling, and kitchens. This term includes synagogues, temples, and places of worship.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service for a fee. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

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

College or university: An educational use that provides training beyond and in addition to that training received in the 12<sup>th</sup> grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers an associate, bachelor, master, and/or doctoral degree(s).

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

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

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

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

Composting facility: A facility where compost or organic matter that is derived primarily from off-site is processed by composting and/or processed for commercial purposes. Activities of a

composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

City: The City of Bainbridge, Georgia.

Co-generation facility: An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may use, distribute through connection, or sell the energy converted from such process.

Condition of zoning: A requirement adopted by the governing body at the time of approval of a rezoning or conditional use, placing greater or additional requirements or restrictions on the property than provided in this zoning ordinance, in order to reduce an adverse impact of the rezoning or conditional use and to further protect the public health, safety, or general welfare.

Condominium building: A building containing one (1) or more individually owned units or building spaces situated on jointly-owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family condominium building.

Construction field office: A manufactured home or other structure used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

Code of Ordinances: This term refers to other ordinances not included within this zoning ordinance but which have been adopted by the City of Bainbridge.

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

Compost: A humus-like, organic material produced from composting, which may be used to spur plant growth and condition soil or as top soil.

Comprehensive plan: Any plan adopted by the governing body. This definition shall be construed liberally to include major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a comprehensive plan as provided by the Georgia Planning Act of 1989, if formally adopted by the governing body.

Conditional use: A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body within that particular zoning district as provided in certain instances by this zoning ordinance. An approved conditional use runs with the property.

Convenience store: A retail store, usually with a floor area no more than 5,000 square feet and often approximately 2,500 to 3,000 square feet, that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services.

Cooperative building: A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

Cottage industry: An individually-owned craft shop that produces on the premises through hand-made workmanship craft one or more goods for retail sale, such as candle-making, glass blowing, pottery making, weaving, woodworking, sculpting, and other similar or associated activities. A cottage industry has no more than 1,500 square feet of space and no more than five (5) employees.

Country club: A club with recreational facilities for members, their families, and invited guests. This term is distinguished from community recreation and golf courses within planned residential communities.

Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting street; the physical improvement designed to provide such ingress/egress.

Dance hall: An establishment, room, place, or space designed or used as a dance floor, where an admission fee is collected. A dance hall is an indoor commercial recreation facility.

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

Deceleration lane: An added roadway lane, of a specified distance and width and which may include a taper, as approved by the City Engineer, that permits vehicles to slow down and leave the main vehicle stream.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any activity which alters the elevation of

the land, removes or destroys plant life, or causes structures of any kind to be erected or removed.

Development permit: An official authorization issued by the Zoning Administrator in accord with this ordinance to proceed with land disturbance and grading, as set forth in this ordinance.

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

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dormitory: A building designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes, and which may include common kitchen and/or common gathering rooms for social purposes.

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

Driveway: A constructed vehicular access serving one (1) or more properties and connecting to a public or private street, as distinguished from a platted, public or private street.

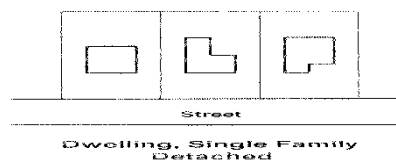
Driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, putting, and/or chipping, and which may include a snack bar and pro-shop. A driving range is an outdoor commercial recreation facility.

Dumpster: A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal, or a container (excluding temporary placements) designed to hold refuse that is loaded onto a truck.

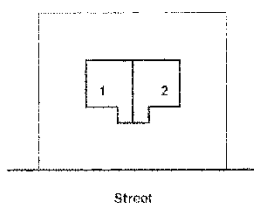
Dwelling: A building, other than a manufactured home, mobile home, house trailer, or recreational vehicle, which is designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling, on-site farm tenant: A residential structure located on a farm and occupied by either a single non-transient or transient farm worker, or a farm worker's household containing no more than two adults, plus any children, and one or both of the adults is employed by the owner of the farm.

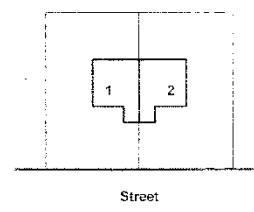
Dwelling, single-family detached, fee-simple: A building designed or arranged to be occupied by one (1) family only and where such dwelling is located on its own lot in fee-simple title.



**Dwelling, two-family (duplex):** A building designed or arranged to be occupied by two (2) families living independently of each other and where each dwelling is located on its own lot in fee-simple title, but where the two dwelling units are attached along a common property line.



Dwelling, Two Family (Duplex)  
on One Lot



Dwelling, Two Family (Duplex)  
Zero Lot Line, Fee Simple

**Dwelling, multi-family:** A building, other than a duplex, designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each family. This term includes attached residential condominiums and apartments.

**Dwelling unit:** A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

**Fairgrounds:** An area of land permanently established and intended to be devoted to seasonal community events, and which may include agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds not owned by the public are considered outdoor commercial recreation facilities.

**Family:** Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, adoption up to the second degree of consanguinity, or foster care. The term family does not include any organization or institution group.

**Family burial plot:** A place dedicated to and used, or intended to be used, for permanent interment of human remains, where said remains are of a family member of the property owner. Family burial plots are not cemeteries for purposes of the Georgia Cemetery and Funeral Services Act of 2000 (O.C.G.A. 10-14-1).

**Family day care home:** A private residence in which a business, registered by the State of Georgia, is operated by any person who receives therein (for pay) for supervision and care for fewer than twenty-four (24) hours per day, three (3) to not more than six (6) children under eighteen (18) years of age who are not residents in the same private residence. For purposes of this zoning ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this zoning ordinance.

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

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

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

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

Festival: The sale of ethnic, specialty, regional, and gourmet foods, art and crafts, and the provision of live entertainment in an outdoor setting. A festival is a temporary use.

Finance, insurance, and real estate establishment: Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is considered an open air business.

For-Rent: Constructed under single ownership and management for the express purpose and intent of offering to the general public for lease and not intended For Sale.

For-Sale: Constructed for the express purpose and intent of offering to the general public for fee simple purchase.

Forestry: An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles. Includes the term mortuary.

Golf course: A use of land for playing the game of golf.

Governing Body: The Mayor and Alderman of the City of Bainbridge, Georgia.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

Group home: A single housekeeping unit of more than seven (7) unrelated persons, whether or not they are developmentally disabled.

Guest house: A lodging unit for temporary guests in an accessory building. No guest house shall be rented or otherwise used as a separate dwelling. This term is distinguished from the term "accessory apartment" as herein defined.

Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the government of the United States or the State of Georgia.

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

Helicopter landing pad: Any structure or area which is designed or constructed for use, or used, as a helicopter landing area or any structure or area which is used as a helicopter landing area.

Home occupation: Any use, occupation or activity conducted entirely within a dwelling and/or accessory building by the residents thereof, which is clearly incidental and secondary to the use of the dwelling and/or accessory building for residential purposes and does not change the character thereof, as may be lawfully established under the terms of this zoning ordinance.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel is a lodging service for purposes of this ordinance.

Incinerator: A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.

Industrialized home: A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

Institutional residential living and care facilities: An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding,

medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

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

Junkyard: Any place where scrap or waste material of any kind or nature has accumulated, whether or not such items are collected for resale, disposal, or storage.

Kenel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise. This term includes animal grooming services and pet psychologists.

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

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

Land reclamation: The return of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Landscaping company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Library: A place set apart to contain books and other literary material for reading, study, or reference, for use by members of a society or the general public.

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

Live-work unit: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the two uses are physically connected in one unit and residential use of the space is accessory to the primary use as a place of work. This term is distinguished from a home occupation and from a mixed-use building. Live-work units may have larger work spaces than permitted by home occupation, and live/work units design the floor space for both living and working areas. Live-work units are distinguished between mixed-use buildings in that a mixed-use building has residential and nonresidential uses in the same building, but the residential and nonresidential spaces are not necessarily connected or used by the same person.



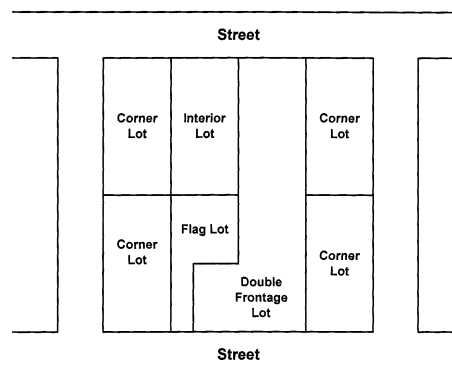
Illustrative Live-Work Units

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including "hotel" and "motel" as defined. "Bed and breakfast inn" is defined separately and is not considered a lodging service for purposes of this zoning ordinance.

Lot: A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. The word "lot" includes the word "plot" or "parcel."

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

Lot, double frontage: Any lot, other than a corner lot, which has frontage on two (2) streets.



TYPES OF LOTS

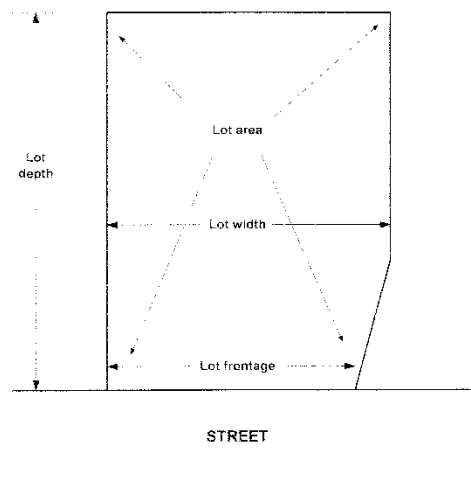
Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. Also called a panhandle lot.

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

Lot depth: The mean horizontal distance between front and rear lot lines.

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

Lot width: The distance between side lot lines measured at the front building line.



Lot Definitions

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

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

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

Manufactured home subdivision: A site which has been designed for subdivision of, or is subdivided into, individual lots for the erection of a manufactured home on each lot.

Manufacturing, processing, assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a

fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

Marina: A facility for the mooring, berthing, storing, or securing of watercraft, and which may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

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

Metes and bounds: A system of describing and identifying land by a series of lines around the perimeter of an area; “metes” means bearings and distances and “bounds” refers to physical monuments.

Micro-brewery: A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment.

Micro-distillery: A facility in which distilled spirits are manufactured, producing fewer than 15,000 barrels per year and typically having a tasting room.

Mini-warehouse: (see self-service storage facility).

Mixed-use building: A building designed, planned and constructed as a unit, used partially for residential use and partially for office, personal service, retail, entertainment or public uses. This term includes live-work units, which are jointly used for commercial and residential purposes but where the residential use of the space is secondary or accessory to the primary use as a place of work. This term is distinguished from a dwelling containing a home occupation or home industry.



Mixed-use development:

A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary, cohesive whole.



Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445). A mobile home is distinguished from a manufactured home as defined herein.

Model home: A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home.

Modular home: Any structure or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site, and which is designed and constructed to conform to the local building code rather than a national housing or construction code. For purpose of this ordinance, a modular home that meets the local building code shall be considered the same as a detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a

physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; it complies with rules and regulations of the Georgia Department of Human Resources.

Occupied: The word "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

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

Office park: Two or more buildings which are clustered together in which professional services are primarily engaged.

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden centers and garden supply stores, lumber and building materials yards, flea markets, statuaries and monument sales establishments, liquid petroleum dealers and tank sales. A roadside stand is not considered to be an open air business.

Orchard: An establishment which cares for and harvests fruit- or nut-bearing trees, bushes, or vines.

Overlay district: A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

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

Parking structure: A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground parking areas under buildings.

Parsonage: The permanent place of residence of the pastor or minister of a church or place of worship. A parsonage may be a principal use but is also considered an accessory use to a church or place of worship.

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 or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.

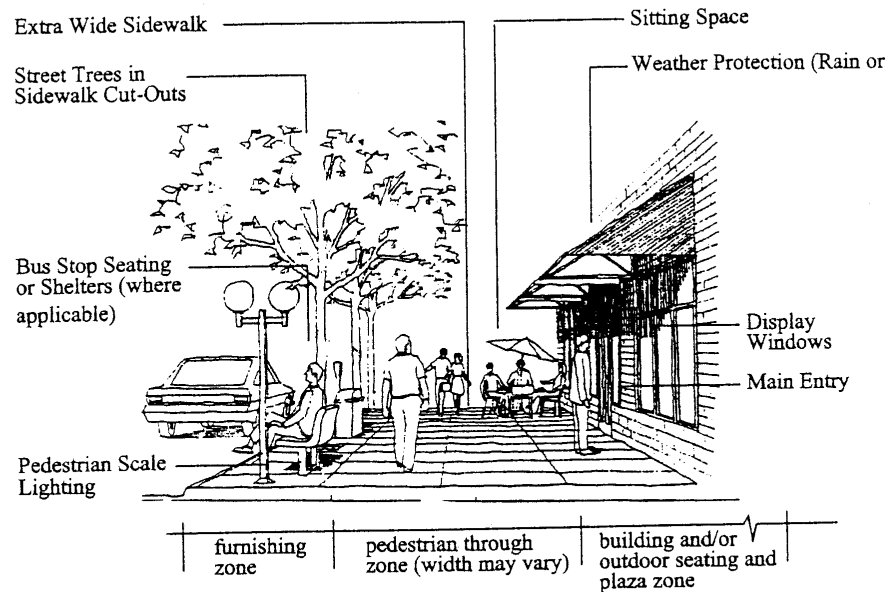
Personal service establishment: A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated laundromats, full service laundries, dry cleaners, photographic studios, shoe repair and shoeshine shops, travel agencies, massage therapists, escort services, fortune-telling, and psychics.

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

**Pedestrian-scale**

**development:**

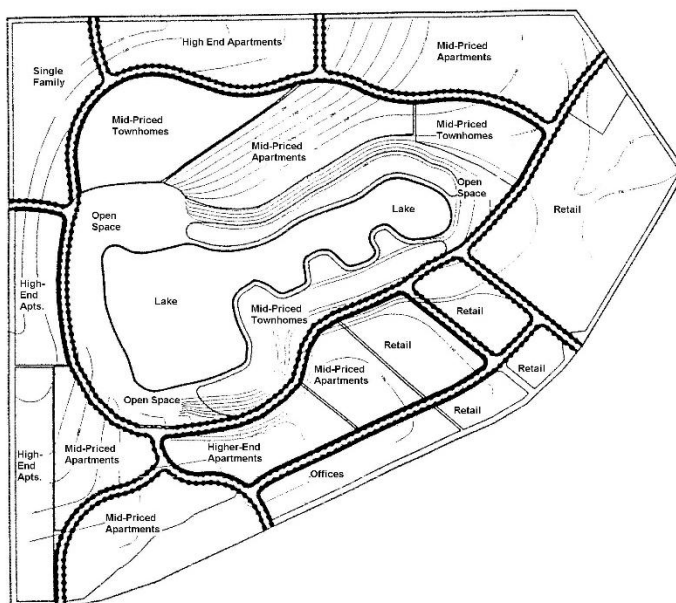
Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street.



**Permitted use:** A use by right which is specifically authorized in a particular zoning district.

**Person:** Includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

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



**Planning Commission:** The Bainbridge Planning Commission, as established in Chapter 2, Article VI, of the Bainbridge Code of Ordinances.

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

**Relocated residential structure:** A detached, single-family dwelling, site-built (i.e., excluding a manufactured home or mobile home) that is moved or disassembled into more than one structure and moved to another site, whether temporarily or permanently.

**Recreation, passive:** Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking, provided that such activities occur in a manner that is consistent with existing natural conditions.

**Recreational vehicle:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

**Recreational vehicle park:** Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles

of the general public as temporary living quarters by campers, vacationers or travelers. This definition also includes developed campgrounds, governed by a set of public or private management rules, that accommodate recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or other utilities and services.

Recreational vehicle space: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

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

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

Residential zoning districts. All of the districts established in Article 6 of this zoning ordinance except the AGP district.

Resource extraction: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations.

Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes taverns, bars, pubs, and sidewalk cafés.

Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings.

These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

Retreat center: A facility used for professional, educational, or religious meetings, conferences, or seminars and which may provide meals in a single building, lodging, and recreation for participants during the period of the retreat or program only. Such center may not be utilized for the general public for meals or overnight accommodations. Housing is usually in lodges, dormitories, sleeping cabins or other such temporary quarters, which do not contain kitchens.

Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.

Riding stable: An establishment where horses or other animals that can be ridden by humans are kept for riding and which offers the general public rides for a fee.

Roadside stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or outside of a temporary structure on the premises.

Roof: The cover of a building, including the eaves and similar projections.

Rooming house: A building where, for compensation, lodging only is provided for three (3) to not more than twenty (20) persons. This definitions shall be construed liberally to include every dwelling house, rooming house, furnished room house, lodging house, boarding house and any other similarly occupied building, structure or portion thereof kept, held or used, where sleeping or lodging is provided (or which is equipped to provide lodging) by prearrangement for a definite period, for compensation for three or more persons open to transients.

Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

Sawmill: A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the processing of timber for use on the same lot by the owner or occupant of that lot.

School for the arts: An educational use not operated by the Decatur County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, private, elementary, middle, or high: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by the Decatur County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.”

School, public: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by the Decatur County Board of Education.

School, special: An educational use not operated by the Decatur County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by the Decatur County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.

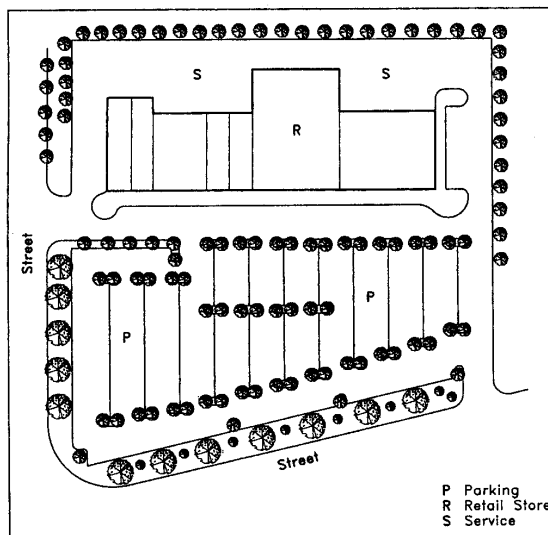
Self-service storage facility: Mini-warehouse; A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units for exclusively storage purposes.

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

Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel and oil accessories, and which may include the servicing of motor vehicle, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles.

Shall: The word "shall" is mandatory, not discretionary.

**Shopping center:** A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves. For purposes of use regulations, shopping centers are considered enclosed retail trade establishments. A shopping center is an enclosed retail trade establishment.



Source: Couture, Dennis. 2002 "Development Patterns and Principles." Figure 12.20 in *Land Development Handbook*, 2<sup>nd</sup> ed. The Dewberry Companies. New York, McGraw-Hill.

**Short Term Rental:** The Renting or leasing of 1 to 6 rooms of a dwelling unit for less than 30 days. The Owner/Operator may or may not live on premises. Short term rental, is considered a lodging service and subject to occupational tax certificate, and hotel/motel tax regulations. (ie: Air BnB)

**Showroom:** A principal or accessory use where wholesale or retail goods are displayed.

**Single-room occupancy facility:** A lodging service that offers shelter accommodations for a person or persons for more than 15 days or less in one room, open to the public for a fee.

**Slaughterhouse:** A facility for the slaughtering and processing of animals and the refinement of their byproducts. This term includes rendering plants.

**Skilled nursing care facility:** A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- (a) The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
- (b) Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

For purposes of this ordinance, skilled nursing care facilities are considered institutionalized residential living and care facilities.

Solar Energy Systems: An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a buildings energy requirements.

Solar Energy Equipment: Items including but not limited to: solar panels, lines, pumps, batteries, mounting brackets, framing and foundations used for or intended to be used for the collection of solar energy in connection with a building on residential, municipal or commercial properties.

Solar Energy System, Commercial Scale: Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating energy primarily for use off-site. Energy generated may be used to serve on-site power needs. Utility scale systems as defined by this ordinance are permitted only in HI and LI zoning districts, and require Conditional Use approval in INS districts by the Zoning Commissioners and the governing body.

Solar Energy System, Small: Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating energy for use onsite only. The energy production associated with a small solar energy system is to be used on-site or to qualify for a utility company credit (aside from output delivered to a power grid to offset on-site energy cost). Solar energy systems small scale, the equipment and its use is accessory to the principal use of the property.

Solid waste transfer facility: A fixed facility where solid waste from collection vehicles is consolidated or compacted and loaded on trucks for subsequent transport to a disposal site.

Special event facility: A facility or assembly hall available for lease by private parties or special events such as weddings. This term includes wedding chapels.

Stockyard: Any place where transient cattle, sheep, swine, or other livestock are kept temporarily for slaughter, market, feeding, or sleeping.

Street: A dedicated and accepted public right-of-way, or a private street approved by the city, which affords the principal means of access for motor vehicles to abutting properties.

Street, major: An existing or proposed street or highway designated in the comprehensive plan as an arterial or collector street.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this zoning ordinance, swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations.

**Subdivision:** The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

**Temporary use:** A use or structure is in place for only a short period of time.

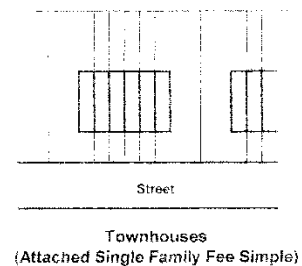
**Terminal:** A facility for the transfer, pickup, or discharge of people or goods without the long-term storage of such items.

**Theater:** A building or part of a building devoted to the showing of motion pictures, or for live dramatic or musical performances. A theater is an indoor commercial recreation facility.

**Therapeutic camp:** A child-caring institution which provides a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the residents participating in the activities; it is regulated by the Georgia Department of Human Resources.

**Tower, amateur radio:** A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

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



**Transient Business:** Any use, occupation, or activity conducted entirely away from and in no connection with a residence except for use of the residence's physical address, by the residents thereof, for occupational tax certificate purposes. Examples of such uses include lawn cutting services, maid services, pressure washing services and the like.

**Trash enclosure:** An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored. This term also includes structures and walls designed to screen dumpsters.

**Truck stop:** An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck drivers.

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

Used: The word "used" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Variance: A grant of relief from the requirements of this zoning ordinance which permits construction or use in a matter otherwise prohibited by this zoning ordinance; A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading, or other regulations which are dimensional in nature as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Vehicle emission testing facility: A building, structure, or use which is specifically designed to test the vehicle emissions of vehicles for compliance with air quality standards.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

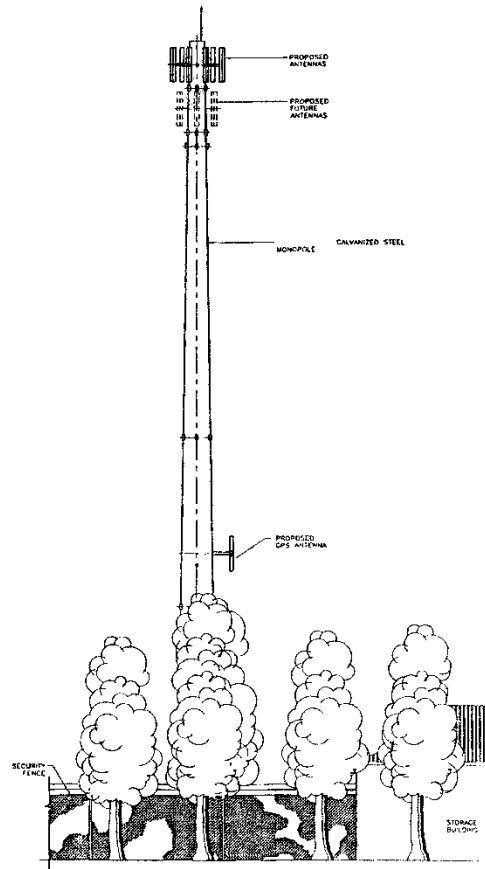
Wastewater treatment plant: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

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

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

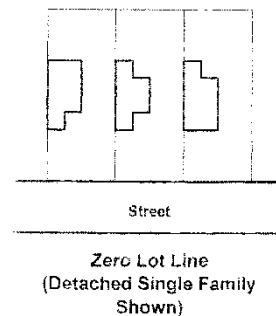
Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication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



Wrecked motor vehicle compound: An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

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

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



Zoning map: The official zoning map or maps of the City of Bainbridge, Georgia.

Zoning: A legislative act representing a legislative judgment as to how the land within a city may be utilized and where the lines of demarcation between the several use zones or districts are drawn.

Zoning Administrator: The staff person employed in the position of Zoning Administrator for the City of Bainbridge, or such other person who has authority via appointment to the position of Zoning Administrator, and any additional positions which have been delegated authority by the Zoning Administrator to exercise the functions assigned by this ordinance to said Zoning Administrator.

**ARTICLE 3  
ESTABLISHMENT OF ZONING DISTRICTS  
AND MAP**

CHAPTER 3.1	ZONING DISTRICTS
CHAPTER 3.2	OFFICIAL ZONING MAP
CHAPTER 3.3	RULES GOVERNING BOUNDARIES

**CHAPTER 3.1  
ZONING DISTRICTS**

Section 3.1.1.	Intent.
Section 3.1.2.	Zoning Districts Established.

**Section 3.1.1. Intent.**

The zoning districts established in this chapter are intended to: promote the orderly future development of the municipality in accordance with its comprehensive plan; discourage sizes and types of development which would create excessive requirements and costs for public services; discourage uses which because of their size or type would generate an abnormal amount of traffic on minor streets; establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and protect and promote suitable environments for family and household residences, institutions, commercial and other employment centers, and other uses.

**Section 3.1.2. Zoning Districts Established.**

The following zoning districts are hereby established:

- UR-12, Urban High-Density Residential District
- MHP, Manufactured Home Park
- UR-9, Urban Medium-Density Residential District
- UR-6, Urban Low-Density Residential District
- SR-3, Suburban Residential District
- RR-1, Rural Residential District
- PUD, Planned Unit Development District
- INS, Institutional District
- O-P, Office-Professional District
- NB, Neighborhood Business District
- HC, Highway Commercial District
- CBD, Central Business District
- LI, Light Industrial District
- HI, Heavy Industrial District

## CHAPTER 3.2 OFFICIAL ZONING MAP

- Section 3.2.1. Official Zoning Maps.
- Section 3.2.2. Map Revisions.
- Section 3.2.3. Overlay Districts.

### **Section 3.2.1. Official Zoning Map.**

The boundaries of zoning districts created by this ordinance are hereby established as shown on map entitled “Official Zoning Map” of the City of Bainbridge, Georgia.

Said official zoning maps and all explanatory matter thereon accompany and are hereby made a part of this zoning ordinance. The official zoning map shall indicate the date of adoption and most recent amendment. The original of the official zoning map shall be kept in the office of the city clerk.

The official zoning map may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the official zoning map. The zoning administrator may make copies of the official zoning map available to the public for a reasonable fee.

### **Section 3.2.2. Map Revisions.**

If, in accordance with the provisions of this zoning ordinance, the governing body approves changes in the district boundaries or other subject matter portrayed on the official zoning Map for its jurisdiction, such changes shall be made promptly after the amendment has been approved by the governing body.

The zoning administrator is authorized to correct errors in the official zoning map, which may include revisions to property lines which form a zoning boundary, without a requirement to seek approval of the governing body.

### **Section 3.2.3. Overlay Districts.**

The city may adopt overlay districts, including for purposes of historic preservation. If adopted, they shall be shown on the Official Zoning Map or as a separate district map designed for overlay on the Official Zoning Map.

## CHAPTER 3.3 RULES GOVERNING BOUNDARIES

Section 3.3.1.	Streets.
Section 3.3.2.	City Limits.
Section 3.3.3.	Property Lines.
Section 3.3.4.	Streams and Rivers.
Section 3.3.5.	Abandonment or Vacation of Right-of-Way.
Section 3.3.6.	Determinations, Interpretations, and Appeals.

### **Section 3.3.1. Streets.**

Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or such lines extended, such centerline, street right-of-way lines or such lines extended shall be construed to be such boundaries. Where boundaries are indicated as approximately paralleling the centerline of streets or highways, the location of said boundaries shall be determined by using an engineering scale on the map showing such boundaries.

### **Section 3.3.2. City Limits.**

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

### **Section 3.3.3. Property Lines.**

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

### **Section 3.3.4. Streams and Rivers.**

Where boundaries are indicated as approximately following the centerline of stream beds or river beds, or the edge of such stream or river, such centerline or edges shall be construed to be such boundaries.

### **Section 3.3.5. Abandonment or Vacation of Right-of-Way.**

Where a public street or other right-of-way is officially vacated or abandoned, and said street or right-of-way is also a zoning district boundary, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street or right-of-way.

### **Section 3.3.6. Determinations, Interpretations, and Appeals.**

In the case where the exact location of a boundary cannot be determined by the foregoing methods, the zoning administrator shall determine the location of the boundary. Any such administrative determination is subject to appeal as an administrative decision.

**ARTICLE 4  
NONCONFORMING SITUATIONS**

CHAPTER 4.1	DEFINITIONS
CHAPTER 4.2	NONCONFORMING SITUATIONS

**CHAPTER 4.1  
DEFINITIONS**

Abandon: To stop the use of property or the occupancy of a building intentionally. Abandonment is presumed when the use of a property or building has ceased and the property or building has been vacant for six (6) months or more.

Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum building coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this zoning ordinance for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this zoning ordinance but which was a lot of record prior to the effective date of this zoning ordinance or its amendment.

Nonconforming use: Any building or use of land or building lawfully existing on or before the effective date of this zoning ordinance or as a result of subsequent amendments to this zoning ordinance, which does not conform to the use provisions of the zoning district in which it is located.

## CHAPTER 4.2 NONCONFORMING SITUATIONS

Section 4.2.1.	Nonconforming Lot of Record.
Section 4.2.2.	Nonconforming Buildings and Structures.
Section 4.2.3.	Nonconforming Uses Generally.
Section 4.2.4.	Change of Nonconforming Use.
Section 4.2.5.	Abandonment of Nonconforming Use.
Section 4.2.6.	Expansion of Nonconforming Use.
Section 4.2.7.	Repair of Nonconforming Use.

### **Section 4.2.1. Nonconforming Lot of Record.**

A lot of record, as defined by this zoning ordinance, that does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located may be used as a building site, provided that the access, height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained, and, provided further, that the lot meets all the current standards and requirements of the Decatur County Health Department.

### **Section 4.2.2. Nonconforming Buildings and Structures.**

A nonconforming building or structure, as defined by this article, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located.

### **Section 4.2.3. Nonconforming Uses Generally.**

A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this chapter. It shall be the responsibility of the owner of a nonconforming use to prove to the zoning administrator that such use was lawfully established and existed on the effective date of adoption or amendment of this zoning ordinance.

### **Section 4.2.4. Change of Nonconforming Use.**

A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.

### **Section 4.2.5. Abandonment of Nonconforming Use.**

A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) months or more, except as provided in this article. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this article. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed in excess of six (6) months, said lapse of business registration shall constitute discontinuance.

**Section 4.2.6. Expansion of Nonconforming Use.**

A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.

**Section 4.2.7. Repair of Nonconforming Use.**

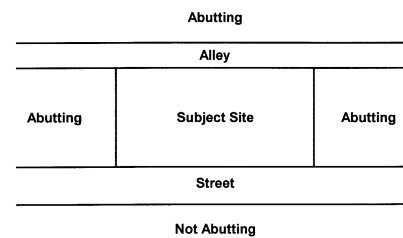
A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of damage as determined by the building inspector, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is completed within six (6) months of such damage.

