

**CITY OF HOSCHTON, GEORGIA**  
**ZONING ORDINANCE**

**Recommended by the City of Hoschton  
Planning and Zoning Commission  
December 7, 2015**

**and Adopted by the City of Hoschton  
Mayor and City Council**

**First Reading: December 7, 2015  
Second Reading: January 4, 2016**

**Effective Date: January 4, 2016**

**CITY OF HOSCHTON ZONING ORDINANCE  
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AN ORDINANCE ADOPTING A NEW ZONING ORDINANCE  
OF THE CITY OF HOSCHTON, GEORGIA,  
TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES;  
TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE;  
AND FOR OTHER LAWFUL PURPOSES

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

WHEREAS, Pursuant to Georgia Code Section 36-70-3, the governing bodies of municipalities and counties are authorized to develop, establish, and implement land use regulations which are consistent with the comprehensive plan of the municipality or county; 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 and vital areas; 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 initially ratified by the Georgia General Assembly, and said rules which have been amended from time to time require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Hoschton City Council has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989 and Rules of the Georgia Department of Community Affairs; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the city's land use regulations; and

WHEREAS, the Hoschton City Council desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Hoschton City Council desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the city and its citizens; and

WHEREAS, the Hoschton City Council desires 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 Hoschton City Council desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Hoschton City Council desires to regulate the distribution 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 General Assembly of the State of Georgia enacted the Zoning Procedures Law, O.C.G.A. 36-66 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

Now, therefore, THE COUNCIL OF THE CITY OF HOSCHTON HEREBY ORDAINS as follows:

**Section 1.**

The zoning ordinance of the City of Hoschton existing on the effective date of this ordinance is hereby repealed in its entirety and replaced with a new zoning ordinance which is attached to and hereby made a part of this ordinance.

**Section 2.**

All ordinances and resolutions or portions thereof in conflict with this ordinance are repealed to the extent of their conflict.

**Section 3.**

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

**Section 4.**

The effective date of this ordinance shall be the date of adoption.

Adopted, this 4th<sup>th</sup> day of January, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**ARTICLE I  
GENERAL**

Section 1.01. Short Title.

Section 1.02. Authority.

Section 1.03. Jurisdiction.

Section 1.04. Purposes.

**Section 1.01. Short Title.**

This ordinance shall be known and may be cited as the Hoschton Zoning Ordinance.

**Section 1.02. Authority.**

This ordinance is adopted pursuant to authority provided as follows:

1. Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia, effective July 1, 1983, which provides that the governing authority of a city may adopt plans and exercise the power of zoning; and
2. Georgia Code Section 36-66-2, which recognizes and confirms the authority of local governments to exercise zoning powers, subject to minimum procedures governing the exercise of zoning powers; and
3. Georgia Code Section 36-70-3, which authorizes governing bodies of municipalities to develop, establish, and implement land use regulations which are consistent with the comprehensive plan of the municipality or county; and
4. 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, which require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and
5. The City Charter of the City of Hoschton, which establishes powers of the city.

**Section 1.03. Jurisdiction.**

The jurisdiction of this ordinance shall be the city limits of Hoschton, as established by city charter and including any such additions to the city limits as may have been made or may be made from time to time in the manner provided by local law and/or general state law.

**Section 1.04. Purposes.**

This ordinance serves the following purposes which shall not be considered exhaustive.

1. To prevent air and water pollution;
2. To regulate and/or to prohibit the keeping of animals and fowl;
3. To regulate the erection and construction of buildings and all other structures, and to regulate the height, bulk, placement and the size of buildings and structures;

4. To protect and preserve the natural resources, environment and vital areas of the City;
5. To establish a planning commission of the city; and to confer upon such commission the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
6. To provide for the protection of property of the city;
7. To regulate or prohibit specific businesses and commercial activities which may be dangerous to persons or property; and
8. To regulate the transportation, storage, and use of combustible, explosive, and flammable materials; and
9. To implement the city's adopted comprehensive plan; and
10. To promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and
11. To regulate the distribution 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
12. To provide procedures for the exercise of zoning powers pursuant to and consistent with the Zoning Procedures Law, O.C.G.A. 36-66 et seq.; and
13. To discourage sizes and types of development which would create excessive requirements and costs for public services; and
14. To discourage or prohibit uses in certain locations which because of their size or type would generate an abnormal amount of traffic on minor streets; and
15. To establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and
16. To protect and promote suitable environments for family and household residences, institutions, commercial and other employment centers, and other uses; and
17. For the purpose of all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants.

**ARTICLE II  
ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP**

- Section 2.01. Zoning Districts Established.
- Section 2.02. Official Zoning Map.
- Section 2.03. Amendment of Official Zoning Map.
- Section 2.04. Correction and Update of Property Lines on Official Zoning Map.
- Section 2.05. Rules Governing Boundaries.

**Section 2.01. Zoning Districts Established.**

The following zoning districts are hereby established:

- A Agricultural District
- R-1 Single-Family Low Density Residential District
- R-2 Single-Family Suburban Residential District
- R-3 Single-Family Moderate Density Residential District
- R-4 Single-Family Urban Residential District
- MFR Multiple-Family Residential District
- PUD Planned Unit Development District
- OR Office Residential District
- INST Institutional District
- C-1 Neighborhood Business District
- C-2 General Commercial Highway Oriented District
- C-3 Commercial Motor Vehicles Service and Repair District
- M-1 Light Industrial District

**Section 2.02. Official Zoning Map.**

1. The boundaries of zoning districts created by this ordinance are hereby established as shown on a map entitled the "Official Zoning Map" of the City of Hoschton, Georgia.
2. The official zoning map and all explanatory matter thereon accompany and are hereby made a part of this 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.
3. 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.
4. The city may make copies of the official zoning map available to the public for a reasonable fee.

**Section 2.03. Amendment of Official Zoning Map.**

If, in accordance with the provisions of Article VIII of this ordinance, the Hoschton City Council approves changes in the district boundaries or other subject matter portrayed on the official zoning map, such changes shall be made promptly after the amendment or change has been approved by the Hoschton City Council. Once an amendment to the official zoning map has been approved by the Hoschton City Council, it shall be considered an administrative action to

amend the official zoning map to properly depict the map amendment approved by the Hoschton City Council, and additional approval or action by Council shall not be necessary.

**Section 2.04. Correction and Update of Property Lines on Official Zoning Map.**

1. The Zoning Administrator is authorized to correct or update property lines depicted on the official zoning map, as such changes to the tax records of the city are made through land subdivision and combination of lots, without a requirement to seek approval of the Hoschton City Council, provided that such changes to property lines do not affect a zoning or overlay district boundary except as otherwise specifically provided in this section.
2. In any instance where the property lines as shown on a the official zoning map deviate from a boundary survey prepared by a registered land surveyor for the lot or tract in question, and such deviation is attributed by the Zoning Administrator to a drafting error or imperfection in the property parcel data base originally used in preparing the official zoning map, the Zoning Administrator is authorized to correct the official zoning map to show the boundaries of the zoning or overlay district to follow the boundaries as shown on said boundary survey. Any such correction shall be considered an administrative action, and additional approval or action by City Council shall not be necessary to correct the official zoning map.

**Section 2.05. Rules Governing Boundaries.**

This section shall govern administrative determinations by the Zoning Administrator in cases where there is uncertainty with regard to the zoning and/or overlay district boundaries shown on the official zoning map. Where such uncertainty exists, the following provisions shall apply:

1. **City limit lines.** 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.
2. **Street centerlines and right of ways.** 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.
3. **Property lines.** Where boundaries are indicated as following property lines, such property lines shall be construed to be such boundaries. The boundaries shall be determined on the basis of the legal descriptions or boundary surveys associated with approved map amendments, where available.
4. **Stream and river beds.** Where boundaries are indicated as approximately following the centerline of stream beds or river beds, or the outer edge of such stream bed or river bed, such centerline or edge of stream or river bed shall be construed to be such boundaries.
5. **Abandonment.** 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 or overlay 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.

6. **Administrative determination.** In any 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 in accordance with Article VIII of this ordinance.

**ARTICLE III  
GENERAL PROVISIONS**

- Section 3.01. Use, Occupancy and Erection.
- Section 3.02. Use Prohibited When Not Specified.
- Section 3.03. Specific Use Provisions.
- Section 3.04. Minimum Requirements.
- Section 3.05. Every Use Must Be Upon a Lot of Record.
- Section 3.06. One Single-Family Dwelling on a Lot.
- Section 3.07. Height Limitations.
- Section 3.08. Maximum Density, Minimum Lot Size, and Minimum Lot Width.
- Section 3.09. Minimum Floor Area Per Dwelling Unit.
- Section 3.10. Minimum Required Yards and Building Setbacks.
- Section 3.11. Principal Building Separation.
- Section 3.12. Maximum Building Coverage.
- Section 3.13. Minimum Landscaped Open Space.
- Section 3.14. Minimum Required Landscape Strips and Buffers.
- Section 3.15. Street Frontage Requirement.
- Section 3.16. Zoning of Annexed Lands.
- Section 3.17. Validity of Existing Conditions of Zoning or Use Approval.

**Section 3.01. Use, Occupancy and Erection.**

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

**Section 3.02. Use Prohibited When Not Specified.**

Any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided in Article IV of this ordinance shall be prohibited in that zoning district.

**Section 3.03. Specific Use Provisions.**

In cases where a use is a permitted use in the zoning district in which said use is located but there are specific use regulations for that use specified in Article VI of this ordinance, such regulations shall also apply and must be complied with. It shall be unlawful to establish a use without conforming to the specific use provisions of this ordinance, when applicable.

**Section 3.04. 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.

**Section 3.05. 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 ordinance.

**Section 3.06. One Single-Family Dwelling on a Lot.**

Only one single-family dwelling and its accessory buildings may hereafter be erected on any one lot intended for such use. This provision shall not be construed to prevent the construction of more than one detached single-family condominium, or multiple-family dwelling on a single lot, in districts where permitted, subject to setbacks and separation as provided in this ordinance.

**Section 3.07. 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 specified in this ordinance; provided, however, the Hoschton City Council 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 Article VIII of this 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, electricity transmission towers, utility poles, and similar structures.

**Section 3.08. Maximum Density, Minimum Lot Size, and Minimum Lot Width.**

1. 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 ordinance.
2. 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 ordinance, except as otherwise specifically provided.
3. 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 ordinance.

**Section 3.09. Minimum Floor Area Per Dwelling Unit.**

1. 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 as specified in this ordinance.
2. 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 as specified in this ordinance.

**Section 3.10. Minimum Required Yards and Building Setbacks.**

1. 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. Buffer requirements established by this ordinance, where applicable, supersede these minimum required yards.
2. 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.
3. This section shall not apply to portions of lots affected by public acquisition of part of the lot.
4. No part of a yard shall be included as a part of the yard required for another building.

**Section 3.11. Principal Building Separation.**

1. Except as otherwise provided in this section, on lots where more than one principal building is permitted, the building separation shall be a minimum of twenty (20) feet for one-story structures, and thirty (30) feet when one or both principal buildings are two-story or taller structures.
2. 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.
3. Building separation requirements shall not apply within the State Route 53 corridor overlay district as established by this ordinance.

**Section 3.12. 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, if applicable.

**Section 3.13. 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, if applicable, or as may be established by any other article or section of this ordinance, if applicable.

**Section 3.14. Minimum Required Landscape Strips and Buffers.**

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or use established in a manner so that the minimum landscape strips and buffers required by this 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.

**Section 3.15. 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 ordinance.

**Section 3.16. Zoning of Annexed Lands.**

Property annexed or proposed to be annexed into the city limits shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this ordinance. Such property annexed may be zoned by the Hoschton City Council to any zoning district or districts established in this ordinance.

**Section 3.17. Validity of Existing Conditions of Zoning or Use Approval.**

Notwithstanding the repeal of prior ordinances in conflict with this ordinance upon its adoption, if a property was zoned subject to conditions or use approved subject to certain conditions existing and in effect at the time of adoption of this ordinance by the Hoschton City Council, such zoning conditions or conditions of use approval shall continue to apply to said property.

Notwithstanding the repeal of prior ordinances in conflict with this ordinance upon its adoption, if a property was granted a variance with or without conditions and such variance approval was in effect at the time of adoption of this ordinance by the Hoschton City Council, such variance approval shall continue to apply to said property.

## ARTICLE IV ZONING DISTRICTS

- Section 4.01. A, Agricultural District.
- Section 4.02. R-1, Single-Family Low Density Residential District.
- Section 4.03. R-2, Single-Family Suburban Residential District.
- Section 4.04. R-3, Single-Family Moderate Density Residential District.
- Section 4.05. R-4, Single-Family Urban Residential District.
- Section 4.06. MFR, Multiple-Family Residential District.
- Section 4.07. OR, Office Residential District.
- Section 4.08. PUD, Planned Unit Development District.
- Section 4.09. INST, Institutional District.
- Section 4.10. C-1, Neighborhood Business District.
- Section 4.11. C-2, General Commercial Highway Oriented District.
- Section 4.12. C-3, Commercial Motor Vehicles Service and Repair District.
- Section 4.13. M-1, Light Industrial District.

### **Section 4.01. A, Agricultural District.**

1. **Purpose and Intent.** This zoning district is intended to implement the agricultural character area of the Hoschton Comprehensive Plan. The agricultural zoning district is established with the intent of providing for agricultural and forestry uses in the City of Hoschton. It is also intended to retain the agricultural and rural character of outlying portions of the city, until such time as suburban or urban land development becomes appropriate. The general intensity of development is very low. Residential land uses are allowed but they are limited to single-family, site-built homes and manufactured homes on individual lots. Conventional suburban subdivisions even at low densities are considered incompatible with desired agricultural character. In agricultural zoning districts, public water may or may not be available, and sanitary sewer service is generally not available.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

### **Section 4.02. R-1, Single-Family Low Density Residential District.**

1. **Purpose and Intent.** This district is intended to implement the suburban neighborhood character area as established in the Hoschton comprehensive plan. This zoning district is suitable for residential neighborhoods at very low densities. Uses are limited predominantly to detached, single-family dwellings (site built only) on lots of one (1) acre or more and compatible non-residential uses. Public water is generally available, but sanitary sewer service may not be available or lots are large enough for individual on-site septic tank use.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."

3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

**Section 4.03. R-2, Single-Family Suburban Residential District.**

1. **Purpose and Intent.** This district is intended to implement the suburban neighborhood character area as established in the Hoschton comprehensive plan. This zoning district is suitable for residential neighborhoods at low densities. Uses are limited predominantly to detached, single-family dwellings (site built only) on lots of one-half (1/2) acre or more and compatible non-residential uses. Public water is generally available, and sanitary sewer service is available since lots are not large enough for individual on-site septic tank use.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

**Section 4.04. R-3, Single-Family Moderate Density Residential District.**

1. **Purpose and Intent.** This district is intended to implement appropriate residential character areas as established in the Hoschton comprehensive plan. This zoning district is suitable for residential neighborhoods at moderate densities. Uses are limited predominantly to detached, single-family dwellings (site built only) on lots of one-fourth (1/4) acre or more, and compatible non-residential uses. Dwellings cover a high percentage of the lot in this district. Public water and sanitary sewer are available to this district.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

**Section 4.05. R-4, Single-Family Urban Residential District.**

1. **Purpose and Intent.** This district is intended to implement the developing traditional neighborhood character area as established in the Hoschton comprehensive plan. This zoning district is suitable for residential neighborhoods at urban densities. Uses include detached, single-family dwellings (site built only) on lots with urban densities (0.14 acre) and compatible non-residential uses. Dwellings cover a high percentage of the lot in this district. Public water and sanitary sewer are available to this district.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."

3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

**Sec. 4.06. MFR, Multiple-Family Residential District.**

1. **Purpose and Intent.** This district is intended to implement the developing traditional neighborhood character area as established in the Hoschton comprehensive plan. This zoning district is suitable for a variety of residential building types at urban densities. Uses include detached, single-family dwellings (site built only) on lots with urban densities, two-family dwellings, fee-simple townhouses, residential condominiums, apartments, and compatible non-residential uses. Public water and sanitary sewer are available to this district.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

**Section 4.07. OR, Office Residential District.**

1. **Purpose and Intent.** The OR zoning district is intended to establish and preserve in-town residential neighborhoods south of Jefferson Street outside the SR 53 corridor which will remain predominantly single-family residential in character but which may include the adaptive use of detached, single-family residences for office use. Public water and sanitary sewer are available to this district.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.2, "Dimensional Requirements for Residential and Agricultural Zoning Districts."

**Table 4.1  
Permitted and Conditional Uses for Residential and Agricultural Zoning Districts**

P = Permitted; C = Conditional Use; X = Prohibited

Use Description	Sec. Ref.	A	R-1	R-2	R-3	R-4	MFR	OR
<b>ACCESSORY USES AND STRUCTURES</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 residential uses	6.10	P	P	P	P	P	P	P
Accessory apartment, attached	6.05	X	C	C	C	P	P	C
Accessory apartment, detached	6.05	X	C	C	C	P	P	C
Carport		P	P	P	P	P	P	P
Crop production, accessory to permitted use		P	P	P	P	P	P	P
Dog house or other household pet structure		P	P	P	P	P	P	P
Dwelling, farm tenant		C	X	X	X	X	X	X
Fallout shelter		P	P	P	P	P	P	P
Fence, barbed wire	6.60	P	X	X	X	X	X	X
Fence, not barbed wire	6.60	P	P	P	P	P	P	P
Greenhouse		P	P	X	X	X	X	X
Guest house	6.70	P	P	P	P	P	P	P
Home occupation, including family day care home	6.75	P	P	P	P	P	P	P
Parking of commercial vehicle or semi-trailer	6.110	X	X	X	X	X	X	X
Intermodal container, temporary	6.80	P	P	P	P	P	P	P
Solar energy system, building mounted	6.115	P	P	P	P	P	P	P
Solar energy system, ground mounted	6.120	P	C	C	C	C	C	C
Storage shed, side or rear yard only		P	P	P	P	P	P	P
Swimming pool, private	6.125	P	P	P	P	P	P	P
Tennis court, private	6.135	P	P	P	P	P	P	P
Tower, amateur radio	6.15	P	P	P	P	P	P	P
Yard or garage sale	6.145	P	P	P	P	P	P	P
<b>AGRICULTURAL USES</b>								
Aquaculture		P	X	X	X	X	X	X
Agricultural produce stand		P	X	X	X	X	X	X
Boarding of horses		P	C	X	X	X	X	X
Crop cultivation and production (principal use)		P	P	X	X	X	X	X
Dairy		P	X	X	X	X	X	X
Forestry, including support activities		P	X	X	X	X	X	X
Livestock, cattle or sheep or similar animal	6.90	P	X	X	X	X	X	X
Livestock, poultry or hog	6.90	C	X	X	X	X	X	X
Riding academy or equestrian center		C	X	X	X	X	X	X
<b>RESIDENTIAL USES</b>								
Dwelling, single-family, detached, site-built		P	P	P	P	P	P	P
Dwelling, two-family (duplex)		X	X	X	X	X	P	X
Dwelling, multi-family apartment		X	X	X	X	X	P	X
Dwelling, multi-family, attached condominium	6.40	X	X	X	X	X	P	X
Dwelling, single-family, detached, stick/site-built, relocated from another site		C	C	C	C	C	C	C
Dwelling, townhouse, fee-simple	6.55	X	X	X	X	X	P	X
Industrialized building, residential (single-family, detached) (i.e., modular home)		P	P	P	P	P	P	P
Manufactured home	6.95	C	X	X	X	X	X	X
Manufactured home park		X	X	X	X	X	X	X
Mobile home		X	X	X	X	X	X	X