## ARTICLE 5 GENERAL AND DIMENSIONAL PROVISIONS

CHAPTER 5.1	DEFINITIONS
CHAPTER 5.2	GENERAL PROVISIONS
CHAPTER 5.3	GENERAL DIMENSIONAL PROVISIONS

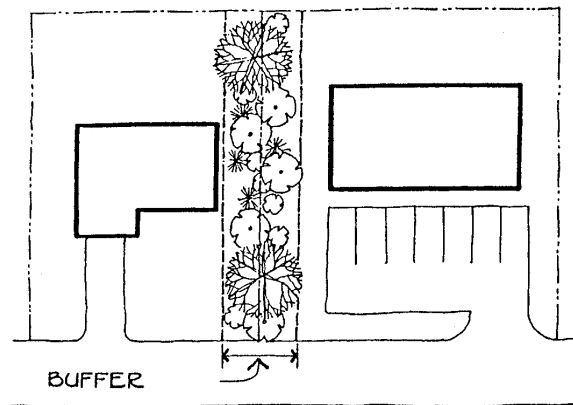
### CHAPTER 5.1 DEFINITIONS

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



**Buffer:** A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is usually intended to provide screening, as defined and as may be required by this zoning ordinance.

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

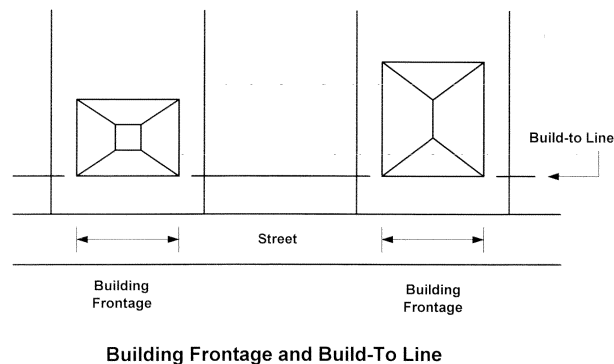


Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 50).

**Buildable area:** The portion of a lot which is not located within any minimum required yard, landscape strip, landscaped area, buffer, or natural undisturbed buffer; that portion of a lot wherein a building or structure may be located.

**Building frontage:** The width in linear feet of the front exterior wall of a particular building, as measured more or less parallel to the front property line.

**Build-to-line:** A front building setback line applied to a principal building on a particular property so that a continuous and consistent building setback will be achieved considering the front building setbacks of buildings on abutting and/or adjacent lots on the same side of the street or right-of-way.



**Building coverage:** The horizontal area measured within the outside of the exterior walls of the ground floor (i.e., “footprint”) of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

**Building coverage, maximum:** The percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor (i.e., “footprint”) of all principal and accessory buildings and structures on the lot, not including steps, terraces, and uncovered porches.

**Building setback line:** A line establishing the minimum allowable distance between the front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into beyond a required building setback line. For purposes of this zoning ordinance, a minimum required building setback line and minimum required yard shall be considered the same.

**Centerline of street:** That line surveyed and monumented by the governing body responsible for the road and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or pavement ends of such street.

**Density:** The quantity of building per unit of area; for example, the number of dwellings per area (gross square foot or per acre).

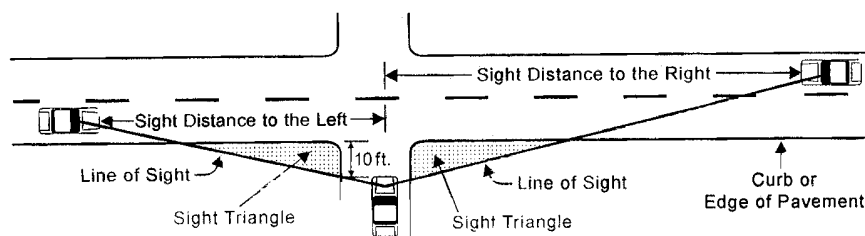
**Floor area:** The sum of all square footages (areas) of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are excluded from the measurement of floor area: unfinished attics, attached garages or spaces used for off-street parking and loading, breezeways, and enclosed or unenclosed decks and porches.

**Lot of record:** A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Decatur County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this zoning ordinance.

**Open space, landscaped:** That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by

providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

**Sight visibility triangle:** The areas at the corners of an intersection, which may vary based on type of street and intersection geometry, that are to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items between thirty (30) inches in height to twelve (12) feet as measured from the ground.

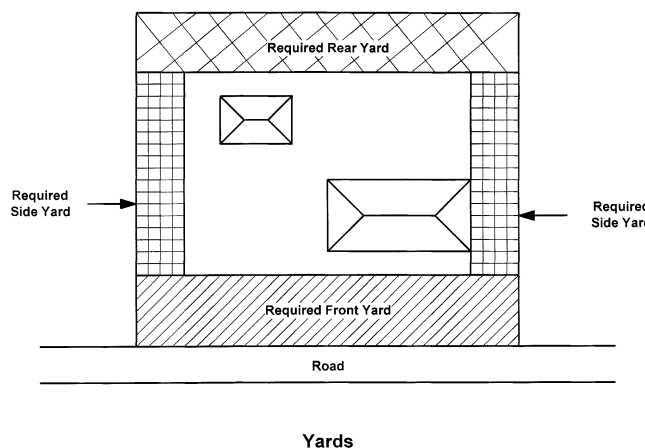


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 5-13, p. 5-31.

**Story:** That portion of a building compromised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

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

**Yard, front:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages.



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

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

## CHAPTER 5.2 GENERAL PROVISIONS

Section 5.2.1.	Use, Occupancy and Erection.
Section 5.2.2.	Use Prohibited When Not Specified.
Section 5.2.3.	Expansion of Pre-Existing Buildings and Structures.
Section 5.2.4.	Minimum Requirements.
Section 5.2.5.	Visibility at Intersections.

### **Section 5.2.1. Use, Occupancy and Erection.**

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations of this zoning ordinance or amendments thereto, including the use provisions for the zoning district in which it is located.

### **Section 5.2.2. Use Prohibited When Not Specified.**

If not otherwise stated, any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided under Articles 6 and 7 of this zoning ordinance shall be prohibited in that zoning district.

### **Section 5.2.3. Expansion of Pre-Existing Buildings and Structures.**

Developments approved prior to May 17, 2005, may be expanded, enlarged or extended without meeting the following regulations: the general dimensional requirements; the specific use requirements and the access, parking and loading requirements found in the ordinance, with some exceptions. The exceptions are as follows: the building setbacks for principal and accessory buildings (Articles 6 & 7, Tables 6.2 and 7.2) must be maintained; the General Accessory Use Regulations (Article 8, Chapter 8.1, Sections 8.1.1 to 8.1.4) must be met; the Minimum Number of Off-Street Parking Spaces (Article 9, Table 9.1) must be provided; and the Minimum [Parking] Design and Improvement Requirements (Article 9, Section 9.3.4) must be substantially met.

Prior to the expansion, enlargement, or extension of the pre-existing development, the applicant must submit a conditional use application for approval according to the procedures for conditional uses (Article 14, Chapter 14.2) found in this ordinance. Upon approval of the conditional use request, and compliance with any other applicable regulations, a development permit will be issued to the applicant.

### **Section 5.2.4 Minimum Requirements.**

Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties or as otherwise specifically provided in this zoning ordinance.

**Section 5.2.5. Visibility at Intersections.**

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between thirty (30) inches and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within a sight visibility triangle as defined by this zoning ordinance. Unless otherwise specified by the zoning administrator, the area regulated shall be two triangular areas formed by the street right-of-way lines, or such lines extended, and lines connecting such right-of-way lines at points twenty-five (25) feet from the intersections of the right-of-way lines. In such cases as right-of-way lines do not exist or cannot be determined, said measurements shall be made from points fifteen (15) feet from the centerline of the existing road or ten (10) feet from the existing pavement or roadbed, whichever is greater.

## CHAPTER 5.3 GENERAL DIMENSIONAL PROVISIONS

Section 5.3.1.	Every Use Must Be Upon a Lot of Record.
Section 5.3.2.	One Dwelling on a Lot in Residential Districts.
Section 5.3.3.	Height Limitations.
Section 5.3.4.	Maximum Density, Minimum Lot Size, and Minimum Lot Width.
Section 5.3.5.	Minimum Floor Area Per Dwelling Unit.
Section 5.3.6.	Minimum Required Yards and Building Setbacks.
Section 5.3.7.	Principal Building Separation.
Section 5.3.8.	Maximum Building Coverage.
Section 5.3.9.	Minimum Landscaped Open Space.
Section 5.3.10.	Minimum Required Landscape Strips and Buffers.
Section 5.3.11.	Street Frontage Requirement.

### **Section 5.3.1. Every Use Must Be Upon a Lot of Record.**

No building or structure shall be erected or use established unless upon a lot of record as defined by this zoning ordinance unless specifically provided otherwise in this zoning ordinance.

### **Section 5.3.2. One Dwelling on a Lot in Residential Districts.**

Only one single-family dwelling and its accessory buildings may hereafter be erected on any one lot intended for such use, unless otherwise specifically provided. This provision shall not be construed to prevent the construction of more than one detached single-family condominium, multiple-family dwelling, office, institutional, commercial or industrial building upon a single lot, in districts where permitted, including zoning districts established in Article 6 of this zoning ordinance, subject to setbacks and separation as provided in this zoning ordinance.

### **Section 5.3.3. Height Limitations.**

Except as otherwise specifically provided in this section, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the number of stories specified in this zoning ordinance; provided, however, the governing body may upon application and approval of a conditional use allow buildings and structures to exceed these height limitations, subject to procedures for conditional uses established in this zoning ordinance.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles, and similar structures.

### **Section 5.3.4. Maximum Density, Minimum Lot Size, and Minimum Lot Width.**

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district in which the lot is located as established by this zoning ordinance. No lot shall hereafter be developed that fails to meet the minimum lot size and minimum lot

width for the zoning district in which the lot is located as established by this zoning ordinance, except as otherwise specifically provided. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the maximum density, minimum lot size, or minimum lot width of the zoning district, as the case may be, in which said lot and building are located are not maintained, except as otherwise specifically provided in this zoning ordinance.

**Section 5.3.5. Minimum Floor Area Per Dwelling Unit.**

No new dwelling shall hereafter be constructed or occupied that fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located, or the minimum square footage per adult as specified in this zoning ordinance. No existing dwelling shall be reduced in size so that its floor area fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located, or the minimum square footage per adult as specified in this zoning ordinance.

**Section 5.3.6. Minimum Required Yards and Building Setbacks.**

No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use as provided in this zoning ordinance. The buffer requirements established by this zoning ordinance may supersede these minimum required yards.

No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards of the zoning district in which said lot and building are located are not maintained. This section shall not apply to portions of lots affected by public acquisition of part of the lot. No part of a yard shall be included as a part of the yard required for another building.

In the case where a build-to line is established by or pursuant to this zoning ordinance, no building shall be erected in a manner to have a different building setback or yard than that established by said build-to line.

**Section 5.3.7. Principal Building Separation.**

On lots where more than one principal residential building is permitted, the building separation between principal residential buildings shall be a minimum of twenty (20) feet for one-story structures, thirty (30) feet when one or both principal residential dwellings are two-story structures, and forty (40) feet when one or both are three-story structures. Individual dwelling units within attached single-family fee simple dwellings (townhouses, which are zero lot line on one or both sides) shall be exempt from this requirement, although this provision shall apply to townhouse buildings. All non-residential principal buildings shall provide for adequate building separation to allow for sufficient fire access and traffic flow and that meet applicable building code requirements.

**Section 5.3.8. Maximum Building Coverage.**

No lot shall hereafter be developed to exceed the maximum building coverage specified for the zoning district in which it is located, except as otherwise specifically provided in this zoning ordinance.

**Section 5.3.9. Minimum Landscaped Open Space.**

No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located, or as may be established by any other article or section of this zoning ordinance.

**Section 5.3.10. Minimum Required Landscape Strips and Buffers.**

Except as otherwise specifically provided in this ordinance, no lot shall hereafter be developed, and no building or structure shall hereafter be erected or use established in a manner unless it meets the minimum landscape strips and buffers required by this zoning ordinance for the zoning district in which said building, structure, or use is located, or for the specific use if buffer and landscape strip requirements are established for said use in this zoning ordinance.

**Section 5.3.11. Street Frontage Requirement.**

No building or structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least thirty (30) feet on a public street, or an approved private street, unless specifically provided otherwise by this zoning ordinance.

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**ARTICLE 6  
RESIDENTIAL ZONING DISTRICTS**

CHAPTER 6.1	UR-12, URBAN HIGH-DENSITY RESIDENTIAL DISTRICT
CHAPTER 6.2	MHP, MANUFACTURED HOME PARK
CHAPTER 6.3	UR-9, URBAN MEDIUM-DENSITY RESIDENTIAL DISTRICT
CHAPTER 6.4	UR-6, URBAN LOW-DENSITY RESIDENTIAL DISTRICT
CHAPTER 6.5	SR-3, SUBURBAN RESIDENTIAL DISTRICT
CHAPTER 6.6	RR-1, RURAL RESIDENTIAL DISTRICT
CHAPTER 6.7	PUD, PLANNED UNIT DEVELOPMENT DISTRICT

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**CHAPTER 6.1  
UR-12, URBAN HIGH-DENSITY RESIDENTIAL DISTRICT**

Section 6.1.1.	Purpose and Intent.
Section 6.1.2.	Applicability.
Section 6.1.3.	Permitted and Conditional Uses.
Section 6.1.4.	Dimensional Requirements.

**Section 6.1.1. Purpose and Intent.**

UR-12 districts are intended to establish high-density urban residential neighborhoods comprised of different dwelling types (not including mobile or manufactured homes) but predominantly multi-family. These districts are served by public water and sanitary sewer service.

**Section 6.1.2. Applicability.**

This zoning district is compatible with the Urban High-Density Residential land use classification of the comprehensive plan's future land use map.

**Section 6.1.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

**Section 6.1.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

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**CHAPTER 6.2**  
**MHP, MANUFACTURED HOME PARK DISTRICT**

Section 6.2.1.	Purpose and Intent.
Section 6.2.2.	Applicability.
Section 6.2.3.	Permitted and Conditional Uses.
Section 6.2.4.	Dimensional Requirements.
Section 6.2.5.	General Development Requirements.
Section 6.2.6.	Manufactured Home Space Requirements.

**Section 6.2.1. Purpose and Intent.**

MHP districts are intended to establish high-density land-leased communities comprised of manufactured homes. These districts are served by public water and sanitary sewer service.

**Section 6.2.2. Applicability.**

This zoning district is compatible with the Urban High-Density Residential land use classification of the comprehensive plan's future land use map.

**Section 6.2.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

**Section 6.2.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

**Section 6.2.5. General Development Requirements.**

The standards in this section shall apply to all manufactured home parks.

- (a) *Site conditions.* Planned manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion, land subsidence, and areas with possible insect or rodent infestation. The condition of the soil, ground water level, drainage, rock formations, and topography must be appropriate for the use, to ensure that no hazards to the property or to the health and safety of the occupants occur.
- (b) *Site planning.* Planning for manufactured home parks should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home itself. Site planning and improvements shall provide for facilities and amenities appropriate to the needs of the occupants, safe, comfortable and sanitary use by the occupants under all weather conditions, and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas

and to reduce excessive length of street construction without impairing convenient circulation and access.

- (c) *Minimum site area, site frontage, access, and minimum width.* Manufactured home parks shall contain a minimum area of five acres. Properties containing manufactured home parks shall have a minimum of two hundred (200) feet of property frontage on a public street, and directly access the public street with a minimum of two hundred (200) feet of property frontage. Manufactured home parks shall have a minimum lot width of two hundred (200) feet throughout the entire depth of the developed portion of the property.
- (d) *Perimeter buffer or landscape screen.* A minimum twenty (20) foot wide buffer, where natural vegetation exists and provides a more or less opaque screen, or where no natural vegetation forming an opaque screen exists, a minimum twenty (20) foot wide landscape strip with evergreen trees that will grow to a height of at least six (6) feet within three years, shall be installed and maintained around the entire perimeter of the manufactured home park, except for approved access and utility crossings.
- (e) *Open space and recreational areas.* A manufactured home park serving 20 or more dwellings, shall have a minimum of twenty (20) percent of the site area dedicated to open space and passive or active recreation, including the required perimeter buffer or landscape screen.
- (f) *Community services.* As part of the development plan review process, the developer may propose and the city may approve one or more other structures for manufactured home park occupants, such as laundries, storage, garages, and a park leasing or management office. Any structure that draws its trade from outside the park boundaries is prohibited.
- (g) *Interior access roads, addresses, and signs.* The road system within the manufactured home park shall be designed to meet the requirements of the city Fire Chief and the traveling public to include the following. All interior roads shall be private but constructed to provide fire apparatus access. Roads within manufactured home parks shall be paved. Signs shall be installed as required by the city and approved in the development plan review process.
- (h) *Road specifications.* One-way interior roads shall be constructed with a minimum surface width of twelve (12) feet, with three (3) feet of shoulder on each side, and shall be designated “no parking.” The right-of-way for said one-way interior roads shall be 24 feet. Two-way interior roads shall be constructed with a minimum surface width of twenty (20) feet, with three (3) feet of shoulder on each side, and shall be designated “no parking.” The right-of-way for said two-way interior roads shall be 40 feet. Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse disposal, and elsewhere as needed. Street lighting may be required.
- (i) *Guest parking.* In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each two manufactured

homes in a manufactured home park. Guest parking spaces shall be grouped and distributed evenly throughout the park.

- (j) *Utilities.* All manufactured home parks, and each manufactured home space within the park, shall be served by approved water system, sanitary sewer system, and electricity. Fire hydrants shall be installed at 500 foot intervals so that no manufactured home space is more than 250 feet from a hydrant. All utilities shall be installed underground with above-ground connections.
- (k) *Street lighting.* Street lights, if required, shall be provided in accordance with City specifications by the developer of a manufactured home park prior to occupancy.
- (l) *Drainage.* Drainage facilities shall be designed by an engineer and are subject to the approval of the city as part of the development plan review process.
- (m) *Refuse collection.* Each manufactured home park shall provide refuse collection pads at locations convenient to each manufactured home space.
- (n) *Occupancy restriction.* Recreational vehicles shall not be permanently occupied as a residence within manufactured home parks.
- (o) *Solid waste disposal.* One or more solid waste collection areas shall be required. The number of spaces shall be used to determine the number of disposal sites required. The locations shall be proposed by the applicant and as approved in the development review process. Collection areas having more than one container require screening with a sight-obscuring fence.

#### **Section 6.2.6. Manufactured Home Space Requirements.**

The development standards of this section shall apply to all manufactured home spaces.

- (a) *Design.* Each manufactured home shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of manufactured homes. Spaces for manufactured homes shall be designed with no more than a five percent (5%) gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.
- (b) *Width, depth, and size of spaces and markings.* Each manufactured home space shall be at least forty (40) feet wide and seventy five (75) feet in depth. The minimum area for a manufactured home space shall be 3,000 square feet for single-section home and 6,000 square feet for a multi-section home. Multi-section homes shall require space widths of at least 75 feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, markers, or by other similar means. Spaces served by community or public water and individual septic tanks shall contain a minimum space area as established and as approved by the health officer.
- (c) *Use of spaces.* No more than one (1) manufactured home shall occupy any individual space. Accessory uses and structures on individual spaces may be permitted, subject to compliance with the development standards provided in this article.

- (d) *Space identification numbers.* Manufactured home space numbers at least four (4) inches in height shall identify each space and shall remain readily identifiable while in use.
- (e) *Parking.* Two on-site parking spaces shall be provided on each manufactured home space or immediately off-site.
- (f) *Setbacks.* No manufactured home shall be located closer than five (5) feet to home or vehicle space boundary, and spaces shall be designed to provide for a minimum of fifteen (15) feet of separation between manufactured homes on abutting spaces.
- (g) *Additions and accessory structures.* Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the community or park management. No such accessory structure shall be located closer than five (5) feet to a manufactured home space boundary.

**CHAPTER 6.3**  
**UR-9, URBAN MEDIUM-DENSITY RESIDENTIAL DISTRICT**

Section 6.3.1.	Purpose and Intent.
Section 6.3.2.	Applicability.
Section 6.3.3.	Permitted and Conditional Uses.
Section 6.3.4.	Dimensional Requirements.

**Section 6.3.1. Purpose and Intent.**

UR-9 districts are intended to establish medium-density urban residential neighborhoods comprised of predominantly detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

**Section 6.3.2. Applicability.**

This zoning district is compatible with the Urban High-Density Residential and Urban Medium-Density land use classifications of the comprehensive plan's future land use map.

**Section 6.3.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

**Section 6.3.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

**CHAPTER 6.4**  
**UR-6, URBAN LOW-DENSITY RESIDENTIAL DISTRICT**

Section 6.4.1.	Purpose and Intent.
Section 6.4.2.	Applicability.
Section 6.4.3.	Permitted and Conditional Uses.
Section 6.4.4.	Dimensional Requirements.

**Section 6.4.1. Purpose and Intent.**

UR-6 districts are intended to establish low-density urban residential neighborhoods comprised of predominantly detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

**Section 6.4.2. Applicability.**

This zoning district is compatible with the Urban Low-Density Residential land use classification of the comprehensive plan's future land use map.

**Section 6.4.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

**Section 6.4.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

**CHAPTER 6.5**  
**SR-3, SUBURBAN RESIDENTIAL DISTRICT**

Section 6.5.1.	Purpose and Intent.
Section 6.5.2.	Applicability.
Section 6.5.3.	Permitted and Conditional Uses.
Section 6.5.4.	Dimensional Requirements.

**Section 6.5.1. Purpose and Intent.**

SR-3 districts are intended to establish low-density suburban residential neighborhoods comprised exclusively of detached single-family dwellings (not including mobile or manufactured homes). These districts are served by public water sanitary sewer and service.

**Section 6.5.2. Applicability.**

This zoning district is compatible with the Suburban Residential land use classification of the comprehensive plan's future land use map.

**Section 6.5.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

**Section 6.5.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

**CHAPTER 6.6**  
**RR-1, RURAL RESIDENTIAL DISTRICT**

Section 6.6.1.	Purpose and Intent.
Section 6.6.2.	Applicability.
Section 6.6.3.	Permitted and Conditional Uses.
Section 6.6.4.	Dimensional Requirements.

**Section 6.6.1. Purpose and Intent.**

RR-1 districts are intended to establish low-density rural residential neighborhoods comprised exclusively of detached single-family dwellings (not including mobile or manufactured homes).

**Section 6.6.2. Applicability.**

This zoning district is compatible with both the rural residential and suburban residential land use classifications of the comprehensive plan's future land use map.

**Section 6.6.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

**Section 6.6.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."



Rooming house	P	X	X	X	X	X	8.5.4
<b>USE</b>							
	<b>UR-12</b>	<b>MHP</b>	<b>UR-9</b>	<b>UR-6</b>	<b>SR-3</b>	<b>RR-1</b>	<b>See also Section:</b>
Therapeutic camp	X	X	X	X	X	X	
<b>RECREATIONAL USES</b>							
Common area and greenspace	P	P	P	P	P	P	
Community recreation	P	P	P	P	P	P	
Conservation area	P	P	P	P	P	P	
Golf course as part of residential subdivision	P	P	P	P	P	P	
<b>COMMERCIAL USES</b>							
Bed and Breakfasts	C	X	C	C	X	X	
<b>OTHER USES</b>							
Borrow site	X	X	X	X	X	X	
Cottage industry	X	X	X	X	X	X	
Public use, including public school	P	P	P	P	P	P	
Resource extraction	X	X	X	X	X	X	
Semi-public use	P	P	P	P	P	P	
Wireless telecommunication equipment	X	X	X	X	X	X	
Wireless telecommunication facility	X	X	X	X	X	X	

**TABLE 6.2**  
**DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS**

N/A= Not Applicable

N/P= Not Permitted

USE	UR-12	MHP	UR-9	UR-6	SR-3	RR-1
<b>RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS</b>						
Minimum size of development (acres)	None	3	None	None	None	5
Maximum residential density (acres per dwelling unit)	0.083	0.1	0.115	0.167	0.333	5
Maximum residential density (dwelling units per acre)	12	10	9	6	3	.2
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (acres)	0.115	N/P	N/P	0.167	0.333	5
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (square feet)	5,000	N/A	5,000	7,260	15,000	217,800
Minimum lot size, two-family dwelling (square feet)	7,500	N/A	10,000	14,520	N/A	N/A
Minimum lot size, fee simple townhouse	2,000	N/A	N/A	N/A	N/A	N/A
Minimum lot size for other permitted uses (square feet)	5,000	5,000	5,000	7,260	15,000	217,800
Minimum lot width, two-family dwelling (feet)	75	N/A	75	75	N/A	N/A
Minimum lot width, fee simple townhouses (feet)	20	N/A	N/A	N/A	N/A	N/A
Minimum lot width, all uses (feet)	50	50	50	75	85	200
<b>BUILDING AND SITE REQUIREMENTS</b>						
Maximum building coverage (percent)	50	50	40	30	25	15
Minimum landscaped open space for non-single-family residential use if permitted (percent)	10	15	None	None	None	None
<b>BUILDING HEIGHT REQUIREMENTS</b>						
Maximum height (feet)	35	35	35	35	35	35
Maximum height (number of stories)	3	2	3	3	3	3
<b>BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS</b>						
Front (feet)	10	25	10	15	25	75
Side (feet)	5	25	5	7	15	35
Rear (feet)	10	25	10	20	25	60
<b>BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES</b>						
Front (feet) (where permitted)	10	10	10	15	25	50
Side (feet)	5	5	5	5	10	30
Rear (feet)	5	5	5	10	10	30
<b>SPECIAL SETBACKS, BUFFERS, AND LANDSCAPED STRIPS</b>						
Minimum principal or accessory building setback abutting any UR-9, UR-6, SR, or RR-1 district	25	25	N/A	N/A	N/A	N/A
Minimum natural buffer abutting any UR-9, UR-6, SR, or RR-1 district	15	25	N/A	N/A	N/A	N/A
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	10	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use	N/A	N/A	5	5	5	5
<b>MINIMUM FLOOR AREA PER DWELLING UNIT</b> (square feet)	600	540	600	750	1,000	750

**CHAPTER 6.7**  
**PUD, PLANNED UNIT DEVELOPMENT DISTRICT**

Section 6.7.1.	Purpose and Intent.
Section 6.7.2.	Applicability.
Section 6.7.3.	Permitted Uses.
Section 6.7.4.	Dimensional Requirements.
Section 6.7.5.	Minimum Areas Required for Rezoning and Development.
Section 6.7.6.	Minimum Open Space Required.
Section 6.7.7.	General Principles for Land Use Mix and Design.
Section 6.7.8.	Application Requirements.
Section 6.7.9.	Approval Procedures.

**Section 6.7.1. Purpose and Intent.**

The Planned Unit Development District is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types (not including mobile or manufactured homes), including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional zoning requirements.
- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Design of detached single-family neighborhoods and residential communities in the PUD district may follow principles of conventional suburban subdivision design which typically include curvilinear streets with some cul-de-sacs. However, PUD districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. In addition, neotraditional development design principles are particularly encouraged when this district is applied to suburban/urban areas.

**Section 6.7.2. Applicability.**

This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

**Section 6.7.3. Permitted Uses.**

Permitted uses shall be proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by the Governing Body with jurisdiction; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as residential on the adopted future land use map of the city:

- (a) Retail, service, office, and civic and institutional residential uses shall not exceed fifty (50) percent of the total site area of the district when built according to exurban/rural design and improvement requirements.
- (b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district and such area shall be counted within the twenty (20) percent limit for uses specified in paragraph (a) of this section.
- (c) At least fifty (50) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

**Section 6.7.4. Dimensional Requirements.**

Lot sizes, setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PUD and as may be approved by the Governing Body. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Governing Body. In no case should a PUD application be approved that contains a residential density more than twenty-five (25) percent greater than the residential density recommended for the property as may be shown on in the city's comprehensive plan.

**Section 6.7.5. Minimum Areas Required for Rezoning and Development.**

There shall be a minimum development area size of three (3) acres for a PUD district. No rezoning application for a PUD zoning district shall be accepted unless the lot to be developed meets the minimum three-acre area required for development.

**Section 6.7.6. Minimum Open Space Required.**

A minimum of twenty (20) percent of the total site area of the district development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof.

**Section 6.7.7. General Principles for Land Use Mix and Design.**

The following principles shall be adhered to in all planned unit developments and substantial conformity to them shall be expected. Significant departures from these principles may provide a sufficient basis for denial of the application.

- (a) *Comprehensive plan.* Uses within the PUD shall be predominantly in accordance with the use recommendations and policies of the comprehensive plan with regard to land uses, densities, and development, land use, and environmental policies.
- (b) *Civic and institutional uses.* Sites for churches, schools, community or club buildings, and similar public or semi-public facilities are encouraged to be provided, where appropriate.
- (c) *Interconnectivity.* PUDS shall provide pedestrian access and vehicular and pedestrian interconnections between and among land uses within the development. Interconnectivity should be provided between PUDs when possible.

#### **Section 6.7.8. Application Requirements.**

In addition to the requirements for rezoning applications specified in this zoning ordinance, an application for PUD rezoning/development approval shall include the following:

- (a) *Development Plan.* Applications shall include a development plan which unless specifically stated otherwise shall be a condition of PUD approval and must be followed.
- (b) *Architectural Elevations.* Applications shall include perspective front, side, and rear elevation drawings of representative building types, except for detached single-family dwellings and their accessory buildings. These drawings shall indicate general architectural characteristics. If the PUD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval. If the PUD involves only detached single-family dwellings, architectural elevations shall not be required.
- (c) *Land Uses and Development Summary.* The application shall include a list of all land uses proposed to be included in the PUD, the total land area devoted to each of the land uses proposed, the percentage of the total land area within the PUD devoted to each proposed land use, the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.
- (d) *Dimensional Requirements.* The application shall contain all minimum dimensional requirements that are proposed to apply within the PUD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear yards and building setbacks, and maximum heights. Such proposed dimensional requirements shall be presented in a table on the development plan or in the written text accompanying the application.
- (e) *Improvement Requirements Comparison.* The application shall contain descriptions of improvements to be constructed within the PUD, such as but not limited to street types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table on the development plan or in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PUD.
- (f) *Private Restrictions.* PUDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the participating municipality's city attorney and the zoning administrator. The developer of a PUD involving commonly owned facilities and space shall submit,

- along with the development plan application, a declaration of covenants, conditions, and restrictions and articles of incorporation and by-laws for the property owners or home owners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners, and provide for maintenance assessments, among other things.
- (g) *Community Benefit Statement.* The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PCD proposal merits approval and how it will serve the community better than a conventional development.

### **Section 6.7.9. Approval Procedures.**

In addition to the requirements for rezoning applications specified in this zoning ordinance, approval proceedings for PUD rezoning/development approval shall include the following:

- (a) *Pre-application Conference.* Prior to filing a formal application for a PUD, the applicant is required to confer with the zoning administrator in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development.
- (b) *Criteria for Approval.* In considering and acting upon applications for PUDs, the planning commission and the governing body shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision: (1) consistency with the comprehensive plan of the city with jurisdiction; (2) The character, location, and appropriateness of the proposed mix of land uses; (3) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; and (4) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.
- (c) *Revisions.* Amendments to approved PUDs shall be permitted but governed by the procedures and provisions for changing the official zoning map as specified in this zoning ordinance.
- (d) *Construction Plans.* Upon approval of a PUD application by the governing body, the developer may apply for construction plan approval.
- (e) *Permits and Certificates.* No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, for any PUD that has not been approved in accordance with the provisions of this Chapter. The zoning administrator shall authorize the issuance of building permits for buildings and structures in the area covered by the approved PUD if they are in substantial conformity with the approved PUD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The zoning administrator shall authorize the issuance of a certificate of occupancy for any completed building, structure, or use located in the area covered by the PUD if it conforms to the requirements of the approved PUD and all other applicable regulations. After completion of a PUD, the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area

covered by the PUD shall continue to be regulated by the approved development plan for the PUD.

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**ARTICLE 7  
NON-RESIDENTIAL ZONING DISTRICTS**

CHAPTER 7.1	INS, INSTITUTIONAL DISTRICT
CHAPTER 7.2	O-P, OFFICE-PROFESSIONAL DISTRICT
CHAPTER 7.3	NB, NEIGHBORHOOD BUSINESS DISTRICT
CHAPTER 7.4	HC, HIGHWAY COMMERCIAL DISTRICT
CHAPTER 7.5	CBD, CENTRAL BUSINESS DISTRICT
CHAPTER 7.6	LI, LIGHT INDUSTRIAL DISTRICT
CHAPTER 7.7	HI, HEAVY INDUSTRIAL DISTRICT
CHAPTER 7.8	AVENUE C OVERLAY DISTRICT

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**CHAPTER 7.1  
INS, INSTITUTIONAL DISTRICT**

Section 7.1.1.	Purpose and Intent.
Section 7.1.2.	Applicability.
Section 7.1.3.	Permitted and Conditional Uses.
Section 7.1.4.	Dimensional Requirements.

**Section 7.1.1. Purpose and Intent.**

Institutional zoning districts are specifically tailored to accommodate public and semi-public uses in the City of Bainbridge which include but are not limited to public and private elementary, middle, and secondary schools, government offices, hospitals, churches, institutional residential facilities such as nursing homes and care centers, parks, public land, open space, public utilities, and other institutions and public uses.

**Section 7.1.2. Applicability.**

Institutional zoning districts are most appropriate for areas designated as public-institutional as well as parks, recreation, open- space on the future land use map of the city's comprehensive plan.

**Section 7.1.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

**Section 7.1.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

## CHAPTER 7.2 O-P, OFFICE-PROFESSIONAL DISTRICT

Section 7.2.1.	Purpose and Intent.
Section 7.2.2.	Applicability.
Section 7.2.3.	Permitted and Conditional Uses.
Section 7.2.4.	Dimensional Requirements.

### **Section 7.2.1. Purpose and Intent.**

The Office-Professional zoning district is intended to provide suitable areas for professional, medical, and general offices on individual lots and in office parks, institutions on individual lots or in campus environments, institutionalized living and care facilities, and certain related activities.

### **Section 7.2.2. Applicability.**

The O-P zoning district is most appropriately applied to areas designated as office on the future land use map of the comprehensive plan. In some cases, the O-P district may be appropriate as a transition between commercial and residential zoning districts. A limited amount of residential development or redevelopment may be appropriate in this district as long as the district's primary purpose is maintained. The O-P district is considered appropriate in areas designated as "commercial" and may be considered appropriate in areas designated as "public-institutional" on the future land use map of the participating municipality's comprehensive plan.

### **Section 7.2.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

### **Section 7.2.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

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**CHAPTER 7.3**  
**NB, NEIGHBORHOOD BUSINESS DISTRICT**

Section 7.3.1.	Purpose and Intent.
Section 7.3.2.	Applicability.
Section 7.3.3.	Permitted and Conditional Uses.
Section 7.3.4.	Dimensional Requirements.

**Section 7.3.1. Purpose and Intent.**

The NB, Neighborhood Business, zoning district is intended to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Individual establishments generally do not exceed 10,000 square feet and do not impact the residential character of the area served. This zoning district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways. Most of the uses permitted in this zoning district are not auto-oriented in nature, and the overall character of neighborhood commercial districts is such that access by both vehicles and pedestrians is possible.

**Section 7.3.2. Applicability.**

The NB district is considered appropriate in areas designated as “neighborhood commercial” on the future land use map of the city’s comprehensive plan and is most appropriately located at and limited to the intersections of collector and arterial streets. Unless uses are substantially limited and conditions of zoning are imposed, NB zoning districts are considered inappropriate at mid-block locations.

**Section 7.3.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

**Section 7.3.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

## CHAPTER 7.4 HC, HIGHWAY COMMERCIAL DISTRICT

Section 7.4.1.	Purpose and Intent.
Section 7.4.2.	Applicability.
Section 7.4.3.	Permitted and Conditional Uses.
Section 7.4.4.	Dimensional Requirements.

### **Section 7.4.1. Purpose and Intent.**

The HC, highway commercial, district is intended to provide suitable areas for those business and commercial uses which primarily serve the public traveling by automobile and which benefit from direct access to highways. Such districts are generally designed so that the automobile has precedence over the pedestrian, although pedestrian access is required.

### **Section 7.4.2. Applicability.**

The HC district is appropriately applied to lots frontage state and federal highways and which are designated for commercial use on the future land use map of the comprehensive plan. This district is especially appropriate at intersections of arterial and collector streets with state and federal interstates and highways. Generally, highway commercial districts are considered unsuitable abutting single-family residential zoning districts, because of the off-site impacts associated with uses permitted in the district.

### **Section 7.4.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

### **Section 7.4.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

## CHAPTER 7.5 CBD, CENTRAL BUSINESS DISTRICT

Section 7.5.1.	Purpose and Intent.
Section 7.5.2.	Applicability.
Section 7.5.3.	Permitted and Conditional Uses.
Section 7.5.4.	Dimensional Requirements.
Section 7.5.5.	Build-to Line Required.
Section 7.5.6.	Building Height.
Section 7.5.7.	Building Design Standards.

### **Section 7.5.1. Purpose and Intent.**

The CBD zoning district is intended to concentrate commercial stores and compatible uses within the center of Bainbridge. This district is unique in that the existing development pattern consists of buildings covering very large percentages of the lot, little if any building setbacks on front, side, and rear property lines, and a lack of off-street parking sufficient to meet the requirements of other commercial zoning districts. This district is distinguished from other commercial zoning districts in that greater building coverage is permitted and yard requirements are minimal. Permitted uses are those that contribute to a pedestrian-friendly central business district. Automobile-related facilities and services are not appropriate to this character and are therefore not permitted in the CBD zoning district.

The purpose of this zoning district is to foster and strengthen economic vitality of Bainbridge's downtown core area while respecting and enhancing the special character of existing development. The downtown core area is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, consolidated off-street parking, and on-street parking. The city's downtown is so important and significant to the city that it justifies a special set of regulations designed to protect and enhance its character as new development occurs.

### **Section 7.5.2. Applicability.**

The CBD zoning district is appropriate only in the areas shown as the central business on the future land use map of the comprehensive plan. No rezoning to the CBD zoning district beyond the existing designation is anticipated. Rezoning to the CBD district is generally not appropriate in Bainbridge except as may be needed to expand the existing area of commercial stores and mixed uses.

### **Section 7.5.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

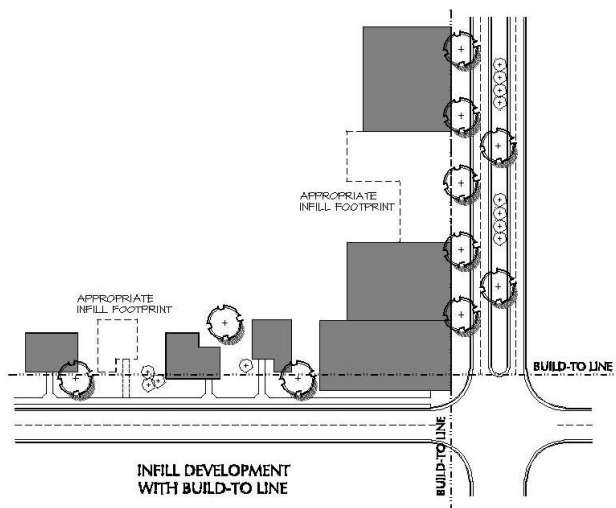
### **Section 7.5.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

### **Section 7.5.5. Build-to Line Required.**

In lieu of a front building setback (yard requirement) for a principal building, there shall be a “build-to” front building line required for principal buildings in this zoning district. The intent of a build-to line is to ensure that new principal buildings or principal building additions constructed in the CBD are placed in a manner that is compatible and consistent with the placement characteristics of existing principal buildings and to maintain a consistent street edge. If existing principal buildings are close to the street with shallow front yards, so too shall be the proposed building on abutting, adjacent, and nearby building lots.

The build-to line in this district shall be as determined by the Zoning Administrator pursuant to this intent and the guidance in this Section. Required build-to lines shall be determined by the Zoning Administrator based on existing principal buildings within the same block of the property in question on the same side of the street in the zoning district.



If multiple principal buildings exist in the district on the same block on the side of the street, the Zoning Administrator shall average those building setbacks to determine the build-to line. If only one principal building exists in the district on the same side of the street, the building setback for that principal building shall establish the build-to line.

If no principal buildings are present in the same block and on the same side of the street as the lot in question in the zoning district, and the opposite side of the street is also in the zoning district, then the build-to line shall be determined based on the prevailing (average) principal building line established for principal buildings on the opposite side of the street in the district using the same method as described in the preceding paragraph.

In the case of development on a corner lot, the prevailing principal building setbacks along the same side of the intersecting street in the zoning district shall be the basis for the Zoning Administrator establishing the build-to line along the intersecting street, and the Zoning Administrator shall use the same methods established in this section to establish the build-to line along both lot frontages.

When more than one principal building on a lot is permitted and proposed, the building or buildings closest to the street right-of-way and within forty (40) feet of the street right-of-way shall observe the build-to line established by the Zoning Administrator. When conformance with

the build-to line for other principal buildings is not feasible given the proposed location of the building deeper into the lot, and one or more of the principal buildings on the lot meets the build-to requirement, the build-to requirement may be waived as it applies to more than one principal building.

#### **Section 7.5.6. Building Height.**

Buildings and structures are subject to the height limitations established in Table 7.2; provided, however, that the provisions of this section shall also apply and supersede the general height regulations.

When buildings are located on one or both sides of the property to be developed within ten feet of the property, principal buildings shall be equal the height of the adjacent building(s). Where the height of two adjacent buildings differs, the subject structure may be erected to the height of adjacent building which is greatest. Where applicable, the cornices (e.g., building tops or first story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings. The maximum building height established in this section may be increased by fifteen (15) feet where residential uses are provided above the ground floor. The building height increase applies only to those portions of the building that contain housing.

#### **Section 7.5.7. Building Design and Orientation Standards.**

The following building design standards shall apply unless modified by the historic preservation commission (when established) in cases where it has jurisdiction.

Infill uses in existing developed areas and redevelopment shall be compatible with the established architectural character of buildings on the same block, and the block the building faces, by using a design that is complementary. Buildings shall either be similar in size, height, mass, and scale, to buildings on the same block and the block facing the building, or if larger, said buildings shall be articulated and subdivided proportionally to the mass and scale of other structures on the same block.

Compatibility, as defined by this ordinance, shall be achieved through techniques such as repetition of roof lines, the use of similar proportions in building mass, similar relationships to the street, similar door and window patterns, and the use of complementary building materials and colors. In addition to the definition provided in this ordinance, compatibility shall mean that alterations and new construction are sensitive to existing elements of design, scale, and general character of buildings on the same block, and that to the maximum extent possible, the building element (e.g., roof form, architectural trim, etc), shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block.

- (a) *Facades.* Covering of original facades of buildings in the zoning district shall be prohibited. Painting of unpainted brick and stone is prohibited. Façade repairs or replacement shall match original materials.
- (b) *Entrances.* Buildings shall have their primary entrance(s) oriented to the street it fronts or the street of its primary access in the case of more than one street. When a building is located on a corner lot, the building should be designed with corner building entrances. A building may have an entrance facing a side yard when a

- direct pedestrian walkway is provided that connects the building entrance and the public sidewalk within the street right-of-way.
- (c) *Parking and access.* Off street parking, driveways and other vehicular access shall not be placed between a building and the primary street. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys or located in areas behind or to the side of the building.
  - (d) *Minimum building frontage at build-to line.* At least 50 percent of the width of the lot shall be occupied by a principal building at the front build-to line.
  - (e) *Windows and doors.* Original display windows shall be retained. Large display windows shall be provided on ground floor storefronts for nonresidential uses facing the primary access street. Display windows shall be framed to visually separate the ground floor from the second floor, where one exists. Clear glass windows shall be used for commercial storefront display windows and doors facing the primary access street. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows shall match the original in style, materials, shape, size, scale, proportion, placement, details, and trimwork.
  - (f) *Cornices.* New cornices shall match the original in cornice line, width, decoration, and materials. Cornices or changes in material shall be used to differentiate the ground floor of buildings which have commercial uses from the upper floor(s) which may have offices or residential uses.
  - (g) *Pedestrian amenities.* Pedestrian amenities may be provided within the public right-of-way when approved by the Zoning Administrator. One or more of the following amenities should be incorporated into the building design when feasible: plaza, courtyard, or extra-wide sidewalk next to the building entrance; sitting space (i.e. dining area, benches, or ledges) between the building entrance and the sidewalk; a building canopy or awning projecting over the sidewalk or other pedestrian space; and/or public art which incorporates seating (e.g., fountain, raised planter, sculpture).
  - (h) *Trash and loading areas.* In order to preserve the pedestrian orientation of the downtown area, all servicing, loading, and solid waste collection shall take place off-street away from pedestrian walkways, generally in bays provided in the alleys or in screened, internal, rear spaces if alleys are not available.

#### **Section 7.5.8. Places of Worship**

A church, as defined in Section 2.2.4., is generally not appropriate in traditional store-front buildings. The intent of the City's Central Business District is to preserve the retail center of the City and businesses that are not open during regular business hours are generally considered a hindrance on economic activity in the retail core. For this reason, a church is considered a "Conditional Use", as there are some appropriate locations in the Central Business District, but the general intent is to preserve the commercial buildings for retail use.

## CHAPTER 7.6 LI, LIGHT INDUSTRIAL DISTRICT

Section 7.6.1.	Purpose and Intent.
Section 7.6.2.	Applicability.
Section 7.6.3.	Permitted and Conditional Uses.
Section 7.6.4.	Dimensional Requirements.
Section 7.6.5.	Improvement Requirements.

### **Section 7.6.1. Purpose and Intent.**

The LI, Light Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable due to generation of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions. The industries locating in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy industrial (HI) uses. Such industries are capable of operating in a manner that controls the external effects of the manufacturing process through prevention or mitigation devices and conduct of operations within the confines of buildings.

Uses within the LI zoning district do not usually require substantial quantities of water for manufacturing operations and do not necessarily require rail, air, or water transportation. Such uses include manufacturing, wholesale trade, and distribution activities. Vehicular activities in LI districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Certain commercial uses having an open storage characteristic, or which are most appropriately located adjacent to industrial uses, are also included within this zoning district. Light industrial districts, however, do not service the general public and most business uses generating vehicle traffic are generally not permitted.

### **Section 7.6.2. Applicability.**

The LI district is considered appropriate in areas designated as light industrial on the future land use map of the comprehensive plan.

### **Section 7.6.3. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

### **Section 7.6.4. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

## CHAPTER 7.7 HI, HEAVY INDUSTRIAL DISTRICT

Section 7.7.1.	Purpose and Intent.
Section 7.7.2.	Applicability.
Section 7.7.3.	Designated (HI) Parcels as Municipal Industrial Parks
Section 7.7.3.	Permitted and Conditional Uses.
Section 7.7.4.	Dimensional Requirements.
Section 7.7.5.	Impact Statement for Conditional Uses.

### **Section 7.7.1. Purpose and Intent.**

The HI, Heavy Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations which may be objectionable due to the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that may create fire or explosion hazards or other objectionable conditions. Uses within this district may require substantial quantities of water for manufacturing operations and may require rail, air, or water transportation. Conditional uses in this district include those uses known to create a severe safety hazard or to be major producers of air pollution, thus being subject to state and/or federal environmental controls. Uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted.

### **Section 7.7.2. Applicability.**

The HI district is appropriately applied only within established heavy industrial areas as designated on the future land use plan of the comprehensive plan and which have sanitary sewer and public water service. Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals.

### **Section 7.7.3. Designated (HI) Parcels as Municipal Industrial Parks.**

Designated Municipal Industrial Parks can set apart industrial uses from urban areas to try to reduce the environmental and social impact of the industrial uses; as well as provide for localized environmental controls that are specific to the needs of an industrial area. The Heavy Industrial (HI), zoning district is established with the purpose of reserving certain areas with relatively level topography, these areas are often part of large parcels of 300 or more acres. In such HI zoned parcels the local government may designate such parcels as a municipal industrial park and may adopt special dimensional requirements for the designated park. However the dimensional requirements for designated Industrial Parks may not supersede any (HI) dimensional requirement as it relates to the proximity of a residential zoned property or a property that is in use as a residential use.

### **Section 7.7.4. Permitted and Conditional Uses.**

Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts including Designated Municipal Industrial Parks."

**Section 7.7.5. Dimensional Requirements.**

Dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts including Designated Municipal Industrial Parks."

**Section 7.7.6. Impact Statement for Conditional Uses.**

In addition to the requirements for conditional uses as required by this zoning ordinance, applications for a conditional use in the HI zoning district shall include an impact statement prepared by a qualified professional that addresses the impact of the proposed use on abutting and nearby buildings, uses, and properties. The impact statement shall address those external effects determined by the Zoning Administrator to be likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the Governing Body. At the option of the Governing Body and at its expense, an independent impact statement may be secured prior to its taking action on a conditional use in the HI district to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development; provided that an application process for a conditional use in the H-I district shall be extended no more than sixty-two (62) days beyond normal processing times for the purposes of securing an independent impact statement.

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**CHAPTER 7.8  
AVENUE C OVERLAY DISTRICT**

Section 7.8.1.	Purpose and Intent.
Section 7.8.2.	Delineation of District.
Section 7.8.3.	Permitted and Conditional Uses.
Section 7.8.4.	Dimensional Requirements for Conditional Uses.
Section 7.8.5.	Design Plan Administrative Review.
Section 7.8.6.	Site Design Standards for Conditional Uses.

**Section 7.8.1. Purpose and Intent.**

The purpose of this overlay district is to establish a uniform procedure for providing for the enhanced use of land and increased value of property in the Avenue C Overlay District. This district seeks to reverse the decline in property values as a result of the proximity to the City of Bainbridge Solid Waste Transfer Facility and to promote the health, safety, order, prosperity, and general welfare of the citizens of Bainbridge through regulation of uses, design, location and size of buildings and structures.

**Section 7.8.2. Delineation of District.**

The Avenue C Overlay District applies to all properties that lie completely within the New Hope Subdivision of Decatur County, Georgia that are bounded by Avenue C, Avenue B, Gee Street and 2<sup>nd</sup> Street.

**Section 7.8.3. Permitted and Conditional Uses.**

***Uses allowed by right:***

- Single Family Residential
- Two Family Duplex

***Uses allowed as a Conditional Use:***

- Multiple Family Residential
- Relocated residential Structure
- Short term rental
- Trade School (Under 5000 square feet)
- Animal Hospital
- Automotive repair (not sales)
- Contractor's establishment
- Cottage industry
- Exterminator, pest control or disinfecting service
- Landscaping company
- Office
- Self-service storage facility (mini-warehouses)
- Metal machining
- Welding
- Solar energy systems

Furniture manufacturing (under 5000 square feet)  
Greenhouses

**Section 7.8.4. Dimensional requirements for conditional uses.**

***Minimum Setbacks (Primary Structures):*** Front – 20 ft  
Side – 10 ft  
Rear – 15 ft

***Minimum Setbacks (Accessory Structures):*** Side – 10 ft  
Rear – 10 ft

**Section 7.8.5. Design plan administrative review.**

Proposed conditional uses in the Avenue C Overlay District must go through an administrative design review process with staff of the Bainbridge Community Development Division prior to going before the Bainbridge-Decatur County Planning Commission. All plans shall address and conform to all provisions set forth under Section 7.8 of this ordinance.

**Section 7.8.6. Site design standards for conditional uses.**

***Ingress /Egress:***

Ingress and Egress for conditional uses in the Avenue C Overlay District must be on Avenue C.

***Fences:***

Fences will be required for all uses on all sides except for customer and employee parking areas. Fences must be privacy type fences at least 6 ft in height. Depending on the proposed use the zoning administrator may require fences to be higher. Fences may not extend any farther forward than the front façade of the primary structure unless approved by the zoning administrator. In no case will the fence be allowed to extend any less than 10 feet off of the right-of-way. When fences are backed up to Avenue B, the fence must be a minimum of ten feet off of the right-of-way and landscaping consisting of native plants and shrubs (approved by the zoning administrator) shall be planted with a minimum density of one shrub for every eight feet of fence. The plants and shrubs are to be maintained in good order between the fence and the edge of the Avenue B right-of-way.

***Lighting:***

All outside lighting must be shielded and directed downward and in no case is the lighting area allowed to cross over the property line or shine over the fence.

***Signage:***

Signage is limited to monument signs and wall signs only. One (1) monument sign is allowed and must not exceed 50 square feet and be no higher than 8 feet in height. No LED or internally illuminated signs are allowed. Signs are allowed to be lit by external lighting as long as the lighting is only illuminating the sign.

Wall signs shall be permitted as provided for in Section 13.4 of the Zoning Ordinance. However, no LED or internally illuminated signs are allowed. Signs are allowed to be lit by external lighting as long as the lighting is only illuminating the sign.

***Hours of operation:***

Any use that produces noise, fumes or noxious odors in the course of day to day operations is not allowed to be operating between the hours of 9 pm to 7 am.

**TABLE 7.1**  
**PERMITTED AND CONDITIONAL USES**  
**FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**  
**P = Permitted C = Conditional Use X = Not Permitted**

USE	INS	O-P	NB	HC	CBD	LI	HI	See also Section:
<b>USES ACCESSORY TO DETACHED, SINGLE-FAMILY RESIDENCES AND OTHER DWELLINGS</b>								
Accessory uses and structures determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	X	8.1.1
Accessory apartment, attached	P	P	P	C	P	X	X	8.3.2
Accessory apartment, detached	C	C	C	C	C	X	X	8.3.2
Carport	P	P	P	P	P	P	X	
Family day care home	P	P	P	P	X	X	X	8.4
Guest house	P	P	P	P	X	X	X	8.3.3
Home occupation within a detached single-family dwelling	P	P	P	P	P	X	X	8.4
Solar Energy System, small	P	P	P	P	P	P	P	8.9.5
Tower, amateur radio	P	P	P	P	X	X	X	
Transient Business	P	P	P	P	P	X	X	8.4.11
Yard sale accessory to a detached single-family dwelling	P	P	P	P	P	P	X	
<b>USES ACCESSORY TO NONRESIDENTIAL USES</b>								
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	8.1.1
Automated teller machine	P	P	P	P	P	P	X	
Caretaker's residence	X	X	X	C	C	P	P	
Construction field office	P	P	P	P	P	P	P	8.8.2
Roadside stand	X	X	P	P	P	X	X	
Tower, amateur radio	P	P	P	P	X	P	P	
Vehicle emission testing facility	X	X	X	P	X	P	P	
<b>AGRICULTURAL USES</b>								
Agriculture	X	P	P	P	X	P	X	
Forestry	X	X	X	X	X	P	P	
Greenhouse	X	X	X	P	C	P	X	
<b>RESIDENTIAL USES</b>								
Dwelling, single-family detached, fee-simple	X	P	P	P	C*	X	X	
Dwelling, single-family detached, fee-simple, existing on the effective date of these regulations	P	P	P	P	P	P	P	
Dwelling, single-family attached (townhouse)	X	P	X	X	C*	X	X	8.2.3
Dwelling, two-family duplex	X	P	X	X	X	X	X	8.2.4
Dwelling, multiple-family, including apartments, condominiums, and cooperatives	X	C	X	X	C*	C	X	8.2.6
Relocated residential structure	X	C	C	C	C*	C	X	
Short Term Rental	X	X	X	P	P	C	X	
<b>INSTITUTIONAL USES</b>								
Aircraft landing area	X	X	X	X	X	X	C	8.9.1
Assembly hall	P	C	P	P	P	C	X	
Cemetery	P	P	C	C	X	P	P	
Church, temple, synagogue, or place of worship	P	P	P	P	C	P	C	8.5.1; 7.5.8
Club or lodge, nonprofit	P	P	P	P	P	C	X	
Country club	C	X	X	P	C	X	X	
College or university	P	X	X	P	C	X	X	
Continuing care retirement community	P	C	X	P	C	X	X	

Crisis center	P	C	X	P	C	X	X	
Dormitory	P	C	X	P	C	X	X	
<b>USE</b>								
	<b>INS</b>	<b>O-P</b>	<b>NB</b>	<b>HC</b>	<b>CBD</b>	<b>LI</b>	<b>HI</b>	<b>See also Section:</b>
Group home, serving less than eighteen (18) persons or less	P	P	C	P	X	X	X	
Group home, serving eighteen (18) or more persons	C	X	X	C	X	X	X	
Helicopter landing pad	C	X	X	C	X	C	C	
Hospital	P	X	X	P	C	P	X	
Institutionalized residential living and care facilities, serving less than eighteen (18) persons or less	P	P	C	P	X	X	X	8.5.3
Institutionalized residential living and care facilities, serving eighteen (18) or more persons	C	C	X	P	X	X	X	8.5.3
Library	P	P	P	P	P	P	X	
Museum	P	P	P	P	P	P	X	
Retreat center	C	C	X	P	P	X	X	
Riding academy or equestrian center	X	X	X	P	X	P	X	
Rooming house	C	C	X	P	X	C	X	8.5.4
School for the arts	P	P	P	P	P	P	X	
School, private, elementary, middle, or high	P	P	P	P	C	P	X	
School, special	C	P	C	P	C	P	X	
School, trade	C	X	X	P	C	P	C	
Therapeutic camp	C	X	X	C	X	X	X	
<b>RECREATIONAL USES</b>								
Common area and greenspace	P	P	P	P	P	P	P	
Conservation area	P	P	P	P	P	P	P	
<b>COMMERCIAL USES</b>								
Adaptive reuse of a detached single-family dwelling for an office	C	P	P	P	P	P	P	
Adaptive reuse of a detached single-family dwelling for personal service establishment or enclosed retail establishment	X	C	P	P	P	X	X	
Adult business	X	X	X	X	X	C	X	
Animal hospital	X	X	X	P	C	C	X	
Arcade	X	X	C	P	P	X	X	
Automobile sales or service establishment	X	X	X	P	X	C	C	8.6.1
Bank	X	X	P	P	P	X	X	
Bar	X	X	C	P	C	X	X	2.2
Bed and breakfast inn	P	P	P	P	P	X	X	8.6.2
Broadcasting studio	C	C	C	P	C	P	P	
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P	
Business service establishment, more than 2,500 square feet of gross floor area	X	X	C	P	P	C	X	
Camp or campground	C	X	X	C	X	X	X	
Car Wash	X	X	X	P	C	C	C	2.2
Car Wash (Neighborhood)	X	X	C	X	X	X	X	2.2
Carnival	P	X	X	C	X	C	X	
Clinic	P	P	P	P	P	C	X	
Commercial recreational facility, indoor	X	X	C	P	C	C	X	
Commercial recreational facility, outdoor	X	X	X	C	X	C	C	8.6.3
Contractor's establishment	X	X	X	P	C	P	P	
Convenience store without gasoline pumps	X	X	P	P	P	X	X	
Convenience store with gasoline pumps	X	X	C	P	C	X	X	
Cottage industry	C	C	C	P	P	P	X	
Country club	C	X	X	C	X	X	X	

Day care center serving no more than 17 persons	C	C	P	P	X	X	X	8.6.4
Day care center serving 18 or more persons	C	C	C	P	X	X	X	8.6.4
Exterminator, pest control or disinfecting service	X	X	X	P	C	P	P	
Fairgrounds	C	X	X	P	X	P	X	
Finance, insurance, and real estate establishments, excluding bank, 2,500 square feet or less of gross floor area per establishment	X	P	P	P	P	X	X	
<b>USE</b>	<b>INS</b>	<b>O-P</b>	<b>NB</b>	<b>HC</b>	<b>CBD</b>	<b>LI</b>	<b>HI</b>	<b>See also Section:</b>
Finance, insurance, and real estate establishments, excluding bank, more than 2,500 square feet of gross floor area per establishment	X	X	C	P	P	X	X	
Funeral home, mortuary, or mausoleum	C	X	C	P	C	P	P	
Health spa	X	X	P	P	P	P	X	
Kennel	X	X	X	P	X	P	X	
Landscaping company	X	X	X	P	C	P	P	
Livestock (auction)	X	X	X	X	X	X	X	
Live-work unit	X	X	X	C	C	C	X	8.6.7
Lodging services, excluding motels	X	X	X	P	P	C	X	
Lodging services, including motels	X	X	X	P	C	X	X	
Lodging services, short-term rentals	X	X	X	P	P	C	X	
Lodging services, single-room occupancy	X	X	X	C	X	X	X	
Marina	X	X	X	C	X	C	P	
Micro-brewery	X	X	X	P	C	P	P	
Micro-distillery	X	X	X	P	C	P	P	
Murals	X	C	C	C	C	X	X	13.4.1a
Museum	P	P	P	P	P	P	X	
Office	P	P	P	P	P	P	P	
Open-air business (unenclosed retail trade)	X	X	X	P	C	P	C	
Parking lot, off-site	P	P	P	P	P	P	P	
Parking structure	P	X	X	P	C	P	P	
Personal service establishment, 2,500 square feet or less of gross floor area per establishment	C	C	P	P	P	C	X	
Personal service establishment, more than 2,500 square feet of gross floor area per establishment	X	X	C	P	P	X	X	
Recreational vehicle park	X	X	X	C	X	C	X	
Restaurant without drive-through	C	X	P	P	P	C	X	
Restaurant, including drive-through	X	X	X	P	C	X	X	8.7.1
Retail trade establishment, enclosed	X	C**	P	P	P	X	X	
Retreat center	C	C	X	P	C	C	X	
Riding academy or equestrian center	C	X	X	P	X	X	X	
Riding stable	X	X	X	P	X	X	X	
Self-service storage facility (mini-warehouses)	P	X	X	P	X	P	P	
Service and fuel filling stations	X	X	C	P	P	P	P	8.6.11
Special event facility	C	C	C	P	P	C	C	
Taxi-cab or limousine service	X	X	X	P	C	P	X	
Transportation, communication, or utility facility not elsewhere classified	C	X	X	X	X	C	C	
Truck stop	X	X	X	C	X	P	P	8.6.12
Vehicle emission testing facility	X	X	C	P	C	P	P	
Wireless telecommunication equipment and wireless Telecommunication facilities	X	X	X	C	X	C	C	
<b>INDUSTRIAL USES</b>								
Batching plant, including asphalt and concrete	X	X	X	X	X	C	C	
Biomass production and storage	X	X	X	X	X	P	P	
Borrow site	C	X	X	X	X	P	P	
Bottling or canning plant	X	X	X	X	X	P	P	
Brewery or distillery	X	X	X	X	X	C	P	



**\* Ground floor residential is prohibited in the city’s central business zoning district except under the following circumstances: a person has a physical (mobility) handicap significantly limiting their use of above ground floor building levels for residential purposes; a person must be engaged in an on-site commercial endeavor; a significant portion of the ground floor must be dedicated to the commercial use; the commercial activity shall be conducted in the front portion of the building only; and there shall be no visible evidence the ground floor is used for residential purposes.**

**\*\*Retail Trade Establishment, enclosed is a conditional use in an Office Professional zone, and it is limited to 25% of the useable space for retail.**

**TABLE 7.2  
 DIMENSIONAL REQUIREMENTS FOR  
 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

<b>DIMENSIONAL REQUIREMENT</b>	<b>INS</b>	<b>O-P</b>	<b>NB</b>	<b>HC</b>	<b>CBD</b>	<b>LI</b>	<b>HI</b>
Minimum site area to rezone to this district (acres)	None	None	0.5	0.5	None	2.0	5.0
<b>RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS</b>							
Maximum density (dwelling units per acre)	NP	10	4	4	12	NP	NP
Minimum floor area per dwelling unit including caretaker’s residence if permitted (square feet)	750	750	750	750	500	NP	NP
<b>BUILDING HEIGHT REQUIREMENTS</b>							
Maximum height (feet)	40	40	40	50	60	60	150
Maximum height (number of stories)	3	3	2	3	4	4	5
<b>BUILDING AND SITE REQUIREMENTS</b>							
Maximum building coverage (percent)	40	25	30	35	None	40	50
Minimum landscaped open space (percent)	10	20	20	15	None	10	None
<b>BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS</b>							
Front (feet)	20	20	15	30	None (1)	40	100
Side (feet)	10	10	10	10	None	30	75
Rear (feet)	15	15	15	20	None	40	75
<b>BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES</b>							
Side (feet)	10	10	10	5	None	20	50
Rear (feet)	10	10	10	None	None	30	50
<b>SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS</b>							
Minimum principal or accessory building setback abutting any UR or SR Zoning District (feet)	20	20	30	40	20	50	100
Minimum natural buffer abutting any UR or SR Zoning District (feet)	10	10	20	30	10	40	75
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	10	None	20	None
Minimum landscape strip required along side property lines for any non-single-family residential use	5	5	5	5	None	10	None
Minimum setbacks (ft) for HI Municipal designated industrial parks	N/A	N/A	N/A	N/A	N/A	N/A	Front: 50 Side: 30 Rear: 30

NP = Not Permitted    N/A = Not Applicable  
(1) See Section 7.5.5 of this zoning ordinance.