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Use Description	Sec. Ref.	A	R-1	R-2	R-3	R-4	MFR	OR
<b>INSTITUTIONAL USES</b>								
Cemetery		P	C	X	X	X	X	X
Church, temple, synagogue, place of worship		X	P	P	P	P	P	P
Club or lodge, nonprofit (VA, Elks, etc.)		X	X	P	P	P	P	P
Continuing care retirement community		X	X	X	X	C	C	X
Group home or rooming house		X	X	X	X	C	C	X
Institutionalized residential living and care facilities, serving eighteen (18) or less persons		X	X	X	X	X	P	X
Institutionalized residential living and care facilities, serving more than eighteen (18) persons		X	X	X	X	X	C	X
<b>RECREATIONAL USES</b>								
Community garden		P	C	C	C	P	P	C
Community recreation facility		P	P	P	P	P	P	P
Conservation and/or common area		P	P	P	P	P	P	P
Community building		P	P	P	P	P	P	P
Golf course		X	C	X	X	X	X	X
<b>OTHER USES</b>								
Construction field office, temporary	6.45	X	P	P	P	P	P	P
Leasing or sales office for a subdivision or residential development (accessory or principal use)		X	P	P	P	P	P	X
Office, in an existing residential structure		X	X	X	X	X	X	P
Office, not in an existing residential structure		X	X	X	X	X	X	C
Mixed use: dwelling unit and office use in same building		X	X	X	X	X	X	P
Model home/sales office, temporary		X	P	P	P	P	P	X
Public uses		P	P	P	P	P	P	P
Temporary uses and structures approved by the Zoning Administrator		P	P	P	P	P	P	P
Utility substation		P	P	P	P	P	P	P

**Table 4.2  
Dimensional Requirements for Residential and Agricultural Zoning Districts**

Dimensional Requirement	A	R-1	R-2	R-3	R-4	MFR	OR
<b>RESIDENTIAL DENSITY, AND LOT SIZE AND WIDTH REQUIREMENTS</b>							
Minimum lot size, detached single-family dwelling (square feet)	65,340	43,560	21,780	10,890	6,000	5,000	14,520
Minimum lot size, two-family dwelling (square feet)	NP	NP	NP	NP	10,000	8,500	NP
Minimum lot size, fee-simple townhouse unit (square feet)	NP	NP	NP	NP	NP	2,000	NP
Minimum lot size for other permitted uses not listed (square feet)	65,340	43,560	21,780	10,890	6,000	5,000	14,520
Maximum density, multi-family development (units per acre)	NP	NP	NP	NP	NP	14	NP
Minimum lot width, all uses (feet)	150	100	100	70	50	50	75
<b>BUILDING AND SITE REQUIREMENTS</b>							
Maximum building coverage (percent)	15	25	35	75	75	75	50
Minimum landscaped open space, non-residential permitted use (percent)	None	20	20	20	20	20	20
Minimum landscape strip required along right-of-ways, non-residential permitted use (feet)	10	10	10	10	10	10	10
<b>BUILDING HEIGHT REQUIREMENTS</b>							
Maximum height (feet)	40	35	35	40	40	50	40
Maximum height (number of stories)	2	2	2	3	3	3	3
<b>PRINCIPAL BUILDING SETBACKS (MINIMUM)</b>							
Front (feet)	50	40	35	25	20	20	15
Side (feet)	20	20	15	5	5	5	10
Rear (feet)	40	30	20	10	10	10	15

NP = Not permitted

**Section 4.08. PUD, Planned Unit Development District.**

1. **Purpose and Intent.** The Planned Unit Development District is intended to meet the following purposes and intentions:
  - a. Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
  - b. Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions, and encourage the mixture of compatible residential with non-residential uses in the same development.
  - 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, and provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly or publicly owned, than would otherwise be provided under a conventional zoning district.
  - 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 development with greater benefits to the City than a development developed under a conventional zoning district.
  - g. Ensure that the design of building forms is interrelated and architecturally harmonious.
2. **Permitted and Conditional Uses.** Permitted uses shall be as proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by Hoschton City Council.
3. **Minimum Open Space Required.** A minimum of 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. No more than one-half of open waterway and delineated wetlands shall count as the minimum required open space. Rights-of-way for streets, drainage easements, and detention ponds shall be excluded from land considered for open space. When the PUD is phased, the provision of open space should also be phased proportional to the phased development.
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 Hoschton City Council. Standards

proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Hoschton City Council.

5. **Improvement Requirements.** Right of ways, roads, utilities, and other improvements of the PUD shall meet adopted construction specifications and standards of the city unless otherwise specifically permitted by the Governing Body.
6. **Application Requirements.** In addition to the requirements for filing an amendment to the official zoning map as specified in this zoning ordinance, an application for PUD zoning district shall include the following:
  - a. **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 the development's consistency with the City of Hoschton's comprehensive plan and other adopted local or regional plans, the development's consistency with accepted principles of land planning, the 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 PUD proposal merits approval and how it will serve the community better than a conventional development.
  - b. **Development Plan.** Applications shall include a development plan, as defined, which unless specifically stated otherwise shall be a condition of PUD zoning approval and must be followed.
  - 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 PCD, 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. **Architectural Elevations.** Applications shall include perspective front, side, and rear elevation drawings of representative building types. 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.
7. **Development of Regional Impact.** If the proposed PUD or revision thereto meets one or more thresholds so that it constitutes a “development of regional impact,” the PUD approval process shall be subject to the Rules of the Georgia Department Of Community Affairs, Chapter 110-12-3, “Developments of Regional Impact” effective March 1, 2014, or as subsequently amended. If such review is required, upon request by the Zoning Administrator, the applicant shall provide the necessary information to submit to the Northeast Georgia Regional Commission.
8. **Revisions After Initial Approval.** 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.

**Section 4.09. INST, Institutional District.**

1. **Purpose and Intent.** The Institutional zoning district is established to provide areas for selected public uses by the federal, state, county, and municipal governments with jurisdiction in the city, as well as public and private institutional uses.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts.”
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.4, “Dimensional Requirements for Non-Residential Zoning Districts.”

**Section 4.10. C-1, Neighborhood Business District.**

1. **Purpose and Intent.** The C-1 zoning district is intended for the development of small clusters of retail sales and service establishments which are designed to provide limited convenience shopping and services primarily for the immediate surrounding residential areas. Automobile-related or highway-oriented commercial uses are excluded. The intensity of development is lower than other commercial zoning districts so as to be compatible with adjacent and nearby residences.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts.”
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.4, “Dimensional Requirements for Non-Residential Zoning Districts.”

**Section 4.11. C-2, General Commercial Highway Oriented District.**

1. **Purpose and Intent.** The C-2 zoning district is intended to be established along state highways and may be appropriate along other major thoroughfares in the city. Uses include all of those uses allowed in the C-1 zoning district plus other commercial uses which are best located along a state highway or major thoroughfare. The intensity of development in the C-2 zoning district is greater than that allowed in the C-1 zoning district. Automobile-related commercial uses are excluded.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.3, "Permitted and Conditional Uses for Non-Residential Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.4, "Dimensional Requirements for Non-Residential Zoning Districts."

**Section 4.12. C-3, Commercial Motor Vehicles Service and Repair District.**

1. **Purpose and Intent.** The C-3 zoning district is intended to provide suitable areas for automotive sales and service facilities. Intensity is similar to that of the C-2 zoning district. C-3 zoning districts are intended to be located near, adjacent, or within industrial areas. C-3 zoning districts are considered inappropriate for locations visible from state highways but may be permitted in such locations subject to land development techniques that screen or shield major activities, including parking and storage, from view from public streets. The C-3 zoning district is appropriate in employment character areas as established in the Hoschton comprehensive plan but is not appropriate in the Downtown Hoschton character area and may not be appropriate within the developing commercial character area as established in the Hoschton comprehensive plan.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.3, "Permitted and Conditional Uses for Non-Residential Zoning Districts."
3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.4, "Dimensional Requirements for Non-Residential Zoning Districts."

**Section 4.13. M-1, Light Industrial District.**

1. **Purpose and Intent.** This zoning district is intended to implement the employment character area established in the Hoschton comprehensive plan. Land uses in this district are predominantly industrial in nature, especially those "light" industries which are compatible in an industrial park environment. The M-1 zoning district is not intended to accommodate manufacturing establishments which emit smoke, water pollution, or excessive noise such as those resulting from the conversion of raw materials into finished products. Rather, uses permitted uses in this zoning district are primarily those that consist of processing, assembling, cleaning, servicing, testing, or repairing of materials, goods or products. Transportation, warehousing, and distribution uses are accommodated as are certain commercial uses supportive of or compatible with other uses permitted in the zoning district.
2. **Permitted and Conditional Uses.** Permitted and conditional uses shall be as provided in Table 4.3, "Permitted and Conditional Uses for Non-Residential Zoning Districts."

3. **Dimensional Requirements.** Dimensional requirements shall be as provided in Table 4.4, “Dimensional Requirements for Non-Residential Zoning Districts.”

**Table 4.3**  
**Permitted and Conditional Uses in Non-Residential Zoning Districts**  
 P = Permitted; C = Conditional Use; X = Prohibited

Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1
<b>ACCESSORY</b>						
Automated teller machine (with drive-through)	6.20	X	X	P	P	X
Automated teller machine (without drive-through)	6.20	P	P	P	P	P
Business services, accessory		P	P	P	X	X
Caretaker's residence		X	X	X	X	P
Carnival or amusement park or fairground		P	X	X	X	X
Christmas tree sales facility, temporary		X	X	P	P	P
Construction field office	6.45	P	P	P	P	P
Fence (except barbed wire and chain link)	6.60	P	P	P	P	P
Fence, barbed wire	6.60	P	X	X	P	P
Fence, chain-link	6.60	P	P	P	P	P
Food truck	6.65	P	X	P	P	P
Helicopter landing pad		C	X	X	X	C
Intermodal container, temporary	6.80	P	P	P	P	P
Tower, amateur radio	6.15	P	P	P	P	P
Solar energy system, building mounted	6.115	P	P	P	P	P
Solar energy system, ground mounted	6.120	C	X	C	C	P
<b>RESIDENTIAL</b>						
Dwelling, single-family detached, fee-simple, existing on the effective date of these regulations		P	P	P	P	P
Live-work unit		X	X	P	X	X
<b>INSTITUTIONAL</b>						
Aircraft landing area, other than helicopter landing pad		C	X	X	X	X
Cemetery		P	X	X	X	X
Church, temple, synagogue, or place of worship		P	P	P	P	P
Club or lodge, nonprofit, without private bar or restaurant		P	P	P	P	P
Club or lodge, nonprofit, with private bar or restaurant		P	C	P	X	X
College or university		P	X	P	X	P
Community center, senior center		P	P	P	P	P
Community donation center		P	X	P	X	P
Community food or housing shelter		P	X	X	X	X
Hospital		P	X	X	X	X
Institutional residential living and care facilities, serving 18 or less persons		X	X	P	X	X
Institutional residential living and care facilities, serving more than 18 persons		X	X	C	X	X
Library or archival facility		P	P	P	X	X
School for the arts		P	X	P	X	P
School, private, elementary, middle, or high		P	X	P	X	P
School, special		P	X	P	X	P
School, business or trade		P	X	P	P	P
Utility substation		P	P	P	P	P
Transportation, communication, or utility facility not elsewhere classified		P	X	X	X	C
Wireless telecommunication facility or equipment		P	X	C	C	C
<b>COMMERCIAL</b>						
Adult business		X	X	X	X	C
Adult day service		C	C	C	X	X
Animal hospital or veterinary clinic		X	X	P	X	P
Animal shelter		P	X	X	X	P
Appliance repair		X	X	P	P	P
Artist studio		X	P	P	X	X
Auto parts and tire store		X	X	X	P	P
Automobile sales		X	X	X	P	P

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Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1
Automotive repair or service		X	X	X	P	P
Bakery, retail		X	X	P	X	X
Bail bonding or bondsperson		P	X	P	X	P
Bed and breakfast inn	6.25	X	P	P	X	X
Big box commercial retail building		X	X	C	X	X
Body piercing		X	X	P	X	X
Broadcasting tower or studio		P	X	P	X	P
Building sales (including manufactured home)		X	X	C	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area per establishment		P	P	P	P	P
Business service establishment, 2,500 square feet or more of gross floor area per establishment		P	X	P	X	P
Camp or campground		X	X	C	X	X
Car wash		X	X	X	P	X
Catering establishment		X	X	P	X	P
Clinic		P	P	P	X	X
Commercial recreational facility, indoor		X	X	P	X	P
Commercial recreational facility, outdoor		X	X	C	X	C
Conference center		P	X	P	X	P
Construction contractor's establishment		X	X	P	P	P
Consumer fireworks retail sales facility		X	X	X	X	C
Convenience store, without fuel pumps		X	P	P	P	P
Convenience store, with fuel pumps		X	X	P	P	P
Courier or message service		P	X	P	X	P
Data processing center		P	X	X	X	P
Day care, including group day care home, and basic social (non-medical) adult day care serving no more than 18 adults	6.50	P	X	P	X	X
Day care, child learning center (19 or more), or basic social adult day care serving 19 or more adults, or medical adult day care serving any number	6.50	P	X	P	X	X
Exterminator, pest control or disinfecting service		X	X	P	P	P
Farmers market		P	X	P	X	P
Finance, insurance, and real estate establishments, including bank, 2,500 square feet or less of gross floor area per establishment		P	P	P	P	P
Finance, insurance, and real estate establishments, including bank, more than 2,500 square feet of gross floor area per establishment		P	C	P	P	P
Fitness center		P	X	P	P	P
Flea market		X	X	C	X	C
Fuel tank sales		X	X	X	P	P
Funeral home, mortuary, or mausoleum		X	X	P	X	P
Furniture repair or reupholstering		X	C	P	X	P
Greenhouse, plant nursery		P	X	C	X	P
Golf course with country club		P	X	X	X	X
Hookah bar or hookah lounge		X	X	C	X	X
Internet business		X	X	P	X	X
Janitorial, building and carpet cleaning		X	X	P	X	P
Kennel		X	X	P	X	P
Landscaping company		X	X	X	P	P
Lawn and garden store		X	X	P	P	X
Laundry, laundromat		X	P	P	X	P
Locksmith, security service		X	X	P	X	P
Lodging service, hotel		X	X	P	P	X
Lodging service, motel		X	X	P	P	X
Lodging service, single-room occupancy		X	X	P	X	X
Mail order establishment		X	X	P	X	P
Manufactured home sales lot		X	X	X	C	C

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Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1
Mixed use building (dwelling unit with one or more permitted uses) (e.g., upper floor residential above commercial space)		X	P	P	X	X
Museum		P	X	P	X	X
Office, professional, medical, other		P	P	P	P	P
Office/warehouse		X	X	X	X	P
Open air business		X	X	C	P	C
Parking lot, off-site		P	P	P	P	P
Parking structure		C	X	C	C	C
Payday loan establishment		X	X	P	X	X
Personal service establishment, apparel		X	P	P	X	X
Personal service establishment, entertainment		X	X	P	X	X
Personal service establishment, event or travel		X	P	P	X	X
Personal service, forecasting		X	X	P	X	X
Personal service, on-site provider		P	P	P	X	X
Personal service, social relationship		X	P	P	X	X
Pet care, grooming, training, sitting		X	X	P	X	P
Recreational vehicle park		X	X	X	C	X
Restaurant without drive-through		P	P	P	X	X
Restaurant with drive-through		X	X	P	P	X
Retail trade establishment, enclosed		P	X	P	P	P
Security service		X	X	P	P	P
Self-service storage facility (mini-warehouses)		X	X	X	P	P
Solar farm		X	X	X	X	C
Special event facility		P	C	P	X	X
Stadium, coliseums, arenas, amphitheater		C	X	X	X	X
Tattoo studio		X	X	P	X	X
Taxi-cab or limousine service		X	X	X	P	P
Theater, motion picture or performing arts		C	X	C	X	P
Tow service		X	X	X	P	P
Truck stop		X	X	X	C	C
Utility company		P	X	P	P	P
Vapor bar or vapor lounge		X	X	C	X	X
Vehicle emission testing facility		X	X	X	P	P
<b>INDUSTRIAL</b>						
Agricultural processing		X	X	X	X	C
Ambulance services		X	X	X	P	P
Armored car services		X	X	X	P	P
Asphalt or concrete plant		X	X	X	X	C
Auction house or yard		P	X	C	X	C
Bottling or canning plant		X	X	X	X	P
Brewery or distillery		X	X	X	X	C
Bulk storage		X	X	X	X	P
Cold storage plant, frozen food locker		X	X	X	X	P
Crematory		X	X	X	X	C
Distribution center, including truck terminals		X	X	X	X	P
Dry cleaning plant		X	X	X	X	P
Explosives storage or manufacture		X	X	X	X	C
Food processing plant, including poultry and fish		X	X	X	X	C
Fuel sales, wholesale and distributors		X	X	X	X	P
Hazardous waste materials or volatile organic liquid handling and/or storage		X	X	X	X	X
Hazardous waste disposal		X	X	X	X	X
Incinerator		X	X	X	X	X
Intermodal container, temporary		P	P	P	P	P
Landfill, construction and demolition or inert waste		X	X	X	X	C
Landfill, sanitary		X	X	X	X	X
Logging yard		X	X	X	X	P

**City of Hoschton, GA, Zoning Ordinance**

Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1
Lumber yard		X	X	P	X	P
Manufacturing, apparel		X	X	X	X	P
Manufacturing, ceramics		X	X	X	X	P
Manufacturing, chemicals, floor coverings, glass, or rubber		X	X	X	X	C
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling		X	X	X	X	C
Manufacturing, cosmetics or toiletries		X	X	X	X	P
Manufacturing, electronics, camera, photographic, or optical good or communication equipment		X	X	X	X	P
Manufacturing, primary and fabricated metal		X	X	X	X	P
Manufacturing, fiberglass insulation		X	X	X	X	P
Microbrewery or micro-distillery		X	X	C	X	P
Newspaper, periodical, book, and database publishers		X	X	X	X	P
Manufacturing, ice		X	X	X	X	P
Manufacturing, instrument assembly		X	X	X	X	P
Manufacturing, machines		X	X	X	X	P
Manufacturing, metal products		X	X	X	X	P
Manufacturing, pharmaceuticals and medical supplies		X	X	X	X	P
Manufacturing, textiles		X	X	X	X	P
Manufacturing, wood products (excluding pulp mill)		X	X	X	X	P
Manufacturing, not otherwise classified		X	X	X	X	C
Recovered materials processing facility		X	X	X	X	C
Research laboratory		X	X	P	X	P
Salvage yard or junkyard		X	X	X	X	C
Sawmill		X	X	X	X	C
Septic tank cleaning services		X	X	X	X	P
Slaughterhouse		X	X	X	X	X
Solid waste handling or transfer facility		C	X	X	X	C
Solvent metal cleaning		X	X	X	X	C
Stockyard		X	X	X	X	X
Surface mining, quarrying, or other resource extraction		X	X	X	X	C
Tire retreading and recapping facilities		X	X	X	C	C
Warehouse or storage building		P	X	C	P	P
Wastewater or water treatment plant		P	X	X	X	C
Wholesale trade, including showroom		X	X	C	X	P
Wrecked motor vehicle compound		X	X	X	C	C
<b>OTHER/ MISCELLANEOUS</b>						
Conservation area		P	P	P	P	P
Common area and greenspace		P	P	P	P	P
Public use		P	P	P	P	P
Solar energy facility or solar farm		P	X	X	X	P
Temporary use approved by the zoning administrator		P	P	P	P	P

**Table 4.4  
Dimensional Requirements for Non-Residential Zoning Districts**

<b>Dimensional Requirement</b>	<b>INST</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>
<b>LOT SIZE AND WIDTH (MINIMUM)</b>					
Minimum lot size, all uses (square feet)	40,000	10,000	15,000	25,000	40,000
Minimum lot width, all uses (feet)	100	50	50	100	100
<b>BUILDING AND SITE REQUIREMENTS</b>					
Maximum building coverage (percent)	40	40	50	50	50
Minimum landscaped open space, non-residential permitted use (percent)	20	15	15	20	15
Minimum landscape strip required along right-of-ways, non-residential permitted use (feet)	10	10	10	15	10
<b>BUILDING HEIGHT REQUIREMENTS (MAXIMUM)</b>					
Maximum height (feet)	50	40	50	50	75
Maximum height (number of stories)	3	2	2	2	1
<b>PRINCIPAL BUILDING SETBACKS (MINIMUM)</b>					
Front (feet)	35	35	15	20	40
Side (feet)	12	12	12	12	20
Rear (feet)	30	20	15	20	40
<b>BUFFERS AND SETBACKS ABUTTING RESIDENTIAL DISTRICTS (MINIMUM)</b>					
Building setback abutting an R-1 or R-2 Zoning District (feet)	None	30	30	30	60
Natural buffer abutting an R-1 or R-2 Zoning District (within building setback) (feet)	None	20	20	20	50
Building setback abutting an R-3 or R-4 Zoning District (feet)	None	20	20	20	50
Natural buffer abutting an R-3 or R-4 Zoning District (within building setback) (feet)	None	10	10	10	40

**ARTICLE V**  
**STATE ROUTE 53 CORRIDOR OVERLAY DISTRICT**

- Section 5.01. Findings, Intentions and Purposes.
- Section 5.02. Overlay District Boundaries.
- Section 5.03. Applicability.
- Section 5.04. Compliance.
- Section 5.05. Design Review.
- Section 5.06. Design Review Permit Exemptions.
- Section 5.07. Relaxation of Dimensional Requirements.
- Section 5.08. Building Placement Guidelines.
- Section 5.09. Access and Inter-parcel Access Guidelines.
- Section 5.10. Building Bulk and Architecture Guidelines.
- Section 5.11. Miscellaneous Design Guidelines.