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**ARTICLE 8  
SPECIFIC USE PROVISIONS**

CHAPTER 8.1	GENERAL ACCESSORY USE REGULATIONS
CHAPTER 8.2	PRINCIPAL RESIDENTIAL USES
CHAPTER 8.3	ACCESSORY RESIDENTIAL USES
CHAPTER 8.4	HOME OCCUPATIONS
CHAPTER 8.5	INSTITUTIONAL USES
CHAPTER 8.6	PRINCIPAL COMMERCIAL USES
CHAPTER 8.7	ACCESSORY COMMERCIAL USES
CHAPTER 8.8	TEMPORARY USES
CHAPTER 8.9	OTHER USES

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**CHAPTER 8.1  
GENERAL ACCESSORY USE REGULATIONS**

Section 8.1.1.	Accessory Use or Structure.
Section 8.1.2.	Fences and Walls.
Section 8.1.3.	Junked Vehicle or Material.
Section 8.1.4.	Accessory Uses of Parking Lots and Loading Areas.

**Section 8.1.1. Accessory Use or Structure.**

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

**Section 8.1.2. Fences and Walls.**

Fences and walls are intended to promote privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.

1) *Building permit required.*

- (a) All fences shall require a permit prior to installation or erection. It shall be unlawful for any person to erect, alter or locate a fence within the city without first having made application for and having been issued a permit. A building permit is required for fence replacement or any repair of existing fences exceeding fifty

percent (50%) of more of the linear frontage. Repair of existing fencing shall be required to be the same material as currently exists. An application for a fence permit shall include a full site plan showing:

- i. All structures on the site;
- ii. All easements, rights-of-way and dedications;
- iii. Location of the fence in relationship to the property boundary lines and all building and structures on the lot;
- iv. Height and material of the fence;
- v. Scaled drawing of a fence section, if the fence must comply with openness requirements;
- vi. Any other information requested by the city manager or designee which is necessary to make a compliance determination.

2) *In general.*

- (a) Other than for retaining walls deemed necessary by the city engineer, all height, location and design restrictions are addressed pursuant to this Zoning Ordinance.
- (b) No fence or wall shall be erected, altered, or located in any way that violates the sight visibility triangle. (See definition and illustration in Chapter 5.1 of this ordinance.)
- (c) Fences and walls are not permitted in the conservation easement.
- (d) Fences and walls may be permitted in the drainage easement provided approval is granted by the engineering and utilities division of the city.
- (e) No fence or wall shall encroach on any right-of-way line.

3) *Permitted fence and wall maximum heights.*

<i>Fence Type</i>	<i>Front Yard (in feet)</i>	<i>Side Yard (in feet)</i>	<i>Rear Yard (in feet)</i>
Solid (wood, PVC, masonry)	4	6	6
Open* (picket, wrought iron style)	6	6	6
Chainlink	4	6, not to extend beyond front façade of principal structure)	6

\*Open style fencing must be a minimum of fifty percent (50%) opacity.

4) *Chainlink fences.*

- (a) Chainlink fences are permitted in the Heavy Industrial (HI) and Light Industrial (LI) zoning districts, recreational facilities, vacant and undeveloped lots, public utilities/facilities, and telecommunications tower sites, and shall be no higher than ten feet (10').
- (b) Chainlink fencing shall be prohibited within all commercial zoning districts (CBD, NB, O-P, HC).
- (c) Chainlink fencing is allowed in the front yards in single-family zoning districts and can be a maximum height of four (4) feet extending from the front façade of the home into the front yard.

5) *Commercial/multifamily fence and wall height exceptions*

- (a) Masonry walls may be located no closer than seven feet (7') to the property line at the side corner setback. The area between the wall and the property line shall be adequately landscaped.
- (b) Within the Industrial Zoning Districts, masonry walls or precast walls with columns are permitted to be six feet (6') in height within the front yard setback to allow site screening.
- (c) Where a masonry wall is required for non-residential uses abutting single-family uses, the Zoning Administrator may allow a maximum wall height of eight feet (8') to promote privacy and reduce noise, glare, and visual impacts of the non-residential use.

6) *Temporary construction fencing.* Temporary security fencing, not to exceed six feet (6') in height, is permitted for nonresidential construction sites. Such fencing may be chainlink and shall be approved in conjunction with the building permits for the subject property. All construction fencing shall be removed prior to the certificate of completion/occupancy for the project.

7) *Wall columns.*

- (a) Wall columns shall have a maximum spacing of thirty feet (30') on walls less than two hundred feet (200') in length and forty feet (40') on walls more than two hundred feet (200') in length.
- (b) Wall columns may extend up to twelve inches (12") above the height of the wall or eighteen inches (18") above the height of a wall framing a sign.
- (c) Light fixtures may extend up to forty-two inches (42") above the height of the wall.

8) *Orientation.* All fencing and walls shall be erected with the finished side facing the adjacent lot. The face of any fence or wall visible to the public shall also be finished.

9) *Materials.*

- (a) All walls, including retaining walls, shall have a finished surface such as stucco or brick, similar to the principal building.
- (b) Broken glass, steel spikes and other sharp objects intended to restrict access shall not be permitted along the top edge of a fence or wall, except that barbed wire and wrought iron shall be permitted.
- (c) Fences or walls topped with barbed wire shall be permitted only in the industrial zoning districts or in conjunction with an industrial or warehouse use in the highway commercial zoning district. The barbed wire shall be angled in toward the site. V-shaped barbed wire can be used for public utility buildings.
- (d) Wall construction, including, but not limited to, precast walls, in close proximity to existing trees must not result in damage to the root system as determined by a certified arborist.

*10) Entrance gates.*

- (a) When gates for vehicular access are required or proposed, said gates shall not be located closer than twenty-five (25) feet of a public street or road right-of-way, to ensure safe ingress and egress.
- (b) Entrance gates for all uses shall not exceed a height of ten feet (10') except when approved by the city, based on drawings which demonstrate that additional height is required to achieve specific design objectives.

*11) Entrance walls.*

- (a) Entrance walls shall be permitted as a landscaped feature of any development, including subdivisions, planned office parks, mobile home communities or apartment complexes. Such walls shall not exceed a height of six feet (6').
- (b) Entrance walls and landscaping shall be located within a ten-foot (10') wide easement or common area. Maintenance responsibility by the HOA is to be clearly established in the HOA documents.

*12) Buffer walls required.*

- (a) In order to promote privacy and reduce noise, glare, and visual impacts when nonresidential uses abut residential uses, a minimum six-foot (6') high wall with decorative columns shall be constructed along the property line of any side or rear yard buffer under the following conditions:

Type of Use	<i>Abutting UR-6, UR-9, SR-3, RR-1, PUD or Existing Conforming Single-Family Dwelling in Any District</i>		<i>Abutting UR-12 or Existing Conforming Multifamily Use in Any District.</i>
	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Rear Yard</b>
Commercial	Zoning Administrator	Masonry	Masonry
Public/Institutional	Zoning Administrator	Zoning Administrator	Zoning Administrator
Multifamily	Zoning Administrator	Zoning Administrator	Zoning Administrator
Industrial	Masonry	Masonry	Masonry

- (b) For the purpose of meeting these requirements, the rear yard wall requirement shall be applied to the rear yard of the impacting development and to any other yard that abuts the rear yard of the site being impacted.
- (c) Where noted as Zoning Administrator, the requirement for a wall may be waived by the Zoning Administrator or a wooden fence may be allowed in lieu of a wall where there are large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways or sharp changes in elevation which would make construction of walls difficult and not necessary for the reduction of noise or increased privacy. In all other situations, wall requirements may be waived through the special exception process based on the same findings as noted in this subsection.
- (d) The height of a required buffer wall shall be at least six feet (6') in height. The Zoning Administrator may allow a maximum wall height of eight feet (8') to promote privacy and reduce noise, glare, and visual impacts of the non-residential use.

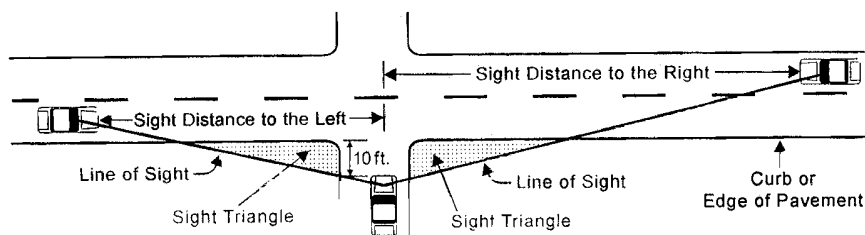
13) *Double frontage walls.* Privacy walls shall be constructed in conjunction with subdivision plats along the rear of double frontage lots. Based on anticipated traffic volumes and type of traffic, a combination of plant materials, wrought iron features, and/or brick and masonry walls may be used, subject to approval by the Zoning Administrator.

14) *Maintenance.*

- (a) All fences and walls shall be maintained in good repair and free of any graffiti.
- (b) All fences and walls shall be maintained in their original upright condition.
- (c) Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.

15) *Sight visibility triangle.*

- (a) A triangular area of clear visibility shall serve as the minimum standard for the clear sight triangle in order to provide a clear view from private access drives (such as from a residence, an apartment complex, shopping center, etc.). The city engineer reserves the right to adjust the legs of a particular sight triangle to ensure the safety of the general public.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 5-13, p. 5-31.

- (b) For all other intersecting rights-of-way and connections to public roadways, sight distance requirements shall adhere to GDOT Regulations for Driveway & Encroachment Control Manual. Deviations from this standard may be made on a case-by-case basis, as approved by the city engineer.
- (c) No structures, fencing, berms or shrubs taller than thirty (30") and no trees with branches lower than twelve feet (12') above grade shall be permitted in the area and is to remain free and clear of obstructions. This prohibition is also applicable to the location of vehicle parking spaces and signs. Generally, to avoid obstructing the sight triangle, signs and other possible obstructions should be placed a minimum of twenty five feet (25') away from the front edge of curb.

### **Section 8.1.3. Junked Vehicle or Material.**

Except for junk/salvage yards and wrecked motor vehicle compounds as may be permitted by this zoning ordinance, it shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. No such storage shall be allowed in front yards. Appropriate screening as determined by the zoning administrator, based upon the elevations and uses of surrounding properties, may be used to comply with this provision in side and rear yards.

### **Section 8.1.4. Accessory Uses of Parking Lots and Loading Areas.**

- (a) Parking and loading areas shall not be used for the repair or dismantling of any vehicle, equipment, materials, or supplies.
- (b) Parking and loading areas shall not be used to store vehicles for sale, except in cases where the property owner owns the vehicle(s), provided auto sales is a permitted use in the district in which the property is located. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle located in a private residential driveway and which licensed vehicle, boat, or other vehicle is owned by an occupant of said private residence.

- (c) An attendant's shelter building which does not contain more than fifty (50) square feet of gross floor area and which is set a distance of not less than twenty (20) feet from any boundary of the parking lot may be permitted.

## CHAPTER 8.2 PRINCIPAL RESIDENTIAL USES

Section 8.2.1.	Community Recreation as Principal Use.
Section 8.2.2.	Dwelling Occupancy Generally.
Section 8.2.3.	Dwelling, Single-Family Attached (Townhouses).
Section 8.2.4.	Dwelling, Two-Family (Duplex).
Section 8.2.5.	Mobile and Manufactured Homes.
Section 8.2.6.	Multi-Family Development.
Section 8.2.7.	Bed and Breakfasts.
Section 8.2.8.	Build-To-Rent Communities.

### **Section 8.2.1. Community Recreation as Principal Use.**

Within a residential subdivision or multiple-family residential development, community recreation as defined by this zoning ordinance shall be subject to the following:

- (a) *Exterior lighting.* If lighted, exterior lighting proposed for a building, swimming pool, tennis courts, the Zoning Administrator may require a lighting plan be submitted and approved prior to the installation of outdoor lighting.
- (b) *Swimming pools and tennis courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along any side or rear property line of said tract.
- (c) *Buildings.* Buildings shall be setback a minimum of twenty-five (25) feet from the side or rear property lines of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five (25) feet from the side or rear property line of the tract. A minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract.

### **Section 8.2.2. Dwelling Occupancy Generally.**

No dwelling unit shall be occupied that does not have at least 300 square feet of gross floor area per adult occupant.

### **Section 8.2.3. Dwelling, Single-Family Attached (Townhouses).**

In zoning districts where permitted, fee simple townhouses shall meet the following requirements:

- (a) Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private street that meets public street standards of the city.
- (b) The minimum lot size shall be 2,000 square feet.

- (c) Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the roof of each attached unit distinct from the other through separation or offsets in roof design.
- (e) Each townhouse development or phase thereof shall require subdivision plat approval in accordance with the subdivision and land development regulations of the City of Bainbridge.

#### **Section 8.2.4. Dwelling, Two-Family (Duplex).**

Property containing a two-family dwelling may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units, subject to compliance with applicable building codes and subject to compliance with the subdivision and land development regulations of the City of Bainbridge.

#### **Section 8.2.5. Mobile Homes and Manufactured Homes.**

Mobile homes as defined in this zoning ordinance are not permitted in any zoning district. Manufactured homes are permitted only within the MHP, Manufactured Home Park zoning district.

#### **Section 8.2.6. Multi-Family Development.**

Any development containing one or more multi-family dwellings shall comply with the following provisions:

- (a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 *et. seq.*). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) *Laundry facilities.* On-site principal or accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

#### **Section 8.2.7 Bed and Breakfasts**

Bed and Breakfast businesses as defined in this zoning ordinance are a conditional use in the historic district on all residential property.

#### **Section 8.2.8 Build-To-Rent Communities**

- 1) Build-To-Rent Communities may be permitted in the UR-9, UR-6, SR-3, RR-1 and planned unit development (PUD) districts upon application for and receipt of a conditional use permit.
- 2) Permitted Uses include: Single-family and Townhomes
- 3) Short Term Rentals are prohibited in Build-To-Rent Communities.

- 4) All homes must be on separate platted lots
- 5) Build-To-Rent Communities must be managed by a single management company that maintains the development and property in good order with an on-site and staffed office with business hours of a minimum of 9 a.m. to 5 p.m., Monday through Saturday. The on-site office shall be a stand-alone building that shall be similar in design and appearance to other buildings within the development.
- 6) The management company shall be responsible for the on-going maintenance of all homes/units, accessory structures, utilities(water/sewer), drainage/stormwater structures, roadways, drives, parking areas, recreational facilities, landscaping, buffers, and conservation areas.
- 7) Build-To-Rent Communities must dedicate at least five (5) percent of the gross land area for an amenity area, including one of the following features: amphitheater, clubhouse, garden, park, playground, pool area or recreational facilities.
- 8) All residential Build-To-Rent Communities may only use a mix of the following materials on the facades of units: brick, cast stone, concrete siding, vinyl siding, natural wood or stone.
- 9) Each unit within a Residential Build-To-Rent community must have individual connections to utilities with individual service accounts, including but not limited to electricity, water/sewer, telephone, internet, natural gas, and services for solid waste.

Occupancy provisions must be submitted prior to the issuance of a building permit.

## CHAPTER 8.3 ACCESSORY RESIDENTIAL USES

Section 8.3.1.	Generally.
Section 8.3.2.	Accessory Apartment, Detached or Attached.
Section 8.3.3.	Guest House.
Section 8.3.4.	Parking or Storage of Recreational Vehicles.
Section 8.3.5.	Swimming Pool.
Section 8.3.6.	Keeping of Livestock
Section 8.3.7.	Chickens in Single-Family Residential Districts

### **Section 8.3.1. Generally.**

Customary residential accessory buildings and uses are permitted in residential zoning districts, subject to permitted use provisions for the zoning district in which the property is located, and provided they meet the following requirements unless this ordinance specifically provides otherwise:

- (a) Accessory uses, buildings, and structures shall be located in a rear yard or side yard.
- (b) Accessory buildings shall not exceed two stories or twenty-four (24) feet in height.
- (c) In no case shall an accessory building or structure exceed the square footage of the principal building or structure to which it is accessory.
- (d) Accessory buildings, structures, and uses are subject to the provisions of section 8.1.1 of this article.

### **Section 8.3.2. Accessory Apartment, Detached or Attached.**

In zoning districts where permitted, accessory apartments shall meet the following requirements:

- (a) Only one accessory apartment shall be permitted on a lot.
- (b) One additional off-street parking space is required and shall be provided, which must be located in a side or rear yard.
- (c) At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory apartment shall be at least 300 square feet and shall not exceed 900 square feet or the size of the principal dwelling, whichever is less.
- (d) The entrance to an accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (e) Accessory apartments, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (f) The Decatur County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
- (g) Either the accessory apartment or the principal dwelling unit shall be owner-occupied

**Section 8.3.3. Guest House.**

In zoning districts where permitted, no more than one guest house shall be permitted as an accessory building on any single residential lot. Guest houses shall be located to the rear of the principal dwelling and shall not exceed fifty (50) percent of the gross floor area of the principal dwelling. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.

**Section 8.3.4. Parking or Storage of Recreational Vehicles.**

In residential zoning districts, recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. Parking or storage of such recreational equipment or vehicles shall not take place on any vacant residential lot.

**Section 8.3.5. Swimming Pool.**

All swimming pools shall be located at least ten (10) feet from all property lines. Swimming pools must be enclosed by a fence or wall at least four (4) feet in height.

**Section 8.3.6. Keeping of Livestock.**

Livestock may be kept, raised or bred provided that the property containing the livestock is a minimum of five (5) acres. Livestock may be kept at a maximum density of two (2) such animals per acre of open pasture land. All such livestock shall be contained adequately by suitable fencing within the specific property, and any animal quarters shall be setback at least 100 feet from any property line. Due to the potential negative impacts on surrounding residential areas, the commercial keeping or raising of fowl, or the operation of a feed lot, is expressly prohibited.

**Section 8.3.7. Chickens in Single-Family Residential Districts.**

(a) *Purpose and intent.* The purpose and intent of the city council in enacting the following regulations is to allow Bainbridge citizens the right to keep and raise backyard chickens in all single-family residential zoning districts in the City of Bainbridge. Further, the city council finds it appropriate to regulate backyard chicken raising in the manner presented in this section, so as to be permissive enough to easily allow citizens to keep chickens on their property, but restrictive enough to protect the interests of neighboring residents from unnecessary noise, odor, and the invitation of rodents, wild birds and predatory animals to the property. Additionally, these regulations are intended to ensure the humane treatment of animals.

(b) *Prior authorization.*

- (1) The community development director or their designee shall develop an application form and determine the submittal requirements for the review of these requests. A person seeking to keep and raise chickens on a single-family property shall first submit a

complete application to the community development department and pay the application fee as determined by the city council and listed in the schedule of fees and charges maintained in the city manager's office.

- (2) In order to obtain zoning approval, persons keeping chickens must show that they can meet the requirements of this section by providing a conceptual site plan showing the property with dimensions and the location of existing and required structures. The city may conduct site inspections of the subject property to make compliance determinations under this section prior to and after zoning approval. The community development director is authorized to approve or disapprove an application if he/she determines that the application fails to meet the requirements of this section.
- (3) Prior to obtaining zoning approval, the city may inspect the applicant's lot for compliance with city codes and zoning approval shall grant the right to a city code enforcement officer to enter onto applicant's lot at any time to investigate any chicken-related complaints or concerns.
- (4) This section does not authorize persons to violate applicable restrictive covenants and/or homeowners' association rules and regulations. Persons applying for and receiving zoning approval under this section are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.
- (5) Zoning approval for the keeping and raising of chickens shall be granted to the applicant only and shall not transfer to any future occupant or property owner.

(c) *General regulations.*

(1) For the purposes of this section:

- (a) The term "coop" means an enclosure, cage or pen, usually with bars or wires, in which chickens are traditionally confined; and
- (b) The term "chicken" refers to female chickens only (i.e., hens). The keeping and raising roosters, crowing hens, ducks, geese, turkeys and other poultry or fowl are prohibited in the City of Bainbridge.
- (c) The term "run" refers to a covered fenced in area that will allow chickens to be protected while they are outside in the fresh air and sunshine.

- (2) Feed and any other food source provided to the chickens shall be stored in predator-proof containers. Every person who owns, controls, keeps, maintains or harbors chickens must keep them confined on the premises at all times within a chicken coop or chicken run.
- (3) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
- (4) Chickens shall not be slaughtered on premises.
- (5) The construction of chicken coops and runs shall comply with all applicable building codes.
- (6) Maximum number of chickens allowed per residential lot:
  - (a) No more than six chickens shall be kept on any lot in the City of Bainbridge.
  - (b) No chickens may be kept on lots under 10,000 square feet.

(d) *Requirements for chicken coops and enclosures/runs.*

- (1) Chickens shall be securely housed in coops and provided with runs.
- (2) Coops shall not exceed six feet in height above grade and must allow for a footprint of at least two square feet per chicken housed in the coop. The maximum single coop footprint size is 40 square feet. The minimum ground space required per chicken in a run is five square feet. Runs must be located under coops or otherwise covered at all times.
- (3) Coops and runs must be kept clean, sanitary and free from standing water at all times. Coops and runs shall be constructed, designed and maintained in such a way as to be impermeable to and free of rodents, vermin, wild birds, and predators, including, but not limited to, cats, coyotes, dogs, raccoons and skunks.
- (4) Coops and runs must be located in the rear yard of the lot, the rear yard must be secured with a chain link or privacy fence that complies with the City of Bainbridge zoning ordinance.
- (5) Coops and runs must be setback no less than 35 feet from the rear property line and no less than 15 feet from side property lines. Coops and runs must be a minimum of 20 feet from corner side lot lines.
- (6) The maximum size of the total coop and run area shall be 100 square feet. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the building official or his/her designee.
- (7) Nothing in this section shall prevent construction of a coop or pen that abuts the applicant's house.
- (8) Runs must be situated on a well-drained area that allows the chickens to have access to dry ground at all times. Feces shall be removed and disposed of, composted or land applied in a manner to avoid odor.
- (9) As provided for herein, the keeping of chickens is not considered an 'agricultural' activity.

(e) *Health, sanitation and nuisance as applied to the keeping of chickens.*

- (1) Chickens shall be kept within a coop and run in the rear yard which must be properly fenced according to the zoning ordinance. Chickens shall not be permitted to trespass on neighboring properties.
- (2) Chicken coops and runs shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition on-site or on adjacent property.

(f) *Violations.*

- (1) Failure of the applicant to abide by all the applicable regulations of this section, the City of Bainbridge Code of Ordinances, or any state or federal law regarding chicken-raising and/or coops, shall be a violation of the City of Bainbridge Code of Ordinances.
- (2) The applicant and/or property owner shall be jointly responsible for compliance with all provisions of this section.
- (3) No person convicted as a repeat violator of subsections (a)—(e) of this section will be permitted to, or continue to, keep chickens on their premises.
- (4) If the provisions of this section conflict with any other provisions of the City of Bainbridge Code of Ordinances, the provisions contained in this section shall control

## CHAPTER 8.4 HOME OCCUPATIONS

Section 8.4.1.	General Provisions.
Section 8.4.2.	Physical Limitations.
Section 8.4.3.	Alterations to the Dwelling and/or Accessory Building.
Section 8.4.4.	Vehicles and Parking.
Section 8.4.5.	Equipment, Off-site Impacts, and Nuisances.
Section 8.4.6.	Visits by Patrons.
Section 8.4.7.	Signs Prohibited.
Section 8.4.8.	Employees and Licenses.
Section 8.4.9.	Display, Stock-in-Trade, Sales, and Storage.
Section 8.4.10.	Uses Specifically Prohibited.
Section 8.4.11.	Administrative Approval Required.

### **Section 8.4.1. General Provisions.**

Home occupations shall be conducted entirely within the principal dwelling and/or accessory building. More than one home occupation may be established on a single premises. In districts where permitted, the following regulations shall apply to home occupations. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration.

### **Section 8.4.2. Physical Limitations.**

The total gross floor area of a dwelling unit devoted to a home occupation(s) shall not exceed 750 square feet or 25 percent of the gross floor area of the dwelling, whichever is less. An accessory building used for a home occupation shall be constructed entirely on premises and meet all applicable building codes and regulations. The total gross floor area of an accessory building devoted to a home occupation shall not exceed 750 square feet or 25 percent of the gross floor area of the primary dwelling, whichever is less. Individual premises shall not devote more than 750 square feet of their total gross floor area to home occupation use. For the purposes of this ordinance, garages shall not be considered accessory buildings, however if the garage is utilized for a home occupation the square footage limitations shall apply.

### **Section 8.4.3. Alterations to the Dwelling and/or Accessory Building.**

The exterior appearance of the dwelling or accessory building must remain that of a dwelling or accessory building to a dwelling. No internal or external alterations inconsistent with the residential use of the buildings may be permitted.

### **Section 8.4.4. Vehicles and Parking.**

Vehicles kept on site in association with the home occupation(s) shall be used by residents only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation(s). Incoming vehicles related to the home occupation(s), shall at all times be parked off-street within the confines of the residential driveway or other on-site

permitted parking. The transporting of goods by truck in connection with a home occupation(s) is prohibited.

**Section 8.4.5. Equipment, Off-site Impacts, and Nuisances.**

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

**Section 8.4.6. Visits by Patrons.**

Visits by patrons are allowed subject to compliance with all applicable regulations.

**Section 8.4.7. Signs Prohibited.**

There shall be no signs permitted in conjunction with a home occupation, although this shall not preclude the property owner from erecting signs permitted on the lot pursuant to this zoning ordinance.

**Section 8.4.8. Employees and Licenses.**

Only occupants of the dwelling shall be authorized to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by state or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted to the zoning administrator prior to the issuance of a business registration.

**Section 8.4.9. Display, Stock-in-Trade, Sales, and Storage.**

There shall be no display, and no stock-in-trade nor commodity sold or stored on the premises, in connection with a home occupation.

**Section 8.4.10. Uses Specifically Prohibited.**

The following uses are specifically prohibited as home occupations: auto sales or auto repair; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; escort services; special event facilities; and lodging services.

**Section 8.4.11. Administrative Approval Required.**

All home occupations and transient occupations require administrative approval by the Zoning Administrator prior to their establishment.

## CHAPTER 8.5 INSTITUTIONAL USES

- Section 8.5.1. Church.  
Section 8.5.2. Continuing Care Retirement Community.  
Section 8.5.3. Institutional Residential Living and Care Facilities.  
Section 8.5.4. Rooming House.

### **Section 8.5.1. Church.**

In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any side or rear property line, and within the fifty foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer shall be provided.

Acceptable accessory uses include but are not limited to, a residence (i.e., parsonage) for the housing of the pastor, priest, minister, rabbi, etc., school buildings and temporary classrooms, gymnasiums, and community meeting rooms. In commercial districts, a community food or housing shelter may be operated as an accessory use to a church.

When located in a residential zoning district, no church shall be permitted to establish a day care center, house more than one person on-site, or provide lighted outdoor recreation facilities, without a conditional use permit approved by the governing body.

### **Section 8.5.2. Continuing Care Retirement Community.**

- (a) The facility may have on site as a part of its development the following accessory uses for use of residents and their guests only: Full-service kitchen for meals, exercise facilities, swimming pools, tubs and spas, administrative offices, hospital-width corridors and doors, nursing stations, treatment rooms, emergency paging systems, indoor and outdoor recreational facilities, handicap-assisted restrooms, hair salons, computer facilities, game and card rooms, chapel, movie theaters, wellness centers, billiard rooms, restaurant facilities, common areas, libraries, dining rooms, mail rooms, housekeeping and storage areas, laundry facilities, and gift shops.
- (b) Independent living units shall contain a minimum of 650 square feet of area.
- (c) Maximum building coverage shall be limited to forty (40) percent.
- (d) The minimum lot size for a development shall be five (5) acres.
- (e) All principal and accessory buildings shall be setback a minimum of fifty (50) feet from all side and rear property lines.
- (f) The facility shall meet all applicable requirements of the State of Georgia.

### **Section 8.5.3. Institutional Residential Living and Care Facilities.**

In districts where permitted, institutional residential living and care facilities shall meet the requirements of the State Board of Health and applicable rules of the State Department of Human Resources. Plans for any such facilities must receive approval from the Decatur County Health Department and state fire marshal's office prior to issuance of a permit for construction

and operation. Proof of compliance with such requirements shall be required to be on file with the city prior to business registration approval.

**Section 8.5.4. Rooming House.**

- (a) *Purpose and intent.* This section is intended to address concerns about dormitory-style housing in existing single-family residential neighborhoods. It is adopted in response to concerns that when a large number of people rent rooms in one home, there are sometimes negative side effects such as overcrowding, unsanitary conditions, illicit activities, cars parked in the yard, frequent parties, and other disturbances and threats to public safety. This section is designed to help protect the character and stability of Bainbridge's neighborhoods while also respecting individual property rights.
- (b) *Applicability.* No person shall establish or operate a rooming house, or let a person occupy any rooming unit in any rooming house, except in compliance with the provisions of this section.
- (c) *Business registration of existing rooming houses.* No person shall operate a rooming house unless he holds a valid business registration issued by the city clerk in the name of the operator and for the specific dwelling or dwelling unit. Property owners operating a rooming house shall register the rooming house as an existing business within 120 days from the effective date of this Section. It shall be unlawful to continue to use or operate a rooming house in the City of Bainbridge after 120 days from the effective date of this section, unless the rooming house has been registered with the City of Bainbridge. The city shall compile and maintain a list of registered rooming houses.
- (d) *Appointment of agent and agent responsibilities.* As part of the registration process, property owners of existing and new rooming houses shall appoint an agent, who lives in Decatur County, as the person responsible for the property. The designated agent shall be available to be contacted 24 hours a day, 7 days a week. The agent is the party designated to receive all notices from the city concerning the use of the property. The name and telephone number of the agent responsible for the rooming house will be provided by the city to any neighbors who contact the city with complaints about the rooming house. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the city and problems if they occur.
- (e) *Registration application requirements.* The application for registration shall include the agent of the property and the resident manager. The applicant for a registration required by this section shall file with the application a plan of each floor of the building. Said plan shall be drawn to a scale of not less than one-quarter inch to a foot. Said plan shall show all stairs, halls, the location and size of all windows, the location and size of habitable rooms and the exits of each floor to be occupied. The intended use of every room in the building must be indicated on the plans submitted. The application shall also include a written statement showing the number of persons proposed to be accommodated or allowed on each floor.

- (f) *Resident management and occupancy registry.* A resident manager shall reside on the licensed premises. A telephone shall be located in the resident manager's living quarters. The manager of every rooming house shall keep in the office, or other place therein, a register in which shall be entered the name and residence of every person who becomes a lodger, boarder or guest therein. Such register shall also show the number or location of the room or bed occupied by such person, the date of his arrival, and the period for which he engaged board or lodging. The register shall also be accessible, without charge, to the zoning administrator, any police officer, or other duly authorized agent of the city. An up-to-date floor plan and current list of occupants shall be maintained by the resident manager and posted in a conspicuous location.
- (g) *Occupancy limitations.* No basement or accessory building shall be used for rooming house purposes. No registration required by this section shall be issued to any person proposing to use a basement or accessory building or any part thereof as habitable rooms for rooming house purposes.
- (h) *Air space.* No room in any rooming house shall be occupied as a sleeping room by any human being unless there are at least six hundred (600) cubic feet of air space, exclusive of wardrobe and closet space, for each and every person occupying any such room. All sleeping quarters shall be served by working heating and cooling facilities and a bed with a mattress for each registered occupant.
- (i) *Minimum basic facilities.* At least one (1) flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. All such facilities shall be located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (j) *Food preparation and meals.* Any rooming house where food is served shall comply with all requirements of the Decatur County health department.
- (k) *Responsibility for maintenance.* The property owner, property agent, and resident manager of each rooming house shall be individually responsible for the maintenance of safe and sanitary conditions in every part of the rooming house.

## CHAPTER 8.6 PRINCIPAL COMMERCIAL USES

Section 8.6.1.	Automobile Sales Establishment.
Section 8.6.2.	Bed and Breakfast Inn.
Section 8.6.3.	Commercial Recreational Facility, Outdoor.
Section 8.6.4.	Day Care Center.
Section 8.6.5.	Golf Driving Range.
Section 8.6.6.	Junkyards or Storage Yard.
Section 8.6.7.	Live-Work Unit.
Section 8.6.8.	Mixed-Use Building.
Section 8.6.9.	Outparcel Development.
Section 8.6.10.	Race Track.
Section 8.6.11.	Service and Fuel Filling Station
Section 8.6.12.	Truck Stop.

### **Section 8.6.1. Automobile Sales Establishment.**

Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers. It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas. Outside loudspeakers shall not be permitted when abutting a residential zoning district.

When abutting a residential zoning district, automobile sales establishments require submittal and approval by the zoning administrator of a photometric plan for lighting. Establishments that will not operate during darkness shall not be required to submit a photometric plan.

### **Section 8.6.2. Bed and Breakfast Inn.**

In districts where permitted, bed and breakfast inns shall be limited to a maximum of six (6) guest rooms.

### **Section 8.6.3. Commercial Recreation Facility, Outdoor.**

Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts. Such uses require a minimum lot area of two acres, a minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination. A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are required for stadiums, amphitheaters, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

#### **Section 8.6.4. Day Care Center.**

In districts where permitted, day care centers shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a fence with a minimum height of four (4) feet. Adequate and safe areas for the drop-off and pick-up of patrons shall be provided.

#### **Section 8.6.5. Golf Driving Range.**

- (a) The minimum lot area shall be ten acres or one acre per tee, whichever is greater.
- (b) Vehicular access shall be derived only from a collector or arterial street.
- (c) Loudspeakers/paging systems are prohibited when residential use or a residential zoning district abuts a driving range.
- (d) The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (e) The depth of a driving range along the driving area shall be at least 350 yards measured from the location of the tees, and the width shall be not less than 200 yards at a distance of 350 yards from the tees.
- (f) If proposed to be lit, a lighting plan shall be required to be submitted to the Zoning Administrator for approval.

#### **Section 8.6.6. Junk Yards or Storage Yard.**

Junk yards and outdoor storage yards shall be completely enclosed by a solid wooden fence having a height of six (6) feet, which shall be installed along all property lines to effectively screen all stored contents and operations from view.

#### **Section 8.6.7. Live-Work Unit.**

Live-work units as defined in this zoning ordinance shall meet the following requirements, which are intended to minimize the potential negative impacts on residential use within a live/work unit and on other dwelling units in the same development or near the live-work unit:

- (a) Only persons living in the dwelling unit are engaged in the occupation, plus one full-time employee or two part-time employees who do not reside on the premises.
- (b) No sales or customers are permitted.
- (c) There shall be no external storage of products or materials.
- (d) There shall be no exterior signs including window signs except as may be permitted for the rental, lease, or sale of the property.
- (e) A minimum of 1,000 square feet is required for a live-work unit. The work component of a live-work unit shall be not be smaller than 150 square feet and no larger than 40 percent of the total floor space in the live-work unit.
- (f) Use of the work space shall be limited to general office and similar uses.
- (g) There shall be a physical connection between the work floor area and the residential floor area of the unit.
- (h) There shall be direct pedestrian access at the fronting street at or near grade level to each individual unit.

- (i) Each unit shall provide some usable outdoor space, in the form of a garden patio or deck of at least 100 square feet and with a minimum depth of 6 feet.
- (j) When a new building is constructed containing one or more live-work units, the building shall face (parallel) the fronting street in a manner that occupies at least 50 percent of the property frontage of the lot on which it is constructed.
- (k) Residential areas shall normally not be provided on the main (ground/street) floor; provided, however, that if properly designed to ensure privacy, ground-floor and/or partial ground-floor units are permitted.

#### **Section 8.6.8. Mixed-Use Building.**

The intent of this section is to provide for residential uses to be mixed with commercial and other land uses. In districts where permitted, mixed-use buildings and mixed-use development shall meet the following requirements:

- (a) *Access to residential units.* Residential uses above the first-floor retail or other nonresidential uses shall have an entryway to each unit or a hallway serving one or more units which shall connect to a stairway opening directly to the outside at street level. Every dwelling unit with a front façade facing a street shall to the maximum extent possible have its primary or shared entrance face the street. All stairways shall be enclosed.
- (b) *Private exterior area.* All dwelling units above the first-floor retail or other nonresidential uses shall have at least one private exterior area with a minimum of eighty (80) square feet, and which affords maximum privacy to occupants.
- (c) *Signs.* Windows above first-floor retail or other nonresidential uses shall have no signs, except as they may pertain to the rental, lease or sale of property per the sign regulations contained in this zoning ordinance.
- (d) *Mailboxes.* Residential uses above the first-floor retail or other nonresidential uses shall not have outside mail boxes; inside mail boxes or mail slots shall be used.
- (e) *Occupancy and activities restricted.* Residential uses above the first-floor retail or other nonresidential uses shall not be rented on a daily or weekly basis and shall not be operated as boarding or rooming houses. No outside television or radio antennas or satellite reception dishes shall be permitted. No drying of clothes shall be permitted outside of any building. No household pets shall be allowed.

#### **Section 8.6.9. Outparcel Development.**

In districts where permitted, when property is subdivided and used as a separate commercial, institutional, industrial, or other non-residential use, development on such outparcels shall meet the following requirements: Access to and from all outparcels shall be from internal driveways or frontage roads with no direct access to the public right-of-way it abuts; and each outparcel shall have a minimum width of 100 feet abutting a public right-of-way.

#### **Section 8.6.10. Race Track.**

- (a) Race tracks for vehicles shall be located a minimum of 500 feet from a residential zoning district.
- (b) Vehicular access shall be derived only from an arterial or collector road.
- (c) A minimum 75-foot buffer shall be provided adjacent to any property containing a residential use or a residential zoning district. A minimum 50-foot wide buffer shall be provided adjacent to all other property lines.
- (d) Security fencing shall be provided when the facility abuts a residential use or a residential zoning district.
- (e) A maximum constant sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent residential property lines.
- (f) Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.

**Section 8.6.11. Service and Fuel Filling Station.**

In zoning districts where permitted, service and fuel filling stations must have all fuel pumps located at least twenty-five (25) feet from any public right-of-way or lot line, and all buildings and accessory structures must be located at least one hundred (100) feet from any residential zoning district boundary. All fuel must be stored underground outside of any public right-of-way.

**Section 8.6.12. Truck Stop.**

In zoning districts where permitted, establishments that provide refueling of trucks and cater to the needs of truck drivers are subject to the following requirements: All uses other than the dispensing of fuel or other accessory vehicle services must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, television viewing and recreation lounges, restroom facilities, and showers.

## **CHAPTER 8.7 ACCESSORY COMMERCIAL USES**

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|----------------|--|
| Section 8.7.1. | Drive-Through Facilities.  |
| Section 8.7.2. | Manufacturing and Fabrication  |
| Section 8.7.3. | Residence for Caretaker or Nightwatchman.                                |
| Section 8.7.4. | Retail and Restaurant Uses Accessory to Office, Institution, or Lodging. |
| Section 8.7.5. | Swimming Pools.  |

### **Section 8.7.1. Drive-Through Facilities.**

When a drive-through operation is located adjacent to a residential zoning district or residential use and it involves an exterior loud speaker, volumes must be monitored and controlled so as to minimize audible sound from the loud speaker at the property line. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the zoning administrator may require noise attenuation to be installed on the site with the exterior loudspeaker, if volumes cannot be reduced below those audible at the property line, or if buffers are inadequate to mitigate noise from the exterior loud speaker.

### **Section 8.7.2. Manufacturing and Fabrication.**

If undertaken as an accessory use to a permitted retail use, manufacturing or fabrication activity is permitted, provided that it occupies no more than twenty-five (25) percent of the gross floor area devoted to the establishment, or 1,000 square feet, whichever is less. All products manufactured or fabricated on the premises must be sold on the premises when conducted accessory to a permitted retail use.

### **Section 8.7.3. Residence for Caretaker or Nightwatchman.**

In districts where permitted, the zoning administrator may approve one residence or dwelling with a minimum gross floor area of 600 square feet, within a principal building or in an accessory housing unit, on the site of a commercial or industrial establishment as an accessory use, provided that the applicant supplies evidence to the zoning administrator of need for full-time security or 24-hour on-site management.

### **Section 11.7.4. Retail and Restaurant Uses Accessory to Office, Institution, or Lodging.**

It is the intent of this section to permit small-scale, accessory retail uses in office complexes and other uses with gross floor areas of 10,000 square feet or more, including without limitation, barber shops, beauty shops, dry cleaning, drug stores, book stores, florists, gift shops, convenience food stores, news stands, and cafeterias, sandwich shops, and restaurants, subject to the requirements of this section. Retail sales and services accessory to the operation of an office complex, institutional use, or lodging facility with 10,000 or more gross square feet of floor area are permitted where otherwise not listed as a permitted use, subject to the requirements of this section:

- (a) The activity must be conducted wholly within the building in which the principal use is located and shall be limited to 15 percent of total gross floor area of the building. No merchandise shall be stored or displayed outside the structure in which the principal use is located.
- (b) The public entrance or entrances to the activity shall be from a lobby, hallway, or other interior portion of the structure in which the principal use is located, except for restaurants located within an office building or hotel which shall be permitted one exterior public entrance.

**Section 8.7.5. Swimming Pools.**

Swimming pools which are operated as an accessory use to hotels, motels, or other permitted commercial uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

## CHAPTER 8.8 TEMPORARY USES

Section 8.8.1.	Circuses and Carnivals.
Section 8.8.2.	Construction Field Office.
Section 8.8.3.	Model Home or Temporary Sales Office for Subdivision.
Section 8.8.4.	Temporary Classroom.
Section 8.8.5.	Special Outdoor Event.

### **Section 8.8.1. Circuses and Carnivals.**

Temporary commercial uses, such as but not limited to circuses and carnivals, may be permitted in zoning districts where permitted, provided that the following regulations are met.

- (a) The police department approves of the temporary use with regard to access to the site and appropriate traffic control management while the activities are conducted.
- (b) The Decatur County health department approves the temporary use with regard to potable water availability and the adequacy and number of sanitary facilities (e.g., portable toilets).
- (c) The zoning administrator, after receiving approval from the police and county health departments, issues a temporary permit for said use, which shall not exceed fourteen (14) days and which may include conditions of permit issuance as may be necessary to protect the public interest and implement the requirements of the police and county health departments.

### **Section 8.8.2. Construction Field Office.**

Manufactured homes or other temporary buildings or structures shall not be occupied as a permanent office or for any other use in any district; provided, however that in districts where permitted, such manufactured homes or other temporary buildings or structures may be used for a temporary office or other permitted non-residential use, subject to the following:

- (a) Approval by the zoning administrator and issuance of a permit by the Building Inspector.
- (b) Said permit shall be temporary but renewable once after a period of six (6) months;
- (c) Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property;
- (d) Adequate water and sewage disposal for the structure(s) is approved by the Decatur County health department; and
- (e) Said manufactured home(s) or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

### **Section 8.8.3. Model Home or Temporary Sales Office for Subdivision.**

An applicant for final subdivision approval as required by the Bainbridge subdivision and land development regulations may apply for a building permit and may after securing a building permit erect a dwelling or install a temporary manufactured home to serve as a temporary sales office for the subdivision. If the building is developed as a model home (site-built dwelling), it shall be established on a lot shown on an approved preliminary plat and shall meet zoning district requirements for lot size, setbacks, etc. Upon completion of its use as a model home or temporary sales office, said dwelling can be converted to a dwelling upon issuance of a certificate of occupancy. If the temporary sales office is a manufactured home, it shall be installed to meet the applicable requirements of this zoning ordinance as approved by the Zoning Administrator, and it shall be removed within thirty (30) days of the cessation of lot or house sales in the subject subdivision.

**Section 8.8.4. Temporary Classroom.**

On sites where educational or religious facilities are permitted, one or more temporary classrooms, which may be manufactured homes, may be permitted as temporary uses by the Zoning Administrator, upon application and after the issuance of a building permit, for a public school, private school, or church. The zoning administrator may attach reasonable conditions on the issuance of such permit to ensure compatibility and public safety. The duration of such temporary use and building permit shall not exceed one (1) year, unless an extension is granted by the governing body.

**Section 8.8.5. Special Outdoor Event.**

A special outdoor event may be authorized subject to permit approved by the zoning administrator and in compliance with the following:

- (a) The duration of the event does not exceed 15 consecutive days.
- (b) Special outdoor events shall not take place more frequently than four (4) times in any calendar year on the same premise. Any two special outdoor events on the same premise must be separated by at least 30 consecutive days.

## CHAPTER 8.9 OTHER USES

Section 8.9.1.	Aircraft Landing Area.
Section 8.9.2.	Landfill.
Section 8.9.3.	Mining and Quarrying.
Section 8.9.4.	Storage of Petroleum Products and Explosives.
Section 8.9.5.	Solar Energy Systems
Section 8.9.6.	Safety and Health of Migrant Worker Housing.

### **Section 8.9.1. Aircraft Landing Area.**

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

- (a) No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000.00 per claim.
- (b) The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The zoning administrator shall review the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and make a recommendation to the governing body regarding approval or denial of the conditional use application.
- (e) In approving an aircraft landing area, the governing body may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within

600 feet of a residential zoning district may form the basis for denial of the application.

### **Section 8.9.2. Landfill.**

- (a) Access from a paved street shall be required. Access shall not be allowed through any residential subdivision or residential development.
- (b) A minimum 100-foot wide buffer is required adjacent to any property line containing a residential use and abutting any residential zoning district.
- (c) A minimum 50-foot wide buffer is required adjacent to public rights-of-way.
- (d) A minimum six-foot high solid fence/wall shall be required inside buffers adjacent to any property line containing a residential use or abutting any residential zoning district.
- (e) The owner shall provide the zoning administrator with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a land disturbance permit.
- (f) Vehicles shall be allowed into a landfill site only if waste is covered, to prevent blowing of material from the vehicle.

### **Section 8.9.3. Mining and Quarrying.**

8.9.3.1. *Application Requirements.* In addition to the requirements for conditional use applications as specified in this zoning ordinance, all applicants for mining or quarrying shall submit to the zoning administrator the following information for review by the planning commission and the governing body:

- (a) A site plan, which shall meet the requirements of this zoning ordinance, and which must also show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials.
- (b) An operations plan, which shall include: the date of commencement of operation and its expected duration; proposed hours of operation, which shall not be permitted to include the hours of 7:00 p.m. to 7:00 a.m., nor shall operations be allowed on Sundays and national holidays; the estimated type and volume of extraction;
- (c) A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purpose of obtaining a state mining permit.
- (d) A statement from the Georgia Department of Transportation which shall identify any state-maintained road within or adjacent to the subject property, and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (e) A statement from the city engineer or other qualified professional which identifies all city roads within or adjacent to the property and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (f) A statement as to the intended use or production of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage, and disposal of such materials.

- (g) A reclamation and rehabilitation plan, which shall include a detailed procedure for the rehabilitation of excavated land, the future use or uses of the land, the type of ground cover, fill, and landscaping, methods for disposing of all equipment and structures, and an estimate of the timing of phases of rehabilitation including estimated time of completion.

8.9.3.2. *Additional Regulations.* Any facility engaged in the extraction of earth products, such as sand, soil, gravel, rock, stone, clay, or other mining operations, etc. shall comply with the following:

- (a) Permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust-free material.
- (b) Roads other than permanent roads shall be treated with dust inhibitors which will reduce the generation of dust from the road surfaces as a result of wind or vehicular action.
- (c) The proposed extraction shall not take place within 300 feet of a property containing a dwelling, school, church, hospital, or public building.
- (d) Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty five (35) feet above the original contour.
- (e) All blasting operations shall occur between sunrise and sunset.

#### **Section 8.9.4. Storage of Petroleum Products and Explosives.**

No storage of petroleum products or explosives shall be permitted until the necessary permits and approvals from the Georgia state fire marshal and/or federal agency, as may be required, are obtained. No explosives storage area shall be located within five-hundred (500) feet of property containing a residential use.

#### **Section 8.9.5. Solar Energy Systems**

##### **Solar Energy Systems**

An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a buildings energy requirements.

##### **Solar Energy Equipment**

Items including but not limited to: solar panels, lines, pumps, batteries, mounting brackets, framing and foundations used for or intended to be used for the collection of solar energy in connection with a building on residential, municipal or commercial properties.

- I. **Solar Energy System, Commercial Scale:** Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating energy primarily for use off-site. Energy generated may be used to serve on-site power needs. Utility scale systems as defined by this ordinance are permitted only in HI and LI zoning districts, and require Conditional Use approval in INS districts by the Zoning Commissioners and the governing body.

**Solar Energy Systems, Commercial Scale Permitted in HI and LI provided:**

A. Solar collection devices or a combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. A site plan is required with the conditional use application and/or zoning change application.

B. All parcels requesting a conditional use for solar systems and/or a zoning change to allow for a request for conditional use for solar systems must be a minimum of two (2) acres.

C. In the instance that the proposed property abuts a residential use, ground mounted devices for commercial use must have an eight (8) foot panel fence for security purposes as well as a natural growth screen.

D. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height and other dimension requirements of the building including the solar collection devices shall comply with the height requirements in zoning ordinance.

E. All solar collection devices shall submit a map noting the location of the solar collection devices and the panel disconnect.

**Solar Energy Systems, Commercial Scale in INS Districts, Conditional Use approval provided:**

A. Solar collection devices or a combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways, and shall not interfere with traffic or create a safety hazard. A site plan is required with the conditional use application and/or zoning change application.

B. All parcels requesting a Conditional Use for solar systems or a zoning change to allow for a request for Conditional Use for solar systems must be a minimum of two (2) acres. All dimensional requirements for a solar system shall mirror the LI requirements in Table 7.2.

C. In the instance that the proposed property abuts a residential use, ground mounted devices for commercial use must have an eight (8) foot panel fence for security purposes as well as a natural growth screen.

D. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height and other dimension requirements of the building including the solar collection devices shall comply with the height requirements of the zoning ordinance.

F. All solar collection devices shall submit a map noting the location of the solar collection devices and the panel disconnect.

- I. **Solar Energy System, Small:** Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating energy for use onsite only. The energy production associated with a small solar energy system is to be used on-site or to qualify for a utility company credit (aside from output delivered

to a power grid to offset on-site energy cost). Solar energy systems small scale, the equipment and its use is accessory to the principal use of the property.

**Solar Energy Systems, Small in all zoning districts provided:**

A. Small scale solar energy systems are a permitted use in all zoning districts provided it is used exclusively as an accessory to the principle use.

B. The placement of solar energy equipment on roofs of principal buildings is preferred and encouraged for town aesthetic purposes. The front slope of the principal building shall not be used unless no other location of the solar energy equipment is feasible.

C. All exterior plumbing and electrical lines must be painted and undercoated to match the color of adjacent roofing material and walls. All visible exterior plumbing and electrical lines must not be installed in any portion of the front of the property. Aluminum trim, if used and visible, should be anodized or otherwise color treated to blend into the surroundings.

D. Roof mounted solar energy systems on the principal building shall not be more than three (3) feet higher than the finished roof to which it is mounted. In no instance shall any part of the solar energy panels extend beyond the edge of the roof.

E. Roof mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located in accordance with the applicable zoning regulations.

F. The number of solar panels and supporting equipment shall be considered as one system.

G. The placement of ground mounted solar energy equipment maybe permitted if the solar energy equipment is unable to be located on the roof of the principal structure. All ground mounted solar energy equipment is considered to be an accessory structure. Prepackaged UL listed solar energy based lighting systems that do not involve any installation are exempt from this provision.

H. Ground mounted accessory structures shall not exceed the total square footage of the principle structure.

I. All solar collection devices shall submit a map noting the location of the solar collection devices and the panel disconnect. The map shall be submitted with the Electrical Permit.

J. All requirements of the Historic Preservation Ordinance must be satisfied and a Certificate of Appropriateness must be obtained before any installation in the Historic Preservation District.

**Section 8.9.6. Safety and Health of Migrant Worker Housing.**

- (a) Each person who owns or controls a facility or real property which is used as housing for migrant agricultural workers shall be responsible for ensuring that the facility or real

property complies with all local and state building codes and other local codes applicable to zoning and property maintenance.

1. Owners of any dwelling unit located in a RR1, SR3, UR6 or UR9 zoning district cannot have more than two unrelated individuals residing therein, whether or not a family also resides therein. Nor shall any family, as defined, have more than one unrelated individual residing with the family.
2. A fire extinguisher is required to be located within each rental unit not equipped with an operable sprinkler protection system. In addition, fire extinguishers must be located in all common hallways and breezeways. The property owner is required to maintain all fire extinguishers in good working condition and compliant with all applicable laws and standards including a current service tag from a licensed fire extinguisher contractor indicating that the fire extinguisher has been serviced within the past 365 days.
3. A facility or real property which is used as housing for migrant agricultural workers is required to submit for an annual inspection to be conducted by the City of Bainbridge Public Safety Department or the Bainbridge-Decatur County Marshal's Office. During these inspections, any code violations that are noted will be communicated to a representative of the business. This is accomplished with a written form that is left with the property owner.

Building owners and /or their designated property manager bear the legal obligation to ensure that their building or tenant space complies with all applicable codes adopted in by the State of Georgia and the City of Bainbridge. Some of the requirements include readily visible address numbers, annual servicing of fire extinguishers, maintaining clear fire lanes, ensuring exit lights and emergency lights are operational, etc. Additionally, testing of all applicable fire safety systems such as sprinklers, fire alarm, private fire hydrant, standpipes, fire pumps generators, kitchen hood suppression systems, etc. must be conducted at the frequencies specified by the code. A documentation of such tests must be maintained at the premises and must be presented to fire code officials upon request.

- (b) This section does not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to migrant agricultural workers of the same character and on the same or comparable terms and conditions as is provided to the general public and who held a valid City of Bainbridge Occupational Certificate to conduct such business prior to August 1, 2019.

## ARTICLE 9 ACCESS, PARKING AND LOADING

CHAPTER 9.1	GENERAL PROVISIONS
CHAPTER 9.2	ACCESS AND CIRCULATION
CHAPTER 9.3	OFF-STREET PARKING
CHAPTER 9.4	OFF-STREET PARKING REDUCTION
CHAPTER 9.5	OFF-STREET LOADING

### CHAPTER 9.1 GENERAL PROVISIONS

Section 9.1.1.	Findings.
Section 9.1.2.	Purpose and Intent.
Section 9.1.3.	Applicability.
Section 9.1.4.	Interpretations.
Section 9.1.5.	Parking in the CBD Zoning District.

#### **Section 9.1.1. Findings.**

- (a) *Generally.* Environmental damage can be prevented through good design of parking lots. Possible negative effects of parking and loading areas include creation of heat islands and changes to microclimate, isolation of pedestrians, increased stormwater runoff, and reduced stormwater infiltration into the ground.
- (b) *Heat islands.* Large parking lots can create heat islands where pavement absorbs solar radiation during the day and remains warm well into the night. When heat islands exist, cooling costs are higher than normal.
- (c) *Lack of safe pedestrian mobility.* Large areas of paving are necessary to accommodate automobiles, but they can be unfriendly to pedestrians without specific regulations requiring that designers accommodate pedestrians. Large, open parking areas are conducive to high speeds and random maneuvers which can endanger pedestrians. Wide driveway aisles and access roads also increase speeds and discourage pedestrian travel. Street and parking lot design should include a more balanced approach that includes pedestrians.
- (d) *Stormwater management.* Parking lots can be seas of asphalt contributing to the degradation of local water quality. Parking lots can be more compatible environmentally if environmental protection measures are incorporated into design standards and regulations.
- (e) *Overbuilding of parking lots.* Past off-street parking requirements have called for huge, expanses of parking around shopping centers and malls, some or much of which remains unused for most of the year. Certain parking areas are used only a few days of the year, yet the impacts of excess pavement continue every day, regardless of whether the parking is used or not. Reducing parking areas reduces development costs.

### **Section 9.1.2. Purpose and Intent.**

The multiple purposes of this article are summarized as follows:

- (a) Establish requirements for multi-modal access to development sites, including vehicular, truck service, and pedestrian, as appropriate;
- (b) Establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access;
- (c) Establish minimum off-street parking and loading areas in proportion to the need created by each use;
- (d) Reduce congestion in the streets and ensure that uses and functions of public rights-of-ways are not interrupted;
- (e) Establish certain minimum requirements for parking spaces, adequate to serve the use for which they are created, without fostering the expansion of excess impermeable surfaces;
- (f) Promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, and smaller spaces for compact cars;
- (g) Establish design and improvement specifications for the development of parking lots, loading areas, access aisles, and connections of parking lots to public streets;
- (h) Ensure that parking areas will be compatible with abutting residential zoning districts.

### **Section 9.1.3. Applicability.**

Except as otherwise specifically provided in this ordinance, this article shall apply to any new building constructed; to new uses or conversions of existing buildings; and for enlargements of existing structures. This article shall not be construed so as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, all the requirements found in this article must be met or a variance obtained.

### **Section 9.1.4. Interpretations.**

- (a) *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- (b) *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the zoning administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. At the discretion of a development applicant, a parking generation study prepared by a qualified professional may be submitted to aid the zoning administrator in making such a determination; if submitted, it shall be considered by the zoning administrator prior to making a determination.
- (c) *Computations for multiple floor uses within a building.* In cases where a building contains some combination of office space, retail or wholesale sales area, and/or bulk storage area, the zoning administrator may authorize that the building space be divided in to such floor space use areas and combined computations of floor areas

(e.g., warehousing, retail, and/or office) in meeting the off-street parking or loading space requirements of this article.

**Section 9.1.5. Parking in the CBD Zoning District.**

The minimum on-site, off-street parking requirements for uses in the CBD zoning district shall be one-half of the minimum number of off-site parking spaces required for the specified use as indicated in Chapter 9.3 of this article. The off-street parking requirement can also be met by complying with Section 9.3.2 and 9.4.1 of this article relative to off-street, off-site parking at nearby locations.

New residential units in the CBD zoning district shall be provided with at least one on-site parking space per unit. The off-street parking requirement can also be met by complying with Section 9.3.2 and 9.4.1 of this article relative to off-street, off-site parking at nearby locations. Residents of units in the CBD shall not be authorized to park vehicles in the public right-of-way, whether on a public street, in a designated on-street parking space, or in an alley during the hours of 8:30 a.m. and 6:00 p.m. Monday through Saturday.

Residents of dwelling units in the CBD zoning district that desire to avail themselves of on-street parking in the CBD zoning district during the hours of 6:00 p.m. to 8:30 a.m., Monday through Saturday of each week and from 6:00 p.m. Saturday until 8:30 a.m. Monday may do so applying for and purchasing an on-street parking permit and numbered decal from the City of Bainbridge. Only one on-street parking permit shall be issued by the city for any individual unit. Permits shall not be transferable to occupants of another unit.

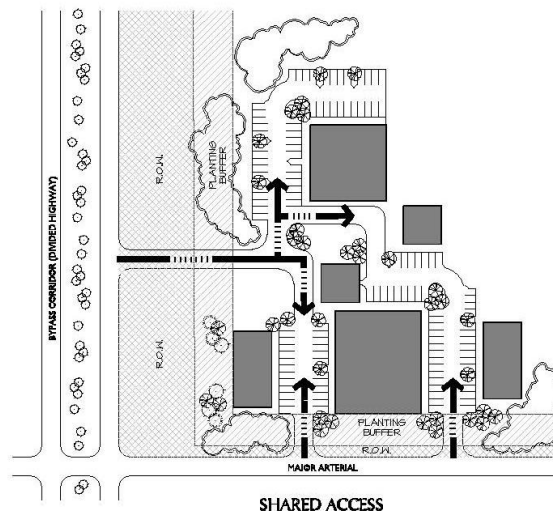
Where there is a change in use of a building to a retail or office use in the CBD zoning district and such building covers more 50 percent of the lot, the zoning administrator may issue an exemption from all or part of the required off-street parking, provided that it can be demonstrated that the property and building cannot reasonably meet the on-site parking requirements of this section. In other cases where the requirements of this section cannot be met or pose unreasonable hardship or practical difficulty, an application to vary the provisions of this section may be filed with the board of zoning appeals.

## CHAPTER 9.2 ACCESS AND CIRCULATION

Section 9.2.1.	Principal Access.
Section 9.2.2.	Inter-parcel Access.
Section 9.2.3.	Service Functions.
Section 9.2.4.	Driveway Permit Required.
Section 9.2.5.	Driveway and Curb Cut Specifications.
Section 9.2.6.	Minimum Driveway Throat Lengths.
Section 9.2.7.	On-Site Access Requirements.
Section 9.2.8.	Pedestrian Facilities.
Section 9.2.9.	General Circulation.
Section 9.2.10.	Vehicular Circulation.

### **Section 9.2.1. Principal Access.**

The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans. Shared driveways between two parcels along the common property line may be required by the Zoning Administrator. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles across the site.



### **Section 9.2.2. Inter-parcel Access.**

When abutting properties do not provide interconnecting access to one another, it is difficult and dangerous, if not impossible, for motorists to travel between those properties. This section shall apply to all new office, commercial, and institutional developments and major building renovations and repaving projects of office, commercial, and institutional developments. Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between adjacent and nearby developments as an alternative to forcing all movement onto abutting highways and public roads, unless the zoning administrator determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among two or more existing or proposed uses on abutting or nearby sites. Where opportunities for shared access have been identified by the zoning

administrator, developments must provide shared access with adjoining properties to facilitate inter-parcel connections. The property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site as approved by the zoning administrator.

The location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access may be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of an inter-parcel connection, the zoning administrator will determine the location of the inter-parcel connection to be constructed by property owners.

### **Section 9.2.3. Service Functions.**

Service functions (e.g., deliveries, maintenance activities), when present or required as part of a development, shall be integrated into the circulation pattern in a manner which minimizes conflicts with vehicles and pedestrians. Office, institutional, and commercial developments on tracts of five acres or more shall have access to service and loading areas separated from main circulation and customer parking areas.

### **Section 9.2.4. Driveway Permit Required.**

This section shall apply to all development, including single-family detached dwellings. No driveway shall be connected to a public street or private street, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access without a driveway permit issued by the city engineer.

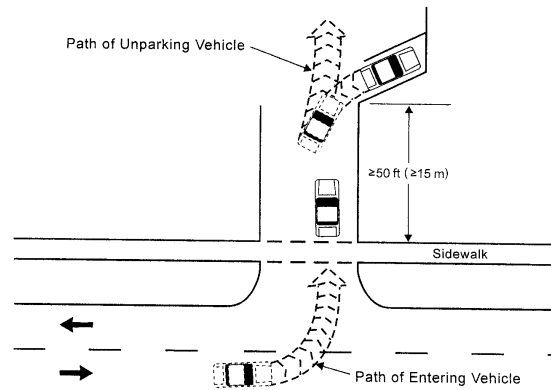
### **Section 9.2.5. Driveway and Curb Cut Specifications.**

Except for driveways serving individual single-family detached dwellings, no curb cut or access driveway shall be permitted to be located closer than sixty (60) feet to the nearest existing or proposed right-of-way of an intersecting roadway. Except for driveways serving individual residences or one-way traffic, curb cuts or access driveways shall be no narrower than twenty-four (24) feet in width. Strict adherence to these requirements may not be practical in all instances as determined by the city engineer. The city engineer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel when it is deemed to be of benefit to the safety and welfare of the public.