**Section 5.01. Findings, Intentions and Purposes.**

Establishing the appropriate character of certain areas in the city by necessity requires attention to the aesthetics of development. It is in the public interest to direct and control the visual appearance of buildings, structures, and development in certain areas of the city, to prevent patently offensive harm to the existing visual character of the city, and to safeguard the happiness, comfort, and general well-being of citizens. Careful attention to the architectural design of buildings and the layout of land development sites within certain areas is in the best interests of the city, its citizens, and business owners. Attractive and integrated architectural and site design features tend to improve an area's image, raise overall property values, attract new businesses and residents, and improve the quality of life.

The desire to protect certain features of the visual environment reflects a widespread pattern of community preference rather than simply the desires of a narrow few. That finding is supported by community visioning and character area delineation completed as a part of the city's comprehensive planning process. Regulations for design review and aesthetics are therefore based on the visual sensibilities of the average person in the community. The Hoschton City Council finds further that visual harm to a widespread pattern of community preference can occur without the imposition of the design review provisions adopted in this article.

The comprehensive plan of the City of Hoschton calls for the city to maintain and enhance its downtown area for pedestrian walkability. This article establishes a geographic area corresponding generally with properties fronting on State Route 53 in Hoschton, known as the State Route 53 corridor overlay district. The overlay district boundaries encompass that part of the "Downtown Hoschton" character area as described in the Hoschton comprehensive plan which fronts on State Route 53, and it also encompasses certain portions of the "Developing Commercial Center" character area established by the Hoschton comprehensive plan.

This article provides for the relaxation of certain dimensional requirements of applicable underlying zoning districts within the overlay district boundary, such as building setbacks and lot coverage requirements, in order to facilitate and advance the purposes of this article. For properties in the overlay district, this article also superimposes certain requirements in addition to the zoning regulations applicable to properties in the overlay district, namely, architectural design review.

A central purpose of this corridor overlay district is to ensure quality development and redevelopment. That central purpose is achieved through the application of a design review process that ensures the existing character of Hoschton is maintained and enhanced and new development and redevelopment is consistent and compatible with respect to design and scale.

**Section 5.02. Overlay District Boundaries.**

1. **Established.** The boundaries of the SR 53 corridor overlay district are hereby established as shown on the Official Zoning Map.
2. **Interpretation of boundaries.** Where uncertainty exists with respect to the boundary of the overlay district, Section 2.05, "Rules Governing Boundaries," shall apply.
3. **Boundary changes.** The boundaries of the overlay district may be amended by the Hoschton City Council on its own initiative or upon application by a property owner. The process of changing the overlay district boundary shall conform to the requirements of this zoning ordinance for amendments to the official zoning map (i.e., rezonings).

**Section 5.03. Applicability.**

This article shall apply to all of the land area with the boundaries of the State Route 53 corridor overlay district. When a portion of any parcel, lot, property, or development falls within the boundary of the overlay district, the entire parcel, lot, property, or development shall conform to the requirements of this article.

**Section 5.04. Compliance.**

No development or building permit shall be issued by the Zoning Administrator for land disturbance, grading, construction of a building, structure, or other development within the overlay district established by this article, unless the land use or building conforms to the requirements of this article. Prior to any development or building permit being issued, the Zoning Administrator shall require a site plan in sufficient detail to review the proposed development for compliance with the provisions of this article.

**Section 5.05. Design Review.**

1. **Design review permit required.** Unless specifically exempted by the provisions of this article, a design review permit shall be required to be issued by the Zoning Administrator prior to the establishment of a use, or erection of a building or structure, or the occupancy of land or water within the State Route 53 corridor overlay district.
2. **Application Requirements.** A design review permit requires an application to be made by the property owner or agent for the property owner. At minimum, application requirements shall include a site plan and landscaping plan, building elevation drawings, photographs, and/or color and material samples for building materials. The Zoning Administrator may refuse to act on an incomplete application or an application for design review permit that fails to contain submission materials with respect to design that are found to be necessary to make a decision on said permit, which may include a site plan and landscaping plan, building elevation drawings, photographs, and/or color and material samples for building materials.

3. **Criteria for design review permit approval.** The Zoning Administrator shall base the decision to approve, conditionally approve, or deny material changes in appearance proposed in an application for a design review permit on the proposed development, building, or structure's consistency with the design guidelines articulated in this article, as well as the design and appropriateness of the external design features, including but not limited to arrangement, building bulk, colors, character, cohesiveness, continuity, harmony, landscapes, materials, scale, streetscapes, and texture, and the relation of such elements to similar features of structures and development in the immediate surrounding area. Grounds for denying an application for design review permit may include but are not limited to: character foreign to the area; arresting and spectacular effects; violent contrasts of material or color, or intense or lurid colors; a multiplicity or incongruity of details resulting in a restless and disturbing appearance; and/or the absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area. In granting a design review permit, however, the Zoning Administrator may also impose such reasonable requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, whether or not articulated in design guidelines, as may be deemed necessary for the protection of adjacent properties and the public interest.
4. **Time Frame for Decision.** The Zoning Administrator shall make a final determination on a complete application for design review permit within no more than 30 days from the date a complete application is received. If the design review permit is denied, the Zoning Administrator shall prepare a written notice to the property owner or applicant stating in writing the reason or reasons the design review permit was denied.
5. **Appeal.** An applicant for a design review permit who is denied permit approval shall have the right to appeal the Zoning Administrator's denial of the design review permit application to the Hoschton City Council. Such appeal must be filed within 35 days of receipt of notice of permit denial. Such appeal shall be processed in accordance with requirements of this zoning ordinance for appeals of administrative decisions. The City Council shall have authority to modify, overturn, and/or reverse any administrative decision of the Zoning Administrator with regard to a design review permit.
6. **Changes after Permit Issuance.** After the issuance of a design review permit, no material change in the appearance of a site, building, or structure shall be made or permitted to be made by the owner or occupant thereof, unless and until all requirements of this Section are met.
7. **Exclusions.** Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior design feature in or on property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof, nor to prevent the property owner from making any use of property not prohibited by other laws, ordinance, or regulations.

#### **Section 5.06. Design Review Permit Exemptions.**

The following activities shall not require a design review permit. The Zoning Administrator is authorized to prepare administrative forms and to issue design review permit exemptions for material changes in appearance of an external design feature specifically enumerated in this section:

1. Any new single-family dwelling used for single-family dwelling purposes only, including accessory buildings, structures and accessory uses.
2. Any material change in appearance of an existing single-family dwelling used for single-family dwelling purposes only, including accessory buildings, structures and accessory uses.
3. Window air conditioning units installed on the side or rear façade of a building, and air conditioning, heating, or mechanical systems located on the ground, in a side or rear yard.
4. Satellite dishes, provided they are not mounted on front or side building facades or in front yards.
5. Ramps or other equipment required for handicapped accessibility.
6. Dumpsters, when located in rear yards and screened.
7. Grading, land disturbance, and/or paving or improvement for additional parking for four or less parking spaces or less than 1,200 square feet of area.
8. Fences and walls in side or rear yards, constructed of wood, brick, concrete, stone, or vinyl coated chain-link, provided that they do not exceed eight feet in height.
9. Signs of any type or size.
10. Other Minor Alterations. Where in the opinion of the Zoning Administrator a requested change constitutes a minor alteration, the Zoning Administrator may issue an exemption.

**Section 5.07. Relaxation of Dimensional Requirements.**

Notwithstanding the requirements of Tables 4.2 and 4.4 and Section 3.11 of this zoning ordinance, any land development or building proposal on property within the State Route 53 corridor overlay district may be approved by the Zoning Administrator for a relaxation of dimensional requirements as specifically indicated in this section, during the design review process. Upon application for design review, the Zoning Administrator may:

1. Reduce or waive altogether principal building setbacks, but not including setbacks established in conjunction with buffers and setbacks abutting residential zoning district; in addition, the Zoning Administrator may establish a build-to line in lieu of a required front building setback; and
2. Increase building coverage above and beyond the required maximum building coverage (percent) for the zoning district in which the property is located; provided however that the Zoning Administrator shall not be authorized to increase building coverage more than 85% of the lot; and
3. Reduce the minimum landscaped open space; provided, however, that the Zoning Administrator shall not be authorized to reduce the minimum landscaped open space percentage below 5 percent; and

4. Reduce or waive altogether the minimum landscape strip required along right-of-ways; and

The administrative authority granted to the Zoning Administrator by this section to reduce or waive dimensional requirements of this zoning ordinance during the design review process is not a guarantee or entitlement to individual property owners, but rather is expected to be exercised only for buildings, projects and redevelopment activities that facilitate pedestrian scale and provide quality development consistent or substantially in compliance with the design guidelines of this article.

#### **Section 5.08. Building Placement Guidelines.**

1. Orient buildings to frame the street. Primary façades should parallel the street. Align new building facades to create a visually continuous streetscape. A build-to line may be suggested during the review process.
2. Placement and orientation of the principal building should be carefully chosen by the site designer after consideration of the multiple guidelines in this article. A site designer may be directed to place or orient a principal building different from that proposed in order to: save natural features, especially existing tree lines and tree stands; minimize grading; accommodate natural drainage patterns; provide better pedestrian and vehicular access and circulation; screen storage areas from public view; or achieve compatibility with adjacent or nearby principal buildings.

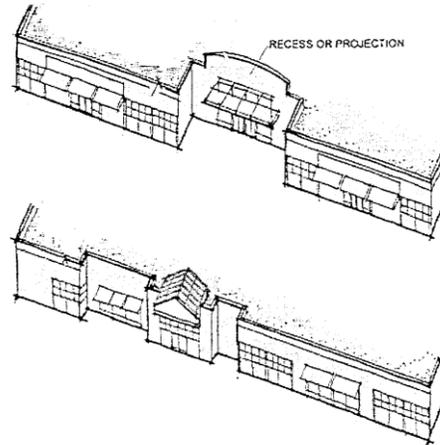
#### **Section 5.09. Access and Inter-parcel Access Guidelines.**

1. **State Route Access.** Access entrance drives onto State Route 53 shall meet applicable requirements of the Georgia Department of Transportation including design specifications, spacing, and permitting. The Zoning Administrator may delay approval of a project that has not yet secured a state highway encroachment permit and other applicable approval procedures.
2. **Inter-parcel Access.** 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 during permit approval 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 driveway connections between parcels. The property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians from site to site.
3. **Pedestrian Access.** Sidewalks on individual properties need to connect to the sidewalk system within public road right-of-way, where such system exists or is planned. Pedestrian ways within parking lots should be well defined, take as direct a path as possible, and they should be separated where practical from automobile access ways. Where pedestrian circulation crosses vehicular routes, a change in grade, materials,

textures or colors, or appropriate striping or demarcation, should be provided to emphasize the point of intersection between pedestrians and vehicles and improve its visibility and safety. For instance, brick pavers and other special paving materials can help distinguish pedestrian walkway surfaces from vehicular access ways.

### **Section 5.10. Building Bulk and Architecture Guidelines.**

1. **Bulk.** Buildings should be relatively small scale, usually with building lengths less than 200 feet. Façades with lengths of 200 feet or more should exhibit modulation by extending or stepping back a portion of the façade. Recesses and projections should be used along front façades of such lengths to break up long expanses of wall planes. Façade modulation also can be achieved by (1) providing bay windows or repeating window patterns at regular intervals; (2) providing a porch, patio, deck, covered entry to portions of the façade at ground level or by adding balconies on buildings with two or more stories; (3) changing the roofline by alternating dormers or using stepped roofs, gables, or other roof elements; and (4) changing materials with the change in building plane.



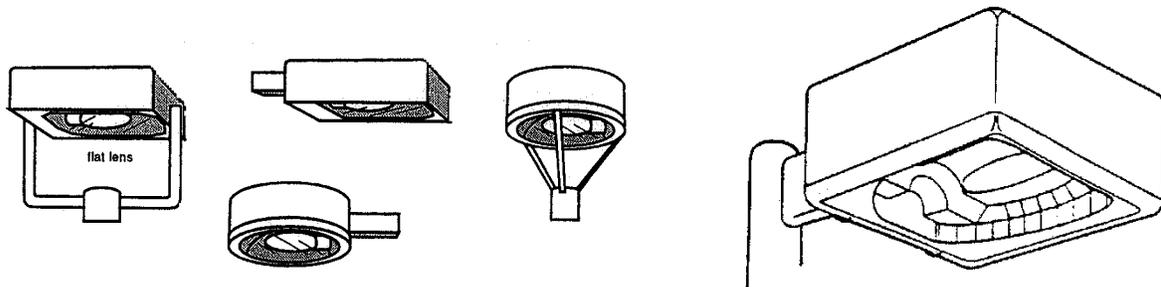
**Façade Modulation:  
Recesses and Projections**

2. **Architectural Compatibility.** Architectural design of buildings should be compatible with the existing or developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. The designer should consider each of the following as part of the design process:
  - Size (the relationship of the project to its site)
  - Scale (the relationship of the building to those around it)
  - Massing (the relationship of the building's various parts to each other)
  - Fenestration (the placement of windows and doors)
  - Rhythm (the relationship of fenestration, recesses and projections)
  - Setback (in relation to setback of building in the immediate surroundings)
  - Materials (their compatibility with surroundings)
  - Context (the overall relationship of the project to its surroundings)
3. **Diversity.** Diversity of architectural design is encouraged. “Themed” or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.

4. **Multiple Buildings.** Multiple buildings on the same site should be designed to create a cohesive visual relationship between the buildings.
5. **Building Materials Generally.** Avoid constructing buildings with blank facades along public rights-of-way. All sides of a building may impact on its surroundings and should be considered for treatment with an architectural finish of primary materials (i.e., brick and stone), unless other materials demonstrating equal or greater quality are used.
6. **Building Materials on Front and Side Façades.** In cases where a building is on a corner or double-frontage lot, primary materials should be used on both building facades facing public roads. As a general guide, front and facades should be at least fifty percent brick and stone. Rear facades do not have a minimum suggested standard for primary materials unless they are visible from a public right-of-way. Suggestions for brick or stone may be modified to accommodate creatively designed structures. If natural brick is used, it should not be painted.
7. **Materials Discouraged.** Exterior building materials on the primary structures should not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels. The following types of external building materials are strongly discouraged: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; unfinished walls; and exposed plywood or particle board.
8. **Awnings and Canopies.** The use of awnings above doors and windows as appropriate on buildings is recommended so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building facade. More generous use of awnings and canopies is particularly encouraged along first floor retail buildings to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.
9. **Awning Frame and Material.** Awnings are recommended to be constructed with a durable frame covered by a canvas material. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs. Flameproof vinyl, canvas or metal awnings and canopies may be used.
10. **Awning Colors.** Awning fabric, where it exists, should not use more than two colors. Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.
11. **Lighting of Awnings.** Awnings that are backlit through translucent materials are considered out of context and therefore discouraged.
12. **Mechanical Equipment.** Mechanical equipment such as transformers, generators, air conditioning units, junction boxes, and similar features should be sited in areas which are not visible from abutting public rights-of-ways or screened from such view. Rooftop mechanical equipment should be screened with a parapet wall or other appropriate means.

**Section 5.11. Miscellaneous Design Guidelines.**

1. **Retaining Walls.** The height and length of retaining walls should be minimized. Retaining walls with lengths of more than 20 feet in length or more than 6 feet in height should be screened or partially screened with appropriate landscaping. Smooth-faced concrete retaining walls should be avoided in highly visible areas. Decorative block is preferred if concrete is used in the retaining wall. Railroad tie walls may be considered as a more natural look.
2. **Detention Ponds.** The perimeter portions of stormwater ponds and facilities that are visible from the public right-of-way should be landscaped with a combination of densely planted shrubs and ground cover. Any fencing surrounding a stormwater pond that is visible from the public right-of-way should be decorative or attractive, although vinyl-coated chain link is recommended when chain-link fencing must be used.
3. **Utilities.** All individual utilities serving developments should be installed underground. Where possible, cluster utilities together to minimize visual impact.
4. **Exterior Lighting.** Exterior lighting should be architecturally compatible with the building style, material and colors. Galleria style and shoe box styles (cutoff fixtures) are preferred. Fixture mounting height should be appropriate for the project and the setting; the mounting height of fixtures in smaller parking lots or service areas should not exceed twenty feet, with lower mounting heights encouraged, particularly where adjacent to residential areas or other sensitive land uses.



**Cut-Off Fixtures**

**ARTICLE VI  
SPECIFIC USE PROVISIONS**

- Section 6.05. Accessory Apartment.
- Section 6.10. Accessory Building, Structure, or Use.
- Section 6.15. Amateur Radio Tower/Antenna.
- Section 6.20. Automated Teller Machine.
- Section 6.25. Bed and Breakfast Inn.
- Section 6.30. Collection Bin.
- Section 6.35. Community Donation Center.
- Section 6.40. Condominium Ownership.
- Section 6.45. Construction Field Office.
- Section 6.50. Day Care Center.
- Section 6.55. Fee Simple Townhouse.
- Section 6.60. Fences and Walls.
- Section 6.65. Food Truck.
- Section 6.70. Guest House.
- Section 6.75. Home Occupation.
- Section 6.80. Intermodal Container, Temporary.
- Section 6.85. Junked Vehicle or Material.
- Section 6.90. Livestock Quarters and Enclosures.
- Section 6.95. Manufactured Home.
- Section 6.100. Recreational Vehicle.
- Section 6.105. Self-Service Storage Facility.
- Section 6.110. Semi-trailer or Commercial Vehicle Parking.
- Section 6.115. Solar Energy System, Building Mounted.
- Section 6.120. Solar Energy System, Ground Mounted.
- Section 6.125. Swimming Pool, Private.
- Section 6.130. Tattoo Parlor or Tattoo Studio.
- Section 6.135. Tennis Court, Private.
- Section 6.140. Vehicle or Implement for Sale.
- Section 6.145. Yard Sale.

**Section 6.05. Accessory Apartment.**

Accessory apartments, whether attached or detached, shall meet the following requirements:

1. **Owner occupancy.** Either the accessory apartment or the principal dwelling unit shall be owner-occupied.
2. **Number limit.** Only one accessory apartment shall be permitted on a lot. An accessory apartment shall not be permitted on the same lot as a home occupation.
3. **Setbacks.** If attached the accessory apartment shall meet the minimum required setbacks for principal dwelling for the residential zoning district in which it is located. If detached from the principal dwelling, the accessory apartment shall be setback a minimum of 20 feet from any property line.
4. **Parking.** One additional off-street parking space is required and shall be provided, in a side or rear yard only.