### **Section 9.2.6. Minimum Driveway Throat Lengths.**

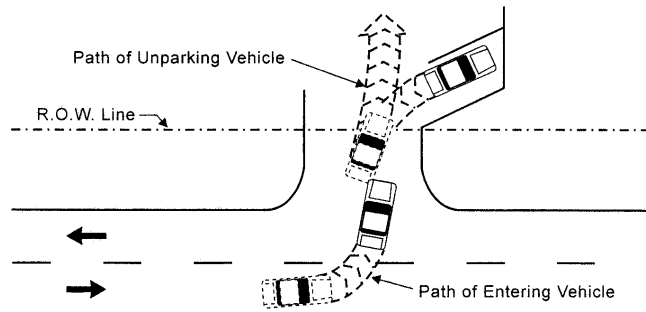
When located on a collector or arterial street and serving parking of five spaces or more and/or a loading area, the driveway entry "throat" shall provide at least fifty (50) feet of clear zone before a turning movement occurs, to provide sufficient queuing room for cars and/or delivery vehicles entering off the collector or arterial street.

#### **Minimum Throat Length Required**



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-22, p. 7-31.

#### **Inadequate Throat Length Prohibited**

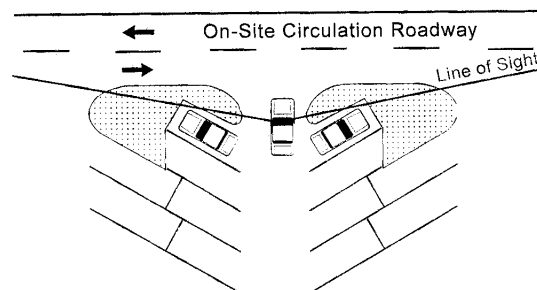


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-21, p. 7-30.

### **Section 9.2.7. On-Site Access Requirements.**

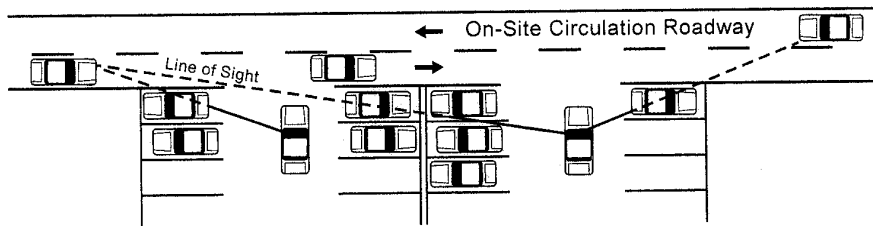
The intersection of parking aisles with a ring road or other on-site roadways or driveways shall provide adequate intersection sight distance. Landscaping at the end islands of parking aisles shall not encroach on sight distance as determined by the zoning administrator. Parking aisle end islands shall be curbed; painted end islands are ineffective and are generally not permitted.

#### **End Islands Preserve Sight Distance**



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-15, p. 8-25.

### Inadequate Sight Distance Due To No Parking Aisle End Islands

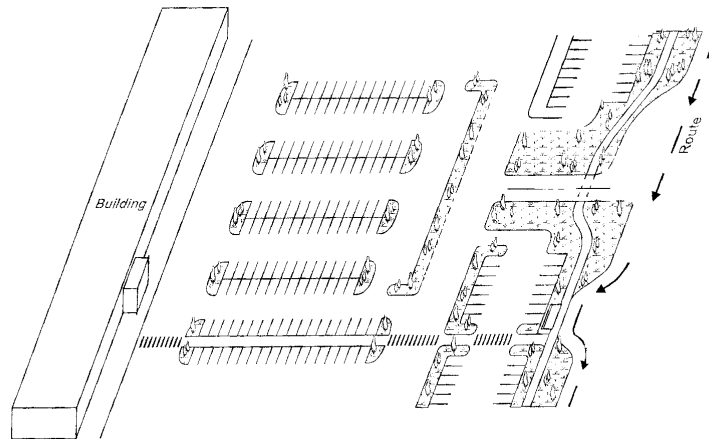


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-14, p. 8-24.

### Section 9.2.8. Pedestrian Facilities.

Internal to each building site, except for single-family developments and industrial establishments shall provide safe routes of pedestrian access between points of departure and destinations. All walkways internal to the site shall be a minimum of four (4) feet wide. Pedestrians shall have the right-of-way over automobile travel. The internal sidewalk system shall connect to the public sidewalk system along streets and highways, where it exists or is planned. The internal sidewalk system shall also connect to any sidewalk systems on abutting private properties or provide for such connections where required by the zoning administrator.

Except for detached, single-family dwellings and industrial establishments, pedestrian access must be provided to individual developments and each establishment within the development. Pedestrian ways shall be well defined, take as direct a path as possible, and they should be separated where practical from automobile access ways. Parking aisle dividers are appropriate locations for pedestrian access facilities.



### **Direct Pedestrian Travel from Street to Store Front**

Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-28, p. 8-35.

On any particular development site subject to this chapter, where pedestrian circulation crosses vehicular routes, there shall be provided a change in paving materials, textures or colors, or appropriate striping or demarcation, to emphasize the point of intersection between pedestrians and vehicles and improve its visibility and safety.

### Section 9.2.9. General Circulation.

- (a) All parking shall be provided with vehicular access to a street, or if approved by the zoning administrator, an alley. Loading areas shall be provided with access to a

- street or alley. Parking or loading areas shall not thereafter be encroached upon or altered without approval of the zoning administrator.
- (b) Except for single-family and duplex dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way.
  - (c) There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity. The city engineer may require that construction contractors make special provisions for maintaining safe passage along public sidewalks during construction.

**Section 9.2.10. Vehicular Circulation.**

Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas). Interior vehicular circulation shall be provided by: (1) visually orienting the driver with a regular, logical system of interior driveways and roadways; (2) identifying entrance drives with small entry signs; and (3) preventing vehicles from driving across or through designated parking areas by placing raised landscaped dividers or walkways between parking aisles.

## CHAPTER 9.3 OFF-STREET PARKING

Section 9.3.1.	Off-Street Parking Required.
Section 9.3.2.	Location of Off-Street Parking Areas.
Section 9.3.3.	Parking Plan Required.
Section 9.3.4.	Minimum Design and Improvement Requirements.
Section 9.3.5.	Minimum Number of Parking Spaces Required.
Section 9.3.6.	Number of Handicapped Parking Spaces Required.
Section 9.3.7.	Administrative Variances.
Section 9.3.8.	Parking Space and Isle Design Specifications.
Section 9.3.9.	Compact Parking Spaces.
Section 9.3.10.	Angled Parking.
Section 9.3.11.	Stacking Spaces for Drive-Through Facilities.

### **Section 9.3.1. Off-Street Parking Required.**

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all zoning districts, except as otherwise specifically exempted by this article. Required parking spaces shall be available for the temporary parking of passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

### **Section 9.3.2. Location of Off-Street Parking Areas.**

All parking spaces required by this article shall be provided on the same lot with the main building or use which it serves. Upon demonstration that the parking spaces required by this Article are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the zoning administrator may permit some or all of the required parking spaces to be provided on any lot, a substantial portion of which is within eight hundred (800) feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this article.

### **Section 9.3.3. Parking Plan Required.**

Before any building permit is issued, the parking lot layout and area must be found by the zoning administrator to be in compliance with all requirements of this article. The building inspector shall not allow occupancy or use of a building until advised by the zoning administrator that parking facilities meet the requirements of this article.

No permit shall be issued for any parking area, except those for detached, single-family residences, until the plans and specifications have been submitted for review by the zoning administrator. Such plans and specifications shall include the number of spaces provided and required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, and provisions for drainage.

**Section 9.3.4. Minimum Design and Improvement Requirements.**

Off-street parking lots with five or more space, regardless of use, shall meet the following requirements to the extent they apply:

- (a) *Circulation.* Dead-end parking areas shall be prohibited unless design conditions prevent a connected design, and they can only be used if 90 degree parking design is used.
- (b) *Aisle length restriction.* Parking aisle length shall not exceed 500 feet without a break for circulation.
- (c) *Grading, drainage and paving.* All parking lots shall be hard surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to remove surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain into or onto adjoining property.
- (d) *Pavement setback.* Parking lot pavements and curbs shall be setback a minimum of five (5) feet from side and rear property lines and, except in the CBD zoning district, ten feet (10) feet from front property lines. Where curbing is not provided, bumpers or barriers shall be provided to prevent vehicles for encroaching into the setback.
- (e) *Illumination.* Lighting for parking lots shall be deflected away from abutting residential areas and shall be installed in such a manner. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface. Light poles should be located in landscaped planter strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.
- (f) *Landscaping.* All land between parking lots and adjoining properties, adjacent streets and sidewalks, shall be landscaped to conform to the surrounding neighborhood. Furthermore, off-street parking facilities of ten (10) cars or more shall also provide a space of 120 square feet per each ten (10) cars and each fraction thereof, to be planted with at least one (1) tree with a minimum diameter (measured at the location of its greatest width) of three (3) inches, and grass and/or ground cover. The exact location within the parking lot is optional with each design. But the 120 square feet reserved for each tree planting must be designed as a tree island within the parking lot rather than a dedicated area inside a required yard or buffer strip.
- (g) *Screening of parking lots adjoining residential.* Whenever a parking area subject to the requirements of this section abuts a residential zoning district, residential use, or a street or alley which serves properties zoned residential, screening in the form of a protective wall or landscaping shall be established and maintained between the property line and the area to be used or used for parking.

**Section 9.3.5. Minimum Onsite Parking Spaces.**

Unless specifically provided otherwise in this article, on each lot where a building, structure, or use exists, each site shall be designed to provide the minimum required parking spaces as specified in this ordinance.

No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces or altered in design or function to less than the minimum standards, unless specifically provided for in this article.

**TABLE 9.1  
 MINIMUM NUMBER OF  
 OFF-STREET PARKING SPACES REQUIRED**

Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
Animal hospital; kennel	One per 400 square feet
Appliance sales and repair	One per 500 square feet
Art gallery	One per 400 square feet
Automated teller machine, no drive-through	Two per machine
Auto parts store	One per 500 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office
Automobile service and repair	One per 250 square feet
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through facilities)
Barber shop or beauty parlor	One per 300 square feet
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Carpet or floor covering store	One per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
Car wash, staffed or automated	Two stacking spaces for each car wash lane plus two drying spaces per lane
Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage
Convenience store	One per 200 square feet
Dance hall	One per 125 square feet
Day care center	One per 500 square feet
Funeral home or mortuary	One per four seats in largest chapel

<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
Furniture and home furnishing store	One per 600 square feet
Grocery store	One per 300 square feet
Hardware store	One per 400 square feet
Health or fitness club	One per 200 square feet
Hotel, extended stay	1.5 per unit lodging unit
Hotel or motel	One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	One for each three washer/dryer combinations
Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales or display area
Office	One per 300 square feet
Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales
Personal service establishment	One per 250 square feet
Photofinishing laboratory	One per 250 square feet
Photographic studio	One per 300 square feet
Restaurant, bar, or tavern	One per 125 square feet
Retail store	One per 275 square feet
Self storage facility (mini-warehouse)	One per 40 storage units
Service station	One per 250 square feet of office space plus two per service bay
Shopping center	One per 275 square feet
Manufacturing, processing, assembling	One per 1,300 square feet
Warehouse	One per 2,000 square feet
Wholesale	One per 1,000 square feet
Assembly hall; auditorium; nonprofit club or lodge	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating.
<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating
Government office	One per 300 square feet
Hospital	1.5 per bed

Library	One per 400 square feet
Museum	One per 500 square feet
Nursing home	One per four beds
Post office	One per 200 square feet
School	One per 300 square feet
School for the arts	One per 300 square feet
School, trade or business	One per 200 square feet
Apartment, one bedroom	1.5 per unit plus 0.1 per unit for guest space
Apartment, two bedroom	1.5 per unit plus 0.1 per unit for guest space
Apartment, three bedroom	2 per unit plus 0.2 per unit for guest space
Home Occupation	(see provisions for home occupations)
Residence within building containing a non-residential use	One per unit
Single family detached or attached	Two per unit
Two family dwelling	Two per unit
Athletic field	20 spaces per field
Billiard hall/amusement arcade	One per 200 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)
Community center	One per 300 square feet
Golf course	2.5 per hole
Golf driving range, principal use	0.75 per tee
Ice or roller skating rink	One per 200 square feet
Miniature golf	Two per hole
Stadium or sport arena	One per twelve feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area
<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
Swimming pool – public	One per 125 square feet of surface water area
Tennis or racquet ball court	Two per court
Theater, cinema	One per four fixed seats

Retail facilities with over 250 parking stalls shall require a minimum of one standard size stall clearly marked in yellow on pavement “EMERGENCY PARKING ONLY.” The location of the parking stall shall be as close as possible to major building entries.

**Section 9.3.6. Number of Handicapped Parking Spaces Required.**

Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute. The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 9.2. Said spaces shall count toward the requirements for off-street parking as specified in Table 9.1. In addition, handicapped van spaces are required at a rate of one van space for each eight (8) handicapped spaces required, with a minimum of one.

**TABLE 9.2  
 HANDICAPPED PARKING REQUIREMENTS**

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

- (a) *Locations.* Accessible 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, or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- (b) *Dimensions.* Accessible parking spaces shall be at least nine (9) feet wide with a minimum five (5) foot-wide access aisle. For van spaces, the width of the parking space shall be at least eleven (11) feet wide with a minimum five (5) foot wide access aisle. Parking access aisles shall be part of an accessible route to the building or facility entrance; two accessible parking spaces may share a common access aisle.
- (c) *Signs.* Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.222, p. 679. New York: McGraw-

Hill.

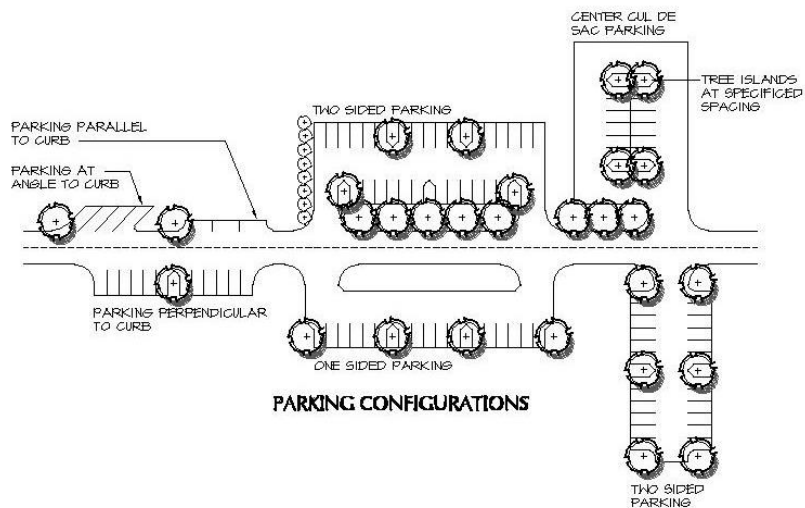
**Section 9.3.7. Administrative Variances.**

The zoning administrator may allow parking at a rate of up to 20 percent (20%) below the minimum number of required parking spaces, on a case-by-case basis based upon the scale and impacts of the request, for good cause shown. The applicant shall make said request in writing which may be required to include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a qualified professional that documents parking requirements.

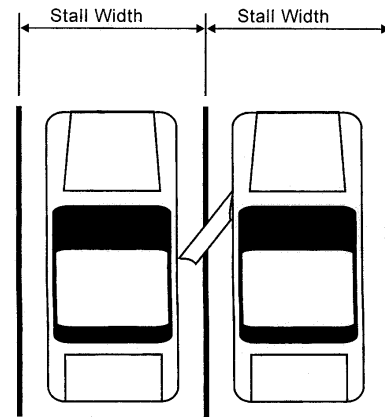
In approving administrative variances to the parking requirements in Table 9.1, the zoning administrator may as a condition of approval, if applicable, require an area to be reserved or set-aside for additional parking area for future use if needed.

**Section 9.3.8. Parking Space and Aisle Design Specifications.**

Designers are permitted flexibility with regard to parking lot designs, subject to the requirements of this section and other applicable provisions of this article.



- (a) *Parking space width.* When fewer than 75 parking spaces are proposed or provided, off-street parking spaces shall be a minimum of nine (9) feet in width and twenty (20) feet in length, with wider (10 foot) spaces encouraged in high-turnover areas. When 75 or more parking spaces are proposed or provided, off-street parking spaces shall meet the widths specified in Table 9.3.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-13, p. 9-24.

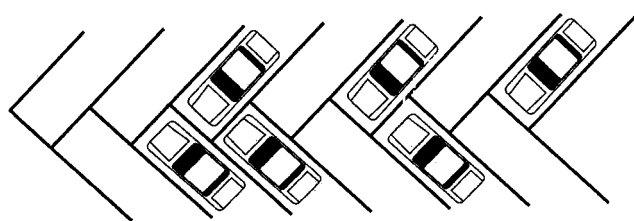
**TABLE 9.3  
 REQUIRED PARKING STALL WIDTHS**

Type of Parking Area	Width in Feet Standard Midsize	Width in Feet Compact (Where Permitted)
Prime customer	9.0	8.0
Overflow customer	8.5	7.5
Employee	8.0	7.0

- (b) *Parking space length.* Parking space length shall be twenty (20) feet, except where compact parking is authorized by the zoning administrator, in which case parking space lengths can be reduced to sixteen (16) feet.

- (c) *Interlocking design.* An interlocking or “herringbone” parking design is not permitted, as it exposes the side of one vehicle to the front of another, which can result in substantial damage if the vehicle rolls forward (see figure).

**Interlocking Parking Space Design Prohibited**



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-6, p. 9-15.

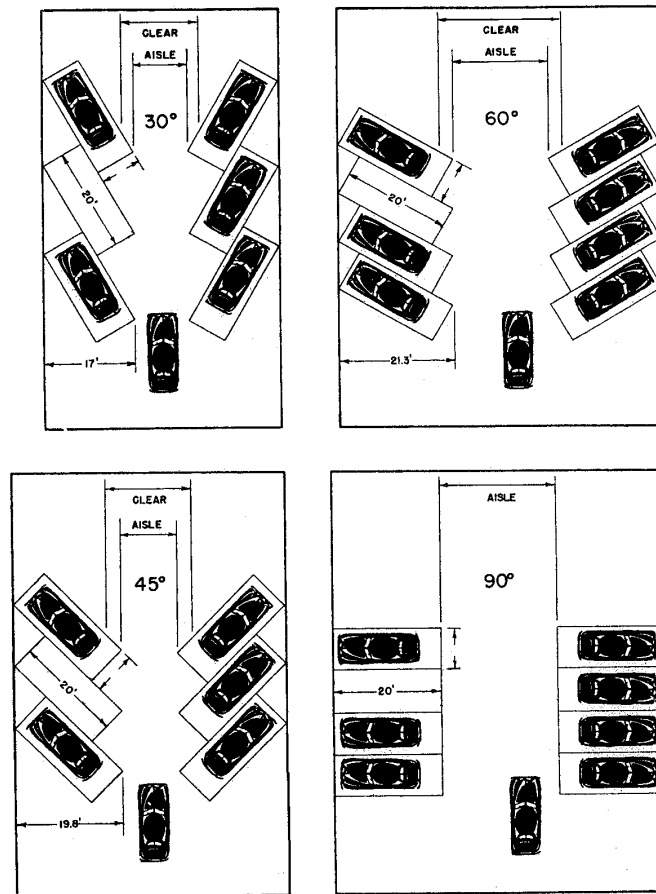
- (d) *Aisle widths.* Parking driveway maneuvering aisle width requirements vary according to the width and length of parking spaces and the angle of parking. For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90) degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty-two (62) feet (i.e., curb to curb) for nine (9) foot-wide spaces and sixty (60) feet (i.e., curb to curb) for ten (10) foot-wide spaces.

**Section 9.3.9. Compact Parking Spaces.**

Compact parking spaces may be used in parking areas when more than twenty (20) parking spaces are required, provided that the areas for compact parking are clearly marked and not more than twenty (20) percent of the number of parking spaces provided in the entire parking area is designated compact auto parking. In parking lots of 75 or more spaces, employee and overflow customer parking may be designed with compact parking spaces at a rate of fifty (50) percent of the number of parking spaces provided in the portion of the parking lot devoted to such parking areas.

**Section 9.3.10. Angled Parking.**

The zoning administrator may authorize parking lot designs that utilize 75, 60, and 45 degree-angled parking spaces with one-way or two-way aisles. If such angled parking is used, parking lots shall comply with acceptable parking dimensional standards for aisle widths as specified by the Institute of Transportation Engineers or other reputable source approved by the zoning administrator.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.205, p. 663. New York: McGraw-Hill.

**Section 9.3.11. Stacking Spaces for Drive-Through Facilities.**

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with this section. Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first encountered by the vehicle user. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through photo finishing booths, drive-through coffee sales facilities, and any other uses with drive-through facilities shall provide at least three (3) stacking spaces for each

window or drive-through service facility. Restaurants with drive-through facilities shall at least provide five (5) stacking spaces for each window or drive-through service facility, free and clear of access easements if any and drives required for on-site circulation.

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 by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
- (c) All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.

## CHAPTER 9.4 OFF-STREET PARKING REDUCTION

- Section 9.4.1. Reduction for Off-Site Arrangements.  
Section 9.4.2. Reduction for Mixed or Joint Use of Parking Spaces.  
Section 9.4.3. Reduction for On-Street Parking.

### **Section 9.4.1. Reduction for Off-Site Arrangements.**

Off-site parking may be used in combination to meet minimum parking space requirements; a reduction of required off-street parking spaces on a given site may be permitted by the zoning administrator in cases where additional off-street, off-site, parking area in sufficient quantity and availability in conformity with this article compensates for the reduction, subject to the following:

- (a) The property is under one ownership, or a valid agreement exists between the two property owners for use of the parking area.
- (b) Off-site parking shall not exceed fifty (50) percent of the required parking for a building or buildings, except in the CBD zoning district, where 100 percent is permitted.
- (c) Off-site parking shall be located within eight hundred (800) feet of the building or buildings in which it is leased to serve, or 1500 feet in the CBD zoning district.
- (d) Lease agreements, as applicable, must be of sufficient duration to serve the use or uses proposed to be partially served by the off-site leased parking.
- (e) Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

### **Section 9.4.2. Reduction for Mixed or Joint Use of Parking Spaces.**

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The zoning administrator may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

### **Section 9.4.3. Reduction for On-Street Parking**

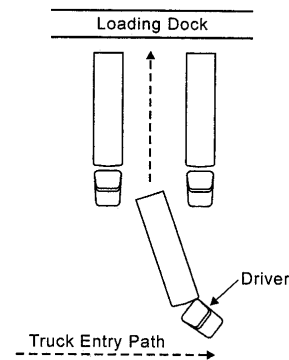
The zoning administrator may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by on-street parking approved by the city engineer. The applicability of this section is limited in the CBD zoning district by Section 9.1.5 of this zoning ordinance.

## CHAPTER 9.5 OFF-STREET LOADING

- Section 9.5.1. Off-Street Loading Required.
- Section 9.5.2. Loading Area Specifications.
- Section 9.5.3. Loading Area Locations.
- Section 9.5.4. Minimum Number of Off-Street Loading Spaces Required.

### **Section 9.5.1. Off-Street Loading Required.**

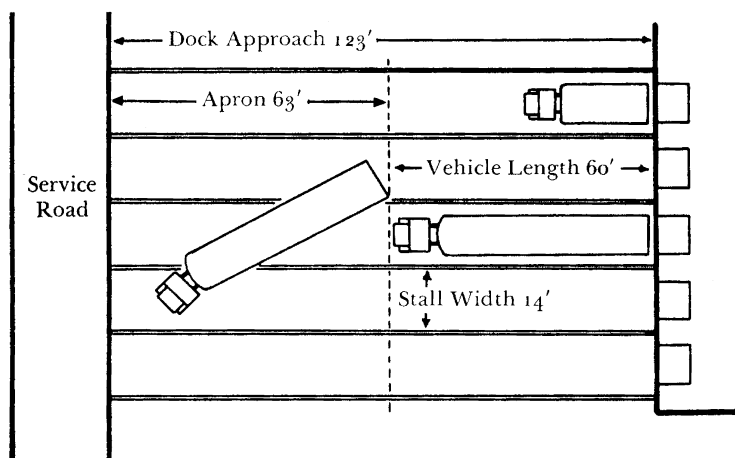
On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of streets, alleys, and private or public parking areas.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2<sup>nd</sup> Ed.). Washington, DC: Institute of Transportation Engineers. Figure 10-5, p. 10-9.

### **Section 9.5.2. Loading Area Specifications.**

Unless otherwise approved by the zoning administrator, loading spaces shall be a minimum of fourteen (14) feet wide, forty (40) feet long, with fourteen (14) feet of height clearance. When the development requires loading and unloading by full-size tractor-trailers, loading spaces shall be sixty (60) feet long with a sixty-three (63) foot apron, for a total approach zone of 123 feet.



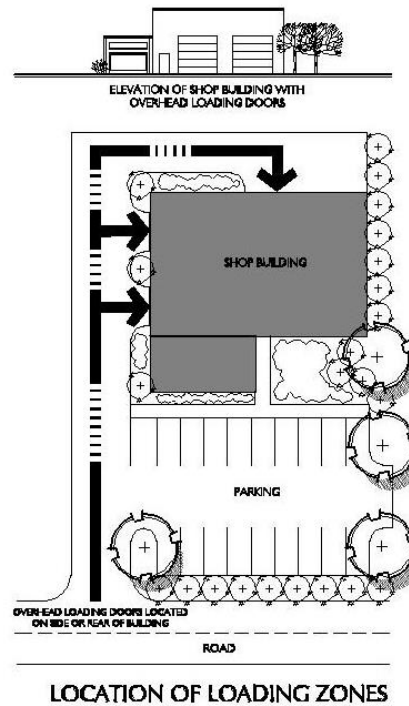
Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.188, p. 652. New York: McGraw-Hill.

**Section 9.5.3. Loading Area Locations.**

Loading areas shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building. Loading areas shall not be permitted within front yards.

**Section 9.5.4. Minimum Number of Off-Street Loading Spaces Required.**

One off-street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet for retail or other non-industrial use.



**ARTICLE 10  
RESERVED**

**ARTICLE 11  
RESERVED**

**ARTICLE 12  
RESERVED**

## ARTICLE 13 SIGN REGULATIONS

### CHAPTER 13.1. PURPOSE AND APPLICABILITY.

All signs in the City of Bainbridge that fall within the scope of Article 13 of the city's zoning ordinance shall be erected, constructed, or maintained in accordance with the provision of the chapters below and applicable chapters of the Bainbridge Building Code and only those signs that are permitted by these regulations shall be erected within the city.

### CHAPTER 13.2. SCOPE.

Article 13 regulates all signs in the City of Bainbridge visible from the public highway right-of-way, public facilities, and navigable waterways. The City of Bainbridge has a tradition and reputation as a scenic and historic area with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the daily visual quality of residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore Article 13 sets standards for the following purposes:

1. Maintain and enhance the visual quality (aesthetics) of the community;
2. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;
3. Protect and enhance economic viability by assuring that Bainbridge will be a visually pleasant place to live or visit;
4. Protect property values and private/public investments in property;
5. Protect views of the natural landscape and sky and promote the use of natural materials;
6. Avoid personal injury and property damage from structurally unsafe signs;  
and

### CHAPTER 13.3. DEFINITIONS.

1. **Abandoned Sign:**

- a. Any sign not well maintained for a consecutive 120-day period;
- b. Any sign the owner of which cannot be located at Owner's last address as reflected on the records kept by the Zoning Administrator's; or
- c. Any sign no longer fully supported, by the structure designed to support the sign.

2. **A-Framed Sign:** A double-faced, temporary sign, constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

3. **Awning Sign:** An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached or painted and made an integral part of an awning.

4. **Banner:** A temporary sign, requiring a permit, consisting of durable and flexible material such as but not limited to coated, corrugated or non-corrugated paper, cardboard, vinyl, plastic, canvas, or fabric of any kind, intended to be hung rigidly, either with or without a frame, attached to one or more poles, or mounted as a temporary sign device, with or without characters, letters, illustrations, or ornamentations. Temporary signs will be permitted for sixty (60) days from the time a permit is issued for non-residential zoning districts. For banners in residential zoning districts see Section 13.5(1)(b)(iv).

5. **Billboard:** A billboard is a free-standing sign wholly independent of a building or other similar structure for support that stands upon a permanent structure intended solely to support such sign with a sign area per side of more than 50 square feet and a height more than ten feet. Only one billboard may be permitted on a parcel which must be zoned (LI) light industrial or (HI) heavy industrial and shall meet the following requirements.

- (a) Billboards will be considered accessory structures and are subject to the property line and right-of-way setbacks for accessory

- structures of the zoning district. No billboard can be erected within 100 feet of the primary building on a parcel or any other existing accessory structure.
- (b) Billboards may not be located within 500 feet of any residential or institutional zoning district.
  - (c) The property owner must give written permission for any billboard erected on the owner's property.
  - (d) No portion of a billboard erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
  - (e) The sign area of a billboard shall not exceed 240 square feet per side.
  - (f) No billboard sign shall exceed 40 feet in height.
  - (g) No billboard shall be erected within 1,500 feet of another billboard, existing roof sign, or wall sign visible from the limited access portions of State Route 1 and State Route 38 in the city. This distance shall be measured by the shortest distance from the base of the permanent billboard structure at the ground level located nearest any such existing roof or wall sign.
  - (h) Multiple-message billboards constructed shall be located at least 5,000 feet from existing billboards using a multiple-message sign face (measured from the base of the billboards) along the street frontage to the base of the nearest existing billboard using a multiple-message sign face on the same side of the street, and 3,000 feet from any existing billboard using a multiple-message sign face measured along the shortest distance from sign structure to sign structure at ground level.
6. **Blade Sign:** A small, hanging sign designed to hang perpendicular to a principal building in the Central Business District and maintain the historic integrity of such structure. Maximum size is (6) square feet.
7. **Direction Sign:** A sign on private property that gives directions only such as entrance, exist, or street number signs and the like.
8. **Free Standing Sign:** For the purposes of this Article, "free standing sign" shall mean any sign that is wholly independent of a building for support.
9. **Government Sign:** A sign posted, or required to be posted, by this municipality, another governmental agency, the State of Georgia, or the federal government.
10. **Monument Sign:** A free standing, ground level sign, eight (8) feet in height or less, securely affixed to a substantial support structure which is permanently secured in the ground.

11. **Mural.** An artistic painting that reflects a period of historical relevance, painted directly onto the fascia surface of a building
12. **Non-Profit Sign:** A sign, erected on a temporary basis by a community, not-for-profit organization, containing any lawful message.
13. **Non-Residential Zoning Districts:** For the purposes of this ordinance, non-residential zoning districts shall include the following: institutional districts, INS; office-professional districts, O-P; neighborhood business districts, NB; highway commercial districts, HC; the central business district, CBD; light industrial districts, LI; and heavy industrial districts, HI.
14. **Owner:** A person owning a sign.
15. **Parcel:** An individual lot of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
16. **Permit:** The authorization for a sign issued by the Zoning Administrator.
17. **Person:** Any individual or entity, including a firm, partnership, association, corporation, Limited Liability Company, trustee, and their legal successors.
18. **Pole Mounted Sign:** A free standing sign, fully supported by a pole, permanently secured in the ground.
19. **Portable Sign:** For the purposes of this ordinance, “portable signs” are defined as any temporary sign with a substantial base to prevent the sign from being blown from its location or easily moved.
20. **Principal Building:** A building in which is conducted the principal use of the lot on which it is located.
21. **Residential Neighborhood Sign:** A sign at the entrance of a residential neighborhood containing any lawful message.
22. **Residential Zoning Districts:** For the purposes of this ordinance, residential zoning districts shall include the following: urban high-density residential districts, UR-12; manufactured home park districts, MHP; urban medium-density residential districts, UR-9; urban low-density residential districts, UR-6; suburban residential districts SR-3; and rural residential districts, RR-1.

23. **Roof Sign:** For the purposes of this ordinance, “roof sign” shall mean a sign erected, constructed, or maintained upon a roof.
24. **Sign:** A lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the term “sign” includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw attention of the observers.
25. **Sign Area:** The entire face of a sign including the area to which the sign’s message is attached and any framing, trim, or molding but not including the support structure for pole mounted, free standing signs. For purposes of this article the sign area for free standing, monument signs includes the support structure.
26. **Special Event Sign:** For the purposes of this ordinance, special event sign means a sign erected on a temporary basis through the duration of a special signage event.
27. **Sign Face:** The area or display surface used for a sign’s message.
28. **Temporary sign:** Any sign that by its design and construction is intended to be used for a limited period of time and is not permanently mounted or anchored. Such signs are constructed of materials and to a standard meant to last for less than one year. Includes signs put up during periods of rent, lease, sale or construction. Temporary signs will be permitted for sixty (60) days from the time a permit is issued for non-residential zoning districts.
29. **Uniform Finished Grade:** The finished elevation of the ground level after development.
30. **Wall Sign:** A sign attached to, painted upon, placed against, or supported by the exterior surface of any building.
31. **Well Maintained Sign:** For the purposes of this ordinance, well maintained sign means the following: any sign where the lettering is securely attached and aligned as originally designed; any sign whose painted surfaces have not been allowed to peel, flake, fade, or oxidize to

the extent that the sign no longer displays its original message; any sign that does not have similar conditions of disrepair or lacks maintenance as determined by the Zoning Administrator; and for lighted signs, any sign whose illumination devices are fully working as designed.

32. **Zoning Administrator:** The officially appointed administrator of the City of Bainbridge who is responsible for administering all elements of the city's zoning ordinance.

#### **CHAPTER 13.4. SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS**

1. **Signs in Non-Residential Zoning Districts: (Nothing in this ordinance shall conflict with O.C.G.A § 16-7-58)**

Signs in these zoning districts and areas are allowed subject to the following regulations:

- a. **Signs in Non-Residential Zoning Districts Requiring Sign Permits (Neighborhood Business District, NB; Highway Commercial District, HC; Central Business District CBD; Light-Industrial District, LI; and the Heavy Industrial District, HI):**
- i. **Wall Sign and Free Standing Sign:** One (1) wall sign is permitted for each principal building or establishment located in a NB, HC, CBD, LI, or HI zoning district. The maximum allowable square footage of wall signs shall not exceed 150% of the width of the finished portions of the principal building's or establishment's front.

*[To calculate the maximum allowable square footage of a wall sign, first measure the width of the front of the finished building or establishment (areas completely enclosed on all sides). Then multiply the figure by 1.5.]*

Wall signs shall be parallel to the front or side of the building, shall not extend over 18" from the face or side of the building, and shall not project above the roofline of the building. Alternatively, a wall sign may be painted and/or vinyl lettering (or similar adhesive lettering) applied on principal buildings or establishments provided the dimensional and sign placement standards are maintained. *A marquee sign may be used in place of a wall sign for buildings and establishments, such as theatres, for which they are "historically appropriate." An applicant proposing to erect a marquee sign is responsible for documenting its past*

*usage on the subject building, or its common usage on buildings of the same era, for an identical or similar use. Said documentation shall be provided to the city zoning administrator for review and approval and may be submitted to the Historic Preservation Commission (if in existence) for review. Marquee signs are limited to the Central Business District only.*

Where a principal building or establishment is located at the corner of an intersection/junction of two public road right-of-ways, one (1) additional wall sign of equal size shall be permitted on the side of the building facing the second public street. The length of the additional wall sign shall not exceed 80% of the length of the building's front, measured at the front building line.

Except as provided in these regulations, each principal building or establishment is allowed one (1) free standing sign (pole sign or monument sign) provided the front of the building is sufficiently set back from the front property line/road right-of-way line, and the sign is not attached to the building in any way. An additional free standing sign may be allowed on non-corner lots with at least 300 lineal feet of road frontage provided 100 feet can be maintained between the second sign and any other free standing sign on the property—excluding directional signs. The sign must maintain 50 lineal feet between it and the parcel's side property line.

Principal buildings or establishments at the intersection or junction of two public street right-of-ways are allowed two (2) free standing signs. These signs must be separated by a distance of 30 feet and located at least 30 feet from the *point* where the two (2) street right-of-ways intersect.

Pole mounted signs for parcels of three (3) acres or more may not exceed 250 square feet. Pole mounted signs for parcels of less than three (3) acres but one (1) acre or more in size shall not exceed 120 square feet. Pole mounted signs of less than one (1) acre shall not exceed 70 square feet. Monument signs shall not exceed 100 square feet including signage and structure.

Pole mounted signs and monument signs shall be mounted perpendicular to the fronting street (streets having right-of-

ways that abut the parcel of land where the sign is to be placed), with one exception. One (1) sign may be mounted diagonally, upon submission and approval of the installation, and used in place of two (2) separate free standing signs on corner lots. Free standing signs shall not be placed in locations that would cause any obstruction and/or interference with the vision or orderly movement of vehicular traffic.

Corner lots with at least 300 lineal feet of road frontage along a public street are allowed an additional free standing sign along said street. Two (2) signs total are allowed on the street with at least 300 lineal feet of road frontage for a total of three (3) signs. One hundred lineal feet must be maintained between the second sign and any other free standing sign on the property, excluding directional signs. The additional sign must maintain 50 lineal feet between it and the parcel's side property line. In no case shall more than two (2) free standing signs be placed along a single public street.

Pole mounted signs and monuments shall be *centered* at least ten (10) feet behind the property line with the edges of the sign being at least three (3) feet off the property line and all portions of the sign being fully contained within the property lines. Pole mounted signs shall not exceed a height of 30 feet. Monument signs shall not exceed a height of eight (8) feet. Free standing signs shall not be altered in any manner to allow additional height.

- ii. **Roof Signs:** A roof mounted principal use sign attached to and extending above the roof of a building or structure shall be permitted in lieu of a permitted wall or freestanding sign in the NB and H-C zoning districts provided such sign shall not extend more than six feet above the surface or peak of the roof. The maximum size area for a roof mounted sign shall not exceed the sign area for a permitted wall or freestanding sign.
  
- iii. **Special Event Signage:** Each principal building or establishment is allowed a maximum of three (3) special signage events per calendar year. Such special signage events may not exceed 30 consecutive days or exceed a total of 90 days in a calendar year. During these events,

special event signage including the following: banners; balloons; flags; pennants; streamers; windblown devices; vehicle mounted signs; and similar devices are allowed.

- iv. **Blade Sign:** Each principal building in the Central Business District is allowed one (1) blade sign, not to exceed a total of (6) square feet, provided that the combined total of all exterior signs does not exceed the allowed square footage (150% of the building's front). Blade signs shall be constructed and erected so that the lowest portion thereof shall not be lower than eight (8) feet above the level of the sidewalk or public thoroughfare. Such sign shall also be subject to approval by the Historic Preservation Commission in the form of a Certificate of Appropriateness.
  - v. **Murals:** Murals are allowed in the City as a conditional use in all commercial zoning districts requiring the approval of the Planning Commission and City Council. Before submitting an application for review, the site must be approved by the Zoning Administrator to ensure that it meets all other applicable requirements (i.e. Historic Preservation). The murals must be professionally painted with appropriate materials, reflect a period of historical relevance, and be adequately maintained to prevent deterioration.
- b. **Signs in Non-Residential Zoning Districts Requiring Sign Permits Continued (Office Professional, O-P and Institutional District, INS): Wall Sign or Free Standing Sign:**

Only one (1) external wall sign shall be permitted for each principal building, accessory building or establishment on a lot. Wall signs may not exceed 16 square feet in area and shall not project above the building roofline. Wall signs may not be painted on buildings or structures in these districts. Except as permissible by these regulations, only one (1) free standing pole or monument sign is allowed per lot. Said free standing sign shall not exceed eight (8) feet in height nor exceed 60 square feet in total size. Such signs shall not be altered in any manner to allow additional height. Lots with road frontage on two (2) parallel streets shall be allowed one (1) additional sign at the second frontage. Both signs may be mounted diagonally to allow visibility on all abutting streets. Free standing signs must be centered at least ten (10) feet from the property line on the fronting street. The sign must be fully contained within the subject property. The edge of the sign shall be

at least three (3) feet from the property line on the fronting street(s). Illumination of signs shall not be continued between the hours of 11 p.m. and dawn of the following day.

**c. Signs in Non-Residential Zoning Districts Requiring Sign Permits (All Non-Residential Zoning Districts)**

- i. **Portable Sign:** One (1) portable sign is allowed for each principal building or establishment for a period not to exceed 30 days total in a calendar year. A-frame signs, inflatable signs, and other signs with substantial bases, as determined by the Zoning Administrator, are considered portable signs. *Inflatable signs designed to move or gyrate in order to draw additional attention are prohibited.*
- ii. **Non-Profit Signs:** Signs erected on a temporary basis by a community, not-for-profit organization may be allowed for a period of 14 consecutive days and no more than 30 days in a calendar year. Such signs may contain any lawful message.

**d. Signs in Non-Residential Zoning Districts (Highway Commercial, HC; Light Industrial, LI, and Heavy Industrial, HI) abutting or visible from the Limited Access Portions of State Route 1/GA Hwy 27 or State Route 38/GA Hwy 84, Requiring Sign Permits:**

Signs in these zoning districts and areas are governed by the same regulations as those on parcels not abutting or visible from the limited access portions of State Route 1/U.S. Hwy 27 or State Route 38/ U.S. Hwy 84 with additional allowances:

**i. Roof Sign or Free Standing Sign**

**Roof Sign:** One (1) roof sign is allowed provided the building's rear wall and roof are substantially oriented (at least 75%) toward the limited access portions of the state routes/highways mentioned above. Roof signs are allowed a maximum area of 50% of the face of the building's rear wall and may not extend above the building's roofline. Roof Signage as contemplated by this section shall be in addition to any other permissible signage.

**OR**

**Free Standing Sign:** One (1) free standing sign is allowed at the rear property line of property abutting or visible from the limited access portions of the state route/highways mentioned above provided the rear property line is substantially oriented (at least 75%) toward said limited access routes and highways. These free standing signs must meet the same dimensional and setback requirements for free standing signs in nonresidential zoning districts.

ii. **Free Standing Signs—Additional Height and Additional Area Allowed:**

**Additional Height:** Permission may be granted to exceed the 30' maximum sign height for properties located within 1320' of the Limited Access Portions of State Route 1/U.S. Hwy 27 or State Route 38/U.S. Hwy 84 and zoned HC, LI or HI. For the purposes of this section distance shall be measured from the centerline of the limited access highway off-ramp. The allowance is limited to parcels larger than an acre. Such additional height allowances are granted at a rate of 3' for every tenth of an acre over an acre. In no case shall any sign exceed 60' in height. *Parcel size is rounded down to the nearest tenth of an acre in establishing the increased height allowance. For example: a 1.43 acre parcel could be allowed to exceed the 30' height maximum by 12 feet.*

**AND/OR**

**Additional Area:** Permission may be granted to exceed the maximum sign area for properties located within 1320' of the Limited Access Portions of State Route 1/U.S. Hwy 27 or State Route 38/U.S. Hwy 84 and zoned HC, LI or HI. For the purposes of this section distance shall be measured from the centerline of the limited access highway off-ramp. The allowance is limited to parcels greater than one (1) acre in size. Such additional area allowances are granted at a rate of seven (7) square feet for every tenth of an acre over an acre. In no case shall any sign exceed 250 square feet in area. *Parcel size is rounded down to the nearest tenth of an acre in establishing the increased area allowance. For example: a 1.43 acre parcel could be allowed to exceed the maximum sign area of 120 square feet by 28 square feet.*

On corner lots of less than one (1) acre, located within 1320' of the Limited Access Portions of State Route 1/U.S. Hwy 27 or State Route 38/U.S. Hwy 84 and zoned HC, LI or HI, which would be eligible for a second sign along the additional road frontage, permission can be granted to allow the installation of a single sign within the corner nearest the limited access portion of the highway/state route. The sign can exceed the maximum sign area of 70 square feet up to 180 total square feet. Furthermore, the sign can exceed the maximum 30' sign height up to a total sign height of 45 feet. *If this option is elected and permission is granted, no other pole signs may be erected on this lot.*

e. **Signs in Non-Residential Zoning Districts Not Requiring Sign Permits (With Restrictions):**

i. **Awning Signs: Central Business District (CBD).**

Awning signs are allowed provided that the sign message and/or structure is integrated into the awning material or is affixed flat to the surface of the awning and not allowed to extend horizontally. Awning signs shall be constructed and erected so that the lowest portion thereof shall not be closer than eight (8) feet above the level of the sidewalk or public thoroughfare. No awning shall be closer than 18 inches from the curb line. The maximum sign area of an awning shall be  $\frac{1}{2}$  the width of the awning with lettering no larger than 12 inches in height.

One (1) additional sign, no greater than 2.5 square feet, may be attached to the bottom of the awning provided that said sign hangs no lower than eight (8) feet above the ground at its lowest extremity. *Although no sign permit is required for such signage, review and approval of the Historic Preservation Commission may be required.*

ii. **Awning Signs: Planned Unit Development (PUD); Institutional District (INS); Office-Professional (O-P); Neighborhood Business (NB); Highway Commercial (HC); Light Industrial (LI); and Heavy Industrial (HI) Districts.** Awning signs are allowed in the zoning district mentioned above provided the sign message and/or structure is integrated into the awning material, or is affixed flat to the surface of the awning, and not allowed to extend horizontally beyond the awning.

One (1) additional sign no greater than two and one half (2.5) square feet may be attached to the bottom of the awning provided that said sign hangs no lower than nine (9) feet above the ground at its lowest extremity.

Awning signs shall not be included in the ten percent (10%) allowed for Wall Signs in Article 13, Chapter 13.4.1.a(i). The maximum sign area of an awning sign shall be ½ the width of the awning with lettering no larger than 12 inches in height. *No awning sign shall be permitted to extend over public property. Although no sign permit is required for such signage, if the sign is to be located on a historic structure, review and approval of the Historic Preservation Commission may be required.*

- iii. **Ongoing Development Signs:** Parcels undergoing development or new construction, or which are undergoing a renovation costing greater than ten (10) percent of the value of the structure upon the lot, may have additional signage totaling no more than 32 square feet total, which shall be removed within three (3) days of completion of the construction or renovation and in no case may be posted longer than six (6) months.
- iv. **Internal Lot Signs:** Internal Lot Signs do not require a permit provided only one such sign is allowed per legal driveway. Each sign may not exceed 1.5 square feet.
- v. **Flags:** Flags do not require a permit; however, no more than three (3) flags shall be flown simultaneously on any property. The maximum total square feet of said flag(s) shall be 180 square feet.
- vi. **Governmental Signs:** Governmental signs do not require a permit.
- vii. **Memorial Signs/Tablets:** Nothing in this ordinance shall prohibit the name, date of erection, and reference to prominent events or persons in the erection or history of a building from being inscribed, engraved or inlaid into the masonry of the buildings.
- viii. **Real Estate Sign:** At such times as a property is on the market for sale, rental or lease, an additional amount of

temporary signage may be erected on the premises thereof without requiring a permit. In the HC, CBD, O-P, INS, and NB Zoning Districts, the additional signage shall not exceed 32 square feet. In the LI or HI Zoning Districts, the additional signage shall not exceed 64 square feet. Such signs shall not be illuminated except for those in the LI or HI Zoning Districts.

- ix. **Signs Within Structures:** Signs located on the interior of any building, or within an enclosed lobby or court of any building, or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such buildings or establishments.

### **CHAPTER 13.5. SIGNS IN RESIDENTIAL ZONING DISTRICTS (Nothing in this ordinance shall conflict with O.C.G.A § 16-7-58)**

#### **1. Signs in Residential Zoning Districts:**

Signs are allowed in residential districts, on private residential property, subject to the following regulations:

- a. **Signs in Residential Zoning Districts Requiring Sign Permits (Urban High-Density Residential, UR-12; Manufactured Home Park, MHP; Urban Medium-Density Residential, UR-9; Urban Low-Density Residential, UR-6; Suburban Residential District, SR-3; and Rural Residential District, RR-1.**
  - i. **Residential Neighborhood Signs:** A residential neighborhood (single-family subdivision, multiple-family, attached housing development, etc.) is permitted to have one (1) residential neighborhood sign for each entrance street. Such signs shall not exceed 60 square feet. The height of the sign shall not exceed six (6) feet above the uniform finished grade. If gated, residential neighborhoods are allowed an additional wall or gate sign not to exceed 60 square feet at each entrance street. These signs must be parallel to the front of the wall or gate, extend no more than 18" from the wall or gate, and not project over the top of the structure.
  - ii. **Non-Residential Dwelling Use Signs:** A non-dwelling use in a residential area, such as a school, a religious facility, an institutional use, a lodge, etc., is permitted to have one wall

or free standing sign, not exceeding 60 square feet. Refer to Article 13, Chapter 13.4.1.a(i), for sign placement requirements.

**b. Signs in Residential Zoning Districts Not Requiring Permits (With Restrictions):**

- i. Small Signs:** Two (2) small sign per parcel, not illuminated, and not exceeding three (3) square feet in area are allowed without a permit. No small sign may exceed a height of 42" above ground level. Small signs may carry any lawful message.
- ii. Governmental Signs:** Governmental signs do not require a permit.
- iii. Flags:**Flags do not require a permit; however, no more than three (3) flags shall be displayed simultaneously on any property. The maximum total square feet of said flag(s) shall be 180 square feet.
- iv. Banners (residential zoning districts):** Banners used on private residential property, no more than seven (7) days in any calendar year, do not need a permit. Banners on these properties may not exceed ten (10) square feet in area.
- x. Ongoing Development Signs:** Parcels undergoing development or new construction, or which are undergoing a renovation costing greater than ten (10) percent of the value of the structure upon the lot, may have additional signage totaling no more than 32 square feet total, which shall be removed within three (3) days of completion of the construction or renovation and in no case may be posted longer than six (6) months.

**CHAPTER 13.6. SIGNS FOR MIXED USE DEVELOPMENT**

**1. Signs for Mixed Use Development Districts (Planned Unit Development Districts, PUD):**

Signs in mixed use development districts are allowed subject to the following regulations:

- a. Residential Signs in PUD Districts:** Signs proposed for residential areas of PUD districts shall conform substantially to the

regulations for such signs in non PUD districts. Proposed deviations from these standards shall be shown on a common signage plan and submitted as part of a PUD district's overall site plan. Additional unconventional signs may be added at a later date upon approval by the Mayor and City Council.

**b. Non-Residential Signs in PUD Districts:** Signs proposed for non-residential areas of PUD districts shall conform substantially to the regulations for such signs in non PUD districts. Such signs shall be shown and their location noted on a common signage plan. The plan shall be submitted as part of a PUD districts overall site plan. Alternatively, the maximum dimensions and locations of such signs shall be shown on the common signage plan and submitted as part of a PUD districts overall site plan. Signs added at a later date must be approved by the Mayor and City Council.

### CHAPTER 13.7. SIGN PERMIT REQUIREMENTS

1. **Permit.** Permits must be obtained from the Zoning Administrator for all signs not specifically excluded from this requirement under this ordinance.
2. **Application.** Application for sign permits shall be made upon a form provided by the Zoning Administrator. The application shall contain the following information:
  - a. Name, address, phone, and if available, fax and e-mail, of the person applying for the permit.
  - b. Name, address, phone, and if available, fax and e-mail, of the person who owns the parcel upon which the sign is proposed to be placed.
  - c. Location of the building, structure, and parcel on which the sign is to be attached or erected.
  - d. Position of the sign in relation to nearby buildings, structures, property lines, existing or proposed rights of way.
  - e. A copy of the plans and specifications. The method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications.
  - f. Copy of stress sheets and calculations, if deemed necessary by the Zoning Administrator, showing the structure as designed for dead load and wind pressure.



the building inspector, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with requirements of the building code.

- b. **Electrical Permit Required.** For any sign involving illumination, it shall be unlawful for any person to connect a sign to electrical power without first having obtained an electrical permit, if required by applicable city electrical code or other code effective within its jurisdiction. The applicant for an electrical permit shall submit application materials as specified by the building inspector.

#### CHAPTER 13.8. PROHIBITED SIGNS

1. **Prohibited Signs:** The following limitations, obligations, and prohibitions apply to all signs proposed for erection or erected within the city limits.
  - a. **Abandoned Signs.**
  - b. **Absence of Permit.** Any sign for which a permit has not been issued and which is not a permitted sign is prohibited.
  - c. **Destruction of Vegetation.** Cutting or killing vegetation on public rights-of-way or below the ordinary high water mark to enhance visibility of a sign is prohibited.
  - d. **Flashing Signs.**
  - e. **Internally Lit Light Background Sign.** Internally lit signs with a transparent background are prohibited.
  - f. **Natural Feature Signs.** Signs attached to, drawn to, or painted on trees, rocks, or other natural features are prohibited.
  - g. **Neon/Neon-Mimicking Signs.** Neon/Neon-Mimicking signs are prohibited in all zoning districts except the following: NB, Neighborhood Business; CBD, Central Business District (*with approval of the Historic Preservation Commission*); HC, Highway Commercial; LI, Light Industrial; and HI, Heavy Industrial.
  - h. **Public Property.** No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, public right-of-way (such as a street, sidewalk, or waterway), or a proposed public right-of-

way except as specified by this ordinance. Privately owned signs purchased to further a public purpose are exempt from these regulations with approval of the Zoning Administrator.

- i. **Revolving Signs.** Permanent revolving signs are prohibited.
- j. **Roof Signs and Projecting Signs.** Roof signs and projecting signs are prohibited except as specified in this ordinance.
- k. **Signs on Benches or Trash Cans.** Signs attached to, drawn to, or painted on benches and/or trash cans are prohibited.
- l. **Strobe, Laser, and Searchlight Signs.** Strobe, laser, and searchlight signs are prohibited.
- m. **Traffic Interference.** A sign (other than a traffic sign installed by a governmental entity) shall not simulate or imitate the size, lettering, or design of any traffic sign in such manner as to interfere, mislead, or confuse the public.
- n. **Visual Obstruction.** Signs shall not be placed so as to obstruct the visibility of pedestrians and motorists at intersections and driveways.

#### CHAPTER 13.9. NONCONFORMING SIGNS

- 1. **Replacement.** A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.
- 2. **Repairs and Maintenance.** No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this article. Minor repairs and maintenance of nonconforming signs shall be permitted.
- 3. **Duration and Continuance.** Signs which did not meet all requirements of this article when erected, or which do not meet provisions of this article at the time of its amendment, may stay in place until one of the following conditions occurs:
  - a. In the case of wall or free standing signs, the business, entity, or activity in which the sign is permitted in connection therewith ceases at that location;

- b. The deterioration of the sign or damage to the sign makes it a hazard;
- c. The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value, as determined by independent appraisal and accepted by the Zoning Administrator, are required to restore the sign.
- d. No conforming wall or free standing sign shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this article.

**ARTICLE 14  
ZONING AMENDMENTS, APPLICATIONS, AND PROCEDURES**

CHAPTER 14.1	TEXT AMENDMENTS
CHAPTER 14.2	REZONING, CONDITIONAL USE, AND CONCURRENT VARIANCE APPLICATIONS
CHAPTER 14.3	PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS
CHAPTER 14.4	DEVELOPMENT OF REGIONAL IMPACT

**CHAPTER 14.1  
TEXT AMENDMENTS**

Section 14.1.1.	Intent.
Section 14.1.2.	Authority to Amend.
Section 14.1.3.	Authority to Initiate Text Amendments.
Section 14.1.4.	Application.
Section 14.1.5.	Distribution of Application.
Section 14.1.6.	Notice of Public Hearing.
Section 14.1.7.	Planning Commission Public Hearing and Recommendation.
Section 14.1.8.	Action by Governing Body.
Section 14.1.9.	Withdrawal of Application.

**Section 14.1.1. Intent.**

This chapter describes the process of amending this zoning ordinance.

**Section 14.1.2. Authority to Amend.**

The governing body shall be authorized to amend any article, chapter, or section of this zoning ordinance, subject to compliance with the requirements of this article. No amendment to this zoning ordinance shall be considered valid until or unless it shall have been approved by the governing body.

**Section 14.1.3. Authority to Initiate Text Amendments.**

An application to amend the text of this zoning ordinance may be initiated by the governing body or the planning commission.

In addition, any person, firm, corporation, or agency may initiate by application to the zoning administrator a proposal to amend the text of this zoning ordinance, provided said individual, firm, corporation, or agency is the owner or owner's agent of property under the jurisdiction of this zoning ordinance and the amendment sought pertains in some way to said property within the jurisdiction, and provided further that the applicant has attended a pre-application meeting with the zoning administrator to discuss the amendment proposal prior to filing.

**Section 14.1.4. Application.**

Applications to amend the text of this zoning ordinance shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the zoning administrator. The zoning administrator shall waive the application fee required by this Section when an application is initiated by the governing body or the planning commission.

In cases where an applicant is proposing a text amendment to modify or create a new zoning district, and where the applicant also desires to rezone property to the new or modified zoning district, the two applications shall not be considered concurrently.

**Section 14.1.5. Distribution of Application.**

After acceptance of a complete application for a text amendment, the zoning administrator shall transmit a copy of the application or summary thereof to the planning commission and to the governing body.

**Section 14.1.6. Notice of Public Hearing.**

Upon receipt of a completed application for a text amendment or within a reasonable time thereafter, the zoning administrator shall prepare a notice of public hearing before the planning commission. At least 15 but not more than 45 days prior to the date of the public hearing before the planning commission, the zoning administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

The governing body shall also advertise and hold a public hearing on the proposed text amendment. This notice may be included in the same newspaper ad as the public hearing notice required for the planning commission.

**Section 14.1.7. Planning Commission Public Hearing and Recommendation.**

The planning commission will convene a public hearing on the text amendment as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the city as required by O.C.G.A. 36-66-4 (Chapter 14.3 of this zoning ordinance). The planning commission shall provide a recommendation on the application.

The planning commission's recommendation shall be submitted to the governing body and its recommendations and, if any, its report, shall be upon publication available upon request to the public. The planning commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The planning commission may submit any additional report it deems appropriate. The recommendations of the planning commission shall have an advisory effect only and shall not be binding on the governing body.

**Section 14.1.8. Action by Governing Body.**

The governing body shall hold a public hearing on the text amendment. In rendering a decision on any such text amendment, the governing body shall consider all information supplied by the zoning administrator and the planning commission, any information presented at the public

hearing of the planning commission and, information at its own public hearing. The governing body may approve or disapprove the proposed text amendment as written.

**Section 14.1.9. Withdrawal of Application.**

Any application for an amendment to the text of this zoning ordinance may be withdrawn at any time at the discretion of the person or entity initiating such a request, upon written notice to the zoning administrator, up until the public hearing by the planning commission is closed. The zoning administrator shall refund the unused portion of the application fee (if any) within thirty (30) calendar days of the date of withdrawal of the application.

**CHAPTER 14.2  
REZONING, CONDITIONAL USE, AND  
CONCURRENT VARIANCE APPLICATIONS**

Section 14.2.1.	Types of Applications.
Section 14.2.2.	Authority to Amend.
Section 14.2.3.	Initiation of Proposals for Map Amendments.
Section 14.2.4.	Certain Map Amendments Prohibited.
Section 14.2.5.	Application Compliance and Completeness.
Section 14.2.6.	Limitation on Applications Processed During One Cycle.
Section 14.2.7.	Application Requirements.
Section 14.2.8.	Plan Requirements.
Section 14.2.9.	Applicant Responsibilities.
Section 14.2.10.	Administrative Processing of Applications.
Section 14.2.11.	Investigations and Recommendation.
Section 14.2.12.	Planning Commission Public Hearing Notice.
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Section 14.2.14.	Planning Commission Hearing and Recommendation.
Section 14.2.15.	Governing Body Public Notice and Public Hearing.
Section 14.2.16.	Action by Governing Body.
Section 14.2.17.	Conditional Approval Permitted.
Section 14.2.18.	Withdrawal of Application.
Section 14.2.19.	Limitations on the Frequency of Filing Applications.
Section 14.2.20.	Site Plan Revisions.
Section 14.2.21.	Authority to Grant Concurrent Variances.
Section 14.2.22.	Regulations That Cannot Be Varied.
Section 14.2.23.	Application for Concurrent Variances.
Section 14.2.24.	Criteria to Consider for Concurrent Variances.
Section 14.2.25.	Incorporation Clause.

**Section 14.2.1. Types of Applications.**

The following types of applications are regulated by this chapter:

- (a) Amendments to the official zoning map (i.e., “rezonings” or “zoning map amendments”).
- (b) Applications for conditional use approval.
- (c) Applications for concurrent variances.

**Section 14.2.2. Authority to Amend.**

The governing body may from time to time amend the number, shape, boundary, or area of any zoning district as established in this zoning ordinance.

**Section 14.2.3. Initiation of Proposals for Map Amendments.**

An application to amend the official zoning map established by this zoning ordinance may be initiated by the governing body or the planning commission. The zoning administrator shall waive the application fee required by this chapter when an application is initiated by the governing body or the planning commission.

In addition, any person, firm, corporation or agency, may initiate by application to the zoning administrator a proposal to amend a zoning district, provided said individual, firm, corporation, or agency is the owner or owner's agent of property that is the subject of the proposed amendment.

**Section 14.2.4. Certain Map Amendments Prohibited.**

No amendment to the official zoning map shall be made, and no applications for such official zoning map amendments shall be accepted by the zoning administrator, involving a request to rezone property to a zoning district that is specifically prohibited (not established) in this ordinance.

**Section 14.2.5. Application Compliance and Completeness.**

No application described in this chapter shall be processed by the zoning administrator unless it complies with the procedural requirements of this chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this chapter.

**Section 14.2.6. Limitation on Applications Processed During One Cycle.**

There are practical limits as to how many applications a review body can thoroughly review, consider, and act upon during any single public meeting. It is the intent of this section to provide for a thorough examination of and adequate hearing time for each application filed pursuant to this chapter. Accordingly, this section provides for limitations on the number of applications that will be processed before a review body during any single public hearing.

The number of applications described in this chapter that are scheduled for consideration by the planning commission shall be limited to five (5) such applications at any single public hearing. For purposes of this limitation, one application may include one or more companion applications (i.e., an application for a zoning map amendment, conditional use, and/or concurrent variance pertaining to the same parcel of property shall be counted as one application).

Where in the opinion of the zoning administrator sufficient time will exist to adequately hear additional applications, the zoning administrator may decide to process a number of applications exceeding the maximum of five. Prior to exercising authority to exceed the number of applications to be heard at any given public hearing, the zoning administrator shall where possible consult with the chairperson of the planning commission as to the appropriateness of considering additional applications.

For purposes of this section, the zoning administrator shall consider applications on a first submitted and first complete, first processed basis. That is, applications shall be processed in the order in which they are received and determined complete, and any application determined

complete but which would exceed the maximum of five at any single public hearing shall be scheduled for the next available public hearing. In cases where a complete application cannot be processed and considered at the next available public hearing, due to the limit on applications specified by this section, the zoning administrator shall promptly inform the applicant of the schedule for considering said application.

#### **Section 14.2.7. Application Requirements.**

No application specified in this chapter shall be processed by the zoning administrator unless it meets the requirements of this section, including the specific requirements of Table 14.2.1. In cases where more than one application (rezoning, conditional use, concurrent variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the zoning administrator may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

#### **Section 14.2.8. Plan Requirements.**

Applications required by this chapter to include a site plan (see Table 14.2.1) shall at minimum include on the site plan information specified in Table 14.2.2. The zoning administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 14.2.2 are not essential to the review process. The zoning administrator may request information in addition to that specified in Table 14.2.2 when considered necessary for review of the application by the planning commission or zoning administrator.