5. **Area minimums.** At least 340 square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory dwelling unit shall be at least 680 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.
6. **Entrance.** The entrance to an accessory dwelling unit shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
7. **Architectural finish.** 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 on all elevations.
8. **Water and sewer.** The 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.

**Section 6.10. Accessory Building, Structure, or Use.**

1. **Yard Location.** Accessory buildings, structures, and uses shall be located in a rear yard or side yard, unless otherwise specifically provided in this ordinance.
2. **Setback.** Accessory buildings and structures shall be located a minimum of 5 feet from any side or rear property line.
3. **Height.** Accessory buildings shall not exceed two stories or 24 feet in height in R zoning districts.
4. **Size Limitations.** Except in agricultural zoning districts, in no case shall an accessory building or structure exceed the square footage of the principal building or structure to which it is accessory.
5. **Timing.** 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.

**Section 6.15. Amateur Radio Tower/Antenna.**

In zoning districts where permitted, amateur radio towers and antennas shall not exceed a height of 50 feet without conditional use permit approval. The antenna/tower shall be set back a distance of at least one-half the height of the tower/antenna from all property lines.

**Section 6.20. Automated Teller Machine.**

1. Operators of remote service terminals are required to adopt procedures for evaluating the safety of such terminals, including lighting, landscaping or obstructions, and incidence of crimes of violence (O.C.G.A. 7-8-2).

2. Such facilities must meet lighting requirements including minimum 10 candlefoot power at the face of the terminal and two candlefoot power within certain distances from the face of the remote service terminal as specified by O.C.G.A. 7-8-3.

**Section 6.25. Bed and Breakfast Inn.**

Bed and breakfast inns shall meet the following requirements:

1. **Owner resident occupancy.** The owner of the inn must reside on the property.
2. **Guest room limit.** There shall be a limit of five guest rooms, excluding the unit or portion of building devoted to the owner-occupant dwelling on the premises.
3. **Duration of stay.** The length of stay of any guest in the inn shall not exceed 14 consecutive days.
4. **Exterior appearance.** If the use is established within a building originally designed as a single-family residence, the exterior appearance of the building shall not be altered from its single-family character unless the changes are approved via a special use permit.
5. **Food service.** Food service shall be limited to breakfast only, which shall be served only to guests taking lodging at the inn. Individual rooms that are rented shall not contain cooking facilities, and no food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
6. **Parking.** Parking areas for guests, employees, or the owner occupant's household shall be located no closer than 20 feet of any property line. No more than two parking spaces shall be located in the front yard of the lot.
7. **Employment.** Employment related to the inn shall be limited to members of the owner's household occupying the inn, plus either one full-time employee or not more than two part-time employees.
8. **Codes.** The inn must meet all applicable building, occupancy, health, safety and food service codes, rules and regulations.

**Section 6.30. Collection Bin.**

A collection bin, as defined in this code, shall be placed only on an institutional, commercial or industrial property in conjunction with a permitted principal use.

1. **Number.** No lot where collection bins are permitted shall have more than two collection bins.
2. **Location.** The location of the collection bin(s) is subject to the approval of the Zoning Administrator. Collection bins shall be located in a side or rear yard where accessible space is available. Collection bins shall not occupy a parking space unless the lot on which the collection bin is located exceeds the minimum required off-street parking spaces required by this development code.

3. **Owner identification.** Each collection bin shall have affixed to it the name, address and telephone number of the owner of the bin and the individual responsible for its maintenance, if different from the owner.
4. **Identification of items that can be deposited.** Each collection bin shall have a sign not exceeding one square foot in area describing the nature of contents that may be deposited in the collection bin.
5. **Maintenance.** Any damaged or vandalized collection bin shall be promptly repaired. The lot owner shall be responsible for the prompt removal of any items deposited inside the collection bin and any items left outside the collection bin. Responses to bin maintenance complaints must be made within 24 hours of receiving notification from the city that maintenance is required.

### **Section 6.35. Community Donation Center.**

Community donation centers shall meet the following requirements:

1. **Indoor storage.** All collected items shall be stored inside an enclosed building.
2. **Loading and unloading.** Loading/ unloading space shall be provided on the site approved by the Zoning Administrator.
3. **Limits on materials collected.** The center shall not accept hazardous materials, motor vehicles or motor vehicle parts, bathroom or kitchen fixtures, guns, ammunition, weapons, carpet, or construction materials.
4. **Duration of operation.** Hours of operation, and any associated loading or unloading operations, shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

### **Section 6.40. Condominium Ownership.**

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 to the Zoning Administrator with the application for development permit approval.

### **Section 6.45. 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 an industrialized building or other temporary buildings or structures may be used for a temporary office or other permitted non-residential use, subject to the following:

1. Approval by the Zoning Administrator and issuance of a permit by the Building Inspector;
2. Said permit shall be temporary but renewable once after a period of six (6) months;

3. Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property;
4. Adequate water and sewage disposal for the structure(s) is approved by the city (or in the case of a septic tank, by Jackson County Health Department); and
5. Said industrialized building 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 6.50. Day Care Center.**

Day care centers shall comply with the following requirements:

1. **Family day care home.** Family day care homes, as defined herein (3 to 6 children), are permitted as home occupations, subject to compliance with Rules and Regulations for Family Day Care Homes, Chapter 290-2-3, Georgia Department of Early Care and Learning, updated March 26, 2014, as may be amended from time to time.
2. **Group day care home.** Group day care homes, as defined herein (7 to 18 children) shall meet Rules and Regulations for Group Day Care Homes, Chapter 290-2-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time.
3. **Child care learning centers.** Child care learning centers, as defined herein (19 or more children), shall meet Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time.
4. **Adult day services.** Adult day services, as defined, herein, shall meet any applicable rules of the Georgia Department of Human Resources Division of Aging Services.

**Section 6.55. Fee Simple Townhouse.**

Fee simple townhouses shall meet the following requirements,:

1. **Minimum lot frontage.** Each platted lot for a fee-simple townhouse shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards of the City.
2. **Minimum lot size.** The minimum lot size for a fee-simple townhouse lot shall be 2,000 square feet, with an overall average of 2,400 square feet for the townhouse development.
3. **Setback.** Zero lot line between fee-simple units within the same building shall be permitted, subject to applicable fire and building codes.
4. **Units in building.** To avoid a monotonous appearance, for any given building, no more than six units shall be included in one building.

5. **Staggered front facades.** Any building containing more than three (3) units with common walls must have the roof and front building wall (façade) of each attached unit distinct from the other through offsets of three feet or more in roof design and front building wall location.
6. **Building separation.** Buildings in townhouse developments shall be separated by a distance of at least 10 feet.
7. **Access to rear required.** Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for fire-fighting purposes.
8. **Open space.** No less than 20 percent of the gross site area of a townhouse development must be set aside as open space approved by the zoning administrator
9. **Plat approval.** Each fee simple townhouse development or phase thereof shall require subdivision plat approval in accordance with the city's subdivision regulations.

#### **Section 6.60. Fences and Walls.**

1. **Height.** No fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court shall be more than eight feet in height. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed four feet in height; provided, however, that this shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, which shall not exceed eight feet in height and columns shall not exceed ten feet in height.
2. **Composition.** Walls composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted.
3. **Gates.** When gates for vehicular access are required or proposed abutting a public or private street, said gates shall not be located closer than 20 feet of a public street or road right-of-way.
4. **Location.** No fence or wall shall be constructed in a public right-of-way, except that retaining walls may be placed partially within the right-of-way of a local road if they do not pose a visibility or other public hazard.
5. **Temporary Fencing Exempted.** These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security, safety, tree protection, or code compliance reasons.

#### **Section 6.65. Food Truck.**

1. **Motor vehicle tag.** A food truck must have a valid tag from the state's Division of Motor Vehicles.
2. **Food service rules.** Food trucks shall operate in accordance with the State of Georgia's Rules and Regulations Food Service – Chapter 290-5-14, Manual for Design, Installation and Construction, Section U - Special Food Service Operations.

3. **Health Department license, permit or approval.** The operator of a food truck shall make application for a license or permit as may be required to the Jackson County Health Department, and the applicant shall submit evidence of health department approval as part of an application for a zoning permit. No food truck shall operate without a health department permit or approval.
4. **Zoning restrictions and zoning permit.** Food trucks are permitted in certain zoning districts as indicated in Article 2. A food truck shall not be located on a vacant lot. A zoning permit for a food truck shall be applied for and must be received from the Zoning Administrator prior to operation. No more than two food trucks may operate simultaneously on any lot of record, and no lot shall be approved for more than two spaces or areas for food truck operations.
5. **City business license.** A city business license shall be required to operate a food truck.
6. **On-site location requirements.**
  - a. Food truck operators shall obtain the signed approval of the property owner for each location at which the food truck operates. Such approval must be made available for inspection upon request.
  - b. The location for the parking and operation of food trucks must be approved by the Zoning Administrator. The approved location must be marked on a site or plot plan of the lot on which it is located, and the Zoning Administrator may require the food truck location on the ground to be marked with paint, tape, chalk, or any other easily identifiable material.
  - c. Food trucks shall be located no less than 10 feet from any fire hydrant, sidewalk, utility box, handicap ramp, or building entrance. No fire lane, vehicular access way, or pedestrian walkway shall be obstructed or encroached upon by the food truck or its operational area. Food trucks shall not park in handicapped accessible parking spaces; a food truck may be permitted to occupy any other private parking space, unless it is determined by the Zoning Administrator that parking demand may exceed supply at the subject location while the food truck is operating.
7. **Location restrictions from certain adjacent uses.** No food truck shall operate (as measured in a straight line from property line to closest point of the approved food truck location, where distances are specified):
  - a. Within 750 feet of a public or private elementary, junior or high school while school is in session.
  - b. Within 150 feet of a property with a single or two-family residential dwelling.
  - c. Within 150 feet of a restaurant entrance, unless a waiver is granted by the owner of property on which the restaurant is located.
  - d. Within 300 feet of a city, county, state or private park or open space, unless a temporary permit is granted by the Zoning Administrator.

e. On a public or private street, or on in a city park or other open space, unless a temporary permit is granted by the City Clerk. The City Clerk is authorized to promulgate additional rules and regulations for the issuance of temporary permits for food trucks on public streets and public properties.

f. On the grounds of a school, unless authorized by the school's administration as part of a school-authorized function.

8. **Operational Limitations.** Food trucks shall comply with the following:

a. Food trucks shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

b. Food trucks shall be limited in their operation to a maximum of six consecutive hours per day at any single location.

c. Food trucks shall not be parked in an approved operating location overnight and shall not be parked longer than one hour before or after allowable hours of operation; a food truck shall not be in a set-up/start-up or break-down/ close-up mode between the hours of 11:00 p.m. and 6:00 a.m.

d. No food truck shall be permitted to have a vehicular drive-through facility or drive-up window.

e. No amplified microphones or bullhorns shall be permitted as part of the food truck operation.

f. The food truck must be self-contained with regard to water and sanitary sewer needs; no temporary potable water or sanitary sewer shall be permitted.

g. Signage and advertising shall be limited to copy on the food truck itself, and one "sidewalk" sign as defined in the city's sign regulations, not to exceed four square feet of area, located only within the operational area approved by the Zoning Administrator. Such signage shall be in addition to that approved for the principal use on the lot.

h. All associated equipment, such as trash receptacles and signage, must be confined within the operational area approved by the Zoning Administrator.

9. **Sanitation.** Food truck operators shall be responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.

**Section 6.70. Guest House.**

1. In zoning districts where permitted, no more than one guest house shall be permitted as an accessory building on any single residential lot.

2. Guest houses shall be located to the rear of the principal dwelling and shall not exceed 50 percent of the gross floor area of the principal dwelling.

3. 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 6.75. Home Occupation.**

Home occupations may be established as an accessory use to a dwelling as provided in permitted uses requirements for the zoning districts established by this ordinance. No more than one home occupation may be established for each dwelling. 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.

1. **Physical Limitations.** The gross floor area of building devoted to a home occupation shall not exceed 750 square feet, or 25 percent of the gross floor area of the dwelling, whichever is greater. An accessory building may be used in connection with the home occupation, subject to compliance with all other provisions of this section.
2. **Alterations to the Dwelling.** The exterior appearance of the dwelling must remain that of a dwelling. No internal or external alterations inconsistent with the residential use of the principal building, and if applicable, an accessory building, may be permitted.
3. **Vehicles and Parking.** Vehicles kept on site in association with the home occupation shall be used by residents only, except for the parking of employees as may be permitted by this section. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, 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 is prohibited.
4. **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.
5. **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 the Hoschton Sign Ordinance.
6. **Employees.** Only occupants of the dwelling and one (1) additional full-time employee or two (2) part-time employees shall be authorized to work on the premises in connection with a home occupation.
7. **Display, Stock-in-Trade, and Sales.** There shall be no display, and no stock-in-trade nor commodity sold on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling. No deliveries or pickups by or on behalf of customers shall be permitted.

8. **Uses Specifically Prohibited.** The following uses are specifically prohibited as home occupations: auto sales or auto or vehicle or implement repair; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; personal service establishments (including beauty salons); special event facilities; and lodging services.
9. **Approval.** All home occupations shall be subject to the Zoning Administrator's approval. The applicant for a business registration shall file for home occupation approval from the Zoning Administrator on forms provided by the Zoning Administrator.
10. **Modifications by Conditional Use Permit.** The provisions of this section may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in this ordinance.

**Section 6.80. Intermodal Container, Temporary.**

During the time a household, institution, business, or industrial establishment is moving in or out of a building on a property, one intermodal container, as defined, may be temporarily placed on the premise of a developed lot for purposes of loading or unloading personal property pertaining to the use on the property subject to the following:

1. The container may be positioned in a front yard or other location on the property that is accessible for pick up or drop off.
2. The container shall not remain longer than a period of 32 calendar days.
3. One additional intermodal container, for a total of two, may be authorized by the Zoning Administrator for institutional, business, or industrial establishment upon demonstration of evidence of need by the establishment.

**Section 6.85. Junked Vehicle or Material.**

It shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, semi-trailers, used lumber or metal, used appliances, tires, or any other miscellaneous scrap material in quantity that is visible from a public street. No such parking or 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 6.90. Livestock Quarters and Enclosures.**

No livestock quarters shall be located within 100 feet of any property line. Except in agricultural zoning districts, the maximum number of large, hooved livestock, including but not limited to cows, horses, emus and llamas, shall be two animals per fenced acre.

**Section 6.95. Manufactured Home.**

1. **Foundation and Skirting if Elevated.** The wheels and towing devices shall be removed, and manufactured homes shall be attached to a permanent foundation constructed in accordance with the Building Code or state and federal regulations, as applicable. The

area beneath the ground floor of the dwelling shall be either a slab foundation or enclosed around the exterior of the building with a foundation wall or non-load-bearing wall constructed of masonry (stone or brick), cast in place concrete, or concrete block finished with stucco or similar architectural treatment, penetrated by openings only for ventilation and access.

2. **Tie-Downs.** Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the manufacturer and the regulations of the Georgia Safety Fire Commissioner.
3. **Code Compliance.** The dwelling shall be constructed in accordance with all applicable requirements of the state Building Code and in accordance with the standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.).
4. **Roof Pitch.** The roof shall have a minimum 3:12 roof pitch which means having a pitch equal to at least three inches of vertical height for every twelve inches of horizontal run.
5. **Roof Composition.** The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, slate, built-up gravel materials, standing seam (non-corrugated) tin or steel or other materials approved by the Zoning Administrator.
6. **Exterior Siding.** The exterior siding materials shall consist of wood, masonry, hardboard, stucco, masonite, vinyl lap, or other materials of like appearance.
7. **Landing at Building Entrances.** Each manufactured home if elevated shall include a landing installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The landing if elevated shall include steps which lead to ground level, and both landing and steps must meet applicable building code requirements.

#### **Section 6.100. Recreational Vehicle.**

The occupancy or parking of recreational vehicles, as defined, in areas other than designated recreational vehicle parks and campgrounds is prohibited, except as specifically authorized in this Section.

1. **Time limit.** The use of a recreational vehicles in an area other than a designated recreational vehicle park or campground is permitted for seven consecutive days or less during any 180-day period. Any use of a recreational vehicle for longer or more frequent periods of time may be considered by the Mayor and Council only upon application for special use approval.
2. **Location.** The recreational vehicle shall be parked in a side or rear yard only. Recreational vehicles to be permanently stored on the premises shall be located within a carport or garage, or in the rear yard of the premises.
3. **Waste disposal.** All sewage and waste shall be disposed at designated disposal facilities and shall not create a hazard to health or the environment.

**Section 6.105. Self-Service Storage Facility.**

Self-service storage facilities (also known as miniwarehouses) shall comply with the following requirements.

1. **Land area.** No facility site shall be less than one acre or greater than four acres.
2. **Access.** The facility shall have access to, and shall have access only by way of, a public street with collector or arterial status as determined by the Zoning Administrator.
3. **Building separation.** If separate buildings are constructed, there shall be a minimum of 10 feet separating the individual buildings.
4. **Building height.** The maximum height of a self-service storage unit shall be one story or 12 feet; this limit shall not apply to the office or other authorized portion of a permitted building.
5. **Building length.** No individual building shall be more than 200 feet long.
6. **Maximum storage unit size.** The maximum size of an individual storage unit shall be 500 square feet.
7. **Aisle ways and turning radii.** If aisle ways permit two-way traffic, the minimum width shall be 24 feet. If aisle ways permit only one-way traffic, the minimum width shall be 20 feet. The directional flow aisle ways shall be clearly marked with standard directional signs and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the public works director.
8. **Occupancy.** No self-service storage unit shall be occupied for residential purposes (Reference: O.C.G.A. 10-4-211).
9. **Use limitations.** Storage units shall not be used: to manufacture, fabricate, or process goods; to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; to conduct garage sales or retail sales of any kind; for rehearsing or practicing utilizing band instruments; or to conduct any other commercial or industrial activities on site. Individual storage units within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.
10. **Accessory vehicle storage.** A self-service storage facility may also incorporate open land area for the storage of personal boats, pleasure craft, trailers, recreational vehicles, and similar personal property, provided that such area does not exceed one-half acre, is located in a rear yard of the lot devoted to self-service storage units, and is screened from view from the front property line. No vehicle maintenance, washing, or repair shall be permitted.

11. **Fence.** The storage portion of the facility, including any open yard for boats, trailers, or other personal property or vehicles authorized to be stored on the premises, shall be enclosed by a minimum 6-foot high fence or wall. Said fence or wall shall be constructed of either brick, stone, masonry units, wood, chain link, cyclone, or other similar materials. Said fence or wall shall be set back a minimum of 20 feet from the side and rear property lines. Fences and walls shall comply with the front building setback required for the zoning district in which it is located.
12. **Hours of operation.** Self-service storage facilities shall not be accessible to customers between the hours of midnight and 5:00 a.m.

**Section 6.110. Semi-trailer or Commercial Vehicle Parking.**

The parking or storage of a semi-trailer, as defined, or a commercial vehicle, is prohibited in residential zoning districts and shall not be authorized in any other zoning district without permission of the property owner.

**Section 6.115. Solar Energy System, Building Mounted.**

A building-mounted solar energy system shall be subject to the following regulations:

1. **Placement.** No solar energy system shall be mounted or affixed to any freestanding wall or fence. Panels and building mounts shall be installed per manufacturer's specifications. For aesthetic reasons, a solar energy system shall not be located on the front slope of a pitched roof of a principal residential structure in residential zoning districts unless no other location for the solar energy equipment is feasible. The city may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.
2. **Height.** Building-mounted solar panels or systems shall not exceed four feet above the height of any principal building on the site.
3. **Permits and code compliance.** A building permit shall be required for installation of all building-mounted solar energy systems, except for flush-mounted panels.

**Section 6.120. Solar Energy System, Ground Mounted.**

A solar energy system, ground mounted, shall be subject to the following regulations:

1. **Placement.** A ground-mounted solar energy system shall not be located within the required front yard of a lot. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation. Panels and ground mounts shall be installed per manufacturer's specifications.
2. **Maximum area coverage.** For residential properties, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served. For non-residential properties, a solar energy system shall not exceed 50% of the footprint of the principal building served.

3. **Height.** The maximum height of a ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings in the zoning district in which it is located, or 20 feet, whichever is less.
4. **Permitting.** A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

**Section 6.125. Swimming Pool, Private.**

Private swimming pools and their customary accessory buildings and structures shall be located in rear yards and shall be setback at least fifteen feet from all side and rear lot lines and be enclosed by a wall or fence not less than four feet nor more than six feet in height.

**Section 6.130. Tattoo Parlor or Tattoo Studio.**

1. Tattoo parlors and tattoo studios shall comply with Chapter 40 of Title 31, O.C.G.A.
2. No tattoo parlor or tattoo studio shall commence operation until and unless a copy of the permit required to be issued by the Georgia Department of Human Resources pursuant to O.C.G.A. 31-40-2 has been submitted to the Zoning Administrator prior to commencing operation in the city.
3. No tattoo parlor or tattoo studio shall be permitted to continue operating in the city if the County Board of Health has revoked a permit for the operation issued pursuant to O.C.G.A. 31-40-3, or if the tattoo parlor or tattoo studio is out of compliance with state rules and regulations or those established by the County Board of Health (Reference O.C.G.A. 31-40-5).

**Section 6.135. Tennis Court, Private.**

Tennis courts on individual residential lots shall be located in rear yards and shall be setback at least fifteen feet from all side and rear lot lines and be enclosed by fence of sufficient height. Lighting for any private tennis court shall not be permitted, except by conditional use permit approval.

**Section 6.140. Vehicle or Implement for Sale.**

Front yards and off-street parking areas for any use or development shall not be used to store and display vehicles for sale, except in cases of an approved commercial vehicle sales lot. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed and operable vehicle, boat, other vehicle or implement located in a private driveway and which licensed vehicle, boat, other vehicle or implement is owned by an occupant of said private property.

**Section 6.145. Yard Sale.**

Yard sales, where permitted, shall not exceed seventy-two (72) hours for each yard sale. A yard sale on a particular property shall not occur more frequently than three times annually.

## ARTICLE VII NONCONFORMITIES

- Section 7.01. Nonconforming Lot.
- Section 7.02. Nonconforming Building or Structure.
- Section 7.03. Nonconforming Use.
- Section 7.04. Prior Nonconformities.
- Section 7.05. Correction of Nonconforming Situations.

### **Section 7.01. Nonconforming Lot.**

A lot of record, as defined in this ordinance, that does not conform to minimum road frontage requirement or the minimum lot size or minimum lot width requirements for the zoning district in which it is located may be used as a building site, provided that the 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 in the case of a lot not served by sanitary sewer the lot area and width meet the current standards and requirements of the Jackson County Health Department for septic tank use.

### **Section 7.02. Nonconforming Building or Structure.**

A nonconforming building or structure, as defined in this ordinance, 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. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the zoning district in which said non-conforming building or structure is located, and all other requirements of this ordinance.

### **Section 7.03. Nonconforming Use.**

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 section.

1. **Change of 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.
2. **Discontinuance or Abandonment.** A nonconforming use shall not be re-established after discontinuance or abandonment for one year. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed for more than one year, said lapse of business registration shall constitute discontinuance.
3. **Expansion.** 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.

4. **Repair.** A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding fifty 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 one year of such damage.

**Section 7.04. Prior Nonconformities.**

This article shall not be construed as extending the time period for allowance to reestablish a nonconforming use which was nonconforming at the time this ordinance was adopted, as established under the previous zoning ordinance of the City of Hoschton. Nor shall it be construed to grant any other type of relief to a nonconforming use, nonconforming building, or nonconforming situation which did not conform to Hoschton's zoning ordinance as previously adopted.

**Section 7.05. Correction of Nonconforming Situations.**

1. **Intent.** It is the intent of this section to require the complete correction of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land, if such nonconforming situation can physically be made to comply with the requirements of this ordinance. It is the intent of this section to require the reduction in the extent of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land, if such nonconforming situation cannot be physically be made to comply entirely with the requirements of this ordinance. It is the intent of this section to provide authority to the Zoning Administrator to administer the provisions of this section in a manner that meets these intentions, and that the Zoning Administrator shall exercise that authority, subject to more specific guidance as provided in this section.
2. **Determination of Nonconforming Situations.** For any proposed building or development, or modification of a building or development, it shall be the duty of the Zoning Administrator to identify the extent to which the improvements on land on which the building or development is proposed constitutes a nonconforming situation, as defined in this ordinance. The Zoning Administrator shall conduct a review and identify such nonconforming situation(s) at the time plans for such proposed building or development are submitted for review, and at any earlier opportunity, if presented. In the event that one or more nonconforming situations are found to exist by the Zoning Administrator, they shall be documented and notice of the need to correct or reduce said nonconforming situations shall be provided by the Zoning Administrator to the building or development applicant.
3. **Correction of Nonconforming Situations.** In determining the need to completely correct or reduce the noncompliance of nonconforming situations, the Zoning Administrator shall be guided by the following standards:
  - (a) **Strict Compliance.** A standard of "strict compliance" (complete correction of all nonconforming situations) shall be applied by the Zoning Administrator where physical standards can clearly be made in the subject development proposal without significant alteration of the development as proposed.

- (b) **Reasonable Progress toward Compliance.** In lieu of strict compliance, a standard of “reasonable progress toward compliance” shall be applied by the Zoning Administrator in cases where complete correction or compliance with the nonconforming situation would require undue hardship, practical difficulty, or might unreasonably reduce the size, scale, or other significant aspect of the development proposal to a point where strict compliance would jeopardize the building or development proposal. In applying a standard of reasonable progress toward compliance, the Zoning Administrator shall have authority to approve the building, development, or improvement even though it does not meet a standard of strict compliance, if the relief granted is the minimum necessary to effectuate the building, development, or improvement.
  
- (c) **Proportionality.** Whenever something less than strict compliance is authorized by the Zoning Administrator, in determining the amount or extent of compliance required, he shall apply a standard of “proportionality,” meaning that the scope, scale, extent and cost of requirements to correct nonconforming situations are more or less comparable to the scope, scale, extent and cost of the improvement or development proposed.

**ARTICLE VIII  
ZONING AMENDMENTS AND APPLICATIONS**

- Section 8.01. Procedures for Calling and Conducting Public Hearings.
- Section 8.02. Text Amendments.
- Section 8.03. Amendment to the Official Zoning Map.
- Section 8.04. Conditional Uses.
- Section 8.05. Variances.
- Section 8.06. Appeals of Administrative Decisions.
- Section 8.07. Incorporation Clause.

**Section 8.01. Procedures for Calling and Conducting Public Hearings.**

1. **Applicability.** Public hearings held by the Hoschton City Council as required by this ordinance with regard to rezoning requests (amendments to the official zoning map), applications for conditional uses, applications for variances, and appeals of any administrative decision shall be called and conducted in accordance with the procedures of this section. If the Planning Commission elects to hold a public hearing or is otherwise obligated to hold a public hearing per the requirements of this ordinance, then the Planning Commission shall call and conduct its public hearings in accordance with this section, and this section shall in such cases be interpreted accordingly. Nothing in this section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.
2. **Presiding Officer.** The presiding officer shall preside over the public hearing. In the case of the Hoschton City Council, the Mayor shall preside, or in the absence of the Mayor the Mayor Pro Tempore shall preside, or in the absence of both the Mayor and Mayor Pro Tempore, another member of the City Council shall be designated to preside over the public hearing. In the case of the Hoschton Planning Commission, if a public hearing is required or held, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson, or if neither is present to preside, another member of the commission shall be designated to preside.
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 ordinance, shall summarize the processes required by this article (or call on the Zoning Administrator to summarize), and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the City Council shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the City Council; 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/or 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.
4. **Report of Zoning Administrator.** Upon opening the public hearing, the presiding officer may recognize the Zoning Administrator, who may provide a summary of the application and present any recommendations or results of investigations. Unless a member of the Hoschton Planning Commission is present and is authorized and willing to speak for the Planning Commission on the subject application, the Zoning Administrator may also summarize the recommendations made by the Planning Commission. Any member of

the City Council upon recognition by the presiding officer may ask questions of the Zoning Administrator or designee or other city or planning commission representative providing a report or recommendations. The Zoning Administrator and/or Planning Commission may be represented at the public hearing by written report in lieu of oral testimony.

5. **Identification of Speakers.** Prior to speaking, each speaker (including applicant, agent of applicant, and all others) must identify himself or herself and state his or her current address for the record. The presiding officer may require a speaker to complete an information card supplying such information, prior to testifying.
6. **Applicant and Those in Favor of the Application.** 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 those who 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, or Planning Commission spokesperson, if any, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application, followed by any other persons wishing to speak in favor of the application. 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. There shall be a minimum time period of ten minutes per application at the public hearing for the applicant and/or agent and anyone in favor of the application to present data, evidence, and opinions. The City Council shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time, nor shall there be an obligation to provide a minimum of ten minutes per application in the event that more than one application involving the same property is heard simultaneously. An applicant or agent may reserve any remaining unused time from the allotted time period for rebuttal. Upon the completion of testimony or remarks by the applicant and/or applicant's agent and those speaking in favor of the application, any member of the City Council upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both, or any person speaking in favor of the application.
7. **Questions and Opposing Public Comments on the Application.** At the conclusion of the applicant's presentation and any testimony by others in favor of the application, the presiding officer shall call for public comments from those who wish to ask questions, make comments or oppose the application. The presiding officer may ask for a show of hands of those persons who wish to ask questions, make comments, and/or speak in opposition to the application. If it appears that the number of persons wishing to ask questions, make comments, and/or speak in opposition to the application is in excess of those who may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations, ask questions, or speak in opposition. There shall be a minimum time period of ten minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions. The City Council shall not be obligated to provide the full ten minutes per application to the opponents if they elect not to use that much time, nor shall there be an obligation to provide a minimum of ten minutes per application in the event that more than one application involving the same property is heard simultaneously. Upon the completion of testimony or remarks by those asking questions and/or speaking in

opposition to the application, any member of the City Council upon recognition by the presiding officer may ask questions of those speakers.

8. **Response to Questions.** Upon the completion of testimony or remarks by those asking questions and/or speaking in opposition to the application, the presiding officer may: (a) ask the Zoning Administrator if present to answer questions posed by speakers; (b) answer such questions himself or herself; (c) recognize a member of the City Council to make remarks or answer questions in response to such questions; or (d) defer questions to the applicant to be answered during rebuttal.
9. **Content of Remarks.** Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the City Council and not directly to the audience. 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.
10. **Applicant's Rebuttal.** Upon the conclusion of public testimony, if the ten minutes allotted to the applicant and those speaking in favor of the application has not been exhausted, the applicant or his or her agent, or both, shall be allowed the remaining time from the total ten minutes allotted to answer questions, rebut the testimony of speakers, and/or provide final comments and remarks. The time devoted to any such rebuttal shall be counted toward the total ten minutes allotted to the applicant if such a time limit is set by the presiding officer. Any member of the City Council upon recognition by the presiding officer may then ask questions of the applicant, his or her agent, or both.
11. **Equal Time.** In no case shall the presiding officer allow or permit, an unequal amount of time to proponents and opponents with respect to testimony regarding an individual application.
12. **Close of Hearing.** After the foregoing procedures have been completed, the presiding officer will close the public hearing and 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 be permitted to address the City Council 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.
13. **Decision.** After the public hearing is closed, the City Council 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 City Council will 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. If the City Council 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 City Council on its own initiative or as

recommended by the Zoning Administrator and/or the Hoschton Planning Commission. Otherwise, such application shall be denied.

**Section 8.02. Text Amendments.**

1. **Authority to Amend.** The City Council may amend any article or section of this zoning ordinance, subject to compliance with the requirements of this section.
2. **Authority to Initiate.** An application to amend this zoning ordinance may be initiated by the City Council or the Hoschton 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 in the city and the amendment sought pertains in some way to said property within the city, and provided further that the applicant has attended a pre-application meeting with the Zoning Administrator to discuss the amendment proposal prior to filing.
3. **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 City Council or the Planning Commission.
4. **Referral to and Recommendation by Planning Commission.** Upon receipt of a completed application for a text amendment or within a reasonable time thereafter, the Zoning Administrator shall refer the text amendment to the Hoschton Planning Commission. The meeting at which the Planning Commission considers a text amendment shall be open to the public, but the Planning Commission meeting shall not be required to be an advertised public hearing and the Planning Commission shall not be obligated to but may hold a public hearing on the text amendment. The Planning Commission shall make a recommendation on the text amendment within 30 days of the meeting it is first scheduled to consider the text amendment, and its recommendation shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate. The applicant will be notified in writing by the Zoning Administrator of the recommendation within seven (7) working days of the decision. The recommendation and any report shall upon publication be available upon request to the public. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.
5. **Notice of City Council Public Hearing.** At least 15 but not more than 45 days prior to the date of the public hearing before the City Council, 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 on the text amendment. The notice shall state the time, place, and purpose of the public hearing.
6. **City Council Public Hearing and Action.** The City Council shall hold a public hearing on the text amendment as advertised and after review and recommendation by the Planning Commission. In the event that the Planning Commission has not submitted its report and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule and re-advertise the public hearing for a day after which the Planning Commission's

recommendation will be available. In rendering a decision on any such text amendment, the City Council shall consider all information supplied by the Zoning Administrator and the Planning Commission, any information submitted by the applicant, and any information presented at the public hearing. The City Council may approve or disapprove the proposed text amendment as written, or it may modify the proposed text amendment and approve it as modified. The applicant will be notified in writing by the Zoning Administrator of the decision within seven (7) working days of the decision.

7. **Withdrawal.** 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 notice to the Zoning Administrator, up until the public hearing by the City Council. When any application for a text amendment is initiated by a party other than the City Council or the Planning Commission, no refund of the required application fee or portion thereof shall be made once the text amendment has been scheduled for public hearing.

### **Section 8.03. Amendment to the Official Zoning Map.**

1. **Authority to Amend.** The City Council may amend any boundary of a zoning district as shown on the official zoning map, subject to compliance with the requirements of this section.
2. **Authority to Initiate.** An application to amend the official zoning map may be initiated by the City Council or the Hoschton Planning Commission. In addition, any person, firm, corporation, or agency may initiate by application to the Zoning Administrator a proposal to amend the official zoning map, provided said individual, firm, corporation, or agency is the owner or owner's agent of the property involved in said application.
3. **Application.** Applications to amend the official zoning map shall require submittal of an application fee, application form, and supporting materials specified by this. No application described in this section shall be processed by the Zoning Administrator unless it is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this section. If an application described and regulated by this section does not comply with all the submission requirements of this section, the Zoning Administrator may reject the application and refuse to process it. The Zoning Administrator shall waive the application fee required by this section when an application is initiated by the City Council or the Planning Commission.
4. **Application Requirements.** No application specified in this section shall be processed by the Zoning Administrator unless it meets the requirements of this section as follows:
  - (a) Application fee as established by resolution of the City Council;
  - (b) Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner;
  - (c) Metes and bounds legal description of the property;
  - (d) Boundary survey plat of the property; provided, however, that where no survey is available the Zoning Administrator may but is not obligated to, accept a map of the subject property from the Jackson County Tax Assessors or other reliable source;

- (e) Letter of intent describing the proposed use of the property or other action requested, which may include any special conditions voluntarily made by the applicant as a part of the request. The applicant is also strongly encouraged to address the extent to which the application meets the criteria specified in this section for amendments to the official zoning map; and
- (f) Site plan of the property and proposed development at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements. Site plans must show existing roads and streams, flood plains and wetlands where applicable, existing and proposed buildings and structures, parking and loading areas as may be applicable, areas of existing vegetation or parts of the site to be landscaped, conceptual information about drainage and stormwater management, and other information as reasonably required by the Zoning Administrator. Site plans may be waived for rezoning applications for agricultural or residential zoning districts.

5. **Referral to and Recommendation by Planning Commission.** Upon receipt of a completed application to amend the official zoning map or within a reasonable time thereafter, the Zoning Administrator shall refer the application to the Planning Commission. The meeting at which the Planning Commission considers the application shall be open to the public, but the Planning Commission meeting shall not be required to be an advertised public hearing and the Planning Commission shall not be obligated to but may hold a public hearing on the application. The Planning Commission shall make a recommendation on the application within 30 days of the meeting it is first scheduled to consider the application, and its recommendation shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate. The applicant will be notified in writing by the Zoning Administrator of the recommendation within seven (7) working days of the decision. The recommendation and any report shall upon publication be available upon request to the public. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.
6. **Notice of City Council Public Hearing.** At least 15 but not more than 45 days prior to the date of the public hearing before the City Council, 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 on the application. The notice shall state the time, place, and purpose of the public hearing. If the application is initiated by a party other than the City Council or the Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; 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 City Council and which shall remain through the date of any public hearings advertised thereon.
7. **Criteria for Amendments to Official Zoning Map.** The following criteria are considered applicable or potentially applicable:
  - (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
  - (c) Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
  - (d) 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.
  - (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.
  - (f) 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.
  - (g) Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.
  - (h) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
8. **City Council Public Hearing and Action.** The City Council shall hold a public hearing on the application as advertised and after review and recommendation by the Planning Commission. In the event that the Planning Commission has not submitted its report and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule and re-advertise the public hearing for a day after which the Planning Commission's recommendation will be available. In rendering a decision on any such application, the City Council shall consider all information supplied by the Zoning Administrator and the Planning Commission, any information submitted by the applicant, any information presented at the public hearing, and the extent to which the application meets the criteria specified for amendments to the official zoning map as prescribed in this section. The City Council may approve or disapprove the application as proposed, or it may place conditions of approval on the application and approve the application with conditions. The applicant will be notified in writing by the Zoning Administrator of the decision within seven (7) working days of the decision.
9. **Withdrawal.** Any application for an amendment to the official zoning map may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Zoning Administrator, up until the public hearing by the City Council. When any application is initiated by a party other than the City Council or the Planning Commission, no refund of the required application fee or portion thereof shall be made once the application has been scheduled for public hearing.
10. **Limitations on the Frequency of Filing Applications.** No application regulated by this section and affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application was denied by the City Council. The same or any portion of property previously considered in a zoning map amendment which was denied

by the City Council may not again be initiated until the expiration of at least six months immediately following the final decision rendered on the application by the City Council.

**Section 8.04. Conditional Uses.**

1. **Authority.** Upon application, the City Council may approve, conditionally approve, or deny applications for conditional uses as specified in the zoning district regulations of this ordinance, subject to compliance with the requirements of this section.
2. **Application.** Applications for conditional use approval shall require submittal of an application fee, application form, and supporting materials specified by this section in advance by the Zoning Administrator. No application described in this section shall be processed by the Zoning Administrator unless it is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this section. If an application described and regulated by this section does not comply with all the submission requirements of this section, the Zoning Administrator may reject the application and refuse to process it.
3. **Application Requirements.** No application specified in this section shall be processed by the Zoning Administrator unless it meets the requirements of this section as follows:
  - (a) Application fee as established by resolution of the City Council;
  - (b) Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner;
  - (c) Metes and bounds legal description of the property;
  - (d) Boundary survey plat of the property; provided, however, that where no survey is available the Zoning Administrator may but is not obligated to accept a map of the subject property from the Jackson County Tax Assessors or other reliable source;
  - (e) Letter of intent describing the proposed use of the property, which may include any special conditions voluntarily made by the applicant as a part of the request. The applicant is also strongly encouraged to address the extent to which the application meets the criteria specified in this section for conditional uses; and
  - (f) Site plan of the property and proposed development at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements. Site plans must show existing roads and streams, flood plains and wetlands where applicable, existing and proposed buildings and structures, parking and loading areas as may be applicable, areas of existing vegetation or parts of the site to be landscaped, conceptual information about drainage and stormwater management, and other information as reasonably required by the Zoning Administrator.
4. **Referral to and Recommendation by Planning Commission.** Upon receipt of a completed application for conditional use or within a reasonable time thereafter, the Zoning Administrator shall refer the application to the Hoschton Planning Commission. The meeting at which the Planning Commission considers the application shall be open to the public, but the Planning Commission meeting shall not be required to be an

advertised public hearing and the Planning Commission shall not be obligated to but may hold a public hearing on the application. The Planning Commission shall make a recommendation on the application within 30 days of the meeting it is first scheduled to consider the application, and its recommendation shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate. The applicant will be notified in writing by the Zoning Administrator of the recommendation within seven (7) working days of the decision. The recommendation and any report shall upon publication be available upon request to the public. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.

5. **Notice of City Council Public Hearing.** At least 15 but not more than 45 days prior to the date of the public hearing before the City Council, 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 on the application. The notice shall state the time, place, and purpose of the public hearing. If the application is initiated by a party other than the City Council or the Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, and the proposed conditional use of the property; 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 City Council and which shall remain through the date of any public hearings advertised thereon.
6. **Criteria for Conditional Uses.** The following criteria are considered applicable or potentially applicable:
  - (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
  - (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
  - (c) Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
  - (d) 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.
  - (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.
  - (f) 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.
  - (g) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
7. **City Council Public Hearing and Action.** The City Council shall hold a public hearing on the application as advertised and after review and recommendation by the Planning

Commission. In the event that the Planning Commission has not submitted its report and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule and re-advertise the public hearing for a day after which the Planning Commission's recommendation will be available. In rendering a decision on any such application, the City Council shall consider all information supplied by the Zoning Administrator and the Planning Commission, any information submitted by the applicant, any information presented at the public hearing, and the extent to which the application meets the criteria specified for conditional uses as prescribed in this section. The City Council may approve or disapprove the application as proposed, or it may place conditions of approval on the application and approve the application with conditions. The applicant will be notified in writing by the Zoning Administrator of the decision within 7 working days of the decision.

8. **Withdrawal.** Any application for conditional use may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Zoning Administrator, up until the public hearing by the City Council. When any application is initiated by a party other than the City Council or the Planning Commission, no refund of the required application fee or portion thereof shall be made once the application has been scheduled for public hearing.
9. **Limitations on the Frequency of Filing Applications.** No application regulated by this section and affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application was denied by the City Council.

#### **Section 8.05. Variances.**

1. **Intent.** It is the intent of this section 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 (i.e., "concurrent" variance application). It is also the intent to allow the filing of applications for variance independently of any application (i.e., "stand alone" variance application).
2. **Pre-application Conference Encouraged.** Applicants for variances are strongly encouraged but not 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 variance(s).
3. **Separate Applications Required When More than One Section is Requested to be Varied.** A separate variance application, and a separate fee, shall be required for each individual section of this ordinance for which a variance is requested or from which relief is sought.
4. **Regulations That Cannot Be Varied.** Variances shall not be granted to (a) minimum lot size requirements of a given zoning district; or (b) permit a use which is not permitted in the zoning district in pertaining to the subject property (i.e., a "use" variance).

5. **Application.** Applications for a variance shall require submittal of an application fee, application form, and supporting materials specified by this section in advance by the Zoning Administrator. No application described in this section shall be processed by the Zoning Administrator unless it is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this section. If an application described and regulated by this section does not comply with all the submission requirements of this section, the Zoning Administrator may reject the application and refuse to process it.
  
6. **Application Requirements.** No application specified in this section shall be processed by the Zoning Administrator unless it meets the requirements of this section as follows:
  - (a) Application fee as established by resolution of the City Council;
  - (b) Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner;
  - (c) Metes and bounds legal description of the property;
  - (d) Boundary survey plat of the property; in the case where a building or structure was already constructed and requires a setback variance, the boundary survey shall include “as built” placement of the building or structure for which the setback is requested to be varied;
  - (e) Letter of intent describing the regulations to be varied (specific sections and the amount of numerical variation sought), and including analysis of how the proposed development compares favorably with one or more of the criteria for granting variances as established in this section;
  - (f) If pertaining to future development, a site plan of the property and proposed development shall be submitted at an appropriate engineering scale showing the proposed use and relevant information regarding the variance request. Site plans must show information as reasonably required by the Zoning Administrator.
  
7. **Referral to and Recommendation by Planning Commission.** Upon receipt of a completed application for variance or within a reasonable time thereafter, the Zoning Administrator shall refer the application to the Hoschton Planning Commission. The meeting at which the Planning Commission considers the application shall be open to the public, but the Planning Commission meeting shall not be required to be an advertised public hearing and the Planning Commission shall not be obligated to but may hold a public hearing on the application. The Planning Commission shall make a recommendation on the application within 30 days of the meeting it is first scheduled to consider the application, and its recommendation shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate. The applicant will be notified in writing by the Zoning Administrator of the recommendation within seven (7) working days of the decision. The recommendation and any report shall upon publication be available upon request to the public. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.

8. **Notice of City Council Public Hearing.** At least 15 but not more than 45 days prior to the date of the public hearing before the City Council, 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 on the application. The notice shall state the time, place, and purpose of the public hearing. In addition, notice shall include the location of the property and the section or sections proposed to be varied; 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 City Council and which shall remain through the date of any public hearings advertised thereon.
9. **Criteria for Variances.** One or more of the following criteria may be considered applicable or potentially applicable to decisions on variances:
  - (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 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 zoning district in which the development is located.
10. **City Council Public Hearing and Action.** The City Council shall hold a public hearing on the application as advertised and after review and recommendation by the Planning Commission. In the event that the Planning Commission has not submitted its report and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule and re-advertise the public hearing for a day after which the Planning Commission's recommendation will be available. In rendering a decision on any such application, the City Council shall consider all information supplied by the Zoning Administrator and the Planning Commission, any information submitted by the applicant, any information presented at the public hearing, and the extent to which the application meets the criteria specified for conditional uses as prescribed in this section. The City Council may approve or disapprove the application as proposed, or it may place conditions of approval on the application and approve the application with conditions. The applicant will be notified in writing by the Zoning Administrator of the decision within seven (7) working days of the decision.

10. **Withdrawal.** Any application for variance may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Zoning Administrator, up until the public hearing by the City Council. No refund of the required application fee or portion thereof shall be made once the application has been scheduled for public hearing.
11. **Limitations on the Frequency of Filing Applications.** No application regulated by this section and affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application was denied by the City Council.
12. **Judicial Review.** Decisions by the City Council with regard to variances are final; provided, however, any person or persons, jointly or severally, aggrieved by any decision of the City Council with regard to a decision on a variance application under the terms of this section may take an appeal to or seek judicial review by the Jackson County Superior Court.

#### **Section 8.06. Appeals of Administrative Decisions.**

1. **Intent.** It is the intention of this section that all questions arising in connection with the administration, interpretation, and enforcement of this ordinance by the Zoning Administrator 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 City Council on appeal from the decision of the Zoning Administrator.
2. **Who May Appeal.** Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator in the administration, interpretation, or enforcement of this ordinance, may file an appeal with the City Council, 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 city, affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of the final administrative decision. A fee shall be paid to the Zoning Administrator at the time the notice of appeal is filed, as specified by resolution of the City Council.
3. **Transmittal of Application.** 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 Hoschton Planning Commission for recommendation and to the City Council for decision.
4. **Referral to and Recommendation by Planning Commission.** Upon receipt of a completed application for appeal or within a reasonable time thereafter, the Zoning Administrator shall refer the application to the Hoschton Planning Commission. The meeting at which the Planning Commission considers the application shall be open to the public, but the Planning Commission meeting shall not be required to be an advertised public hearing and the Planning Commission shall not be obligated to but may hold a public hearing on the application. The Planning Commission shall make a recommendation on the application within 30 days of the meeting it is first scheduled to consider the application, and its recommendation shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate. The applicant will be notified in writing by the Zoning Administrator of the recommendation

within seven (7) working days of the decision. The recommendation and any report shall upon publication be available upon request to the public. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.

5. **Notice of City Council Public Hearing.** At least 15 but not more than 45 days prior to the date of the public hearing before the City Council, 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 on the application. The notice shall state the time, place, and purpose of the public hearing.
6. **City Council Public Hearing and Action.** The City Council shall hold a public hearing on the application as advertised and after review and recommendation by the Planning Commission. In the event that the Planning Commission has not submitted its report and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule and re-advertise the public hearing for a day after which the Planning Commission's recommendation will be available. In rendering a decision on any such application, the City Council shall consider all information supplied by the Zoning Administrator on the record and the findings of the Planning Commission, and any information submitted by the applicant. The City Council may grant or deny the appeal, or it may place conditions on granting the appeal and approve the appeal with those conditions. The applicant will be notified in writing by the Zoning Administrator of the decision within seven (7) working days of the decision.
7. **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 City Council 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.
8. **Judicial Review.** Decisions by the City Council with regard to appeals are final; provided, however, any person or persons, jointly or severally, aggrieved by any decision of the City Council with regard to a decision on an appeal application under the terms of this section may take an appeal to or seek judicial review by the Jackson County Superior Court.

#### **Section 8.07. Incorporation Clause.**

This article 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 article is in conflict with any provision of the law, the law shall control. Or where this article 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.

**ARTICLE IX  
PERMITS AND CERTIFICATES**

Section 9.01. Development Permit.

Section 9.02. Building Permit.

Section 9.03. Certificate of Occupancy.

**Section 9.01. Development Permit.**

1. **Required.** A development permit shall be required for any proposed use of land(s) or building(s), and before any improvement, grading or alteration of land(s) or building(s) commences to indicate and insure compliance with all provisions of this ordinance and other applicable regulations in the Hoschton City Code. Such development activities include, but are not limited to, clearing and grubbing, grading and/or land disturbance, and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property.
2. **Separate Requirements for Phased Applications.** If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
3. **Exemptions.** 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 on an individual lot not part of an approved subdivision or development.
4. **Application.** No person shall conduct any land-disturbing or development activity within the city without first applying for and obtaining a development permit from the Zoning Administrator, if required, to perform such activity.
5. **Application Requirements.** Applications shall be made in accordance with application requirements specified by the Zoning Administrator and this section. All applications for a development permit shall be made to the Zoning Administrator and shall be accompanied by the following:
  - (a) Application on the form furnished by the Zoning Administrator.
  - (b) A fee as established by resolution of the City Council.
  - (c) A copy of the approved preliminary plat, if subdivision is required and preliminary plat approval has been obtained, or an application for preliminary plat approval if required.
  - (d) A sufficient number (as approved by the Zoning Administrator) of sets of plans drawn to scale, signed and stamped by one or more qualified professionals who have authority to produce such plans or portions thereof, with addresses and contact information.

The application shall be checked for completeness at the time of submission. Incomplete applications will not be processed and will be returned to the applicant.

6. **Agency and Zoning Administrator Review.** The Zoning Administrator shall forward a copy of the development permit application, including the civil plans and drawings for the project, to other city departments and government agencies or others as appropriate, for their review and comment. The applicant may be required by the Zoning Administrator to secure development approval from other agencies if they are affected by (or have jurisdiction over) the development. Development approval may be required from but is not necessarily limited to the following, as applicable: the city engineer, the city street and/or public works department, the Georgia Department of Natural Resources, the soil and water conservation district with jurisdiction, the county fire department, the county health department, the Georgia Department of Transportation, and the U.S. Army Corps of Engineers.
7. **Consolidation and Submission of Comments to Applicant.** Upon receipt of comments from other city departments and external agencies as appropriate, the Zoning Administrator shall provide all comments to the applicant for resolution and as appropriate shall indicate on one or more copies of the civil drawings or in writing all comments related to compliance with applicable city regulations and agency requirements. Thereafter, the applicant shall submit revised plans to reflect all such comments.
8. **Issuance.** 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 ordinance or other applicable regulations of the city. The applicant shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the comments of reviewing city departments, external agencies, and the Zoning Administrator. Although review may have been achieved, if another city department or external agency requires approval or a permit, the owner shall also be responsible for obtaining such approval or permit from all other agencies affected by the project prior to issuance of the development permit by the Zoning Administrator.
9. **Denial.** 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 which shall be a public record.
10. **Duration of Validity.** 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 year 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 years of the date of issuance thereof, said permit shall expire. Application processes shall begin anew for any expired development permit.
11. **Suspension or Revocation.** The development permit may be suspended or revoked by the city, as to all or any portion of the land affected by the permit, upon finding that the holder or his or her successor in title is not in compliance with the approved development permit or is in violation of any applicable regulations of this zoning ordinance or other ordinances in the Hoschton City Code.

**Section 9.02. Building Permit.**

1. The Building Inspector is hereby authorized to issue building permits in accordance with all provisions of this ordinance and relevant ordinances of the Hoschton City Code, but 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 ordinance and applicable regulations of the city.
2. 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 ordinance and all applicable building and related codes.
3. Approval of a building permit shall require an application to the Building Inspector as specified in the minimum standard codes. 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.
4. 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 9.03. Certificate of Occupancy.**

1. 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.
2. 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. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and applicable regulations of the City of Hoschton.
3. 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 X  
ACCESS, PARKING AND LOADING**

- Section 10.01. Applicability.
- Section 10.02. Access.
- Section 10.03. Shared Driveways and Inter-parcel Access.
- Section 10.04. Visibility at Intersections and Driveways.
- Section 10.05. Internal Vehicular Circulation.
- Section 10.06. Off-Street Parking Required.
- Section 10.07. Location of Off-Street Parking Areas.
- Section 10.08. Parking Plan Required.
- Section 10.09. Minimum Design Requirements.
- Section 10.10. Minimum Number of On-site Parking Spaces.
- Section 10.11. Interpretations.
- Section 10.12. Number of Handicapped Parking Spaces Required.
- Section 10.13. Off-Street Loading Required.
- Section 10.14. Loading Area Specifications.
- Section 10.15. Loading Docks and Spaces Required.

**Section 10.01. Applicability.**

This article shall apply to:

1. Any new building constructed; and
2. For new uses or conversions of existing, conforming buildings; and
3. For enlargements of existing structures; and
4. When the occupancy of any building is changed to another use.

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.

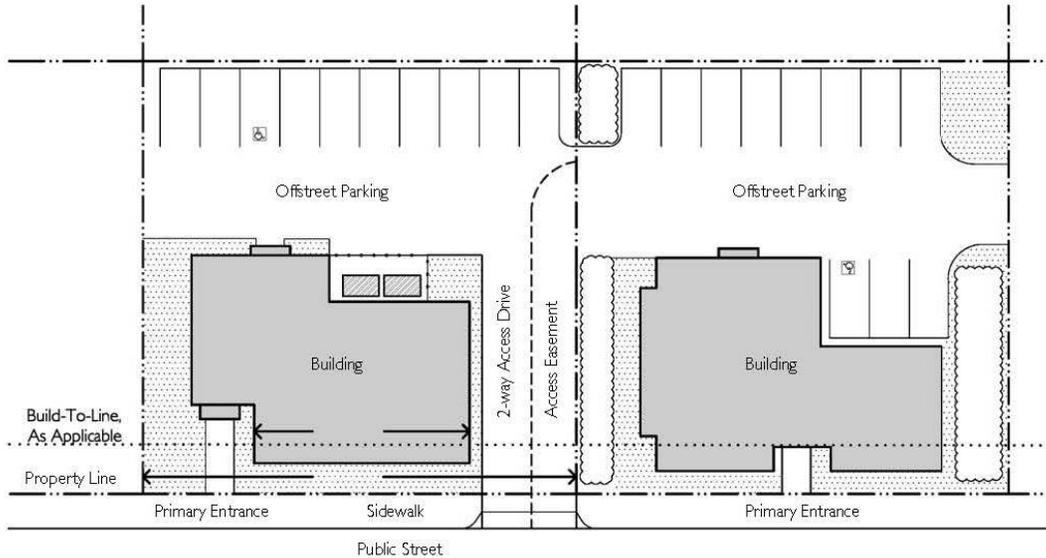
**Section 10.02. Access.**

1. All parking shall be provided with vehicular access to a street. Parking areas shall not thereafter be encroached upon or altered without approval of the Zoning Administrator.
2. Loading areas shall be provided with access to a street or alley. Loading areas shall not thereafter be encroached upon or altered without approval of the Zoning Administrator.
3. 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.

**Section 10.03. Shared Driveways and Inter-parcel Access.**

1. **Applicability.** This Section shall apply to all new office, commercial, institutional, and (if permitted) industrial developments and major building renovations and repaving projects of office, commercial, institutional, and (if permitted) industrial developments.

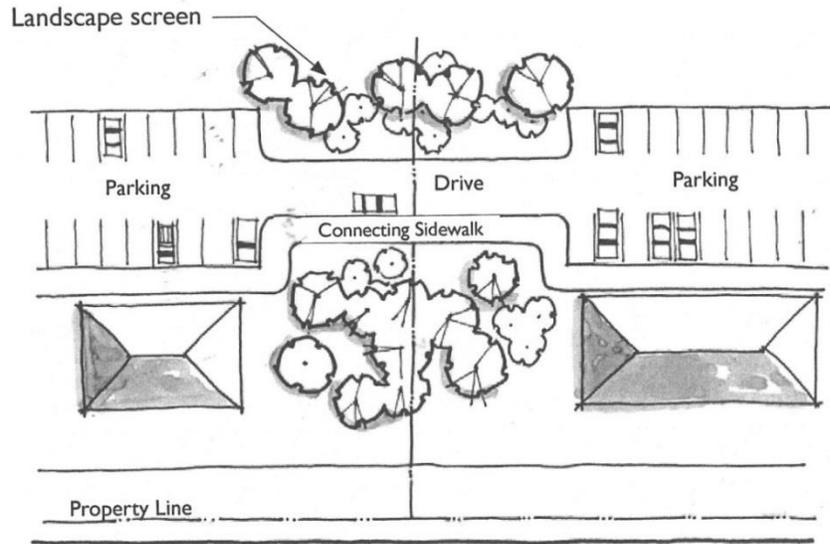
- Shared Driveways.** Shared driveways between two parcels along the common property line may be required by the Zoning Administrator during development permit review. In such cases, the subdivider and/or each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site.



**Illustrative Shared Driveway and Access Easement**

Source: Oregon Transportation and Growth Management Program, 2012  
Model Development Code & User's Guide for Small Cities, 3<sup>rd</sup> Ed.

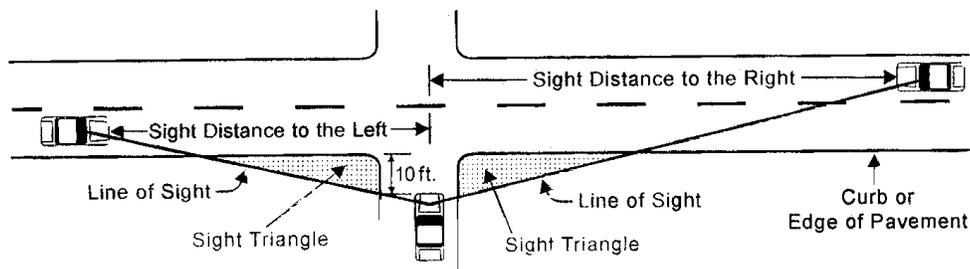
- Inter-parcel Access Requirements.** Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between adjacent and nearby developments as an alternative to forcing all movement onto abutting highways and public roads, unless the Zoning Administrator during development permit approval 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 frontage roads and/or driveway connections between parcels. The property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians from site to site.



4. **Locations.** 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 or rear portion of the site. In cases where it is not possible to provide the connection in the rear, it may be provided in the front 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 10.04. Visibility at Intersections and Driveways.**

No fence, wall, sign, hedge or planting or similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. For purposes of this section, obstructions shall be defined in terms of height as elevations between thirty (30) inches and twelve (12) feet above any roadway or driveway, as applicable.



**Section 10.05. Internal Vehicular Circulation.**

1. Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided.

2. 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).
3. Interior vehicular circulation shall be provided by: visually orienting the driver with a regular, logical system of interior driveways and roadways; identifying entrance drives with small entry signs; and preventing vehicles from driving across or through designated parking areas by placing raised landscaped dividers or walkways between parking aisles.

**Section 10.06. Off-Street Parking Required.**

Except as otherwise specifically permitted otherwise in this article, 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. 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 10.07. Location of Off-Street Parking Areas.**

1. **Requirement.** All parking spaces required by this article shall be provided on the same lot with the main building or use which it serves, except as specifically provided in this section.
2. **Exemption.** The Zoning Administrator may permit some or all of the required parking spaces to be provided on another lot, a substantial portion of which must be within eight hundred (800) feet of such building, structure, or use. Any applicant proposing to use off-street parking on another site to meet the on-site parking requirements of this article shall submit evidence either of ownership or a valid agreement to lease the parking area off-site. 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 10.08. Parking Plan Required.**

1. Before any parking lot or other parking improvement is constructed, or 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 via the submission and approval of a parking plan.
2. No permit shall be issued for any parking area 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.
3. 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.

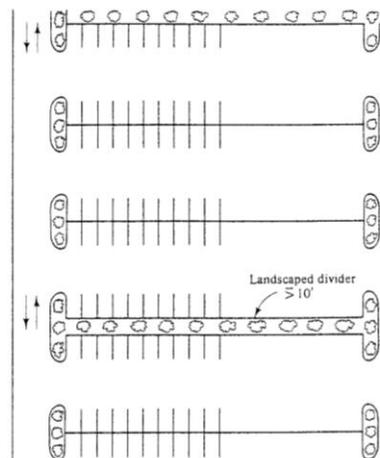
**Section 10.09. Minimum Design Requirements.**

The following minimum design requirements shall be adhered to and demonstrated with the submission of appropriate plans and specifications during development permitting.

1. **Paving; Variations.** Parking and loading areas shall be paved with concrete, asphaltic concrete or asphalt, unless the Zoning Administrator specifically approves another dust-free surface material be substituted in lieu of such paving. Porous pavement parking spaces and grass pavers may be substituted for standard dust free pavements subject to the approval of the City Engineer. Aggregate (gravel) surface may be considered appropriate in agricultural and low density residential areas. Water quality considerations and the character of the district in which the parking lot is proposed to be constructed may be considered by the Zoning Administrator in modifying parking lot pavement requirements during the required site and design approval process.
2. **Curbing and Drainage.** Parking and loading areas shall be properly graded if necessary but in all cases drained so as to prevent damage to abutting properties or public streets. Water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements by the Zoning Administrator.
3. **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.
4. **Minimum Parking Space Width.** Off-street parking spaces shall be a minimum of nine (9) feet in width, with wider (10 foot) spaces encouraged in high-turnover areas.
5. **Minimum Parking Space Length.** Off-street parking spaces shall be a minimum of twenty (20) feet in length except where compact parking is authorized by the Zoning Administrator, in which case parking space lengths can be reduced to 16 feet.
6. **Minimum Aisle Length.** 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 90 degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be 42 feet. For two rows of 90 degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be 62 feet for 9 foot-wide spaces and 60 feet for 10 foot-wide spaces, measured from back of curb to back of curb.
7. **Compact Auto Parking.** 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 20 percent of the number of parking spaces provided in the entire parking area is designated compact auto parking.
8. **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.

9. **Maximum Aisle Length.** Parking aisle length shall not exceed 500 feet without a break for circulation.

10. **Landscaped Divider.** One landscaped divider (i.e., planted area within in between and separating the vehicle parking spaces fronting one another) with a minimum width of nine feet shall be provided for every fifth parking aisle in a parking lot; provided, however, that the Zoning Administrator may vary this requirement in cases of short parking aisles or where alternative designs prevent random maneuvers which can endanger pedestrians.



11. **Lighting.** Parking areas shall be appropriately lighted unless the Zoning Administrator determines that lighting would be incompatible with abutting properties. Where lighting of parking lots is required or provided, 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.

12. **Signage.** Where needed to promote proper circulation within off-street parking areas, directional signs shall be placed in appropriate locations as specified by the Zoning Administrator via development permit approval or parking plan approval.

**Section 10.10. Minimum Number of On-site Parking Spaces.**

1. Unless specifically provided otherwise in this article, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum amounts in Table 10.1.
2. 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.
3. This section shall not be construed as requiring compliance of parking lots which lawfully existed on the effective date of this article; provided, however, that the Zoning Administrator shall ensure parking lots that do not comply with this article meet the requirements of this article or substantially comply when a new development permit is required or a building permit is required to add additional building space on the site. If substantial redesign of the parking lot is required to comply with this article in such cases of new development or building additions, the Zoning Administrator may accept substantial rather than complete compliance when the strict application of a requirement of this article would pose substantial practical difficulty.

**Table 10.1  
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>
<b>COMMERCIAL USES</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 (plus provisions for drive-through facilities if applicable)
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
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 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

<b>Use</b>	<b>Minimum Parking Required</b>
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 250 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 250 square feet
<b>INDUSTRIAL USES</b>	
Manufacturing, processing, assembling	One per 1,300 square feet
Warehouse	One per 2,000 square feet
Wholesale	One per 1,000 square feet
<b>INSTITUTIONAL USES</b>	
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
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
<b>RESIDENTIAL USES</b>	
Single family detached or attached	Two per unit
Two family dwelling	Two per unit
Apartment, one or 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
<b>RECREATIONAL USES</b>	
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
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
Swimming pool – public	One per 125 square feet of surface water area
Tennis or racquet ball court	Two per court

**Section 10.11. Interpretations.**

1. **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.
2. **Parking Space Requirement Not Specified.** Where the parking requirement for a particular use is not described in Table 10.1, 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.
3. **Computations for Multiple Floor Uses within a Building.** In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, and/or bulk storage area, the Zoning Administrator may authorize that the building space be divided into such floor space use areas and separate computations of floor areas (e.g., warehousing, retail, and/or office) in determining the off-street parking or loading space requirements of this article.

**Section 10.12. 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) and the Georgia Accessibility Code.

**Section 10.13. 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.

**Section 10.14. 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.

**Section 10.15. Loading Docks and Spaces Required.**

Unless otherwise approved by the Zoning Administrator, when loading space is required by this Article it shall be provided in the quantity according to land use specified in Table 10.2.

**Table 10.2  
Minimum Number of Loading Docks and Loading Spaces Required**

<b>Land Use</b>	<b>Size (Gross Floor Area in Square Feet)</b>	<b>Loading Docks</b>	<b>Loading Spaces</b>	<b>Total Spaces</b>
Office	0 – 30,000	0	1	1
	30,001 – 100,000	1	1	2
	Each additional 100,000	1	1	+2
Commercial	0 – 10,000	0	1	1
	10,001 – 30,000	1	1	2
	30,001 – 80,000	2	1	3
	Each additional 80,000	1	0	+1
Industrial	0 – 5,000	0	1	1
	5,001 – 30,000	1	1	2
	30,001 – 50,000	2	1	3
	50,001 – 100,000	3	1	4
	Each additional 100,000	1	0	+1

Source: National Parking Association, 1992. Recommended Zoning Ordinance Provisions for Parking and Off-Street Loading Space. In Transportation and Land Development, 2<sup>nd</sup> Ed. 2002 (Washington, DC, Institute of Transportation Engineers, 2002, p. 10-8, Table 10-3).

**ARTICLE XI  
ADMINISTRATION AND ENFORCEMENT**

- Section 11.01. Zoning Administrator.
- Section 11.02. Building Official.
- Section 11.03. Code Enforcement Officer.
- Section 11.04. Enforcement and Remedies.
- Section 11.05. Penalties for Violation.

**Section 11.01. Zoning Administrator.**

The Zoning Administrator shall be appointed by the City Council and if no appointment is made the City Clerk shall serve as Zoning Administrator. This ordinance shall be administered, interpreted, and enforced by the Zoning Administrator, who shall have the duties and authority with respect to this ordinance as provided in the various articles and sections of this ordinance and those necessarily implied by said provisions. Among the various duties, responsibilities, powers, and authority (not exhaustive or all-inclusive) the Zoning administrator is hereby authorized to:

1. Serve the Planning Commission as the principal administrative agent and, ex-officio secretary or record keeper of the commission.
2. Review and recommend for initiation by the Planning Commission and/or City Council, amendments to this ordinance.
3. Maintain as official public records all applications for rezoning, conditional use, variance, and any other applications required by or submitted pursuant to this ordinance.
4. Maintain and update the official zoning map, and interpret the boundaries thereof when unclear or questions arise.
5. Issue official letters of zoning compliance and zoning district confirmation.
6. Determine nonconforming situations, and exercise administrative flexibility in terms of correction of nonconforming situations.
7. Establish administrative application forms and guidelines, and waive or modify application requirements enumerated in this ordinance, and establish other requirements for applications in addition to those enumerated in this ordinance.
8. Establish public hearing schedules and deadlines for the submission of applications required or authorized under the terms of this ordinance.
9. Prepare written reports and present orally reports and information to the Planning Commission and City Council with regard to applications for amendments to the official zoning map, conditional uses, variances, and other applications requiring their consideration.
10. Conduct inspections; to that end, the Zoning Administrator shall be authorized to enter onto private property after first notifying the property owner of record and occupant if different from the owner, or as otherwise provided by a court of law.

11. Approve and issue development permits, and disapprove development permits that are inconsistent with the requirements of this ordinance, and suspend or revoke development permits when work is not done in accordance with an approved development permit.
12. Authorize approval by the building inspector of building permits and certificates of occupancy, or withhold authorizing approval of building permits and certificates of occupancy by the building inspector if work or activity proposed is inconsistent with the requirements of this ordinance or other code requirement of the city.
13. Interpret and enforce the provisions of this ordinance, subject only to provisions for the appeal of administrative decisions (Article VIII of this ordinance).
14. Issue administrative variances to the dimensional requirements of this ordinance, including but not limited to minimum building setbacks (for both accessory and principal buildings), minimum separation between buildings, maximum building coverage, minimum number of off-street parking spaces, minimum number of loading spaces, and the width of required landscape strips, not to exceed twenty (20) percent of the requirement.
15. Exercise any other administrative and enforcement duties specifically assigned or which are reasonably implied within the duties and responsibilities of the Zoning Administrator.

**Section 11.02. Building Inspector.**

The Building Inspector, if appointed by City Council, shall be authorized to conduct inspections, issue and disapprove building permits, issue or disapprove certificates of occupancy, and exercise any other administrative and enforcement actions reasonably implied within the duties and responsibilities of Building Inspector.

**Section 11.03. Code Enforcement Officer.**

A Code Enforcement Officer, if appointed by the City Council, shall be authorized to conduct investigations and execute enforcement actions when there is alleged to be a violation of any provision of this ordinance.

**Section 11.04. Enforcement and Remedies.**

1. **Notice and Warning.** If, through inspection, it is deemed that a person engaged in any activity inconsistent with the provisions of this ordinance, with an approved plan or permit, or with conditions of a permit, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the date upon which such measures must be completed, which shall be no less than five days from the issuance of the written notice. This written notice to comply shall serve as a written warning to the violator. If the person engaged in the unlawful activity fails to comply by the date specified, he or she shall be deemed in violation of this ordinance.
2. **Stop Work Order.** If the violation is not corrected within the time frame provided in the notice, the Zoning Administrator, designee, or other authorized enforcement officer shall

issue a stop-work order requiring that such unlawful activities be stopped until necessary corrective action or mitigation has occurred. For a third and each subsequent violation, the enforcement agent shall issue an immediate stop-work order. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

3. **Service of Notices, Warnings, and Stop Work Orders.** Any notices, warnings and/or stop work orders shall be deemed served upon the posting of the same in the permit box, if any, at the location where the activity is or was taking place. It is the responsibility of the permittee to monitor and check the permit box for material issued pursuant to this ordinance. 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, the Zoning Administrator or designee shall provide written notice, either personally or by mail, to the owner of record of such building, structure, or land. If the owner of record does not bring the use of the building, structure, or land into compliance within the time specified in the notice, warning, or stop work order, the owner shall be considered to be in violation of the provisions of this ordinance.
4. **Citation and/or Injunction.** If the violation is not corrected within the time frame provided in the notice, the Zoning Administrator, designee, or other authorized enforcement officer may issue a citation for violation of this ordinance or other provision of this city code, requiring the presence of the violator in the municipal court or other court with jurisdiction. The Zoning Administrator may also institute an injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the continuance of use or the occupancy of such building, structure, or land.
5. **Suspension or Revocation of Permit or Other Authorization.** Any permit or authorization issued pursuant to this ordinance may be suspended, revoked, or modified by the zoning ordinance, as to all or any portion of the land affected, upon finding that the holder or his successor in the title is not in compliance with the approved plan and/or permit or that the holder or his successor in title is in violation of this ordinance, after being so notified as required by this section.
6. **Suspension or Revocation of Other Approvals.** As an additional remedy, the Zoning Administrator, designee, or other enforcement officer may refuse or deny all city permits, licenses, certificates, utility connection authorization, and applications to said owner or his agents until such violation is abated or corrected.

#### **Section 11.05. Penalties for Violation.**

Any person who violates any provisions of this ordinance or any permit condition or limitation established pursuant to this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. Each day during which violation or failure or refusal to comply continues shall be a separate violation. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance may be sentenced to a period of confinement of up to thirty (30) days.

## ARTICLE XII 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 twelve (12) months or more.

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.

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.

Adaptive reuse: Rehabilitation or renovation and occupancy of an existing building(s) or structures for use(s) other than the present use(s).

Adult business: Any establishment that, as a regular and substantial business purpose, offers services, live performances or materials in print or in any photographic or recorded media that involves sexually-oriented activities or depicts sexually-oriented anatomical areas, with the intent of providing sexual stimulation or gratification to the customer. Such uses include but are not limited to: an adult bookstore, adult dancing establishment, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, adult video store, lingerie modeling, erotic dance establishment, and escort bureau.

Adult day services: A facility that provides supports for elderly individuals (and their families, if present), who do not function fully independently, but who do not need 24-hour nursing care. Participants may have: some degree of physical disability; a social impairment; mental confusion; need for some assistance with activities of daily living which fall short of the need for placement in and institution; or returned from a recent hospital or institutional stay. There are two types of adult day services programs: basic social, and medical.

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.

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.

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic animals.

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.

Animal shelter: Any premises designed or operated for impounding and caring for stray, homeless, abandoned, or unwanted animals (usually primarily cats and dogs), or that are otherwise subject to impoundment. An animal shelter is usually intended to provide only temporary kenneling of such animals until a permanent home is found.

Annexation: The process by which a parcel of land is transferred from the jurisdiction of unincorporated Jackson County to the jurisdiction of the City of Hoschton.

Apartment: A building, distinguished from a “duplex” or “two-family” dwelling, designed for or occupied exclusively by two (2) 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.

Appearance: The outward aspect of a building or site development that is visible to the public.

Applicant: A property owner or their authorized representative who has petitioned the city for approval of an application under the terms of this zoning ordinance.

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.

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

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums. An art gallery is an enclosed retail trade establishment unless operated by a public entity in which case it is considered a public use.

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.

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

Auction house or auction yard: Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others). This use is a wholesale trade establishment.

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. This use is also referred to in state law as a “remote service terminal.”

Automobile repair or service: Automotive repair and maintenance services such as engine overhaul or dismantling of subparts, body or frame repair, paint, automotive glass, transmission, starter, alternator or tire repair, and oil change facilities.

Automobile sales: New or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, and rental, including agricultural implements and equipment, and similar pieces of equipment or vehicles (excluding manufactured home sales), all of which are complete and operable. This definition includes rental car facilities. An automobile sales establishment may include automobile repair and maintenance facilities as an accessory use.

Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

Bank or financial establishment: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes. Such uses include but are not limited to banks, savings and loan institutions and credit unions, and security and commodity exchanges.

Bed and breakfast inn: A facility where overnight accommodations for not more than ten residents are provided to transients for compensation, with or without a morning meal. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Big box commercial retail building: A retail business involving the sale of services or merchandise on an individual lot of record where an individual tenant occupies more than 60,000 square feet.

Body piercing: An establishment engaged in the practice of puncturing or cutting a part of the human body to create an opening in which jewelry may be worn.

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

Brightness: The subjective sensation to measured luminances. Brightness is affected by the environment in which the luminaire resides and is also a function of average luminance,

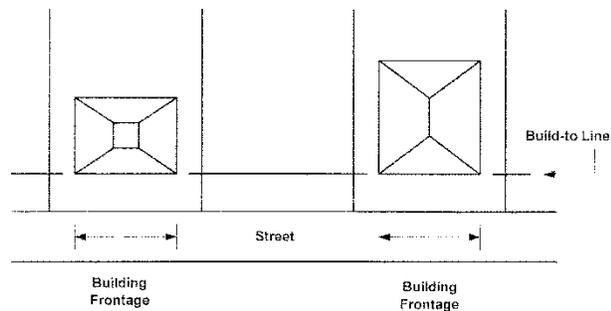
luminous intensity, mounting height, beam angle, and background luminance. As the background luminance of a scene gets higher, the apparent brightness of a luminaire becomes lower. Brightness is difficult if not impossible to measure. However, higher luminous intensities generally mean higher brightness.

**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.

**Buffer, natural vegetative:** A strip of land of specified width 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, and which contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated as approved by the Zoning Administrator.

**Build-to line:** An alignment establishing a certain distance from the curb or right-of-way line to a line along which a building or buildings shall be built.

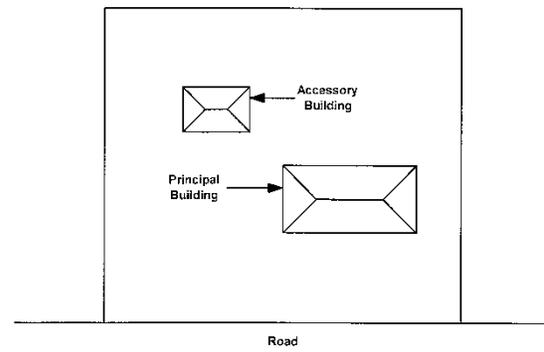
**Building:** The word "building" includes the word "structure."



Building Frontage and Build-To Line

**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 plot on which same is situated, except for detached accessory apartments. 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.

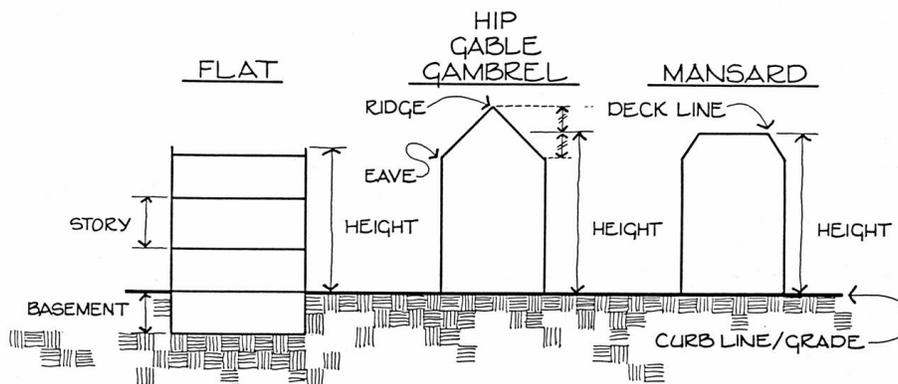


Building, Accessory and Principal

**Building coverage, maximum:** The highest 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 footprint:** The horizontal area of a building as seen in plan view, measured from the outside of all exterior walls and supporting columns.

**Building, height of:** The vertical distance measured from the finished 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. In this context finished grade is determined as the average elevation of the ground on all sides of a building.



**Building inspector:** The city's official, or designee, responsible for implementing and enforcing minimum standard codes applicable in the city.

**Building materials sales:** An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

**Building sales establishment:** A lot on which the principal use is the sale of manufactured homes and/or modular buildings. This use is an open-air business.

**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.

**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.

**Camp or campground:** Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

**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 zoning ordinance, a car wash is considered an automobile service establishment whether it is a principal use or accessory to another use or building.

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

**Catering service:** An establishment that serves and supplies food to be consumed off-premises. A catering service is a business service establishment.

**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 or area of the city and give such project or area of the city a sense of purpose, function, definition, and uniqueness.

**Christmas tree sales facility:** A facility conducted on a temporary basis during holiday season, generally conducted wholly outdoors but which may involve a tent or other temporary structure, that offers for sale Christmas trees and incidental holiday items such as wreaths and Christmas tree stands. Such facility is a temporary, open-air business establishment. This use is typically accessory to commercial.

**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: schools, meeting halls, indoor recreational facilities, day care, counseling, and kitchens. This term includes synagogues, temples, and places of worship.

**City:** The City of Hoschton, Georgia.

**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. 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 American Legion, Elks, Rotary, Lions, and Veterans of Foreign Wars. The

term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Cohesiveness: Unity of composition among elements of a building or among buildings and/or structures, and their landscape development.

Collection bin: Any closed receptacle or container made of metal, wood, steel or similar materials designed or intended for the collection of clothing, toys and other small, customary household items (excluding furniture and carpeting) for purposes of donation to needy households; or any such receptacle or container for the collection of recycled materials such as glass, paper, or aluminum.

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, and fully-enclosed theaters.

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.

Commercial vehicle: A vehicle that exceeds: an overall length of twenty one (21) feet; an overall width of seven (7) feet; an overall height of eight (8) feet, or with the top of the highest sidewall more than three (3) feet above the bed or taller than the roofline of the vehicle.

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 donation center: A building or structure owned or leased by a charitable, nonprofit organization which collects donated items such as clothing, furniture, house wares, small electrical appliances, toys and other small household items for distribution to needy persons, and where the exchange of goods does not involve payment for such goods.

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.

**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.

**Comprehensive plan:** Any plan adopted by the Hoschton City Council, or any plan adopted by a regional commission covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the 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 City Council.

**Condition of zoning approval:** A requirement adopted by the City Council at the time of approval of a rezoning, zoning amendment, or conditional use, placing greater or additional requirements or restrictions on the property than provided in this zoning ordinance in order to mitigate or reduce an adverse impact of the request and to further protect the public health, safety, or general welfare. This definition is not intended to be construed as limiting the legislative powers of the City Council in any way.

**Condominium:** A form of ownership as defined by state law in which common elements are jointly owned.

**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 structure used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use. It may be an industrial building, as defined herein.

**Consumer fireworks:** Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term consumer fireworks shall not include: (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term consumer fireworks include ammunition consumed by weapons used for sporting and hunting purposes; and (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

**Consumer fireworks retail sales facility:** Shall have the same meaning as provided for by the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition (NFPA 1124).

**Consumer fireworks retail sales stand:** Shall have the same meaning as provided for by National Fire Protection Association (NFPA) Standard 1124: A temporary or permanent building or structure that has a floor area not greater than 800 square feet (74 square meters), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

**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.

**Continuity:** The flow of elements or characteristics in a non-interrupted manner.

**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.

**Convenience store:** A retail store, usually with a floor area usually no more than 5,000 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.

**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:** A boundary, usually constructed of concrete, usually marking the edge of a roadway or paved area, which is designed to channel storm water to drainage inlets and/or prevent or deter access.

**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 persons.

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

**Design guideline:** A standard of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or land development.

**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 city planning and zoning department in accordance with this ordinance and/or other development-related codes to proceed with land disturbance and grading.

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.

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 or more properties and connecting to a public or private street.

Dry cleaning plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents included, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

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 or portion of a building arranged or designed to provide living quarters for one or more families or households on a permanent or long-term basis.

Dwelling, single-family detached: A site-built residential building, or an industrialized building, designed for occupancy by one family or household. This term does not include manufactured homes or mobile homes. Single-family, detached dwellings may be under fee-simple (i.e., individual lot) ownership or on a condominium basis.

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

Dwelling, single-family detached, condominium: A residential building designed for occupancy by one family only, where more than one dwelling is located on a single lot and the land is owned in common.

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

**Dwelling, multi-family:** A building other than a duplex, designed for or occupied exclusively by three or more families or households with separate housekeeping facilities for each family.

**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.

**Easement:** A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

**Easement, access:** An easement devoted to vehicular access which affords a principal means of access to abutting property or properties, but which is not necessarily open to the general public and which is not necessarily improved to standards of the city.

**Elevation drawing:** An architectural drawing of a building or building façade, intended to illustrate its design, characteristics, and major features.

**Exterminator:** An establishment engaged in pest control for businesses, institutions, residences, or industries. Such a use is a business service establishment.

**Extractive industry:** 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.

**Façade:** The face (exterior elevation) of a building, especially the face parallel to or most nearly parallel to a public street.

**Family:** An individual; or two (2) or more persons related by blood, marriage, or guardianship; or up to six unrelated individuals residing together as a single housekeeping unit. For purposes of this zoning ordinance, a “household” as defined is also considered a family.

**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, not more than six (6) persons 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.

**Farmer’s market:** A structure or location wherein space is provided to multiple independent operators for the purpose of retail and/or wholesale trade of raw agricultural products; provided, however, the use shall not include the processing of any product or the sale of poultry, fish, shellfish, pork, beef or other wildlife or domesticated meat products.

**Fee simple:** A form of ownership where the owner is entitled to the entire property with unconditional power of disposition during his or her life and which descends to his or her heirs and legal representatives upon his or her death intestate.

**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.

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.

Fireworks: Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos, skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term fireworks shall not include: (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term fireworks include ammunition consumed by weapons used for sporting and hunting purposes; and (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Fitness center: 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 spas,” “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.

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.

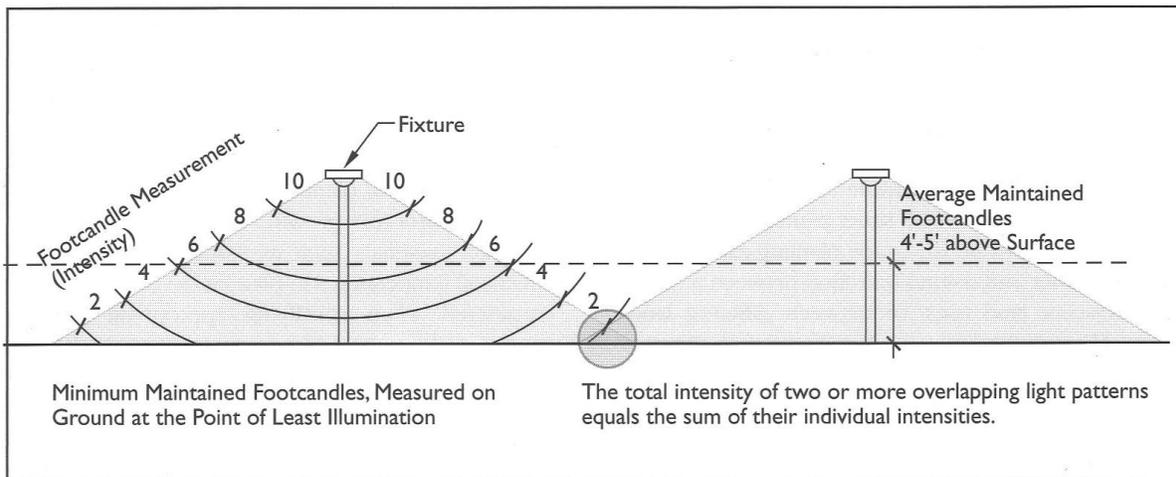
Floor: The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

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.

Food truck: A licensed, motorized vehicle or mobile food unit which is temporarily placed on a privately owned lot (or in authorized instances, on public property) where food items are sold to

the general public. A food truck upon its establishment on a property is by definition an accessory use.

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



### Footcandle Measurement

Source: John Wiley & Sons. 2006. *Planning and Urban Design Standards*, p. 496.

**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.

**Frontage:** The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

**Garage:** A building, or part thereof, used or designed to be used for the parking and storage of vehicles. A garage in the customary sense is distinguished from a carport in that it is fully enclosed. It may be attached to a single-family dwelling or may be an accessory building. In such context a garage is an accessory use to a single-family dwelling.

**Gas tank sales:** The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted and which causes annoyance, discomfort, or loss in visual performance and visibility.

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

Group day care home: Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

Group home: A single housekeeping unit of more than six 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.

Harmony: A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Home occupation: Any use, occupation or activity conducted on the same site as a dwelling which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, as may be lawfully established under the terms of this zoning ordinance.

Hookah bar or hookah lounge: Any facility, building, structure, or location where customers share tobacco or similar product from an individual or communal hookah placed throughout the establishment.

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 zoning ordinance.

Household: A family, as defined herein, or a group of not more than six persons, including developmentally disabled persons and their caretakers, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as single housekeeping unit.

Impact: The effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

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

**Improvements:** The physical additions and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

**Industrialized building:** Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

**Industrialized building, residential:** Any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

**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 or state agency with jurisdiction as may be reorganized. 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.

**Intermodal container:** A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e., on semi-trailer beds, rail cars or ships.

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

**Kennel:** 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.

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

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

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

Landscape plan: A graphic and written document containing criteria and specifications for the arrangement and modification of site features. A landscape plan consists of a site plan indicating the property boundaries and location of proposed plant materials in relation to vegetation to be retained, buildings, parking surfaces and other improvements. A planting schedule and any additional specifications are also included on a landscape plan.

Landscape strip: An area of landscaping of specified width.

Landscaping: The modification of the landscape for an aesthetic or functional purpose. The area within the boundaries of an individual lot that includes the preservation of existing vegetation and the continued maintenance thereof, as well as, the installation of trees, shrubs, ground covers, grass, and flowers. Landscaping areas may also include decorative rock, bark, mulch and other similar approved materials in addition to vegetation and live plant material.

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.

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A laundromat is considered a personal service establishment.

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.

Livestock: Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hide-

bearing animals, customarily bred or raised in captivity, whether owned or board, whether kept for pleasure, utility, or sale.

Lodging service: A facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including "hotels" and "motels." "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.

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.

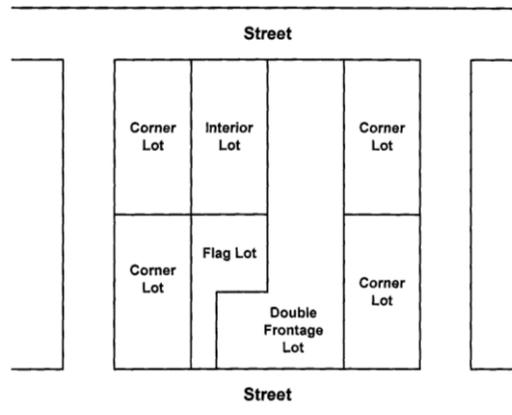
Lot area, minimum: Minimum lot area means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street and alley right-of-ways but inclusive of easements.

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

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

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,



TYPES OF LOTS

including land, buildings, and facilities used by the occupants of manufactured homes on such property.

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.

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.

Mining: All or any part of the process involved in the mining of aggregates and/or minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger methods, dredging, and quarrying, underground mining, and surface work incidental to such activities.

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 does not include live-work units (defined separately), 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 also distinguished from a dwelling containing a home occupation.

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).

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.

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.

Nonconforming building or structure: A building or structure, which may be principal or accessory, that does not meet one or more applicable setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum height or building coverage for the zoning district in which said building or structure is located, or a building or 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 minimum lot frontage requirements of this ordinance and/or the minimum lot size and minimum lot width requirements of the zoning district in which the lot is located as established by this ordinance but which was a lot of record prior to the effective date of this zoning ordinance or its amendment.

Nonconforming situation: Any development, land improvement, or activity, not otherwise included within the definition of nonconforming lot, nonconforming building or structure, nonconforming use, or nonconforming sign which does not meet the provisions of this ordinance at the time of its adoption or amendment. Examples of nonconforming situations include but are not limited to, noncompliance with off-street parking regulations or access requirements, failure to adhere to landscape strip requirements, tree protection, and insufficient landscaping requirements.

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.

Nursery or kindergarten school: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this zoning ordinance, a nursery or kindergarten school is considered to be a day care center.

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 or state agency with jurisdiction as may be reorganized.

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/warehouse: A building that combines office and warehouse or storage functions, where the majority of the area of the building is devoted to warehouse or storage functions, and which does not involve retail sales.

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.

Open space: Land and water areas retained for use as passive recreation areas or for resource protection or conservation in an essentially undeveloped state.

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, 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.

Parking lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of operable motor vehicles whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator.

Parking aisle: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces and maneuver within a designated parking lot.

Parking lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

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.

Payday loan establishment: Any facility that offers short-term borrowing, where an individual borrows a small amount at a very high rate of interest. The borrower typically writes a post-dated personal check in the amount they wish to borrow plus a fee in exchange for cash.

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. In the case of pedestrian retail districts, there are generally windows or display cases along building facades which face the street.

Permit: The authorization necessary to conduct an activity under the provisions of this zoning ordinance.

Permit, development: An official authorization issued by the Zoning Administrator in accordance with this zoning ordinance to proceed with land disturbance and grading and site development, as set forth in this zoning ordinance.

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

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, apparel: An establishment that has one or more persons or machines or other equipment on-site to deliver certain services related to personal clothing and apparel, and where a person brings to the site on-person or in-hand an article of clothing or other apparel or device worn on the body to be serviced. These include shoe shine (boot black), shoe repair, clothing repair. This definition also includes costume or clothing rental facilities and items on the personal body including optical goods, and hearing aids. Excludes body piercing, dry cleaners and laundromats.

Personal service, entertainment: An establishment that arranges the dispatch of one or more persons with or without incidental items to an off-site location for a temporary duration for purposes of temporary amusement or entertainment. These include singing telegram and balloon-o-gram services. This category excludes food caterers and other establishments that serve food.

Personal service, event or travel: An establishment that assists one or more persons in arranging an event such as a wedding or special event planner, or travel.

Personal service, forecasting: An establishment that has one or more persons on-site to deliver certain services related to the forecasting or prediction of future events and conditions. These include astrology (horoscope), fortune telling, numerology, palm reading, and psychic services.

Personal service, on-site provider: An establishment that has one or more persons on-site to deliver certain bodily services and which the person serviced is present to receive such bodily services. This definition includes hair (barber, stylists, beauticians, etc.), nail, and tanning establishments. This definition also includes diet and weight reduction establishments (excluding fitness centers and exercise rooms). This definition does not include clinics and medical establishments or service providers such as professional massage therapists. This definition excludes service to pets and animals other than humans. Excludes body piercing.

**Personal service, social relationship:** An establishment that arranges for social relationships and may provide for the dispatch from an office location or from another location, one or more persons to accompany another person or persons for pleasure or social interaction. These include dating services and escort services. Not included within this definition is any establishment involving sexually explicit activity or service. Security services are defined separately.

**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.

**Pet care:** An establishment that provides grooming, training, sitting, or psychological services for household pets.

**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 City of Hoschton Planning Commission.

**Proportion:** Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

**Public use:** Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Jackson 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.

**Recovered materials processing facility:** A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste. (Georgia Code Section 12-8-22)

**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.

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.

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.

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.

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.

**Rezoning:** An amendment to the Official Zoning Map that changes the zoning district of one or more properties specified in an application.

**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.

**Right-of-way, public:** That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title by the city or other government, for the present or future use of alleys, roads and highways, together with any drainage facilities and other improved ancillary structures.

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

**Road:** A state highway, a county road, a road adopted as a county-owned right of way approved for county maintenance, a street owned and/or maintained by a municipality, a street approved for city maintenance, or where permitted, a private road. Roads afford the principal means of access to abutting property or properties. The term includes "street" but does not include "access easement."

**Road, private:** An improved road, distinguished from a public road in that the right-of-way which affords a principal means of access to abutting property or properties is privately owned and maintained.

**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 without a temporary structure on the premises with no space for customers within the structure itself.

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

**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.

**Scale:** Proportional relationships of the size of parts to one another and to humans.

**Screening:** A method of visually shielding or obscuring buildings, structures or uses on one property from view from an adjacent or nearby property through preservation of natural,

undisturbed buffers or installation of fencing, walls, berms or densely planted vegetation, or a combination thereof.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road or private road.

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 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 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 a County Board of Education.

School, special: An educational use not operated by a 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 a 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-trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by a truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.

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.

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

**Sidewalk:** A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a street.

**Sight visibility triangle:** The areas at the corners of an intersection of two streets, or at an intersection of a street and driveway, that must be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items that would obstruct views at heights between thirty (30) inches to twelve (12) feet as measured from the ground.

**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 or state agency with jurisdiction as may be reorganized. 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.

**Solar energy system:** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

**Solar energy system, building mounted:** A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

**Solar energy system, ground mounted:** A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure.

**Solar farm:** A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

**Solid waste transfer facility:** A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent 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.

**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, and tennis courts, 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, lease lots, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development. The term shall include the opening of a new road, a change in existing roads, or divisions of land involving the extension of water, sewer, or gas lines. The term includes re-subdivision and, where appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

**Tattoo:** To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. (Reference O.C.G.A. 31-40-1)

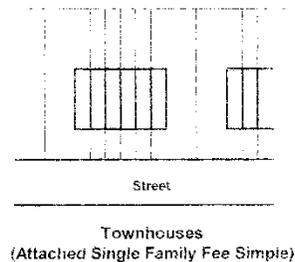
**Tattoo studio:** Any facility or building on a fixed foundation wherein a tattoo artist performs tattooing. (Reference O.C.G.A. 31-40-1)

**Taxi-cab or limousine service:** Any place used to dispatch motor vehicles with drivers for hire.

**Tow service:** An establishment that dispatches towing vehicles and which provides for the temporary storage of vehicles but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from “wrecked motor vehicle compound” and “salvage yard” as defined herein.

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

**Tree:** Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 10 feet, and typically has one main stem or trunk and many branches.



**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.

**Use, conditional:** 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 City Council after review and recommendation by the Planning Commission within that particular zoning district as provided in certain instances by this zoning ordinance. An approved conditional use runs with the property.

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

**Use, principal:** The specific, primary purpose for which land or a building is used.

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

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."

Utility company: A private business providing electricity, natural gas, telephone or other services under the regulation of Georgia Public Services Commission. This use includes equipment and vehicle storage.

Utility substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable box, television box, or natural gas regulator station.

Vapor bar or vapor lounge: Any facility, building, or structure or location where customers use an electronic smoking device or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. This use includes utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one or more electronic or battery operated delivery devices, including any device known as an electronic cigarette (also commonly referred to as e-cigarette).

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 or practical difficulty upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Variance, administrative: A variance which is authorized to be approved by the zoning administrator under the terms of this ordinance.

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. This use may be a principal or accessory use.

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

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.

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.

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: 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.

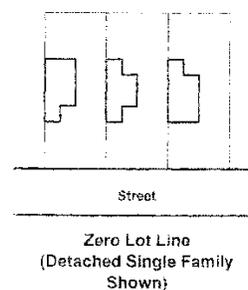
Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right of way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages. Where “build to” line requirements are specified in this zoning ordinance, they supersede front yard requirements.

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.

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 Administrator: A consulting planner if under contract with the city to provide planning and zoning administration functions, or if no such person or firm is appointed or under contract, the City Clerk of the City of Hoschton shall assume the functions of zoning administrator for the city.

Zoning map: The official zoning map of the City of Hoschton.