#### **Section 14.2.9. Applicant Responsibilities.**

Applicants for zoning map amendments and conditional use requests must justify their requests. On the application form supplied by the zoning administrator, or on a separate written document, applications to amend the official zoning map, and applications for conditional uses shall provide a written analysis comparing the proposed use of the property or structure with the criteria in Table 14.2.3. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare. The applicant's responses to the criteria in Table 14.2.3 help establish this reasonable relationship. The applicant's responses to the criteria presented in the table, will assist the planning commission in making recommendations and the governing body in making the final zoning decision.

Each applicant for an amendment to the text of this ordinance, an amendment to the official zoning map, or an application for conditional use, and each person speaking at a public hearing on such a matter, except the governing body or planning commission, is responsible for complying with O.C.G.A. 36-67-1, "Conflict of Interest in Zoning Actions." The zoning administrator, planning commission, and governing body assume no further responsibility for enforcing state law or informing applicants or speakers of the need to comply with said state law; provided, however, that the zoning administrator may integrate notice of this state law requirement in various application forms and hearing procedural notices.

**TABLE 14.2.1  
 APPLICATION REQUIREMENTS**

<b>Application Requirement</b>	<b>Amendment to Official Zoning Map</b>	<b>Conditional Use</b>	<b>Concurrent Variance</b>
Application fee as established by resolution	Required	Required	Required
Application form furnished by the zoning administrator, including the applicant's signature and the property owner's signature	Required	Required	Required
Legal description of the property	Required	Required	Required
A survey plat of the property prepared by a registered land surveyor or, if the property is recorded on an existing plat in the land records of Decatur County, a copy of the correct county tax map found in the current tax mapping system of the county,	Required	Required	Required
Letter of intent describing the proposed use of the property and/or other action requested	Required	Required	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 14.2.8, "Plan Requirements")	Required	Required	Required
Description of efforts by the current owner(s) to use the property or sell the property as it is currently zoned	Required	Required	Required
Description of any special conditions voluntarily made a part of the request	Required	Required	Maybe
Other information required by the zoning administrator	Maybe	Maybe	Maybe

**TABLE 14.2.2  
 PLAN REQUIREMENTS**

<b>Site Plan Requirement</b>	<b>Amendment to Official Zoning Map</b>	<b>Conditional Use</b>	<b>Concurrent Variance</b>
Footprints of existing and proposed buildings and structures	Required	Required	Required
Dimensions and locations of parking areas including internal circulation and driveway approaches	Required	Required	Required
Tree protection survey (if applicable)	Maybe	Maybe	Maybe
Dimensions and general location of any landscaping and/or buffers (if applicable)	Required	Required	Required
Preliminary drainage plans (if applicable)	Required	Required	No
Method of water supply and sewage disposal if not available on-site (if applicable)	Required	Required	Required
Dimensional requirements by zoning district	Required	Required	Required
Specific use provisions (if applicable)	Required	Required	Required
General dimensional provisions (if applicable)	Required	Required	Required
General development requirements (if applicable)	Required	Required	Required
Application requirements (if applicable)	Required	Required	Required
Other information as required by the Zoning administrator	Maybe	Maybe	Maybe

**TABLE 14.2.3  
 ANALYSIS REQUIREMENTS**

<b>Criteria Required to be Analyzed by Applicant and Review Bodies</b>	<b>Application to Amend the Official Zoning Map</b>	<b>Application for Conditional Use</b>
1. Existing use(s) and zoning of subject property	Required	Required
2. Existing zoning of nearby property	Required	Required
3. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Required	Required
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element	Required	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required	Required
7. Length of time the property has been vacant or unused as currently zoned	Required	No
8. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required	Required
9. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification	Required	No
10. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts	Required	No

**Section 14.2.10. Administrative Processing of Applications.**

The zoning administrator is hereby authorized to establish administrative deadlines for the receipt of applications that require review in accordance with this chapter. Upon a finding by the zoning administrator that an application is complete and complies with the requirements of this chapter, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

**Section 14.2.11. Investigations and Recommendation.**

Within a reasonable period of time after acceptance of a complete application, the zoning administrator may send the application or notice thereof out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the review bodies for consideration and any such comments shall become public records.

With respect to each rezoning or conditional use application, and any concurrent variances filed, the zoning administrator may investigate and make a recommendation regarding any or all of the relevant matters enumerated in Table 14.2.3, or in the case of a concurrent variance those matters enumerated in Section 14.2.24, Criteria for Approval of Concurrent Variances. Any such investigation and recommendation shall if in writing be made available to the applicant and planning commission prior to the public hearing held by the planning commission and shall become public records.

Copies of the zoning administrator's findings and recommendations shall be available upon request to the public by the time of the planning commission's public hearing on the matter.

**Section 14.2.12. Planning Commission Public Hearing Notice.**

Upon receipt of a completed application for an application for map amendment, conditional use, and/or concurrent variance, or within a reasonable time thereafter, the zoning administrator shall prepare a public notice of public hearing before the planning commission. At least 15 but not more than 45 days prior to the date of the public hearing before the planning commission, the zoning administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the governing body or the planning commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the public hearing before the planning commission and which shall remain through the date of any public hearings advertised thereon.

**Section 14.2.13. Special Notice Requirements.**

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a zoning decision involves land that is adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed in the definition of an Air Installation Compatible Use Zone of a military airport, the zoning administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a proposed zoning map amendment or conditional use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the zoning administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

**Section 14.2.14. Planning Commission Hearing and Recommendation.**

The planning commission shall convene and hold a public hearing and provide a recommendation on all applications specified in this chapter. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the governing body as required by O.C.G.A. 36-66-4 (Chapter 14.3 of this zoning ordinance).

The planning commission shall make a recommendation after careful study of the application criteria specified in Table 14.2.3 as appropriate, and after review of any investigations and recommendations supplied by the zoning administrator. The planning commission's recommendations shall be submitted to the governing body and its recommendations and, if any, its report shall be available upon request to the interested members of the public at any meeting on the matter held by the governing body. The planning commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The planning commission may submit any additional report it deems appropriate. The recommendations of the Planning commission shall have an advisory effect only and shall not be binding on the governing body.

**Section 14.2.15. Governing Body Public Notice and Public Hearing.**

The governing body shall hold a public hearing on the proposed application. At least 15 but not more than 45 days prior to the date of the public hearing before the governing Body, the zoning administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of city a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing. This notice may be included in the same newspaper ad as the public hearing notice required for the planning commission.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the governing body or the planning commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the public hearing before the governing body and which shall remain through the

date of any public hearings advertised thereon.

**Section 14.2.16. Action by Governing Body.**

The Governing body shall hold a public hearing on all applications specified in this chapter. Within a period of sixty-five (65) calendar days from the date of the public hearing held by the governing body on any such application(s), the governing body shall render a decision on the application(s). In rendering a decision on any such application, the governing body shall consider all information supplied by the zoning administrator, the planning commission, and any information presented at its own public hearing or that of the planning commission. In addition, the governing body may but is not required to consider relevant application criteria specified in Table 14.2.3. If the governing body fails to render a decision within sixty-five (65) calendar days from the date of the public hearing held by said governing Body, the application shall be approved as conditioned by the planning commission, or in lieu of no conditions specified by the planning commission, as conditioned by the zoning administrator if any.

**Section 14.2.17. Conditional Approval Permitted.**

The governing body, planning commission, or zoning administrator may attach conditions to its approval or recommendation of any application regulated by this chapter. Unless otherwise specified, any site plan submitted as a part of the application shall be considered “binding” on the applicant and must be followed.

**Section 14.2.18. Withdrawal of Application.**

Any application regulated by this chapter may be withdrawn at the discretion of the person or agency initiating such a request, upon written notice to the zoning administrator, at any time prior to the closing of the public hearing before the governing body on the application. The zoning administrator shall refund the unused portion of the application fee (if any) within thirty (30) calendar days of the date of withdrawal of the application. Any application that is withdrawn by the applicant after a public hearing has been closed by the planning commission on the matter shall be withdrawn “with prejudice” and shall be subject to the limitations on the frequency of filing and consideration established in Section 14.2.19.

**Section 14.2.19. Limitations on the Frequency of Filing Applications.**

The same or any portion of property previously considered in a zoning map amendment or conditional use application which was denied by a governing body may not again be initiated by the property owner or the governing body until the expiration of at least six (6) months immediately following the final decision rendered on the application by the governing body.

**Section 14.2.20. Site Plan Revisions.**

For any application specified in this chapter which requires a site plan, the site plan that is the subject of such application may be revised and resubmitted by the applicant, but in no event shall a revised site plan resubmitted by an applicant be accepted or considered less than ten (10) calendar days prior to the public hearing by the governing body; provided, however; said governing body may direct an applicant to submit a revised site plan to the zoning administrator for its consideration, in which case, the revised site plan shall be submitted to the zoning administrator at least ten (10) calendar days prior to any final action being taken on the

proposed zoning amendment or conditional use by the governing body. At its discretion, the governing body may refer the site plan back to the planning commission for additional study and recommendation, subject to the time initiations established in this chapter.

**Section 14.2.21. Authority to Grant Concurrent Variances.**

The intent of this section is to permit the filing of an application for variance simultaneously with a rezoning or conditional use application, or both, and have both the concurrent variance and companion application(s) considered in the same cycle of review.

The governing body may consider and approve, approve with conditions, or deny an application, for one or more variances, when such application is made simultaneously (i.e., concurrent variance), with an application for a zoning map amendment or conditional use. In such cases, the planning commission shall provide a recommendation on the concurrent variance in addition to the companion application(s). The planning commission shall recommend and the governing body shall act on any concurrent variance in a separate motion after recommending or acting, respectively, on the other companion application(s).

Any application for a variance not filed simultaneously with another application for discretionary approval shall be processed and considered in accordance with the provisions of Article 15 of this zoning ordinance.

**Section 14.2.22. Regulations That Cannot Be Varied.**

Concurrent variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district pertaining to the subject property.

**Section 14.2.23. Application for Concurrent Variances.**

Any applicant requesting consideration of a concurrent variance to any provision of the zoning ordinance shall make application for said variance in accordance with the requirements of this chapter.

**Section 14.2.24. Criteria to Consider for Concurrent Variances.**

Any applicant requesting consideration of a concurrent variance to any provision of this zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The governing body shall not approve the concurrent variance application unless it shall have adopted findings that all of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this zoning ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district involved.

**Section 14.2.25. Incorporation Clause.**

This chapter is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 et. seq., which act is incorporated by reference in its entirety into this ordinance. Where any provision of this chapter is in conflict with any provision of the law, the law shall control. Or where this chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the law, such provision of the law, so as to meet the mandate of the law, shall be fully complied with.

**CHAPTER 14.3  
PROCEDURES FOR CALLING AND  
CONDUCTING PUBLIC HEARINGS**

Section 14.3.1.	Applicability.
Section 14.3.2.	Presiding Officer.
Section 14.3.3.	Opening of Public Hearing.
Section 14.3.4.	Report of Zoning Administrator.
Section 14.3.5.	Applicant.
Section 14.3.6.	Public.
Section 14.3.7.	Applicant's Rebuttal.
Section 14.3.8.	Close of Hearing.
Section 14.3.9.	Decision.

**Section 14.3.1. Applicability.**

Any public hearing required by this article except those pursuant to Chapter 14.4 of this article shall be called and conducted in accordance with the procedures of this chapter. For purposes of this chapter, the term "hearing body" shall refer to the governing body and the planning commission. Nothing contained in this chapter shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

**Section 14.3.2. Presiding Officer.**

The presiding officer shall preside over the public hearing. In the case of the governing body, the mayor shall preside, or in the absence of the mayor the mayor pro tempore, or in the absence of both the mayor and mayor pro tempore, another member of the governing body shall be designated to preside over the public hearing. In the case of the planning commission, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson, if designated, or if neither is present to preside, another member of the commission shall be designated to preside.

**Section 14.3.3. Opening of Public Hearing.**

The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this article, shall summarize the processes required by this chapter, and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

**Section 14.3.4. Report of Zoning Administrator.**

Upon opening a public hearing before the planning commission or governing body, the presiding officer shall provide a summary of the application and present any recommendations or results of investigations. Any member of the hearing body, upon recognition by the presiding officer, may ask questions of the zoning administrator, a designee or a representative of the planning commission at the public hearing.

**Section 14.3.5. Applicant.**

When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Following the report of the zoning administrator or designee, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application.

There shall be a minimum time period of ten (10) minutes per application at the public hearing for the proponents to present data, evidence, and opinions; the hearing body shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both.

**Section 14.3.6. Public.**

At the conclusion of the applicant's presentation, the presiding officer shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding officer may ask for a show of hands of those persons who wish to ask questions, make comments, and/or appear in opposition to the application. If it appears that the number of persons wishing to appear in opposition to the application, make comments, or ask questions, is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations and ask questions. There shall be a minimum time period of ten (10) minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions; the hearing body shall not be obligated to provide the full ten-minutes per application to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

The hearing body will consider the questions raised during the public portion of the hearing and may elect to answer questions following the speakers, or it may defer questions to the applicant to be answered during rebuttal.

Any member of the hearing body upon recognition by the presiding officer may ask questions of a member of the public giving testimony.

**Section 14.3.7. Applicant's Rebuttal.**

At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed a short opportunity for answer questions, rebut the testimony of the public, and provide final comments and remarks. The time devoted to any such rebuttal shall be counted toward the total ten (10) minutes allotted to the applicant under Section 14.3.5, if such a time limit is set by the presiding officer. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant, his or her agent, or both.

**Section 14.3.8. Close of Hearing.**

After the foregoing procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose.

**Section 14.3.9. Decision.**

After the public hearing is closed, the hearing body may either vote upon the application or may delay its vote to a subsequent meeting, subject to the limitations of this article, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this Article for the application in question and other considerations and recommendations as may be considered appropriate. It will not be required that the hearing body consider every criterion specified in this Article as provided in Table 14.2.3 or as otherwise applicable. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented by the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the hearing body on its own initiative or as recommended by the zoning administrator or planning commission. Otherwise, such application shall be denied. In cases where one or more companion applications are submitted and the governing body attaches conditions to the application, such conditions shall unless otherwise specifically stated otherwise become conditions of approval for each companion application.

## CHAPTER 14.4 DEVELOPMENT OF REGIONAL IMPACT

Section 14.4.1.	Definitions.
Section 14.4.2.	Applicability.
Section 14.4.3.	Jurisdiction.
Section 14.4.4.	Procedures.

### **Section 14.4.1. Definitions.**

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the Regional Development Center (RDC). This form notifies the RDC of a potential development of regional impact in order for the RDC to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the Regional Development Center (RDC), the submission of which serves as an official request that the DRI review process be started by the RDC.

### **Section 14.4.2. Applicability.**

This chapter shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

### **Section 14.4.3. Jurisdiction.**

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

### **Section 14.4.4. Procedures.**

The application procedures established in Chapter 14.3 will be modified by this chapter in cases where a rezoning request or conditional use application fits the definition of a "development of regional impact." Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a “development of regional impact” according to the aforementioned Rules of the Georgia Department of Community Affairs, the local government with jurisdiction will follow the procedures identified in said administrative rules which are summarized here.

When an application for a development of regional impact is received, the Zoning administrator on behalf of the city will complete an “Initial DRI Information” form and a “DRI Review Initiation Request” form. Each of these two forms may be submitted to the Regional Development Center simultaneously, provided the city has all necessary project-related information.

The city shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001,” as may be amended from time to time, is completed. The city may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The city shall not take any official action related to such a project until the DRI review process is completed and the city has had adequate time to consider the DRI review comments.

After the DRI review process is completed, the city may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.

If the project receives a negative public finding from the Regional Development Center and the city approves said project or takes action to advance said project, the local government shall notify the Regional Development Center and the Georgia Department of Community Affairs of its action and identify all conditions the city has placed on the development that could mitigate any negative findings identified in the DRI review process.

**ARTICLE 15  
VARIANCES AND APPEALS**

CHAPTER 15.1	AUTHORITY TO HEAR VARIANCES
CHAPTER 15.2	VARIANCES
CHAPTER 15.3	APPEALS OF ADMINISTRATIVE DECISIONS

**CHAPTER 15.1  
AUTHORITY TO HEAR VARIANCES AND APPEALS**

**Section 15.1.1. Board of Zoning Appeals.**

The board of zoning appeals, as it existed on the effective date of this chapter, shall be disbanded on the effective date of this ordinance and the planning commission shall assume all of its functions.

**Section 15.1.2. Power to Hear and Decide Administrative Appeals.**

The planning commission shall be authorized and directed to hear and decide appeals, in accordance with the provisions of this article, where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator, building inspector, or other administrative official in the administration, interpretation, or enforcement of this zoning ordinance.

In exercising these powers, the planning commission may, in conformity with the provisions of this zoning ordinance, reverse or affirm, wholly or partly, or may modify an administrative order, requirement, decision or determination, and to that end shall have all of the powers of the zoning administrator, building inspector, or other administrative official and may issue or direct the issuance of a building permit, certificate of occupancy, or other administrative permit required by this zoning ordinance that will effectuate the board's action, or may direct the issuance of such administrative permit.

The concurring vote of three (3) members of the planning commission shall be necessary to reverse any administrative order, requirement, decision or determination of the zoning administrator, building official, or other administrative official.

## CHAPTER 15.2 VARIANCES

Section 15.2.1.	Applicant Orientation Meeting.
Section 15.2.2.	Application Compliance and Completeness.
Section 15.2.3.	Application Requirements.
Section 15.2.4.	Public Hearing and Procedures.
Section 15.2.5.	Advertised Notice of Public Hearing.
Section 15.2.6.	Public Notice Signs.
Section 15.2.7.	Criteria for Approval of Variances.
Section 15.2.8.	Action.
Section 15.2.9.	Regulations That Cannot Be Varied.
Section 15.2.10.	Notice of Action.
Section 15.2.11.	Appeal.
Section 15.2.12.	Administrative Variances.

### **Section 15.2.1. Applicant Orientation Meeting.**

This chapter describes stand-alone variance applications. For applications for variance made concurrently with an application for amendment to the official zoning map or a conditional use application, see Chapter 14.2 of this zoning ordinance.

All applicants for a variance, except those that are filed as a concurrent variance pursuant to Chapter 14.2 of this zoning ordinance, are required to schedule an applicant orientation meeting with the zoning administrator. An applicant orientation meeting is a time where applicants can seek a determination of the number and nature of variances required, familiarize themselves with the application requirements and processes, and gain preliminary input from staff as to the suitability of the proposed variances.

### **Section 15.2.2. Application Compliance and Completeness.**

No application described in this chapter shall be processed by the zoning administrator unless it complies with the procedural requirements of this chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this chapter. If a variance application described and regulated by this chapter does not comply with all provisions of this chapter, the zoning administrator may reject the application and refuse to process it.

### **Section 15.2.3. Application Requirements.**

All applications for a variance shall be made as required by the zoning administrator and shall at minimum contain the following information:

- (a) Application fee.
- (b) Application form furnished by the zoning administrator, which at minimum shall describe the requested variance and zoning district in which the subject property is located.

- (c) Survey plat of the property showing all property lines with metes and bounds and dimensions.
- (d) Site plan of the subject property at an appropriate engineering scale showing the proposed use and relevant information regarding the proposed variance.
- (e) Site analysis and topographic map, at an appropriate scale, including information on significant man-made and natural features and features to be retained, moved or altered.
- (f) Written analysis of how the proposed development compares favorably with the criteria for granting variances as established in this chapter.
- (g) Other information as may be required by the zoning administrator.

Where in the opinion of the zoning administrator the requested variance involves a minor change, the zoning administrator may vary or waive any of the information requirements of this section for variance applications.

#### **Section 15.2.4. Public Hearing and Procedures.**

The planning commission shall hold a public hearing on each application for variance submitted under the terms of this chapter. Public hearings required by this chapter shall be called and conducted in accordance with procedures established in Chapter 14.3 of this zoning ordinance.

#### **Section 15.2.5. Advertised Notice of Public Hearing.**

For any variance application, a public notice shall be published in a newspaper of general circulation in the city at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing by the planning commission. Said public notice shall state the purpose, location, time and date of the hearing, location of the property being considered, the existing zoning classification of the property, and the provision(s) of the zoning ordinance requested to be varied.

#### **Section 15.2.6. Public Notice Signs.**

For all applications involving a variance, the zoning administrator shall cause to have posted in a conspicuous place on said property one (1) or more signs(s). Each public notice sign shall contain information as to the proposed action with the same content as specified for public notices required to be published in the newspaper.

#### **Section 15.2.7. Criteria for Approval of Variances.**

The Planning Commission may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon a finding by the Planning Commission that the following exists:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this zoning ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Provided that the Planning Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood. Wherever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Planning Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

#### **Section 15.2.8. Action.**

The planning commission shall take final action on the variance application at the meeting said application is originally scheduled, unless the agenda item is continued at a later meeting either at the request of the applicant, because of failure of the applicant to be represented, or upon mutual agreement between the board of zoning appeals and applicant.

The planning commission shall take action by rendering one of the following decisions on the variance application:

- (a) *Approval as submitted.* The application is approved as submitted, and the applicant shall be authorized to file for appropriate development and building permits in accordance with approved plans.
- (b) *Approval with conditions.* The application is conditionally approved, and the applicant shall be authorized to file for appropriate development, building permit, and/or certificate of occupancy as appropriate, subject to compliance with approved conditions. Conditions imposed by the board of zoning appeals shall be limited to those that achieve public purposes yet still permit development as accorded similar properties within similar zoning or overlay districts.
- (c) *Denial.* The application for variance is denied, and the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy, as appropriate. The board of zoning appeals shall specify in writing to the applicant the reasons for denial.

#### **Section 15.2.9. Regulations That Cannot Be Varied.**

Variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

**Section 15.2.10. Notice of Action.**

The zoning administrator shall notify the applicant of the action taken by the board of zoning appeals on the variance application no later than five (5) working days from the date of such action on said application.

**Section 15.2.11. Appeal.**

Any person or persons, jointly or severally, aggrieved by any decision of the planning commission with regard to a decision on a variance application under the terms of this chapter may take an appeal to the governing body.

**Section 15.2.12. Administrative Variances.**

In addition to authority to grant administrative variances to off-street parking requirements as specified in this zoning ordinance, the zoning administrator is hereby authorized to, upon application and for due cause shown, consider and administratively vary any building or structure setback required by this zoning ordinance, provided said administrative variance granted by the zoning administrator shall not be more than ten percent (10%) of the required setback, and in no case shall such administrative variance exceed four (4) feet. The zoning administrator shall provide the reasons for denial of an application for administrative variance in writing to the applicant.

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**CHAPTER 15.3**  
**APPEALS OF ADMINISTRATIVE DECISIONS**

Section 15.3.1.	Intent.
Section 15.3.2.	Who May Appeal.
Section 15.3.3.	Procedures.
Section 15.3.4.	Stay of Proceedings.
Section 15.3.5.	Fee.
Section 15.3.6.	Finality of Decision.

**Section 15.3.1. Intent.**

It is the intention of this chapter that all questions arising in connection with the administration, interpretation, and enforcement of this zoning ordinance shall be presented first to the zoning administrator, and that such questions if they cannot be resolved at the administrative level shall be presented to the planning commission on appeal from decision of an administrative official.

**Section 15.3.2. Who May Appeal.**

Any person who alleges there is an error in, or who is aggrieved by a decision of the zoning administrator, building inspector, city engineer, or other administrative official in the administration, interpretation, or enforcement of this zoning ordinance, may file an appeal with the planning commission, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by any officer, department, or board or commission of the local government affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of decision of the administrative official.

**Section 15.3.3. Procedures.**

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the zoning administrator to the planning commission. Such appeal shall be taken to the board of zoning appeals for hearing within thirty-two (32) days of receipt by the zoning administrator.

A reasonable time for the hearing of appeals shall be fixed, and there shall be at least fifteen (15) days public notice thereof and due notice to the parties in interest. Specifically, the appeal hearing shall follow public hearing procedures specified in Chapter 14.3 of this zoning ordinance. At a hearing, any party may testify in person, or by agent or by attorney.

The planning commission shall make findings and render a decision in writing within thirty-two (32) days after the initial hearing on the administrative appeal. The zoning administrator shall notify the applicant, in writing, of its decision within five (5) working days after the planning commission has rendered its decision.

**Section 15.3.4. Stay of Proceedings.**

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the planning commission after the notice of appeal shall have been filed with him, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

**Section 15.3.5. Fee.**

A fee shall be paid to the zoning administrator at the time the notice of appeal is filed, which fee shall be used to offset the costs of public notice and administering the appeal process.

**Section 15.3.6. Appeal.**

Decisions of the planning commission pursuant to this chapter shall be final, except that an appeal of that decision may be filed with the governing body.

**ARTICLE 16  
PERMITS AND CERTIFICATES**

CHAPTER 16.1	DEVELOPMENT PERMIT
CHAPTER 16.2	BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

**CHAPTER 16.1  
DEVELOPMENT PERMIT**

Section 16.1.1.	Development Permit.
Section 16.1.2.	Exemptions from Development Permit.
Section 16.1.3.	Application for Development Permit.
Section 16.1.4.	Review and Issuance of Development Permit.
Section 16.1.5.	Duration of Validity of Development Permit.

**Section 16.1.1. Development Permit.**

A development permit shall be required for any proposed use of land(s) or building(s), to indicate and insure compliance with all provisions of this zoning ordinance before any building permit is issued or any improvement, grading or alteration of land(s) or building(s) commences.

**Section 16.1.2. Exemptions from Development Permit.**

A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling unit or manufactured home on an individual lot not part of an approved subdivision or development.

**Section 16.1.3. Application for Development Permit.**

All applications for a development permit shall be made to the zoning administrator and shall be accompanied by a sufficient number (as approved by the zoning administrator) of sets of plans drawn to scale, signed and stamped by a qualified professional who has authority to produce such plans, with his or her address. Applications shall be made in accordance with application requirements specified by the zoning administrator.

**Section 16.1.4. Review and Issuance of Development Permit.**

The zoning administrator shall review the application for development permit, and upon completion of the review, one copy of such plans shall be returned to the owner along with notice of a decision to approve or deny the development permit. All development permits shall be issued by the zoning administrator who shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this zoning ordinance. The zoning administrator may issue development permits without being responsible

for ensuring that the development complies with other applicable state or federal laws, unless specifically stated otherwise in this zoning ordinance.

If the development permit is denied, the zoning administrator shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the zoning administrator and copies shall be furnished on request to any person.

The provisions of this section shall apply to applications for development in addition to city regulations for compliance with the state soil erosion and sedimentation control act.

**Section 16.1.5. Duration of Validity of Development Permit.**

A development permit shall expire two (2) years after its issuance, subject to the following provisions: if the work described in any development permit has not been begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected, only if the permit is being revoked prior to the two-year expiration date. Application processes shall begin anew for any expired development permit.

**CHAPTER 16.2**  
**BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**

Section 16.2.1.        Building Permit.  
Section 16.2.2.        Certificate of Occupancy.

**Section 16.2.1. Building Permit.**

The building inspector is hereby authorized to issue building permits in accordance with all provisions of this zoning ordinance only after the zoning administrator has issued a development permit, or if no development permit is required, after a review of said building permit for compliance with the provisions of this zoning ordinance.

No building or other structure shall be erected, moved, extended, occupied, or enlarged, or structurally altered, nor shall a building or structure's use be changed, nor shall any excavation, grading, or filling of any lot for the construction of any building or structure be commenced until the building inspector has issued a building permit for such work in conformity with the provisions of this zoning ordinance and all applicable building and related codes.

Approval of a building permit shall require an application to the building inspector as specified in the building and related codes of the municipality with jurisdiction. If the building permit is denied, the building inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the building inspector.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one-hundred eighty (180) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

**Section 16.2.2. Certificate of Occupancy.**

A certificate of occupancy issued by the building inspector is required in advance of occupancy or use, any building or structure hereafter erected, or a change in the use of an existing building or structure.

A certificate of occupancy, either for the whole or part of a building or use, shall be issued within seventy-two (72) hours after the erection or structural alterations of such building, or part, or use established, is completed. Work shall be completed in conformity with the provisions of this zoning ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this zoning ordinance.

If the certificate of occupancy is denied, the building inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the building inspector.

**ARTICLE 17  
ADMINISTRATION AND ENFORCEMENT**

CHAPTER 17.1      ADMINISTRATION  
CHAPTER 17.2      ENFORCEMENT

**CHAPTER 17.1  
ADMINISTRATION**

Section 17.1.1.      Zoning Administrator.  
Section 17.1.2.      Building Inspector.

**Section 17.1.1. Zoning Administrator.**

This zoning ordinance shall be administered, interpreted, and enforced by the zoning administrator, who shall have the duties and authority with respect to this zoning ordinance as provided in the various articles, chapters, and sections of this zoning ordinance and those necessarily implied by said provisions. To this end, the zoning administrator is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this zoning ordinance, and to implement the provisions of this zoning ordinance. The zoning administrator may delegate administrative functions, powers and duties assigned by this zoning ordinance to other staff as may be appropriate, without the need to reflect such delegation by formal action.

**Section 17.1.2. Building Inspector.**

The building inspector is hereby authorized to enforce and administer the following provisions of this zoning ordinance.

- (a) Issue building permits in accordance with all provisions of this zoning ordinance, but only after the zoning administrator has issued a development permit or approved the building permit as meeting the requirements of this zoning ordinance.
- (b) Make field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. When a violation is found to exist, the building inspector shall immediately advise the zoning administrator of the violation so that appropriate legal action may be taken to insure compliance.
- (c) Insure that all construction has been completed in accordance with all applicable city code requirements prior to allowing occupancy.

## CHAPTER 17.2 ENFORCEMENT

- Section 17.2.1. Penalties for Violation.  
Section 17.2.2. Enforcement and Remedies.

### **Section 17.2.1. Penalties for Violation.**

In addition to other penalties and withholding of permits as may be specifically provided for in this zoning ordinance, penalties for violating this zoning ordinance shall be as provided in this section.

Any person who violates any provisions of this zoning ordinance, or any permit condition or limitation established pursuant to this zoning ordinance, or who negligently or intentionally fails or refuses to comply with any order of the zoning administrator shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this zoning ordinance, notwithstanding any provisions in any city code to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of city ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this zoning ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

### **Section 17.2.2. Enforcement and Remedies.**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this zoning ordinance, the zoning administrator or any other appropriate authority of the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this zoning ordinance or city code requiring the presence of the violator in the municipal court; institute injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the occupancy of such building, structure, or land.

Where a violation of this ordinance is deemed to exist by the zoning administrator with respect to a structure, building, or land, the zoning administrator may, in addition to other remedies, notify the building inspector of such violation and direct, require, or encourage that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

Where a violation of this ordinance exists with respect to the use of any building, structure, or land, the zoning administrator may:

- (a) If the violation is by a tenant, person, corporation, firm, or other entity who is not the owner of record of the building, structure, or land, issue a citation for the violation of this zoning ordinance or the city code of the city to such person or entity. In addition, the zoning administrator or designee may provide written notice, either personally or by mail, to the owner of record of such building, structure, or land. Notice shall contain a description of said violation and a thirty day period for which to abate or correct such violation. If the owner of record does not bring the use of the building, structure, or land into compliance within thirty (30) days, the owner shall be cited for violation of this zoning ordinance. Each day any violation continues shall constitute a separate offense;
- (b) If the violation is by the owner of record of the building, structure, or land, or his agent, assign, employee, or representative, in addition to other remedies available, the zoning administrator and the city with jurisdiction may refuse or deny all city permits, licenses, certificates, or applications to said owner or his agents until such violation is abated or corrected.

The building inspector may revoke a permit upon a finding that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of a building, structure, electrical, gas, mechanical, or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of the building code, this zoning ordinance, or other city codes of the city. The building inspector may upon notice order work immediately ceased on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner.