

LAND USE MANAGEMENT CODE

**(CITIES OF JEFFERSON
AND TALMO, GEORGIA)**

**Recommended by the Quad Cities Planning Commission
April 20, 2004**

**Adopted by City of Talmo Mayor and Council, May 4, 2004
Adopted by City of Jefferson Mayor and Council, May 10, 2004**

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**JEFFERSON-TALMO LAND USE MANAGEMENT CODE
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**ARTICLE 1
PREAMBLE, ENACTMENT, AND LEGAL STATUS PROVISIONS**

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

**CHAPTER 1.1
PREAMBLE AND ENACTMENT**

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

Section 1.1.1. Preamble.

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

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

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

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part V" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the State; and

WHEREAS, the Governing Body has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

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

WHEREAS, the Governing Bodies of the municipalities adopting this ordinance desire to help assure the implementation of their Comprehensive Plans; and

Article 1, Preamble, Enactment, and Legal Status Provisions
Jefferson-Talmo Land Use Management Code

WHEREAS, the Governing Bodies desire to promote the health, safety, welfare, morals, convenience, order, and prosperity of their citizens;

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

WHEREAS, the Governing Bodies desire to regulate the height, bulk, and the size of buildings and structures; and

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

WHEREAS, the Governing Bodies desire to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the Governing Bodies find that the regulations contained in this ordinance are the minimum necessary to accomplish the various public purposes; and

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

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

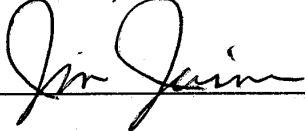
WHEREAS, the Quad Cities Planning Commission has considered this matter;

NOW THEREFORE BE IT ORDERED by the Governing Bodies of the municipalities and it is hereby ordained by the authority of the same, that the following articles and sections (ordinance) known collectively as the "Land Use Management Code for Quad Cities (Arcade, Jefferson, and Talmo), Georgia," are hereby enacted into law.

Section 1.1.2. Adoption and Effective Date.

This Land Use Management Code is hereby adopted and shall become effective immediately upon its adoption by each Governing Body, the public welfare demanding it. In the event a participating municipality has not adopted this Land Use Management Code, the absence of adoption shall not affect the validity, applicability, or jurisdiction of this Code in any other municipality which has adopted this Code.

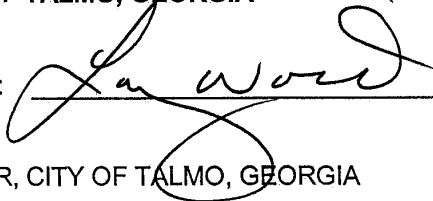
CITY OF JEFFERSON, GEORGIA

Signed: 

MAYOR, CITY OF JEFFERSON, GEORGIA

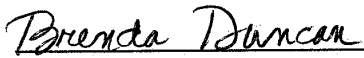
Adopted, this the 4 day of MAY, 2004.

CITY OF TALMO, GEORGIA

Signed: 

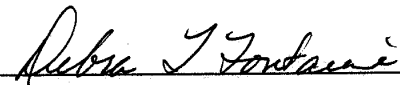
MAYOR, CITY OF TALMO, GEORGIA

ATTEST:

Signed: 

CLERK, CITY OF JEFFERSON, GEORGIA

ATTEST:

Signed: 

CLERK, CITY OF TALMO, GEORGIA

**CHAPTER 1.2
JURISDICTION**

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

Section 1.2.1. Jurisdiction.

Unless this Land Use Management Code clearly indicates otherwise, this Land Use Management Code shall apply within the incorporated limits of the City of Jefferson, and the City of Talmo, Georgia. *[reference to City of Arcade deleted]*

Section 1.2.2. Zoning of Annexed Lands.

Property annexed or proposed to be annexed into the city limits of a participating municipality (after its date of adoption by that Governing Body) shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this Land Use Management Code. Such property annexed may be zoned by the Governing Body with jurisdiction to any zoning district or districts established in this code, unless such zoning district specifically or this Land Use Management Code generally prevents its application in the jurisdiction of the Governing Body considering the matter. Lands hereafter annexed into the city limits of a participating municipality shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this Land Use Management Code as now or hereafter amended, unless otherwise specifically provided in this code.

**CHAPTER 1.3
LEGAL STATUS PROVISIONS**

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

Section 1.3.1. Conflict with Other Laws.

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

Section 1.3.2. Validity and Severability.

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

Section 1.3.3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Land Use Management Code full force and effect, except that any ordinances or resolutions repealed by this Section shall not limit or impair the city's authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

Section 1.3.4. Validity of Existing Conditions of Zoning.

Notwithstanding the repeal of prior ordinances via Section 1.3.3 of this code, if a property was zoned subject to conditions prior to the adoption of this Land Use Management Code by a Governing Body, the existing zoning conditions shall continue to apply to said property.

Section 1.3.5. Codification.

It is the intention of each Governing Body, and it is hereby ordered that this Land Use Management Code shall become and be made a part of the Code of Ordinances of the cities of Jefferson and Talmo, Georgia, and the articles, chapters, and sections of this Land Use Management Code may be renumbered if necessary to fit most appropriately into the Code of Ordinances for each respective municipality. *[reference to City of Arcade deleted]*

**ARTICLE 2
DEFINITIONS**

CHAPTER 2.1 INTERPRETATIONS
CHAPTER 2.2 DEFINITIONS

**CHAPTER 2.1
INTERPRETATIONS**

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

Section 2.1.1. Interpretations of Certain Terms.

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

Section 2.1.2. Applicability of Definitions.

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

Section 2.1.3. Use of Figures for Illustration.

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

CHAPTER 2.2 DEFINITIONS

Section 2.2.1.	Miscellaneous Definitions.
Section 2.2.2.	Terms Related to Agricultural Uses.
Section 2.2.3.	Terms Related to Residential Uses.
Section 2.2.4.	Terms Related to Institutional Uses.
Section 2.2.5.	Terms Related to Commercial Uses.
Section 2.2.6.	Terms Related to Industrial Uses.
Section 2.2.7.	Terms Related to Recreation, Open Space, and Conservation.

Section 2.2.1. Miscellaneous Definitions.

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

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

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

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

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

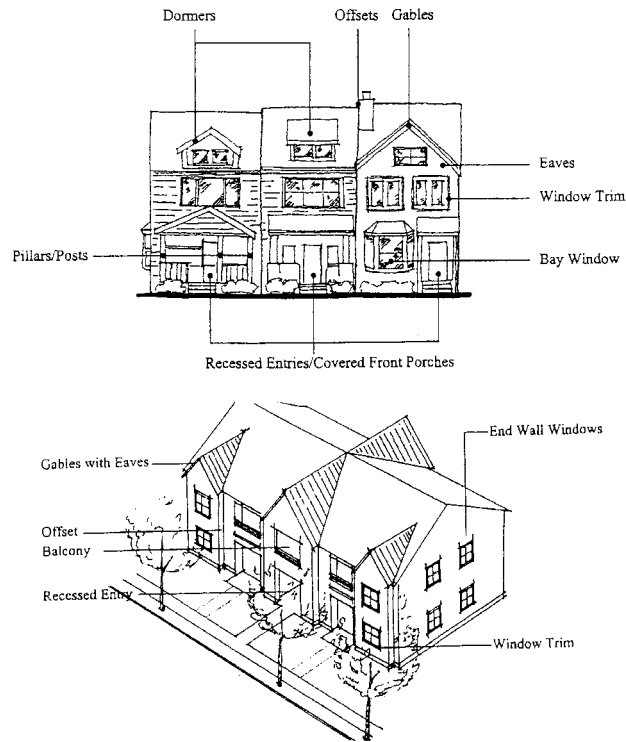
Antenna: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or similar communications equipment used for the transmission, reception, or transmission and reception of surface waves. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

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

Article 2, Definitions
Jefferson-Talmo Land Use Management Code

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.



Authority: Any county, consolidated government, or municipality or any agency, district, subdivision, or instrumentality thereof. Such term shall not include an electric supplier. [Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]

Authority pole: A pole owned, managed, or operated by or on behalf of an authority. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier. [Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]

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

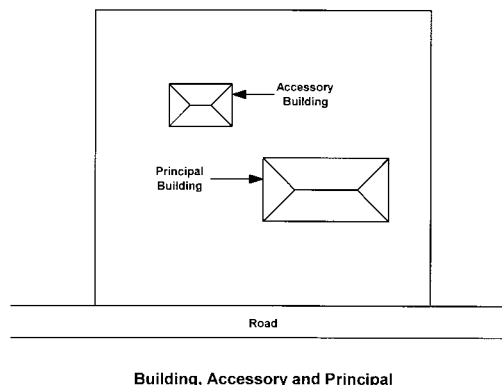
Best management practices (BMPs): A wide range of stormwater management regulations, procedures, engineering designs, activities, prohibitions or practices which have been demonstrated to effectively control nonpoint source pollution encompassing the quality, quantity, and erosion and sediment control aspects of stormwater. Such practices could include but not be limited to: detention and retention ponds, sand filters, vegetative swales and buffers, street cleaning, installation of stream bank stabilization measures, and public education programs.

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

Article 2, Definitions
Jefferson-Talmo Land Use Management Code

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.



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

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

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term is not intended to refer to or be confused with a tree canopy.

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

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

City: The word "city" shall include any municipality that has adopted this Land Use Management Code, specifically including the City of Jefferson and the City of Talmo, Georgia. The word "city" may be interpreted in the singular context, to be applied to one particular municipality, and it may be interpreted in the plural context, to be applied to all municipalities that have adopted this Land Use Management Code. Cities are also referred to as "participating municipality" or "participating municipalities" in this Land Use Management Code. [references to City of Pendergrass and City of Arcade deleted]

City Engineer: The city's or planning commission's official responsible for implementing and enforcing the applicable engineering requirements of this Land Use Management Code and those other engineering requirements of the city.

Code: This ordinance, titled the Land Use Management Code for Quad Cities (Cities of Jefferson and Talmo), unless the context clearly indicates otherwise. For purposes of this ordinance, the term "ordinance" shall have the same meaning as "code." [references to City of Pendergrass and City of Arcade deleted]

Code of Ordinances: This term refers to other ordinances not included within this Land Use Management Code but which have been adopted by a municipality that has also adopted this Land Use Management Code.

Collocate or collocation: To install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

Communications facility: The set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

Communications service provider: A provider of communications services. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

Communications services: Cable service as defined in 47 U.S.C. Section 522(6); telecommunications service as defined in 47 U.S.C. Section 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

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

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

Comprehensive plan: Any plan adopted by the Governing Body of any participating municipality, or any plan adopted by a regional development center 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 governing body of a participating municipality.

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

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

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

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

Decorative pole: An authority pole that is specially designed and placed for aesthetic purposes.
[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any activity which alters the elevation of the land, removes or destroys plant life, or causes structures of any kind to be erected or removed.

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

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

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.

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

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

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

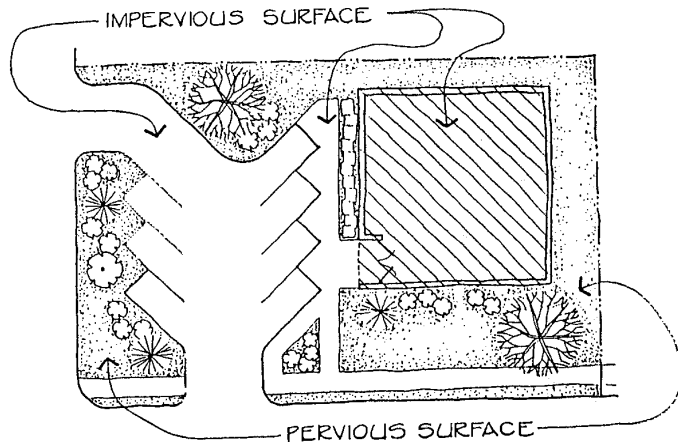
Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Governing Body: The Mayor and City Council of any participating municipality and which has jurisdiction over the matter in question. For example, in the case of a rezoning application in the City of Jefferson, the Mayor and City Council is the Governing Body.

Hearing Examiner: A person who is qualified and may be or is appointed under the terms of this Land Use Management Code by the Quad Cities Planning Commission to conduct hearings, gather information, and/or decide appeals, variances, or make other non-legislative approval or denial decisions, or make recommendations to the Planning Commission or Governing Body(ies) of participating municipalities.

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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, roads, driveways, parking lots, decks, swimming pools, or patios.



Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 126).

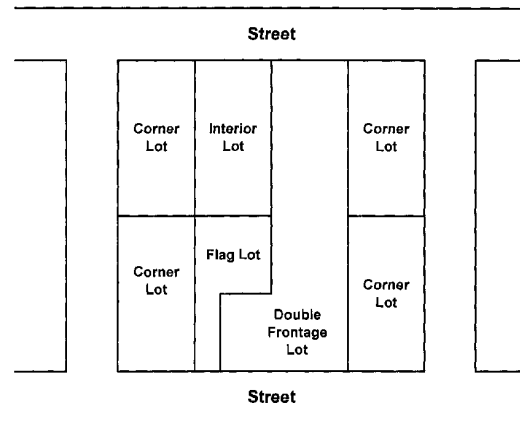
Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

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.



TYPES OF LOTS

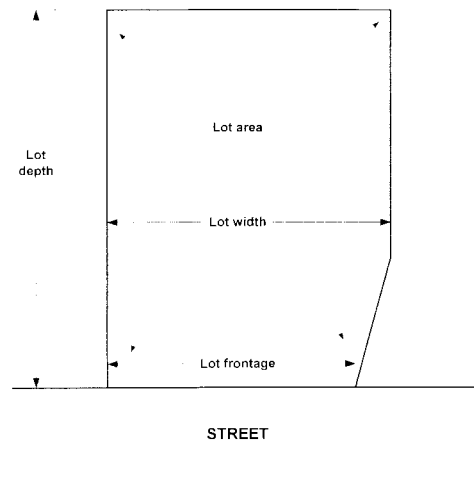
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Lot area, minimum: Minimum lot area means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street right-of-ways but inclusive of easements.

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

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

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



Lot Definitions

Marquee: A roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

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 wireless facility: A small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches. [Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]

Mixed-use building: A building designed, planned and constructed as a unit, used partially for residential use and partially for an office or commercial use permitted in the zoning district in which the building is located. (Amended Via Ordinance LUMC 16-05 adopted 7-25-16)



Mixed-use development: (Deleted Via Amendment Ordinance LUMC 16-05 Adopted 7-25-16)

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."

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

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

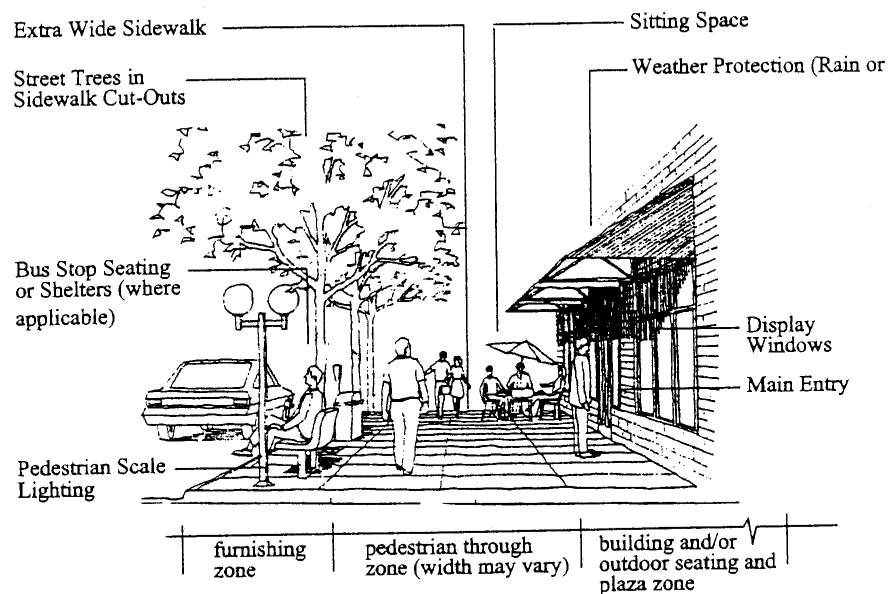
Parking structure: A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground parking areas under buildings.

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.

Participating municipality: A city that has adopted this Land Use Management Code.

Pedestrian-scale development:

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



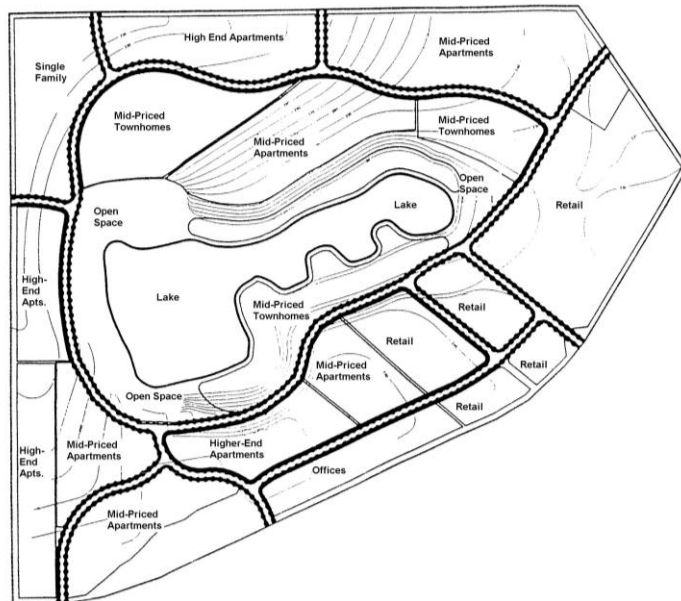
Perennial stream: A stream which flows throughout the whole year as indicated on a United States Geological Survey quadrangle map.

Permitted use: A use by right which is specifically authorized in a particular zoning district, or permitted by right in a particular overlay district.

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

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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 Quad Cities Planning Commission.

Pole: A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

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.

Quad Cities Planning Commission: A body established by the Cities of Jefferson and Talmo, prior to the adoption of this Land Use Management Code and as recognized in this code, that serves as the planning commission for each participating municipality and which is composed of representatives from the participating municipalities. *[reference to City of Arcade deleted]*

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.

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

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

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

Small wireless facility: Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications:

(A) Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(B) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:

- (i) Electric meters;
- (ii) Concealment elements;
- (iii) Telecommunications demarcation boxes;
- (iv) Grounding equipment;
- (v) Power transfer switches;
- (vi) Cut-off switches; and
- (vii) Vertical cable runs for connection of power and other services.

Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna. *[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]*

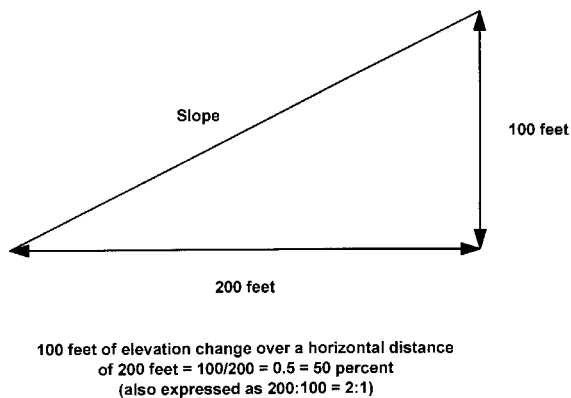
Street: A dedicated and accepted public right-of-way, or a private street approved by the city, which affords the principal means of access for motor vehicles to abutting properties.

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

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this Land Use Management Code, swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or

may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations.

Slope: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.



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

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

Trash enclosure: An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

Undergrounding: The placement of utility lines below ground, with the removal of above-ground poles, wires and structures as applicable.

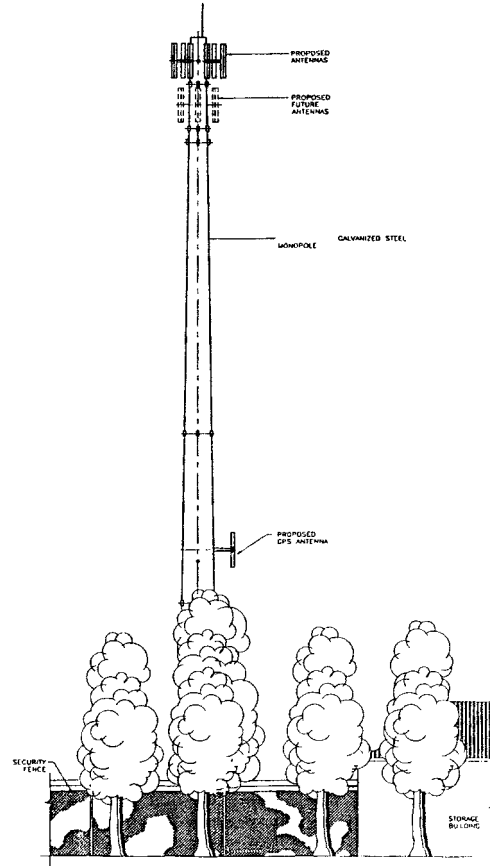
Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

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

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

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.



Wireline backhaul facility: An aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network. [Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]

Zoning map: The official zoning map or maps of the participating municipality or the official zoning maps of all participating municipalities, as the context indicates.

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

Zoning Administrator: The staff person employed in the position of Director of Planning and Development for the Quad Cities Planning Commission, or such other person who has authority via appointment to the position of Zoning Administrator, and any additional positions which have been delegated authority by the Zoning Administrator to exercise the functions of this Land Use Management Code assigned by this Code to said Zoning Administrator.

Section 2.2.2. Terms Related to Agricultural Uses.

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,

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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.

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.

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

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

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

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.

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

Intrafamily land transfer: A division of land within one or more agricultural districts that creates at least one additional lot but not more than four additional lots, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or immediate relatives of the property owner, or some combination thereof; provided, that no more than one (1) lot in the subdivision shall be deeded to any one individual, and provided further that each lot shall be a minimum of two acres and a maximum of three acres in area. This definition shall not include or authorize any land subdivision which involves or will involve the creation of lots for sale or otherwise involves a property transfer for money, tangible or intangible personal property, real property exchanges, or other conveyances for consideration.

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

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

Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational

institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.

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

Roadside stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself, and which does not exceed 1,000 square feet.

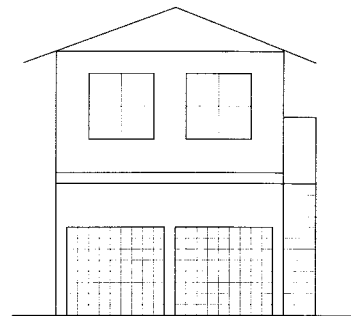
Stockyard: Any place where transient cattle, sheep, swine, or other livestock are kept temporarily for slaughter, market, feeding, or sleeping.

Section 2.2.3. Terms Related to Residential Uses.

[amended City of Jefferson 8-23-10; City of Talmo 9-7-10]

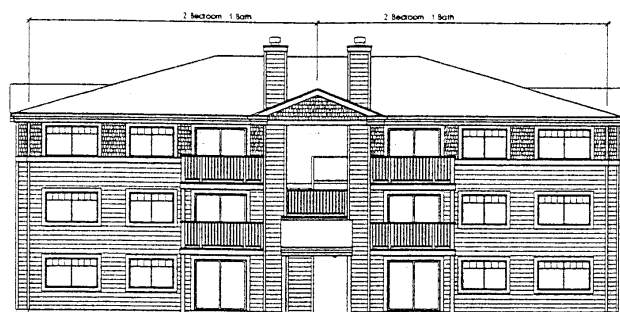
Accessory apartment, attached: A second dwelling unit that is added to the structure of an existing site-built single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping.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

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



Accessory Apartment, Detached
(Above Garage Shown)

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 code an apartment building shall also be considered a “multi-family” dwelling.



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Carport: An roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, 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.

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.

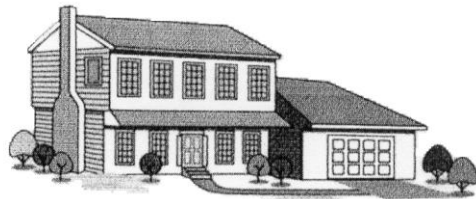
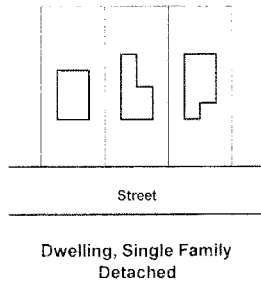
Cooperative building: A building containing one or more dwelling units under cooperative ownership. Cooperative residential buildings are considered multi-family dwellings.

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.

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

Dwelling, single-family detached, fee-simple:

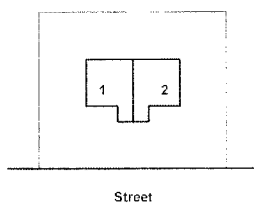
A building designed or arranged to be occupied by one (1) family only and where such dwelling is located on its own lot in fee-simple title.



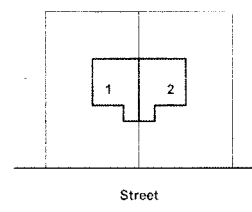
Source: John Matusik and Daniel Deible. "Grading and Earthwork." Figure 24.23 in *Land Development Handbook*, 2nd ed. New York: McGraw-Hill, 2002, p. 562.

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



Dwelling, Two Family (Duplex)
on One Lot



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

Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by two (2) or more families with separate housekeeping facilities for each family. This term includes attached residential condominiums and apartments.

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

Family: An individual; or two (2) or more persons related by blood, marriage, or guardianship; or a group of not more than seven (7) 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 a family or household.

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

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.

Home occupation: Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, 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 Land Use Management Code.

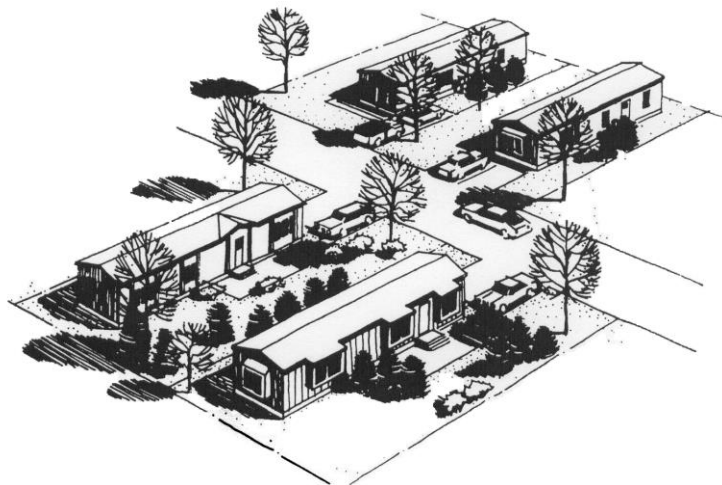
Industrialized Building: Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a 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. An industrialized building bears an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs. All industrialized buildings bearing an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs pursuant to applicable state law shall be deemed to comply with state minimum standards codes and all ordinances and regulations enacted by any local government

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which are applicable to the manufacture or installation of such buildings. [added by amendment City of Jefferson 8-23-10; City of Talmo 9-7-10]

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. A residential industrialized building bears an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs. For purposes of this ordinance, a detached residential industrialized building for one family shall be considered the same as a detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling. All residential industrialized buildings bearing an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs pursuant to applicable state law shall be deemed to comply with state minimum standards codes and all ordinances and regulations enacted by any local government which are applicable to the manufacture or installation of such buildings. This ordinance shall not be construed to exclude detached, single-family residential industrialized buildings from being sited in a residential district solely because the building is a residential industrialized building. [added by amendment City of Jefferson 8-23-10; City of Talmo 9-7-10]

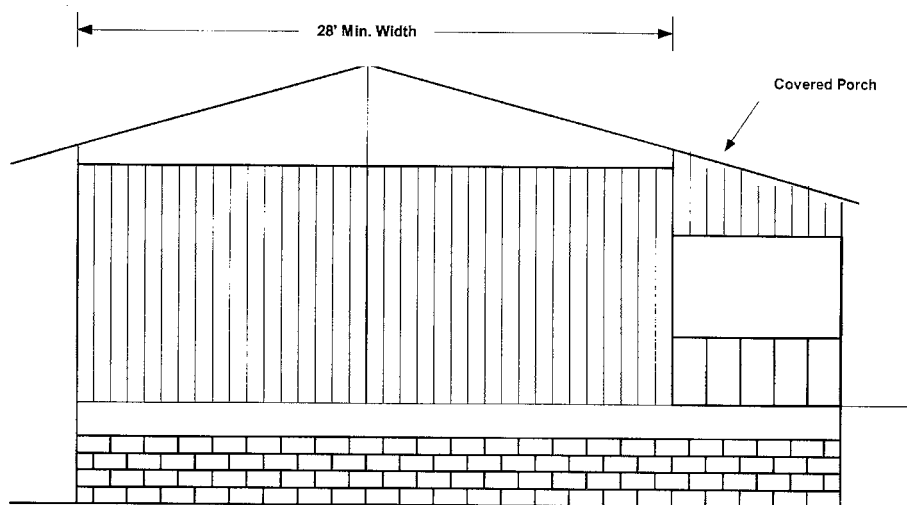
Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent 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).



Source: *Time-Saver Standards for Housing and Residential Development*. 2nd Ed. Joseph De Chiara, Julius Panero, and Martin Zelnik, Editors. New York: McGraw-Hill Professional, 1995. Chapter 11, Figure 17, p. 977.

Manufactured home, class "A": A dwelling unit meeting the definition of "manufactured home" and which meets the following development standards:

- (a) Minimum width of at least twenty-eight (28) feet.
- (b) The roof has 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. The roof has 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 Building Inspector. The roof overhang must be at least one (1) foot when measured from the vertical side.
- (c) The exterior siding materials consist of wood, masonry, hardboard, stucco, masonite, vinyl lap, or other materials of like appearance comparable in composition, appearance, and durability to the exterior siding commonly used in site-built dwellings.
- (d) The wheels and towing devices are removed and the home is attached to a permanent foundation that meets all applicable building code requirements.
- (e) Skirting. The entire perimeter area between the bottom of the structure and the ground of the manufactured home is skirted or underpinned with brick, masonry, finished concrete or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.
- (f) Includes a landing installed at each outside doorway. The minimum size of the landing is four feet by six feet (excluding steps) at each doorway. The structure includes steps which lead to ground level, and both landing and steps meet applicable building code requirements.



Illustrative "Class A" Manufactured Home

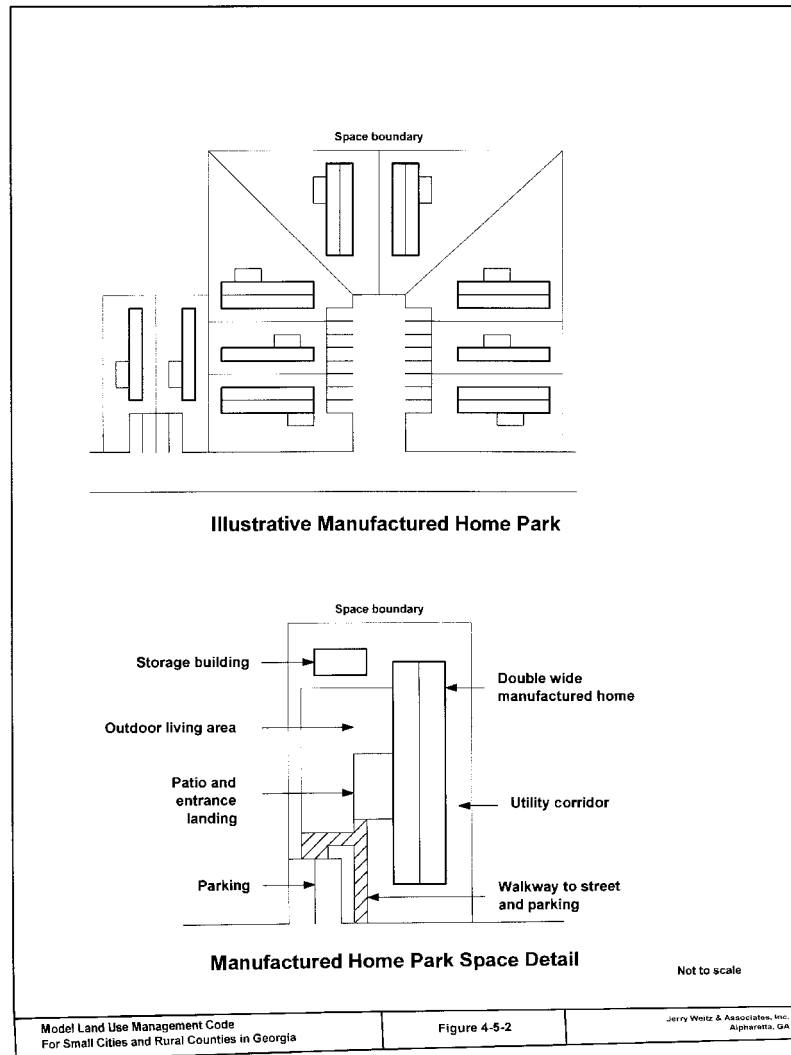
Manufactured home, class "B": A dwelling unit meeting the definition of "manufactured home" and which meets the following development standards:

- (a) The wheels and towing devices are removed and the home is attached to a permanent foundation that meets all applicable building code requirements.
- (b) Skirting. The entire perimeter area between the bottom of the structure and the ground of the manufactured home is skirted or underpinned with brick, masonry,

finished concrete or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.

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

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



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

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product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home.

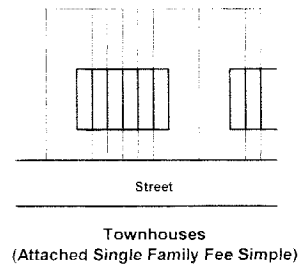
Modular home: [deleted by amendment City of Jefferson 8-23-10; City of Talmo 9-7-10]

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.

Residential zoning districts. All of the districts established in Article 7 of this Land Use Management Code.

Rural/Exurban: All of the agricultural zoning districts established in Article 6 of this Land Use Management Code, and rural residential (RR) districts established in Article 7 of this Land Use Management Code.

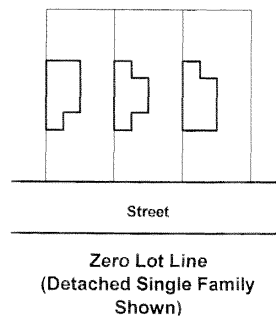
Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Source: John Matusik and Daniel Deible. "Grading and Earthwork." Figure 24.30 in *Land Development Handbook*, 2nd ed. New York: McGraw-Hill, 2002, p. 571.

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.



Section 2.2.4. Terms Related to Institutional Uses.

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.

Boarding house: See rooming house.

Cemetery: The use of property as a burial place.

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.

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 Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

College or university: An educational use that provides training beyond and in addition to that training received in the 12th 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).

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.

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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.

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

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

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

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.

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

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

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

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

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,

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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.

Rooming house: A building where, for compensation, lodging only is provided for three (3) to not more than twenty (20) persons.

School for the arts: An educational use not operated by the City of Jefferson School System or the Jackson 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 City of Jefferson School System or the Jackson County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.”

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

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

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

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

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

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

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

Section 2.2.5. Terms Related to Commercial Uses.

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

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

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

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

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.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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.

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

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

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

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.

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including "hotel" and

“motel” as defined. “Bed and breakfast inn” is defined separately and is not considered a lodging service for purposes of this Land Use Management Code.

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

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

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.

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

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

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

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

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

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

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.

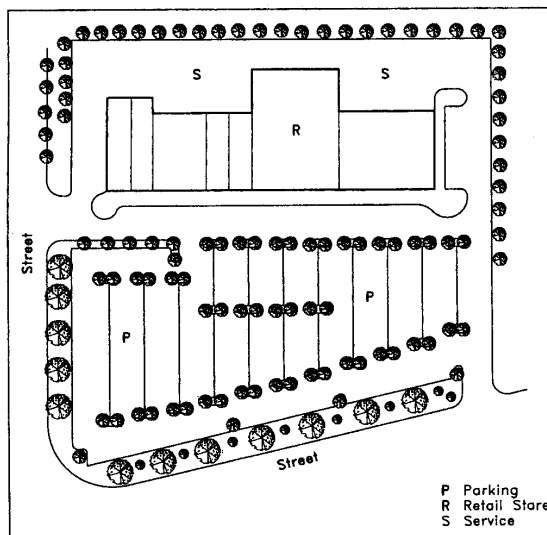
Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during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

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.

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.

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



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

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

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.

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.

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.

Section 2.2.6. Terms Related to Industrial Uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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.

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

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

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

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

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

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

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

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.

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

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

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.

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.

Section 2.2.7. Terms Related to Recreation, Open Space, and Conservation.

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

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

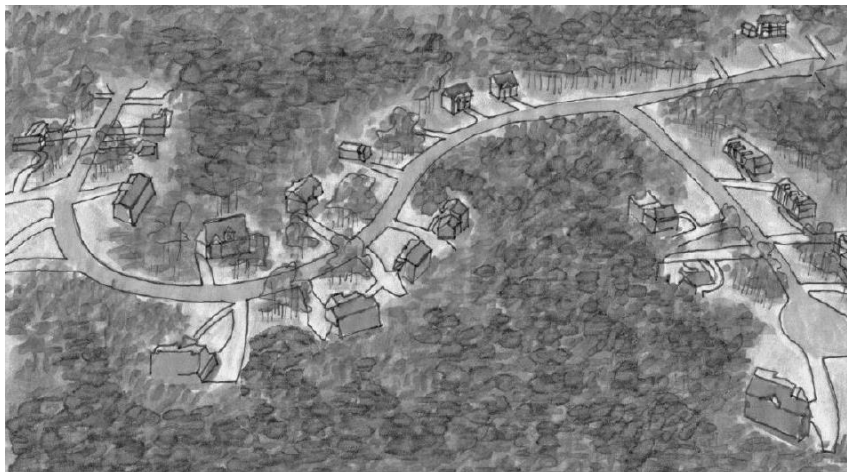
Community recreation: A private recreational facility for use solely by the residents and guests of a particular (usually residential) development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities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

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep mountain slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property; assuring its availability for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archeological, or cultural aspects of real property (O.C.G.A. 44-10-1); A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the Governing Body and recorded in the office of the Clerk of Superior Court of Jackson County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Governing Body and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation subdivision: A subdivision, as defined by this code, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.



Source: Abbey Deiss, Jerry Weitz & Associates, Inc.

Greenspace: Permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals: (A) Water quality protection of rivers, streams, and lakes; (B) Flood protection; (C) Wetlands protection; (D) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks; (E) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species; (F) Scenic protection; (G) Protection of archaeological and historic resources; (H) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and (I) Connection of existing or planned areas contributing to the goals set out in this definition.

Land trust: A private, nonprofit conservation organization formed to protect natural resources, such as productive farm or forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

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

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.

**ARTICLE 3
ESTABLISHMENT OF ZONING DISTRICTS,
OVERLAY DISTRICTS AND MAPS**

CHAPTER 3.1	ZONING DISTRICTS
CHAPTER 3.2	OFFICIAL ZONING MAPS
CHAPTER 3.3	OVERLAY DISTRICTS
CHAPTER 3.4	RULES GOVERNING BOUNDARIES

**CHAPTER 3.1
ZONING DISTRICTS**

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

Section 3.1.1. Intent.

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

Section 3.1.2. Zoning Districts Established.

The following zoning districts are hereby established:

- PCFD, Planned Commercial Farm District
- AG, Agricultural District
- AG-R, Agricultural Residential District
- RR-1, Restricted Rural Residential District
- RR-2, Rural Residential District
- RR-3, Rural Residential District
- R-1, Single-Family Residential District
- R-2, Medium Density Residential District
- R-3, Two-Family Residential District
- R-4, Medium-High Density Residential District
- MFR, Multiple-Family Residential District
- PCD, Planned Community Development District
- O-I, Office-Institutional District
- C-1, Neighborhood Commercial District
- C-2, Highway Commercial District
- DBD, Downtown Business District
- TC, Town Center Mixed-Use District
- LI, Light Industrial District
- HI, Heavy Industrial District

CHAPTER 3.2 OFFICIAL ZONING MAPS

- Section 3.2.1. Official Zoning Maps.
Section 3.2.2. Map Revisions.

Section 3.2.1. Official Zoning Maps.

The boundaries of zoning districts created by this ordinance are hereby established as shown on maps entitled “Official Zoning Map” for each of the respective participating municipalities. Said Official Zoning Maps specifically include the following:

Official Zoning Map of the City of Jefferson, Georgia
Official Zoning Map of the City of Talmo, Georgia

Said official zoning maps and all explanatory matter thereon accompany and are hereby made a part of this Land Use Management Code. The Official Zoning Maps shall indicate the date of adoption and most recent amendment. The original of the Official Zoning Map for each participating municipality shall be kept in the office of the City Clerk with jurisdiction.

The Official Zoning Maps may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the Official Zoning Map. The Zoning Administrator may make copies of the Official Zoning Maps available to the public for a reasonable fee.
[reference to City of Arcade deleted]

Section 3.2.2. Map Revisions.

If, in accordance with the provisions of this Land Use Management Code, the Governing Body of a participating municipality approves changes in the district boundaries or other subject matter portrayed on the Official Zoning Map for its jurisdiction, such changes shall be made promptly after the amendment has been approved by the Governing Body. The Governing Body of each participating municipality shall be solely and exclusively authorized to amend the Official Zoning Map for its jurisdiction. No other participating municipality shall have authority to amend Official Zoning Maps of another participating municipality, nor shall this Land Use Management Code be construed to require approval of changes to Official Zoning Maps by any but the participating municipality with jurisdiction. Any Governing Body may initiate and act without the consent of any other Governing Body of a participating municipality to amend its Official Zoning Map, subject to the procedural requirements of this Land Use Management Code.

The Zoning Administrator is authorized to correct errors if any in official zoning maps, which may include revisions to property lines which form a zoning boundary, without a requirement to seek approval of the Governing Body of the municipality with jurisdiction.

CHAPTER 3.3 OVERLAY DISTRICTS

Section 3.3.1.	Intent.
Section 3.3.2.	Overlay Districts Established.
Section 3.3.3	Overlay District Boundaries.
Section 3.3.4	Revisions to Overlay District Boundaries.

Section 3.3.1. Intent.

It is the intent of this Chapter to establish geographic areas which superimpose additional requirements upon the basic zoning district or districts without affecting the requirements of the basic zoning district or districts. Accordingly, there are hereby established the following overlay districts in the participating municipalities. Unless otherwise specified, when the requirements of a basic zoning district and overlay district conflict, the more restrictive (less permissive) requirements shall apply.

Section 3.3.2. Overlay Districts Established.

There is hereby established the following overlay districts:

US Highway 129 Corridor Overlay District
Wetlands Protection District
Groundwater Recharge Areas
Curry Creek Reservoir Watershed Protection District
Protected River Corridors
City of Jefferson Historic Districts

Section 3.3.3. Overlay District Boundaries.

The boundaries of the overlay districts are hereby established as shown on the Official Zoning Map for each of the respective participating municipalities, or if more expedient, said districts may be shown on a separate map or maps of the city or cities, or portion or portions thereof within the overlay district or districts.

Section 3.3.4. Revisions to Overlay District Boundaries.

If, in accordance with the provisions of this Land Use Management Code, changes are made in the overlay district boundaries, such changes shall be made promptly after the amendment has been approved by the Governing Body with jurisdiction. The Governing Body of each participating municipality shall be solely and exclusively authorized to amend the boundaries of overlay districts for its jurisdiction. No other participating municipality shall have authority to amend overlay district boundaries of another participating municipality, nor shall this Land Use Management Code be construed to require approval of changes to overlay district boundaries by any but the participating municipality with jurisdiction. Any Governing Body may initiate and act without the consent of any other Governing Body of a participating municipality to amend overlay district boundaries within its jurisdiction, subject to the procedural requirements of this Land Use Management Code.

Article 3, Zoning Districts and Overlay Districts and Maps
Jefferson-Talmo Land Use Management Code

Provisions for amending the City of Jefferson Historic Districts shall be subject to Chapter 19.3 of this Land Use Management Code.

Provisions for amending all other overlay districts boundaries shall be subject to Chapter 21.2 of this Land Use Management Code.

CHAPTER 3.4 RULES GOVERNING BOUNDARIES

Section 3.4.1.	Streets.
Section 3.4.2.	City Limits.
Section 3.4.3.	Property Lines.
Section 3.4.4.	Streams and Rivers.
Section 3.4.5.	Abandonment or Vacation of Right-of-Way.
Section 3.4.6.	Determinations, Interpretations, and Appeals.

Section 3.4.1. Streets.

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

Section 3.4.2. City Limits.

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

Section 3.4.3. Property Lines.

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

Section 3.4.4. Streams and Rivers.

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

Section 3.4.5. Abandonment or Vacation of Right-of-Way.

Where a public street or other right-of-way is officially vacated or abandoned, and said street or right-of-way is also a zoning district 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.

Section 3.4.6. Determinations, Interpretations, and Appeals.

In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall determine the location of the boundary. Any such administrative determination is subject to appeal as an administrative decision in accordance with Chapter 22.2 of this Land Use Management Code.

**ARTICLE 4
NONCONFORMING SITUATIONS**

CHAPTER 4.1	DEFINITIONS
CHAPTER 4.2	NONCONFORMING LOTS
CHAPTER 4.3	NONCONFORMING BUILDINGS AND STRUCTURES
CHAPTER 4.4	NONCONFORMING USES

**CHAPTER 4.1
DEFINITIONS**

Abandon: To stop the use of property or the occupancy of a building intentionally. Abandonment is presumed when the use of a property or building has ceased and the property or building has been vacant for twelve (12) months or more.

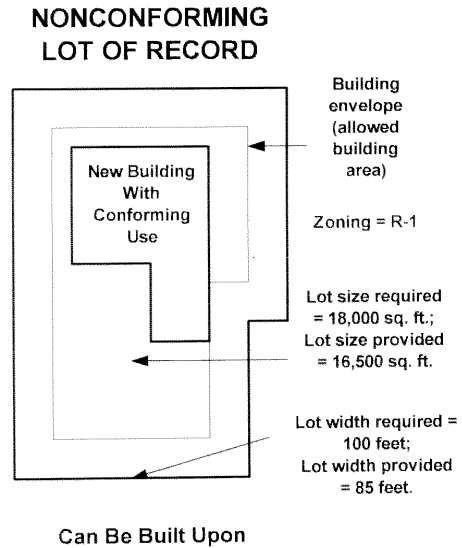
Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum building coverage for the zoning district in which said building or structure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

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

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

CHAPTER 4.2 NONCONFORMING LOTS

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

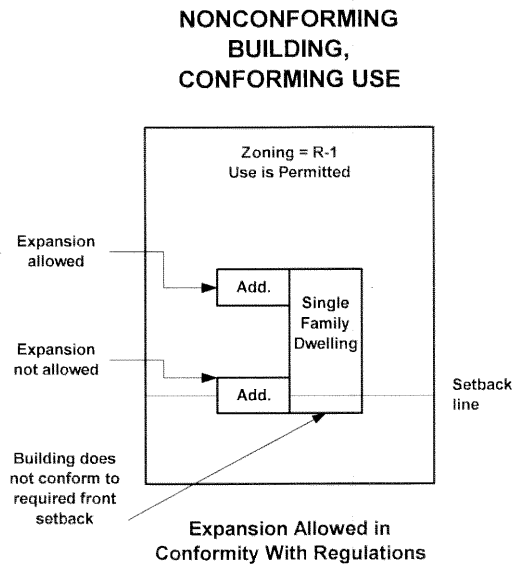


CHAPTER 4.3 NONCONFORMING BUILDINGS AND STRUCTURES

- Section 4.3.1. Expansion.
Section 4.3.2. Expansion in Overlay Districts.

Section 4.3.1. Expansion.

A nonconforming building or structure, as defined by this Land Use Management Code, 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 Land Use Management Code.



Section 4.3.2. Expansion in Overlay Districts.

A building or structure that complies with the use requirements for an overlay district (if any) in which said building or structure is located, and which is governed by the overlay district use regulations instead of the use regulations of the underlying zoning district, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the overlay district (if any) in which the building or structure is located. Any such expansion, enlargement, or extension shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the overlay district, if applicable to said building, or if inapplicable, it shall comply with the dimensional requirements for the zoning district in which said building or structure is located.

CHAPTER 4.4 NONCONFORMING USES

Section 4.4.1.	Generally.
Section 4.4.2.	Change of Use.
Section 4.4.3.	Abandonment.
Section 4.4.4.	Expansion.
Section 4.4.5.	Repair.

Section 4.4.1. Generally.

A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this Chapter.

A use which does not comply with the use requirements for an overlay district, if any, in which said building or structure is located, and which is governed by the use regulations for an overlay district, if any, instead of the use regulations of the underlying zoning district, may be continued even though such use does not conform with the use provisions of the overlay district in which said use is located, except as otherwise provided in this Chapter.

It shall be the responsibility of the owner of a nonconforming use to prove to the Zoning Administrator that such use was lawfully established and existed on the effective date of adoption or amendment of this Land Use Management Code.

Section 4.4.2. 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.

Section 4.4.3. Abandonment.

A nonconforming use shall not be re-established after discontinuance or abandonment for one (1) year, except as provided in this Section. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this Section. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed in excess of six (6) months, said lapse of business registration shall constitute discontinuance.

Notwithstanding the paragraph above of this Section, a nonconforming use shall not be considered abandoned if the following are met: (1) The owner of a nonconforming use shows that a diligent effort has been made to sell, rent, or use the property for a legally permissible use; (2) The property owner files a request per requirements specified by the Zoning Administrator to the Quad Cities Planning Commission to continue the nonconforming use; and (3) The Quad Cities Planning Commission makes a determination that said use or occupancy does not constitute abandonment due to extenuating circumstances and grants the property owner permission to continue said use or occupancy.

Section 4.4.4. Expansion (City of Talmo).

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

Section 4.4.4. Expansion (City of Jefferson).

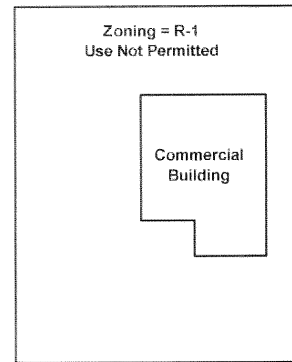
Except as specifically provided in this section, a nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.

Within the LI, Light Industrial district only, any use which existed on the effective date of this land use management code (May 10, 2004) and which is listed as a conditional use in the LI zoning district per Table 8-1 of this land use management code, may be expanded, enlarged, or extended, in land area or in floor space or volume of space in a building or structure, without the need to obtain a conditional use permit. *[City of Jefferson amended via Ord. LUMC 18-07 adopted 12-17-2018]*

Section 4.4.5. Repair.

A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of damage as determined by the Building Inspector, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is completed within one (1) year of such damage.

**NONCONFORMING
USE**



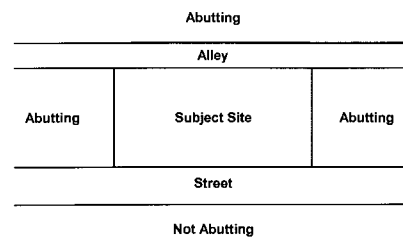
Cannot Be Expanded

**ARTICLE 5
 GENERAL AND DIMENSIONAL PROVISIONS**

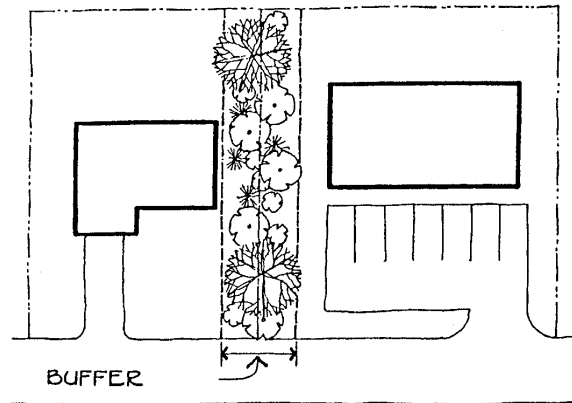
CHAPTER 5.1	DEFINITIONS
CHAPTER 5.2	GENERAL PROVISIONS
CHAPTER 5.3	GENERAL DIMENSIONAL PROVISIONS

**CHAPTER 5.1
 DEFINITIONS**

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



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



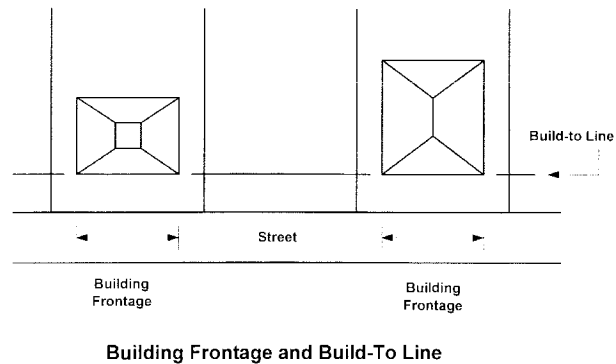
Buffer, natural undisturbed: A buffer that contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated.

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

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

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

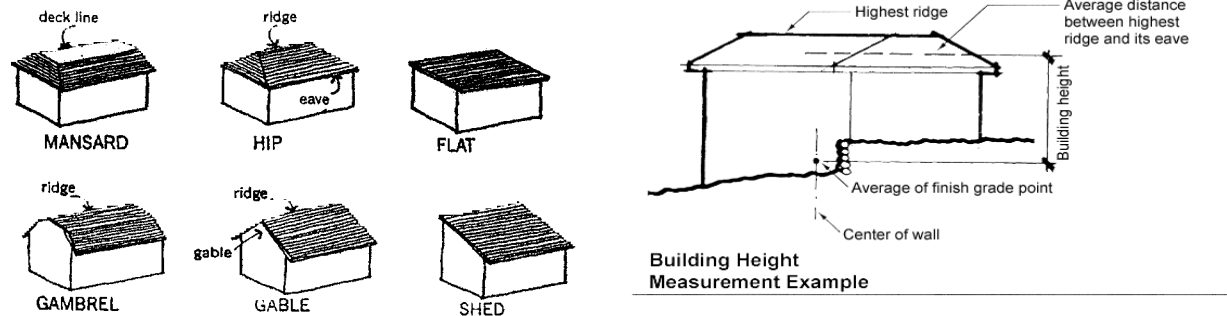
Build-to-line: A front building setback line applied to a principal building on a particular property so that a continuous and consistent building setback will be achieved considering the front building setbacks of buildings on abutting and/or adjacent lots on the same side of the street or right-of-way.



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

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

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



Roof Types

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

Building 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 Land Use Management Code, a minimum required building setback line and minimum required yard shall be considered the same.

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

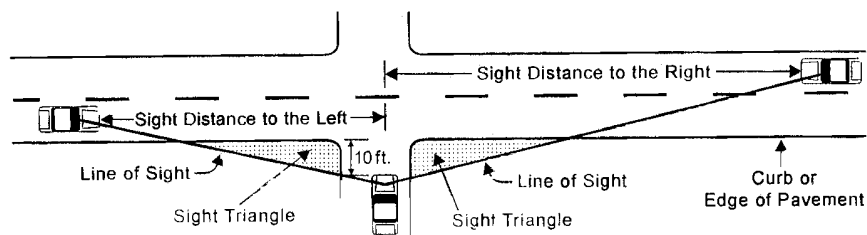
Density: The quantity of building per unit of area; for example, the number of dwellings per area (gross square foot or per acre).

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

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

Open space, landscaped: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

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



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

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

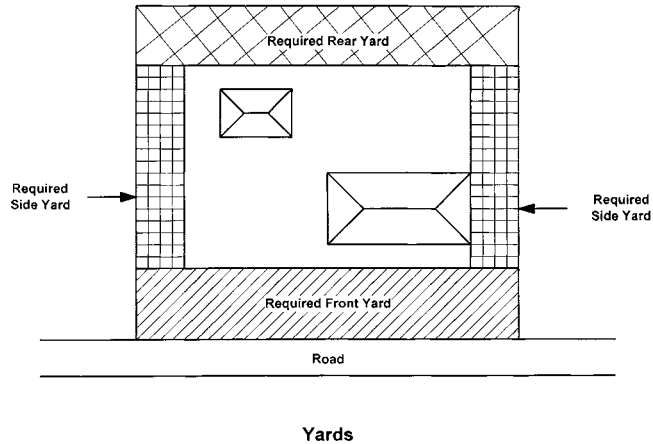
Article 5, General and Dimensional Provisions
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Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

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

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

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



CHAPTER 5.2 GENERAL PROVISIONS

- Section 5.2.1. Use, Occupancy and Erection.
Section 5.2.2. Use Prohibited When Not Specified.
Section 5.2.3. Minimum Requirements.
Section 5.2.4. Visibility at Intersections.

Section 5.2.1. Use, Occupancy and Erection.

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

Section 5.2.2. Use Prohibited When Not Specified.

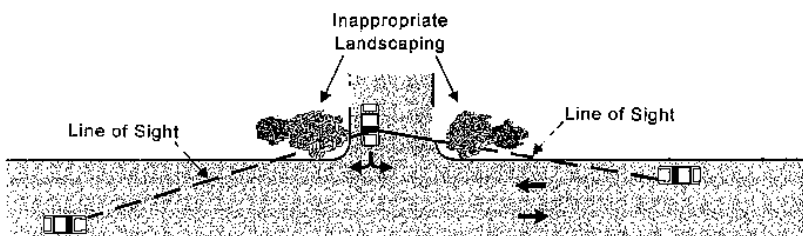
If not otherwise stated, any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided under Articles 6, 7, and 8 of this Land Use Management Code shall be prohibited in that zoning district.

Section 5.2.3. 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 5.2.4. Visibility at Intersections.

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



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-45, p. 7-54.

CHAPTER 5.3 GENERAL DIMENSIONAL PROVISIONS

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

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

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

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

Except as otherwise specifically provided in this Land Use Management Code, in any residential zoning district specified in Article 7 of this Land Use Management Code except for the MFR zoning district, only one 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, multiple-family dwelling, office, institutional, commercial or industrial building upon a single lot, in districts where permitted, including residential zoning districts established in Article 7 of this Land Use Management Code, subject to setbacks and separation as provided in this Land Use Management Code. Nor shall this provision prevent the establishment of more than one dwelling on a lot in an agricultural zoning district specified in Article 6 of this Land Use Management Code, subject to setbacks and separation as provided in this Land Use Management Code.

Section 5.3.3. Height Limitations.

Except as otherwise specifically provided in this Section, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the number of stories specified in this Land Use Management Code; provided, however, the Governing Body with jurisdiction 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 Chapter 21.2 of this Land Use Management Code.

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

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

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district in which the lot is located as established by this Land Use Management Code. 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 Land Use Management Code, except as otherwise specifically provided. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the maximum density, minimum lot size, or minimum lot width of the zoning district, as the case may be, in which said lot and building are located are not maintained, except as otherwise specifically provided in this Land Use Management Code.

Section 5.3.5. Minimum Floor Area Per Dwelling Unit.

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

Section 5.3.6. Minimum Required Yards and Building Setbacks.

No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use as provided in Article 11 or any other Article of this Land Use Management Code. The buffer requirements established by this Land Use Management Code may supersede these minimum required yards.

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

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

Section 5.3.7. Principal Building Separation.

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

separation to allow for sufficient fire access and traffic flow and that meet applicable building code requirements.

Section 5.3.8. Maximum Building Coverage.

No lot shall hereafter be developed to exceed the maximum building coverage specified for the zoning district in which it is located. In areas where a maximum impervious surface coverage is specified, no lot shall be developed to exceed said maximum impervious surface coverage (see Chapter 10.4 of this Land Use Management Code).

Section 5.3.9. Minimum Landscaped Open Space.

No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located, or as may be established by any other Article or Section of this Land Use Management Code.

Section 5.3.10. 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 Land Use Management Code for the zoning district in which said building, structure, or use is located, or for the specific use if buffer and landscape strip requirements are established for said use in Article 16 or any other Article or Section of this Land Use Management Code.

Section 5.3.11. Street Frontage Requirement.

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

**ARTICLE 6
AGRICULTURAL ZONING DISTRICTS**

CHAPTER 6.1	PCFD, PLANNED COMMERCIAL FARM DISTRICT
CHAPTER 6.2	AG, AGRICULTURAL DISTRICT
CHAPTER 6.3	AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT

**CHAPTER 6.1
PCFD, PLANNED COMMERCIAL FARM DISTRICT**

Section 6.1.1.	Purpose and Intent.
Section 6.1.2.	Applicability.
Section 6.1.3.	Permitted and Conditional Uses.
Section 6.1.4.	Dimensional Requirements.
Section 6.1.5.	Improvement Requirements.
Section 6.1.6.	District Regulations.

Section 6.1.1. Purpose and Intent.

The Planned Commercial Farm District is intended to accommodate large tracts of at least thirty-five (35) acres devoted to nearly exclusive agricultural production including intensive livestock raising. Livestock raising and animal quarters are permitted. The intensive agricultural operations permitted in this zoning district may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development. Residential uses are restricted to those which will not be incompatible with and will not challenge intensive farming operations, and which are more or less subordinate to farming operations. Those residential uses include but are not limited to class “B” manufactured homes and farm tenant dwellings. The subdivision of land is not permitted, except by intra-family land transfers, and then only according to restrictions that will maintain the district’s primary use for agriculture. Because of the large land area available in Planned Commercial Farm Districts, certain uses of a quasi-commercial, institutional, or agricultural-industrial nature may be appropriately sited as conditional uses. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

Section 6.1.2. Applicability.

The Planned Commercial Farm District can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities.

Section 6.1.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 6.1, “Permitted and Conditional Uses for Agricultural Zoning Districts.”

Section 6.1.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 6.2, “Dimensional Requirements for Agricultural Zoning Districts.”

Section 6.1.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

Section 6.1.5. District Regulations.

Land within the Planned Commercial Farm District shall not be subdivided, except as may be approved by intra-family land transfer.

CHAPTER 6.2 AG, AGRICULTURAL DISTRICT

Section 6.2.1.	Purpose and Intent.
Section 6.2.2.	Applicability.
Section 6.2.3.	Permitted and Conditional Uses.
Section 6.2.4.	Dimensional Requirements.
Section 6.2.5.	Improvement Requirements.
Section 6.2.6.	District Regulations.

Section 6.2.1. Purpose and Intent.

The Agricultural District is intended to accommodate rural and agricultural areas on tracts of eight (8) acres or more which are devoted predominantly to agricultural production and which may include moderately intensive livestock raising. Livestock raising and animal quarters are permitted. The agricultural operations permitted in this zoning district may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development. Residential uses are restricted to those which will not be incompatible with and will not challenge moderately intensive farming operations, and which are more or less subordinate to farming operations, including class “B” manufactured homes. The subdivision of land is not permitted, except by intra-family land transfers, and then only according to restrictions that will maintain the district’s primary use for agriculture. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

Section 6.2.2. Applicability.

The Agricultural District can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities.

Section 6.2.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 6.1, “Permitted and Conditional Uses for Agricultural Zoning Districts.”

Section 6.2.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 6.2, “Dimensional Requirements for Agricultural Zoning Districts.”

Section 6.2.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

Section 6.2.6. District Regulations.

Land within the Agricultural District shall not be subdivided, except as may be approved by intra-family land transfer.

CHAPTER 6.3
AG-R, AGRICULTURAL-RESIDENTIAL DISTRICT

Section 6.3.1.	Purpose and Intent.
Section 6.3.2.	Applicability.
Section 6.3.3.	Permitted and Conditional Uses.
Section 6.3.4.	Dimensional Requirements.
Section 6.3.5.	Improvement Requirements.
Section 6.3.6.	Livestock Limited.

Section 6.3.1. Purpose and Intent.

The Agricultural-Residential District is neither exclusively agricultural nor exclusively residential. The minimum lot size of five (5) acres is the least amount of land that is considered necessary to sustain viable agricultural operations. Because of the mixture of farmland and rural residences, intensive agriculture including livestock raising is not permitted. The agricultural operations permitted in this zoning district are those that do not result in substantial objectionable odors, dust, noise, or other effects which can be incompatible with single-lot residential development. A minimum five-acre lot in this district, however, can be used for farming and the keeping of a limited number of livestock as further specified in this Chapter. Agricultural-Residential districts are appropriate as a transition between Planned Commercial Farm or Agricultural zoning districts and Rural Residential zoning districts. Public water service may or may not be available and sanitary sewer is generally not available to these districts. Residential dwellings are limited to site-built homes and class "A" manufactured homes. Subdivision of these districts into five-acre lots is permitted, and over the long-term future, some agricultural-residential districts may transition to rural residential or low-density, predominantly residential neighborhoods. Any non-agricultural development must meet improvement standards that are compatible with the objective of maintaining agricultural, rural, and exurban character.

Section 6.3.2. Applicability.

The Agricultural-Residential District can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities.

Section 6.3.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts." Also see Section 6.3.6.

Section 6.3.4. Dimensional Requirements.

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

Section 6.3.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

Section 6.3.6. Livestock Limited.

Within the city of Talmo, horses, cows, and other animals as provided below shall be permitted in quantities based on the total area of land of the lot or property. Within the city of Jefferson livestock shall be limited to horses and cows and only in quantities based on the size of the tract of land. No acre of land shall be counted toward meeting more than one livestock type.

Livestock Type	Maximum Number of Livestock (Head) Per Acre: Talmo	Maximum Number of Livestock (Head) Per Acre: Jefferson
Horses	1 per two acres	1 per two acres
Cows	1 per acre	1 per acre
Pigs more than 55 pounds	2 per acre	Not permitted
Pigs, nursery	5 per acre	Not permitted
Sheep	5 per acre	Not permitted
Geese, ducks	5 per acre	Not permitted
Turkeys	10 per acre	Not permitted
Chickens	20 per acre	Not permitted

TABLE 6.1
PERMITTED AND CONDITIONAL USES FOR AGRICULTURAL DISTRICTS
 P = Permitted C = Conditional Use X = Not Permitted

USE	PCFD	AG	AG-R	See also Section:
ACCESSORY USES				
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	11.1
Accessory apartment, attached	P	P	P	11.3.2
Accessory apartment, detached	P	P	P	11.3.2
Carport	P	P	P	11.1
Caretaker's or nightwatchman's residence	P	C	X	11.7.3
Construction field office	P	P	P	11.8.1
Family day care home	P	P	P	11.4
Guest house	P	P	P	11.3.4
Home occupation	P	P	P	11.4
Tower, amateur radio	P	P	P	
Roadside stand	P	P	X	11.10.4
Small wireless facility <i>[Jefferson added via amendment Ord. LUMC 19-04 adopted 9-23-19]</i>	P	P	P	11.9.7
Wireless telecommunication facility and equipment	C	C	C	11.9
Yard sale	P	P	P	11.3.8
AGRICULTURAL USES				
Agriculture	P	P	P	
Livestock, all livestock types	P	P	X	
Livestock, limited	N/A	N/A	P	6.3.6
Biomass production and storage	C	X	X	
Forestry	P	P	C	
Greenhouse	P	P	P	
Stockyard	P	P	X	
RESIDENTIAL USES				
Dwelling, single-family detached, fee-simple	P	P	P	11.2.2 11.2.3
Dwelling, farm tenant	P	C	X	11.2.2 11.2.3
Dwelling, farm tenant (to exceed specified limits)	C	X	X	
Dwelling for medical hardship	P	P	P	11.3.3
Intra-family land transfer, up to two lots (Table 6.2)	P	P	X	Art. 26
Intra-family land transfer, up to four lots (Table 6.2)	P	X	X	Art. 26
Manufactured home, class "A"	P	P	P	11.2.3
Manufactured home, class "B," set back from a public right-of-way by at least 200 feet	P	P	X	11.2.3
Manufactured home while single-family dwelling is constructed	P	P	P	11.3.5
Relocated residential structure	P	P	C	11.2.3

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INSTITUTIONAL USES				
Cemetery	P	P	P	
USE	PCFD	AG	AG-R	See also Section:
Church, temple, synagogue, or place of worship	P	P	P	11.5.1
Club or lodge, nonprofit	X	X	P	
Therapeutic camp	C	C	X	
COMMERCIAL, INDUSTRIAL, OTHER USES				
Bed and breakfast inn	P	C	C	11.6.2
Borrow site	C	C	X	
Botanical garden	C	C	C	
Camp or campground	C	X	X	
Composting facility	C	X	X	
Cottage industry	C	C	C	
Country club	C	X	X	
Landscaping company	C	C	X	
Public use, including public school	P	P	P	
Retreat center	C	X	X	
Riding academy or equestrian center	P	C	X	
Riding stable	C	X	X	
Semi-public use	P	P	P	
Special event facility	C	C	C	

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

DIMENSIONAL REQUIREMENT	PCFD	AG	AG-R
Minimum acreage to rezone to district (acres)	35	8	5
AGRICULTURAL INTENSITY			
Livestock raising and animal quarters intensity (equivalent animal units per acre)	No restriction	No restriction	(see Section 6.3.6)
RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS			
Maximum residential density, detached single-family dwellings or manufactured home (acres per dwelling unit)	8	4	5
Maximum residential density, farm tenant dwellings, (acres per dwelling unit) (Note: in calculating this density limit, land devoted to agricultural operations can be counted but land counted toward meeting density limits for dwellings, single-family detached, fee simple or class "A" manufactured homes shall not be included in the calculation.	8.75	Not permitted	Not permitted
Maximum number of farm tenant dwellings, regardless of acreage available (units)	4	Not permitted	Not permitted
Intra-family land transfer, number of lots permitted (lots)	4	2	Not permitted
Minimum lot size for lot created by intra-family land transfer (acres)	1	1	Not permitted
Maximum lot size for lot created by intra-family land transfer (acres)	3	2	Not permitted
Minimum lot width for lot created by intra-family transfer (feet)	300	300	Not permitted
Minimum lot width, new subdivided lot (feet)	Not permitted	Not permitted	200
BUILDING HEIGHT REQUIREMENTS			
Maximum height (feet)	75	50	35
Maximum height (number of stories)	3	3	3
ANIMAL QUARTERS REQUIREMENTS			
Minimum building setback, all property lines (feet)	100	100	75
Minimum building setback abutting AG-R or any residential zoning district (feet)	300	150	100
Minimum natural buffer abutting AG-R or any residential zoning district (feet)	100	75	None
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED BUILDINGS			
Front (feet)	60	50	40
Side (feet)	50	40	30
Rear (feet)	50	40	30
MINIMUM FLOOR AREA PER DWELLING UNIT (square feet)	550	900	1,250

**ARTICLE 7
RESIDENTIAL ZONING DISTRICTS**

CHAPTER 7.1	RR-1, RESTRICTED RURAL RESIDENTIAL DISTRICT
CHAPTER 7.2	RR-2, RURAL RESIDENTIAL DISTRICT
CHAPTER 7.3	RR-3, RURAL RESIDENTIAL DISTRICT
CHAPTER 7.3	R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT
CHAPTER 7.4	R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT
CHAPTER 7.5	R-3, TWO-FAMILY RESIDENTIAL DISTRICT
CHAPTER 7.6	R-4, MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT
CHAPTER 7.7	MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT
CHAPTER 7.8	PCD, PLANNED COMMUNITY DEVELOPMENT DISTRICT

**CHAPTER 7.1
RR-1, RESTRICTED RURAL RESIDENTIAL DISTRICT**

Section 7.1.1.	Purpose and Intent.
Section 7.1.2.	Applicability.
Section 7.1.3.	Permitted and Conditional Uses.
Section 7.1.4.	Dimensional Requirements.
Section 7.1.5.	Improvement Requirements.

Section 7.1.1. Purpose and Intent.

The RR-1 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per two acres (0.5 unit per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Uses in the RR-1 zoning district are more restricted than any other residential zoning district. Development in the RR-1 district does not necessitate sanitary sewer service but may be served by public water.

Section 7.1.2. Applicability.

This residential district can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities.

Section 7.1.3. Permitted and Conditional Uses.

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

Section 7.1.4. Dimensional Requirements.

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

Section 7.1.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, "Exurban/Rural Design and Improvement Requirements."

CHAPTER 7.2
RR-2, RURAL RESIDENTIAL DISTRICT

Section 7.2.1.	Purpose and Intent.
Section 7.2.2.	Applicability.
Section 7.2.3.	Permitted and Conditional Uses.
Section 7.2.4.	Dimensional Requirements.
Section 7.2.5.	Improvement Requirements.

Section 7.2.1. Purpose and Intent.

The RR-2 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per 1.5 acres (0.667 unit per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership and class “A” manufactured homes. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Development in the RR-2 district does not necessitate sanitary sewer service but may be served by public water.

Section 7.2.2. Applicability.

This residential district can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities.

Section 7.2.3. Permitted and Conditional Uses.

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

Section 7.2.4. Dimensional Requirements.

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

Section 7.2.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

CHAPTER 7.3
RR-3, RURAL RESIDENTIAL DISTRICT

Section 7.3.1. Purpose and Intent.

The RR-3 zoning district is intended to provide for residential areas with rural densities of one dwelling unit per acre. Dimensional requirements such as yards and building coverage are intended to provide for spacious yards surrounding each dwelling. Site-built dwellings and Class “A” manufactured homes are permitted. Development in the RR-3 district does not necessitate sanitary sewer service but may be served by public water.

Section 7.3.2. Applicability.

This residential district can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities.

Section 7.3.3. Permitted and Conditional Uses.

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

Section 7.3.4. Dimensional Requirements.

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

Section 7.3.5. Improvement Requirements.

Development improvements shall be as provided in Article 27, “Exurban/Rural Design and Improvement Requirements.”

CHAPTER 7.4
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 7.4.1.	Purpose and Intent.
Section 7.4.2.	Applicability.
Section 7.4.3.	Permitted and Conditional Uses.
Section 7.4.4.	Dimensional Requirements.
Section 7.4.5.	Improvement Requirements.

Section 7.4.1. Purpose and Intent.

The R-1 zoning district is intended to provide for residential areas with low densities of one dwelling unit per 0.75 acre (1.333 units per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Development in the R-1 district does not necessitate sanitary sewer service but is usually served by public water.

Section 7.4.2. Applicability.

This residential district can be applied in any of the participating municipalities except for the City of Talmo where it shall not be applied. There shall be no rezoning to this residential district inside the city limits of Talmo, and the Zoning Administrator shall not accept for processing any application for rezoning to the R-1 district inside the city limits of Talmo.

Section 7.4.3. Permitted and Conditional Uses.

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

Section 7.4.4. Dimensional Requirements.

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

Section 7.4.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

**CHAPTER 7.5
R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT**

Section 7.5.1.	Purpose and Intent.
Section 7.5.2.	Applicability.
Section 7.5.3.	Permitted and Conditional Uses.
Section 7.5.4.	Dimensional Requirements.
Section 7.5.5.	Improvement Requirements.

Section 7.5.1. Purpose and Intent.

The R-2 zoning district is intended to provide for residential areas with medium densities of one dwelling unit per 0.5 acre (2 units per acre). Residential uses are restricted to detached, single-family dwellings in fee-simple ownership. Development in the R-2 district typically requires sanitary sewer service and is served by public water.

Section 7.5.2. Applicability.

The R-2 zoning district is appropriate only in the city limits of Jefferson. It is not applicable to any other participating municipalities. There shall be no rezoning to this residential district outside the city limits of Jefferson, and the Zoning Administrator shall not accept for processing any application for rezoning to the R-2 district outside the city limits of Jefferson.

Section 7.5.3. Permitted and Conditional Uses.

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

Section 7.5.4. Dimensional Requirements.

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

Section 7.5.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 7.6
R-3, TWO-FAMILY RESIDENTIAL DISTRICT

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

Section 7.6.1. Purpose and Intent.

The R-3 zoning district is intended to provide for residential areas with medium densities up to 6.0 units per acre for two-family dwellings and detached, single-family dwellings in fee-simple ownership at densities up to two units per acre. Detached, single-family condominiums are conditional uses. Development in the R-3 district typically requires sanitary sewer service and is served by public water. (*Amended per Ordinance LUMC 16-08 approved 11/21/2016*).

Section 7.6.2. Applicability.

The R-3 zoning district is appropriate only in the city limits of Jefferson. It is not applicable to any other participating municipalities. There shall be no rezoning to this residential district outside the city limits of Jefferson, and the Zoning Administrator shall not accept for processing any application for rezoning to the R-3 district outside the city limits of Jefferson.

Section 7.6.3. Permitted and Conditional Uses.

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

Section 7.6.4. Dimensional Requirements.

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

Section 7.6.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 7.7
R-4, MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT

Section 7.7.1.	Purpose and Intent.
Section 7.7.2.	Applicability.
Section 7.7.3.	Permitted and Conditional Uses.
Section 7.7.4.	Dimensional Requirements.
Section 7.7.5.	Improvement Requirements.

Section 7.7.1. Purpose and Intent.

This district is intended to apply to smaller, urban-sized lots of ¼ acre or more in the city limits of Jefferson. Yards are minimal because of the small size of the lots. Development in these districts necessitates sanitary sewer and public water service.

Section 7.7.2. Applicability.

The R-4 zoning district is appropriate only in the city limits of Jefferson, and only to those areas that are shown on the Official Zoning Map of the City of Jefferson at the time this ordinance is adopted. This residential district is not applicable to any other participating municipality. There shall be no rezoning to the R-4 zoning district, including properties within the City of Jefferson, and the Zoning Administrator shall not accept for processing any application for rezoning to the R-4 district.

Section 7.7.3. Permitted and Conditional Uses.

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

Section 7.7.4. Dimensional Requirements.

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

Section 7.7.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 7.8
MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 7.8.1.	Purpose and Intent.
Section 7.8.2.	Applicability.
Section 7.8.3.	Permitted and Conditional Uses.
Section 7.8.4.	Dimensional Requirements.
Section 7.8.5.	Improvement Requirements.

Section 7.8.1. Purpose and Intent.

The MFR zoning district is intended to provide for multiple-family residential areas with urban densities of up to eight (8) units per acre. This district also allows for detached, single-family dwellings in fee-simple or condominium ownership and two-family dwellings (duplexes) but at densities of two (2) units per acre. Development in the MFR district necessitates sanitary sewer and public water service.

Section 7.8.2. Applicability.

The MFR zoning district is appropriate only in the city limits of Jefferson. It is not applicable to any other participating municipalities. There shall be no rezoning to this residential district outside the city limits of Jefferson, and the Zoning Administrator shall not accept for processing any application for rezoning to the MFR district outside the city limits of Jefferson.

Section 7.8.3. Permitted and Conditional Uses.

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

Section 7.8.4. Dimensional Requirements.

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

Section 7.8.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

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

USE	RR-1	RR-2	RR-3	R-1	R-2	R-3	R-4	MFR	See also Section:
ACCESSORY USES									
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	P	11.1
Accessory apartment, attached	P	P	P	P	P	X	X	X	11.3.2
Accessory apartment, detached	P	P	P	P	C	X	X	X	11.3.2
Carport	P	P	P	P	P	P	P	P	11.1
Construction field office	P	P	P	P	P	P	P	P	11.8.1
Family day care home	P	P	P	P	P	P	P	X	11.4
Guest house	P	P	P	P	P	P	P	P	11.3.4
Home occupation	P	P	P	P	P	P	P	P	11.4
Tower, amateur radio	P	P	P	P	P	P	P	X	
Yard sale	P	P	P	P	P	P	P	X	11.3.8
AGRICULTURAL USES									
Agriculture	P	P	P	P	P	P	P	X	
Greenhouse	C	C	C	X	X	X	X	X	
Animal quarters for horses only, with an allowable intensity of one horse per two acres	C	C	C	X	X	X	X	X	
RESIDENTIAL USES									
Dwelling, single-family detached, fee-simple	P	P	P	P	P	P	P	P	11.2.2 11.2.3
Dwelling, single-family detached, condominium	X	X	X	X	X	C	P	P	11.2.2 11.2.3
Dwelling, two-family (duplex)	X	X	X	X	X	P	X	P	11.2.2 11.2.5
Dwelling, single-family attached (townhouse)	X	X	X	X	X	X	X	P	11.2.2 11.2.4
Dwelling, multiple-family, including apartments, condominiums, and cooperatives	X	X	X	X	X	X	X	P	11.2.2 11.2.7
Manufactured home, class "A"	X	P	P	X	X	X	X	X	11.2.2 11.2.3
Manufactured home, class "B"	X	X	X	X	X	X	X	X	11.2.2 11.2.3
Manufactured home park	X	C	X	X	X	X	X	X	
Model home	P	P	P	P	P	P	P	P	11.8.2
Relocated residential structure	C	C	C	C	C	C	C	C	
INSTITUTIONAL USES									
Cemetery	P	P	P	C	C	C	C	C	
Church, temple, synagogue, or place of worship	X	C	X	X	X	X	X	X	11.5.1
Club or lodge, nonprofit	X	C	X	X	X	X	X	X	
Continuing care retirement community	C	C	C	C	C	C	C	C	
Group home	X	C	X	X	X	X	X	C	
Institutionalized residential living and care facilities, serving less than eighteen (18) persons or less	X	C	X	X	X	X	X	C	11.5.3
Rooming house	X	C	X	X	X	X	X	C	

Article 7, Residential Zoning Districts
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USE	RR-1	RR-2	RR-3	R-1	R-2	R-3	R-4	MFR	See also Section:
RECREATIONAL USES									
Common area and greenspace	P	P	P	P	P	P	P	P	
Community recreation	P	P	P	P	P	P	P	P	11.2.1
Conservation area	P	P	P	P	P	P	P	P	
Golf course as part of residential subdivision	P	P	P	P	P	P	X	X	
OTHER USES									
Public use, including public school	P	P	P	P	P	P	P	P	
Semi-public use	P	P	P	P	P	P	P	P	
Small wireless facility <i>[Jefferson added via Ord. LUMC 19-04 adopted 9-23-19]</i>	P	P	P	P	P	P	P	P	11.9.7

**TABLE 7.2
 DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS**

DIMENSIONAL REQUIREMENT	RR-1	RR-2	RR-3	R-1	R-2	R-3	R-4	MFR
RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS								
Maximum residential density (acres per dwelling unit)	2	1.5	1.0	0.75	0.5	0.166	0.25	0.125
Maximum residential density (dwelling units per acre)	0.5	0.667	1.0	1.333	2.0	6.0	4.0	8.0
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (acres)	2	1.5	1.0	0.75	0.5	0.5	0.25	0.5
Minimum lot size, detached single-family dwelling or, if permitted, manufactured home (square feet)	87,120	65,340	43,560	32,670	21,780	21,780	10,890	21,780
Minimum lot size per two-family building (square feet)	NP	NP	NP	NP	NP	14,520	NP	10,890
Minimum lot size for other permitted uses (square feet)	87,120	65,340	43,560	32,670	21,780	21,780	10,890	21,780
Minimum lot width, all uses (feet)	150	125	100	100	85	85	75	75
BUILDING AND SITE REQUIREMENTS								
Maximum building coverage (percent)	10	15	20	20	25	25	30	30
Minimum landscaped open space for non-single-family residential use if permitted (percent)	20	20	20	20	20	20	20	25
Maximum impervious surface for lot developed with two-family dwellings (duplexes) (percent of lot)						40		
BUILDING HEIGHT REQUIREMENTS								
Maximum height (feet)	35	35	35	35	35	35	35	40
Maximum height (number of stories)	3	3	3	3	3	3	3	3
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS								
Front (feet)	85	70	60	50	30	30	25	30
Side (feet)	30	25	20	15	10	10	10	20
Rear (feet)	70	50	40	35	30	30	20	30
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES								
Front (feet)	NP	NP	NP	NP	NP	NP	NP	NP
Side (feet)	20	15	10	10	5	5	5	5
Rear (feet)	30	25	15	10	10	10	5	10
SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS								
Minimum principal or accessory building setback abutting any Residential Zoning District other than MFR (feet)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30
Minimum natural buffer abutting any Residential Zoning District other than MFR (feet)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	10	10	10	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use	5	5	5	5	5	5	5	5
MINIMUM FLOOR AREA PER DWELLING UNIT (square feet)	1,500	1,250	Note 1	Note 1	Note 1	1,000	850	700

Article 7, Residential Zoning Districts
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Note 1: 1,600 square feet for one-story; 1,800 for two or more stories.
NP = Not Permitted N/A = Not Applicable

(Amended per Ordinance LUMC 16-08 approved 11/21/2016)

CHAPTER 7.8
PCD, PLANNED COMMUNITY DEVELOPMENT DISTRICT

Section 7.8.1.	Purpose and Intent.
Section 7.8.2.	Applicability.
Section 7.8.3.	Permitted Uses.
Section 7.8.4.	Dimensional Requirements.
Section 7.8.5.	Improvement Requirements.
Section 7.8.6.	Minimum Areas Required for Rezoning and Development.
Section 7.8.7.	Minimum Open Space Required.
Section 7.8.8.	General Principles for Land Use Mix and Design.
Section 7.8.9.	Neotraditional Development Principles.
Section 7.8.10.	Rural/Exurban Development Principles.
Section 7.8.11.	Application Requirements.
Section 7.8.12.	Approval Procedures.

Section 7.8.1. Purpose and Intent.

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

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional zoning requirements.
- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

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

Section 7.8.2. Applicability.

The PCD district can be applied in any of the participating municipalities upon application if approved by the Governing Body with jurisdiction. This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

Section 7.8.3. Permitted Uses.

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

- (a) Retail, service, office, and civic and institutional residential uses shall not exceed thirty (30) percent of the total site area of the district when built according to urban/suburban design and improvement requirements nor twenty (20) percent of the total site area of the district when built according to exurban/rural design and improvement requirements.
- (b) Industrial uses shall not normally be considered appropriate for inclusion in planned unit developments but if proposed and approved shall not exceed ten (10) percent of the total site area of the district and such area shall be counted within the twenty (20) percent limit for uses specified in paragraph (a) of this section.
- (c) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

Section 7.8.4. Dimensional Requirements.

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

Section 7.8.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements," unless the PCD is proposed to be located within and compatible with an exurban/rural area, in which case the applicant may petition for and the Governing Body with jurisdiction may grant approval to apply the development design and improvement requirements of Article 27, "Exurban/Rural Design and Improvement Requirements;" provided, however, that the applicant may propose waivers to design and improvement requirements if considered necessary or desirable to achieve an innovative site design, and if approved by the Governing Body with jurisdiction the PCD may be constructed according to such alternative improvement requirements. Departure from the requirements of Article 27 or 28, whichever set is initially applicable as determined by the Zoning Administrator, is a privilege not a right, and shall only be proposed and approved when there are tangible benefits in the form of provisions

for open space, amenities, superior design, etc. that will result from the deviation from adopted improvement requirements.

Section 7.8.6. Minimum Areas Required for Rezoning and Development.

There shall be a minimum development area size of ten (10) acres for a PCD district when built according to urban/suburban design and improvement requirements. There shall be a minimum development area size of thirty-five (35) acres for a PCD district when built according to exurban/rural design and improvement requirements. No rezoning application for a PCD zoning district shall be accepted unless it meets the minimum area for development.

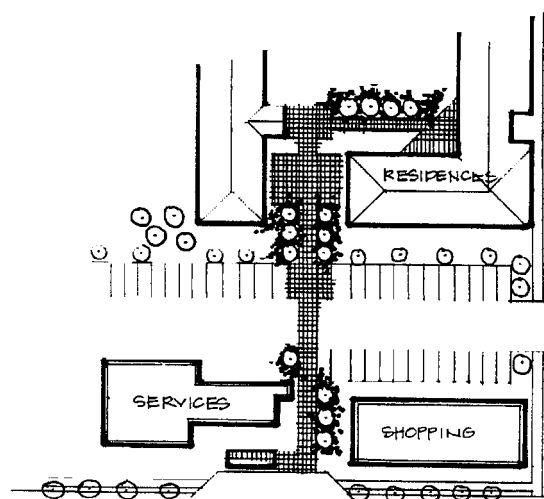
Section 7.8.7. Minimum Open Space Required.

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

Section 7.8.8. General Principles for Land Use Mix and Design.

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

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

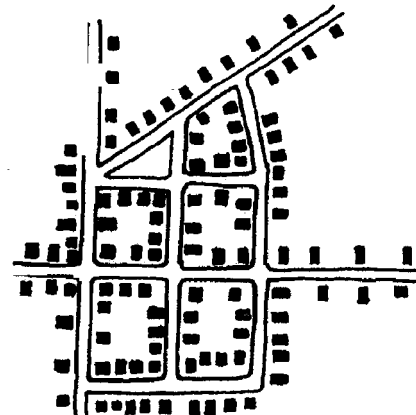


Source: Morris, Marya, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 3-1, p. 28. Chicago: American Planning Association.

Section 7.8.9. Neotraditional Development Principles.

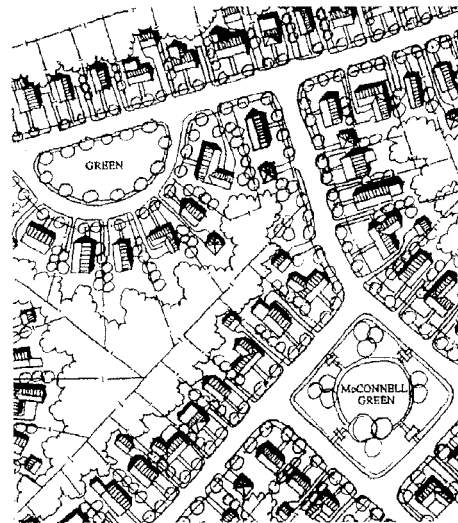
The following design principles are not required for every planned unit development and are appropriate only in urban/suburban areas. Therefore, the principles in this section shall not be required. However, when an applicant proposes a planned unit development in an urban/suburban area that will follow non-conventional residential subdivision designs, the applicant, Zoning Administrator, Planning Commission, and Governing Body with jurisdiction should consider the extent to which the planned unit development meets the principles contained in this section. Substantial deviations from these principles for PCDs proposed in urban/suburban areas may provide a sufficient basis for denial of the application.

- (a) Residential areas. Residential areas should be designed in a grid-like pattern of blocks and interconnecting streets. Central residential areas should be designed in a grid-like pattern of blocks and interconnecting streets (alleys may be included), and block length should not exceed 500 feet.



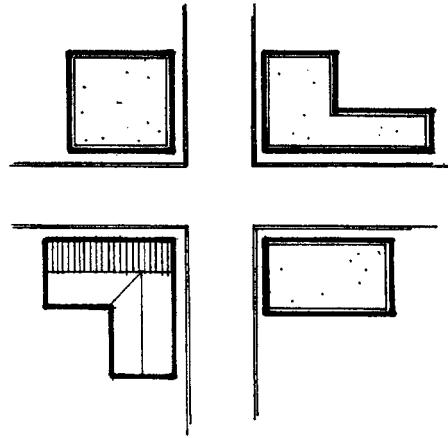
Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*. PAS Report No. 487/488, Figure 90, p. 58. Chicago: American Planning Association.

- (b) Open spaces. Open spaces, such as town greens and public squares, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, or park. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PCDs are developed next to each other, there should be contiguous open space between the two PCDs.



Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*. PAS Report No. 487/488, Figure 109, p. 67. Chicago: American Planning Association.

- (c) Building placement. Buildings should be placed close to (with little if any setback from) streets internal to the development, or along public streets abutting the development area, as determined in the site plan review and approval process. When a single building occupies a lot, said building should be setback from the right-of-way no more than fifteen (15) feet.



Source: Morris, Marya, ed. 1996. *Creating Transit-Supportive Land Use Regulations*. PAS Report No. 468. Figure 1-9, p. 10. Chicago: American Planning Association.

- (d) Storefront commercial/non-residential areas. Enclosed retail trade establishments, personal service establishments, and related non-residential uses, if proposed and permitted, should be located in careful relation to other land uses within and outside of the development. The storefront area should provide for an appropriate mixture of retail uses, professional offices, personal or professional services, and civic-institutional uses.



Source: Calthorpe, Peter. "The Regional City." In *Time-Saver Standards for Urban Design*, edited by Donald Watson, Alan Plattus, and Robert Shibley. New York: McGraw-Hill, p. 1.5-6.

Buildings in the storefront area should contain some residential units, usually on an upper story (i.e., vertical mixed use development). Preferably, storefront buildings fronting the same street and located on the same block should be attached on the sides, except as necessary to accommodate pedestrian ways.

Storefront commercial/non-residential uses should be scaled to the pedestrian and to the district itself, so that they predominantly if not exclusively serve the occupants of the district. However, the Planning Commission may recommend and the Governing Body with jurisdiction may approve commercial/non-residential uses to be of a greater scale and size and serving patrons and occupants outside the PCD, if such larger scale and/or size is needed to support the market threshold of the use proposed (i.e., the use would not be possible in the PCD without market support outside the PCD). The Planning Commission and Governing Body with jurisdiction shall not approve such increased scale or size of said storefront commercial/non-residential development unless it is determined to be consistent with commercial land use and economic development policies of the comprehensive plan. Evidence of need must be provided for

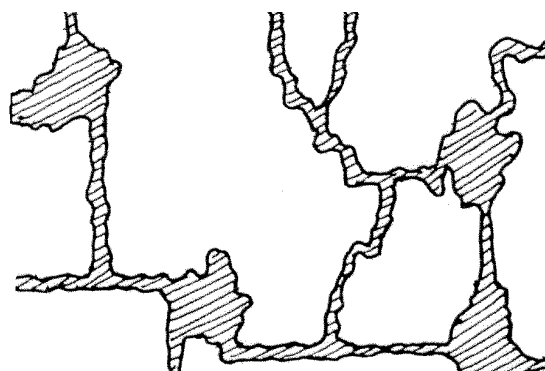
increasing the scale or size of storefront commercial/non-residential use, and the absence of such evidence is grounds to deny any request to increase the scale or size of such development.

Section 7.8.10. Rural/Exurban Development Principles.

The following design principles are not required for every planned unit development and are appropriate only in rural/exurban areas. Therefore, the principles in this section shall not be required. However, when an applicant proposes a planned unit development in a rural/exurban that will follow non-conventional residential subdivision designs, the applicant, Zoning Administrator, Planning Commission, and Governing Body with jurisdiction should consider the extent to which the planned unit development meets the principles contained in this Section. Substantial deviations from these principles for PCDs proposed in rural/exurban areas may provide a sufficient basis for denial of the application.

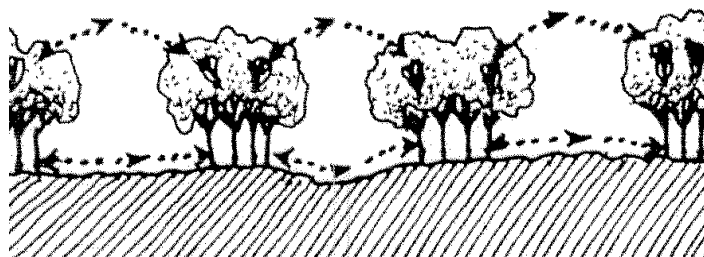
- (a) **Site clearing and grading.** Developments should be designed to fit the existing contours and landform of the site and to minimize the amount of earthwork. Excavation and earthwork should be kept to a minimum to reduce visual impacts and erosion. Existing vegetation should be retained to the maximum extent possible. Clearing of native vegetation should be limited to that required for the provision of essential purposes (i.e., access, building, septic tank drainfields, etc.). Where cut and fill is required, balancing the cut and fill is highly encouraged. Abrupt or unnatural-appearing grading is strongly discouraged. Avoid the creation of harsh, easily eroded banks and cuts. Existing native vegetation should be enhanced where necessary with plantings of the same variety.

- (b) **Greenspace.** Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as “stepping stones” for wildlife corridors.



Habitat Patch Preservation and Connection

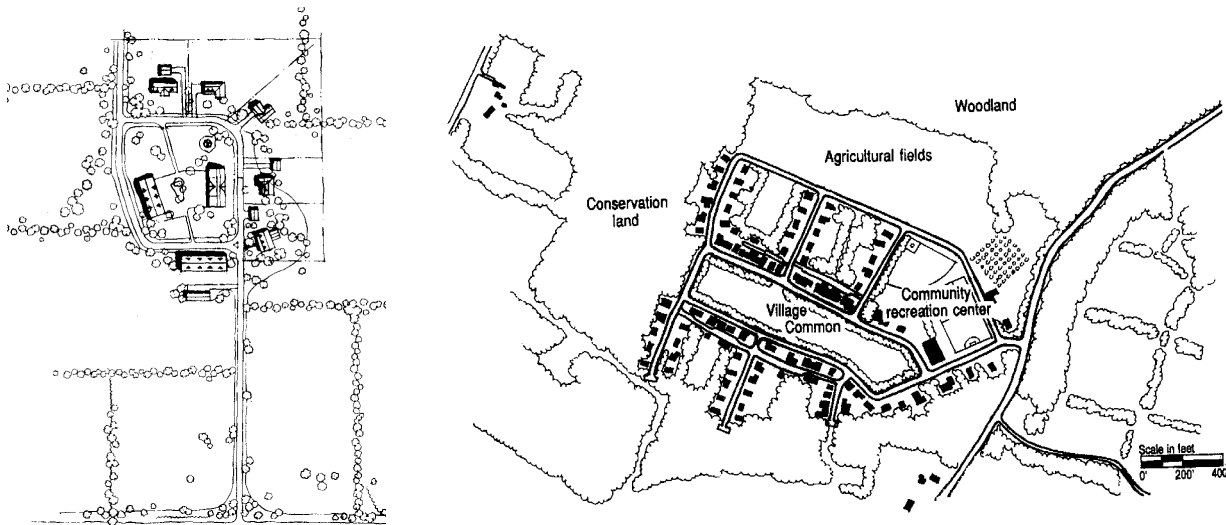
- (c) **Drainage.** Natural on-site drainage patterns should be used where practicable. Detain runoff with open, natural drainage systems where possible. Man-made lakes and stormwater ponds should be designed for maximum habitat value.



Stepping Stones

Source: Dramstad, Wenche, James Olson, and Richard Forman. 1996. *Landscape Ecology Principles in Landscape Architecture and Land Use Planning*. Washington, DC: Island Press. Figure M6, page 43.(top) and Figure C6, page 37 (bottom)

- (d) Residential development. Residential development should be designed using clustering techniques and rural village and hamlet designs. Also see principles for conservation subdivision design (Article 29 of this Land Use Management Code).

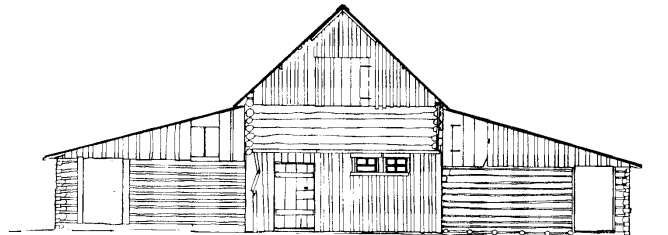


Source: Arendt, Randall, et al. 1994. *Rural By Design*. Chicago: Planners Press. Pages 201 and 160.

Rural Cluster Detail

Village Design Concept

- (e) Agricultural Uses. Agricultural uses that are compatible with residential villages and hamlets should be retained where possible. Barns and agricultural outbuildings in good condition should be retained.



Source: Stokes, Samuel, et al. 1989. *Saving America's Countryside: A Guide To Rural Conservation*. Baltimore: Johns Hopkins Press. Page 62.

Retain Barns and Agricultural Outbuildings

- (f) Storefront commercial/non-residential areas. Enclosed retail trade establishments, personal service establishments, and related non-residential uses, will not normally be permitted in rural/exurban areas unless the size and proximity of residential uses in the rural/exurban PCD will create reasonable market demand for the storefront commercial/non-residential use or uses. The Planning Commission and Governing Body with jurisdiction shall not approve storefront commercial/non-residential development within rural/exurban PCDs unless it is determined to be consistent with commercial land use and economic development policies of the comprehensive plan. Evidence of need must be provided for proposing storefront commercial uses, and the absence of such evidence is grounds to deny their inclusion within PCDs in rural/exurban areas. If proposed and permitted, such uses should be located in careful relation to other land uses within and outside of the development.

Section 7.8.11. Application Requirements.

In addition to the requirements for rezoning applications specified in Chapter 21.2 of this Land Use Management Code, an application for PCD rezoning/development approval shall include the following:

- (a) Development Plan. Applications shall include a development plan, as defined, which unless specifically stated otherwise shall be a condition of PCD approval and must be followed.
- (b) Architectural Elevations. Applications shall include perspective front, side, and rear elevation drawings of representative building types, except for detached single-family dwellings and their accessory buildings. These drawings shall indicate general architectural characteristics. If the PCD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval. If the PCD involves only detached single-family dwellings, architectural elevations shall not be required.
- (c) Land Uses and Development Summary. The application shall include a list of all land uses proposed to be included in the PCD, the total land area devoted to each of the land uses proposed, the percentage of the total land area within the PCD 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 PCD, 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 PCD.
- (f) Private Restrictions. PCDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the participating municipality's city attorney and the Zoning Administrator. The developer of a PCD involving commonly owned facilities and space shall submit, along with the development plan application, a declaration of covenants, conditions, and restrictions and articles of incorporation and by-laws for the property owners or home owners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners, and provide for maintenance assessments, among other things.
- (g) Community Benefit Statement. The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the

property being developed under PCD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PCD proposal merits approval and how it will serve the community better than a conventional development.

Section 7.8.12. Approval Procedures.

In addition to the requirements for rezoning applications specified in Chapter 21.2 of this Land Use Management Code, approval proceedings for PCD rezoning/development approval shall include the following:

- (a) Preapplication Conference. Prior to filing a formal application for a PCD, the applicant is required to confer with the Zoning Administrator in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development.
- (b) Criteria for Approval. In considering and acting upon applications for PCDs, the Planning Commission and the Governing Body with jurisdiction shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision: (1) consistency with the comprehensive plan of the city with jurisdiction; (2) The character, location, and appropriateness of the proposed mix of land uses; (3) The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; and (4) The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.
- (c) Revisions. Amendments to approved PCDs shall be permitted but governed by the procedures and provisions for changing the official zoning map as specified in Chapter 21.2 of this Land Use Management Code.
- (d) Construction Plans. Upon approval of a PCD application by the Governing Body, the developer may apply for construction plan approval.
- (e) Permits and Certificates. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, for any PCD that has not been approved in accordance with the provisions of this Chapter. The Zoning Administrator shall authorize the issuance of building permits for buildings and structures in the area covered by the approved PCD if they are in substantial conformity with the approved PCD, after improvements are installed in accordance with applicable improvement requirements, and if found to be in conformance with all other applicable regulations. The Zoning Administrator shall authorize the issuance of a certificate of occupancy for any completed building, structure, or use located in the area covered by the PCD if it conforms to the requirements of the approved PCD and all other applicable regulations. After completion of a PCD, the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area covered by the PCD shall continue to be regulated by the approved development plan for the PCD.

**ARTICLE 8
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

CHAPTER 8.1	O-I, OFFICE-INSTITUTIONAL DISTRICT
CHAPTER 8.2	C-1, NEIGHBORHOOD COMMERCIAL DISTRICT
CHAPTER 8.3	C-2, HIGHWAY COMMERCIAL DISTRICT
CHAPTER 8.4	DBD, DOWNTOWN BUSINESS DISTRICT
CHAPTER 8.5	TC, TOWN CENTER MIXED-USE DISTRICT
CHAPTER 8.6	LI, LIGHT INDUSTRIAL DISTRICT
CHAPTER 8.7	HI, HEAVY INDUSTRIAL DISTRICT

**CHAPTER 8.1
O-I, OFFICE-INSTITUTIONAL DISTRICT**

Section 8.1.1.	Purpose and Intent.
Section 8.1.2.	Applicability.
Section 8.1.3.	Permitted and Conditional Uses.
Section 8.1.4.	Dimensional Requirements.
Section 8.1.5.	Improvement Requirements.

Section 8.1.1. Purpose and Intent.

The Office-Institutional zoning district is intended to provide suitable areas for professional, medical, and general offices on individual lots and in office parks, institutions on individual lots or in campus environments, institutionalized living and care facilities, and certain related activities. In some cases, the O-I district may be appropriate as a transition between commercial and residential zoning districts.

Section 8.1.2. Applicability.

The O-I district can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities. The O-I district is considered appropriate in areas designated as “commercial” and may be considered appropriate in areas designated as “public-institutional” on the future land use map of the participating municipality’s comprehensive plan.

Section 8.1.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.1.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.1.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 8.2
C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Section 8.2.1.	Purpose and Intent.
Section 8.2.2.	Applicability.
Section 8.2.3.	Permitted and Conditional Uses.
Section 8.2.4.	Dimensional Requirements.
Section 8.2.5.	Improvement Requirements.

Section 8.2.1. Purpose and Intent.

The C-1, neighborhood commercial, zoning district is intended to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Individual establishments are small (5,000 square feet or less) so as not to impact the residential character of the area these neighborhood commercial districts serve. This zoning district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways. Most of the uses permitted in this zoning district are not auto-oriented in nature, and the overall character of neighborhood commercial districts is such that access by both vehicles and pedestrians is possible.

Section 8.2.2. Applicability.

The C-1 district can be applied in any of the participating municipalities, although it may not be necessarily be mapped in each of the participating municipalities. The C-1 district is considered appropriate in areas designated as “commercial” on the future land use map of the participating municipality’s comprehensive plan and is most appropriately located at and limited to the intersections of collector and arterial streets.

Section 8.2.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.2.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.2.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 8.3
C-2, HIGHWAY COMMERCIAL DISTRICT

Section 8.3.1.	Purpose and Intent.
Section 8.3.2.	Applicability.
Section 8.3.3.	Permitted and Conditional Uses.
Section 8.3.4.	Dimensional Requirements.
Section 8.3.5.	Improvement Requirements.

Section 8.3.1. Purpose and Intent.

The C-2, highway commercial, district is intended to provide suitable areas for those business and commercial uses which primarily serve the public traveling by automobile and which benefit from direct access to highways. Such districts are generally designed so that the automobile has precedence over the pedestrian, although pedestrian access is required.

Section 8.3.2. Applicability.

The C-2 district can be applied in any of the participating municipalities, although it may not be necessarily be mapped in each of the participating municipalities. The C-2 district may be appropriate in areas designated as “commercial” on the future land use map of the participating municipality’s comprehensive plan, but it especially appropriate at intersections of arterial and collector streets with state and federal interstates and highways. Generally, highway commercial districts are considered unsuitable abutting single-family residential zoning districts, because of the off-site impacts associated with uses permitted in the district.

Section 8.3.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.3.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.3.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 8.4
DBD, DOWNTOWN BUSINESS DISTRICT

- Section 8.4.1. Purpose and Intent.
- Section 8.4.2. Applicability.
- Section 8.4.3. Permitted and Conditional Uses.
- Section 8.4.4. Dimensional Requirements.
- Section 8.4.5. Improvement Requirements.

Section 8.4.1. Purpose and Intent.

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

Section 8.4.2. Applicability.

The DBD zoning district is appropriate only in the city limits of Jefferson. It is not applicable to any other participating municipalities. There shall be no rezoning to the DBD zoning district outside the city limits of Jefferson, and the Zoning Administrator shall not accept for processing any application for rezoning to the DBD zoning district outside the city limits of Jefferson. Rezoning to the DBD district is generally not appropriate in Jefferson except as may be needed to expand the existing area of commercial stores and mixed uses, or to create new districts with similar character and development characteristics in appropriately designated locations.

Section 8.4.3. Permitted and Conditional Uses.

(Amended, City of Jefferson, 9-10-07 regarding churches – See Table 8.1)

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.4.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.4.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

CHAPTER 8.5
TC, TOWN CENTER MIXED-USE DISTRICT

Section 8.5.1.	Purpose and Intent.
Section 8.5.2.	Applicability.
Section 8.5.3.	Permitted and Conditional Uses.
Section 8.5.4.	Dimensional Requirements.
Section 8.5.5.	Build-to Line Required.
Section 8.5.6.	Improvement Requirements.

Section 8.5.1. Purpose and Intent.

The TC, Town Center, zoning district is intended to provide for and encourage areas within which businesses, services, civic and educational institutions, and residences can congregate in a compact development pattern with development characteristics that are pedestrian-friendly. In TC districts, the pedestrian takes precedence over the automobile. Permitted uses are those that contribute to a pedestrian-friendly town center district, and automobile-related facilities and services are not appropriate to this character and not permitted in TC zoning districts. Yard requirements are minimal, and this district establishes “build-to” lines to maintain small town, “Main Street” character and to ensure repetition and extension of existing town development patterns.

Section 8.5.2. Applicability.

The TC zoning district is intended to apply to the central “downtown” area of the City of Talmo and may apply in Arcade. It is not initially mapped in the City of Jefferson since the DBD zoning district is more compatible with Jefferson’s central business area. The TC district is not excluded, however, from application in Jefferson. The TC district may be appropriate in areas designated as “commercial,” “mixed use,” and “town center” as may be designated on the future land use map of the participating municipality’s comprehensive plan.

Section 8.5.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.5.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

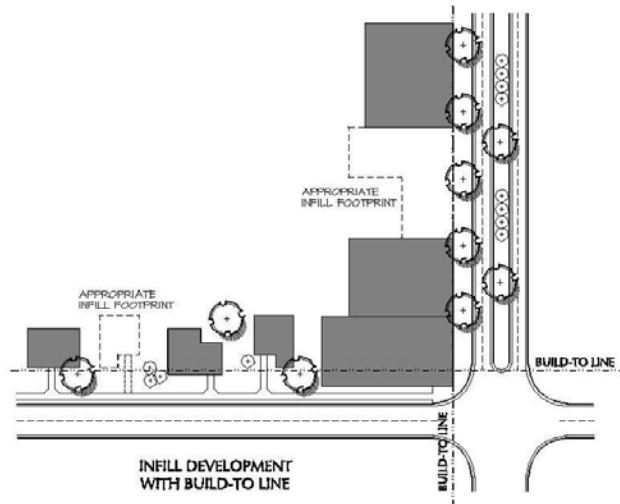
Section 8.5.5. Build-to Line Required.

In lieu of a front building setback (yard requirement) for a principal building, there shall be a “build-to” front building line required for principal buildings in this zoning district. The intent of a build-to line is to ensure that new residences or other principal buildings constructed in the zoning district are placed in a manner that is compatible and consistent with the placement characteristics of existing dwellings and principal buildings and to maintain a consistent street

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edge. If existing residences or principal buildings are close to the street with shallow front yards, so too shall be the proposed building on abutting, adjacent, and nearby building lots.

The build-to line in this district shall be as determined by the Zoning Administrator pursuant to this intent and the guidance in this Section. Required build-to lines shall be determined by the Zoning Administrator based on existing principal buildings within 1,000 feet of the property in question on the same side of the street in the zoning district.



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

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

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

When more than one principal building on a lot is permitted and proposed, the building or buildings closest to the street right-of-way and within forty (40) feet of the street right-of-way shall observe the build-to line established by the Zoning Administrator. When conformance with the build-to line for other principal buildings is not feasible given the proposed location of the building deeper into the lot, and one or more of the principal buildings on the lot meets the build-to requirement, the build-to requirement may be waived as it applies to more than one principal building.

Section 8.5.6. Improvement Requirements.

Development improvements shall be as provided in Article 28, "Suburban/Urban Design and Improvement Requirements."

CHAPTER 8.6 LI, LIGHT INDUSTRIAL DISTRICT

Section 8.6.1.	Purpose and Intent.
Section 8.6.2.	Applicability.
Section 8.6.3.	Permitted and Conditional Uses.
Section 8.6.4.	Dimensional Requirements.
Section 8.6.5.	Improvement Requirements.
Section 8.6.6.	Industrial Noise Mitigation Requirements.

Section 8.6.1. Purpose and Intent.

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

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

Section 8.6.2. Applicability.

The LI district can be applied in any of the participating municipalities, although it may not necessarily be mapped in each of the participating municipalities. The LI district is considered appropriate in areas designated as "industrial" on the future land use map of the participating municipality's comprehensive plan.

Section 8.6.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

Section 8.6.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Section 8.6.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

Section 8.6.6. Industrial Noise Mitigation Requirements.

See Section 9.5.7 of this Land Use Management Code. which includes requirements to mitigate noise from operational activities in the light Industrial zoning district if located within a defined noise sensitive area. Compliance with Section 9.5.7 within a noise sensitive area requires noise mitigation techniques be implemented as a part of development permit approval.

[Added via amendment LUMC 17-04, City of Jefferson adopted 7-24-17]

CHAPTER 8.7 HI, HEAVY INDUSTRIAL DISTRICT

Section 8.7.1.	Purpose and Intent.
Section 8.7.2.	Applicability.
Section 8.7.3.	Permitted and Conditional Uses.
Section 8.7.4.	Dimensional Requirements.
Section 8.7.5.	Improvement Requirements.
Section 8.7.6.	Impact Statement for Conditional Uses.

Section 8.7.1. Purpose and Intent.

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

Section 8.7.2. Applicability.

The HI district is a “floating” (unmapped) zone at the time of adoption of this ordinance. It can be applied in any of the participating municipalities upon application if approved by the Governing Body with jurisdiction. This district is primarily applicable within urban industrial areas with sanitary sewer and public water service. The HI zoning district may be appropriate in areas designated as “industrial” on the future land use map of the participating municipality’s comprehensive plan, subject to careful study. Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals.

Section 8.7.3. Permitted and Conditional Uses.

Permitted and conditional uses shall be as provided in Table 8.1, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.”

Section 8.7.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 8.2, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 8.7.5. Improvement Requirements.

Development improvements shall be as provided in Article 28, “Suburban/Urban Design and Improvement Requirements.”

Section 8.7.6. Impact Statement for Conditional Uses.

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

TABLE 8.1
PERMITTED AND CONDITIONAL USES
FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS
P = Permitted C = Conditional Use X = Not Permitted

USE	O-I	C-1	C-2	DBD	TC	LI	HI	See also Section:
USES ACCESSORY TO DETACHED, SINGLE-FAMILY RESIDENCES AND OTHER DWELLINGS								
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	X	11.1
Accessory apartment, attached	P	P	C	P	P	X	X	11.3.2
Accessory apartment, detached	C	C	C	C	P	X	X	11.3.2
Carport	P	P	P	P	P	P	X	
Family day care home	P	P	P	P	P	X	X	11.4
Guest house	P	P	P	P	P	X	X	11.3.4
Home occupation within a detached single-family dwelling	P	P	P	P	P	X	X	11.4
Tower, amateur radio	P	P	P	P	C	X	X	
Yard sale accessory to a detached single-family dwelling	P	P	P	P	P	P	X	11.3.8
USES ACCESSORY TO NONRESIDENTIAL USES								
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	11.1
Automated teller machine	P	P	P	P	P	P	X	
Caretaker's residence	X	X	C	C	X	P	P	11.7.3
Construction field office	P	P	P	P	P	P	P	11.8.1
Roadside stand	X	X	P	X	P	X	X	11.10.4
Tower, amateur radio	P	P	P	P	P	P	P	
Vehicle emission testing facility	X	X	P	X	X	P	P	
AGRICULTURAL USES								
Agriculture	P	P	P	X	P	P	X	
Forestry	X	X	X	X	X	P	P	
Greenhouse	X	X	P	C	X	P	X	
RESIDENTIAL USES								
Dwelling, single-family detached, fee-simple, existing on the effective date of these regulations	P	P	P	C	P	P	X	11.2.2 11.2.3
Dwelling, single-family detached, fee-simple	X	X	X	X	X	X	X	11.2.2 11.2.3
Dwelling, single-family attached (townhouse)	X	X	X	X	C	X	X	11.2.2 11.2.4
Dwelling, multiple-family, including apartments, condominiums, and cooperatives	X	X	X	X	C	X	X	11.2.2 11.2.7
Relocated residential structure	X	X	X	X	C	X	X	
INSTITUTIONAL USES								
Aircraft landing area	X	X	X	X	X	X	C	11.10.1
Cemetery	P	C	C	C	C	P	P	
Church, temple, synagogue, or place of worship	P	P	P	X*	P	P	C	11.5.1
Club or lodge, nonprofit	P	P	P	P	P	X	X	
College or university	C	X	P	C	C	X	X	
Continuing care retirement community	C	X	P	C	C	X	X	
Crisis center	C	X	P	C	C	X	X	
Dormitory	C	X	P	C	C	X	X	
Group home, serving less than eighteen (18) persons or less	P	C	P	C	X	X	X	

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USE	O-I	C-1	C-2	DBD	TC	LI	HI	See also Section:
Group home, serving eighteen (18) or more persons	X	X	C	X	X	X	X	
Helicopter landing pad	X	X	C	X	X	C	C	
Hospital	C	X	P	C	X	P	C	
Institutionalized residential living and care facilities, serving less than eighteen (18) persons or less	P	C	P	C	C	X	X	11.5.3
Institutionalized residential living and care facilities, serving eighteen (18) or more persons	C	X	P	C	X	X	X	11.5.3
Riding academy or equestrian center	P	X	P	X	X	P	X	
Rooming house	P	C	P	C	X	X	X	
School for the arts	P	P	P	P	P	P	X	
School, private, elementary, middle, or high	P	P	P	C	P	P	X	
School, special	P	C	P	C	C	P	X	
School, trade	X	X	P	C	X	P	C	
Therapeutic camp	X	X	C	X	X	X	X	
RECREATIONAL USES								
Common area and greenspace	P	P	P	P	P	P	P	
Conservation area	P	P	P	P	P	P	P	
COMMERCIAL USES								
Adaptive reuse of a detached single-family dwelling for an office	P	P	P	P	P	P	P	
Adaptive reuse of a detached single-family dwelling for personal service establishment or enclosed retail establishment	C	P	P	P	P	X	X	
Adult business	X	X	X	X	X	C	X	11.11
Animal hospital	X	X	P	C	C	C	X	
Automobile sales or service establishment	X	X	P	C	X	C	C	11.6.1
Bed and breakfast inn	P	P	P	P	P	X	X	11.6.2
Broadcasting studio	C	X	P	C	X	P	P	
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	P	P	P	P	P	C	
Business service establishment, more than 2,500 square feet of gross floor area	X	C	P	P	C	C	X	
Camp or campground	X	X	C	X	X	X	X	
Carnival	X	X	C	X	X	C	X	
Clinic	P	P	P	P	P	X	X	
Commercial recreational facility, indoor	X	C	P	C	P	C	X	
Commercial recreational facility, outdoor	X	X	C	X	X	C	C	11.6.3
Contractor's establishment	X	X	P	C	X	P	P	
Convenience store without gasoline pumps	X	P	P	P	P	X	X	
Convenience store with gasoline pumps	X	C	P	C	C	X	X	
Cottage industry	P	C	P	P	P	X	X	
Country club	X	X	C	X	X	X	X	
Day care center serving no more than 17 persons	C	P	P	C	P	C	X	11.6.4
Day care center serving 18 or more persons	C	C	P	C	C	X	X	11.6.4
Exterminator, pest control or disinfecting service	X	X	P	C	X	P	P	
Fairgrounds	X	X	P	X	X	P	X	
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	X	X	
Finance, insurance, and real estate establishments, including bank, more than 2,500 square feet of gross floor area per establishment	X	C	P	P	C	X	X	
Funeral home, mortuary, or mausoleum	X	X	P	C	X	P	P	
Health spa	X	X	P	P	X	P	X	
Kennel	X	X	P	X	X	P	X	
Landscaping company	X	X	P	C	X	P	P	
Lodging services, excluding motels	X	X	P	P	P	C	X	
Lodging services, including motels	X	X	P	C	X	X	X	

**Article 8, Commercial and Industrial Zoning Districts
Jefferson-Talmo Land Use Management Code**

USE	O-I	C-1	C-2	DBD	TC	LI	HI	See also Section:
Lodging services, single-room occupancy	X	X	C	X	X	X	X	
Marina	X	X	C	X	X	X	X	
Mixed use buildings (<i>amended LUMC 16-05 adopted 7/25/16</i>)	C	P	P	P	C	X	X	Chapter 11.12
Museum	P	P	P	P	P	P	X	
Office	P	P	P	P	P	P	P	
Open-air business	X	X	P	C	C	P	C	
Parking lot, off-site	P	P	P	P	P	P	P	
Parking structure	X	X	P	C	C	P	P	
Personal service establishment, 2,500 square feet or less of gross floor area per establishment	C	P	P	P	P	C	X	
Personal service establishment, more than 2,500 square feet of gross floor area per establishment	X	C	P	P	P	X	X	
Recreational vehicle park	X	X	C	X	X	X	X	
Restaurant without drive-through	X	P	P	P	P	C	X	
Restaurant, including drive-through	X	X	P	C	C	X	X	11.7.1
Retail trade establishment, enclosed	X	P	P	P	P	X	X	
Retreat center	C	X	P	C	C	C	X	
Riding stable	X	X	P	X	X	X	X	
Self-service storage facility (mini-warehouses) [<i>Jefferson amended DBD district via Ord. LUMC 19-04 adopted 9-23-19</i>]	X	X	P	X	X	P	X	11.6.10
Service and fuel filling stations	X	C	P	C	C	C	C	11.6.11
Special event facility	C	C	P	P	P	C	C	
Taxi-cab or limousine service	X	X	P	C	X	P	X	
Transportation, communication, or utility facility not elsewhere classified	X	X	X	X	X	C	C	
Truck stop	X	X	C	X	X	P	C	11.6.12
Vehicle emission testing facility	X	C	P	C	X	P	P	
Wireless telecommunication equipment and wireless telecommunication facilities	X	X	C	C	X	C	C	
INDUSTRIAL USES								
Batching plant, including asphalt and concrete	X	X	X	X	X	X	C	
Biomass production and storage	X	X	X	X	X	X	C	
Borrow site	X	X	X	X	X	P	P	
Bottling or canning plant	X	X	X	X	X	P	P	
Brewery or distillery	X	X	X	X	X	C	P	
Bulk storage	X	X	X	X	X	P	P	
Cold storage plant or frozen food locker	X	X	X	X	X	P	P	
Composting facility	X	X	X	X	X	X	C	
Co-generation facility	X	X	X	X	X	X	C	
Distribution center including truck terminals	X	X	X	X	X	P	P	
Dry cleaning plant	X	X	X	X	X	P	P	
Explosives storage or manufacture	X	X	X	X	X	X	C	
Food processing plant, including poultry and fish	X	X	X	X	X	C	C	
Fuel oil distributor	X	X	C	X	X	P	P	
Hazardous waste materials or volatile organic liquid handling and/or storage	X	X	X	X	X	X	C	
Hazardous waste disposal	X	X	X	X	X	X	C	
Incinerator	X	X	X	X	X	X	C	
Landfill, construction and demolition	X	X	X	X	X	X	C	11.10.2
Landfill, sanitary	X	X	X	X	X	X	X	
Manufacturing, apparel	X	X	X	X	X	P	P	
Manufacturing, ceramics	X	X	X	X	X	C	C	
Manufacturing, chemicals, floor coverings, glass, or rubber	X	X	X	X	X	X	C	

**Article 8, Commercial and Industrial Zoning Districts
Jefferson-Talmo Land Use Management Code**

USE	O-I	C-1	C-2	DBD	TC	LI	HI	See also Section:
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	X	C	
Manufacturing, cosmetics or toiletries	X	X	X	X	X	C	P	
Manufacturing, electronics, camera, photographic, or optical good or communication equipment	X	X	X	X	X	P	P	
Manufacturing, fiberglass insulation	X	X	X	X	X	C	P	
Manufacturing, ice	X	X	X	X	X	P	P	
Manufacturing, instrument assembly	X	X	X	C	X	P	P	
Manufacturing, machines	X	X	X	X	X	P	P	
Manufacturing, metal products (City of Talmo)	X	X	X	X	X	C	P	
Manufacturing, metal products, northwest of Interstate 85 (City of Jefferson)	X	X	X	X	X	P	P	
Manufacturing, metal products, southeast of Interstate 85 (City of Jefferson)	X	X	X	X	X	C	P	
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P	
Manufacturing, textiles	X	X	X	X	X	C	P	
Manufacturing, wood products (including pulp mill)	X	X	X	X	X	C	C	
Manufacturing, not otherwise classified	X	X	X	X	X	X	C	
Research laboratory	X	X	C	C	X	P	P	
Resource extraction, including mining, quarrying	X	X	X	X	X	C	C	11.10.3
Salvage yard	X	X	C	X	X	P	P	
Sawmill	X	X	X	X	X	C	P	
Showroom	X	X	X	X	X	P	P	
Slaughterhouse	X	X	X	X	X	X	C	
Solid waste transfer facility	X	X	X	X	X	X	C	
Solvent metal cleaning	X	X	X	X	X	X	C	
Stockyard	X	X	X	X	X	C	P	
Tire retreading and recapping facilities	X	X	X	X	X	P	P	
Warehouse or storage building <i>[Jefferson amended DBD district via Ord. LUMC 19-04 adopted 9-23-19]</i>	X	X	C	X	X	P	P	
Wastewater treatment plant	X	X	X	X	X	X	C	
Wholesale trade establishment	X	X	C	C	X	P	P	
Wrecked motor vehicle compound	X	X	P	X	X	P	P	
OTHER USES								
Mixed-use buildings and mixed-use developments	C	P	P	P	P	X	X	
Public use, including public school or park	P	P	P	P	P	P	P	
Semi-public use	P	P	P	P	P	P	P	
Small wireless facility <i>[Jefferson added via amendment Ord. LUMC 19-04 adopted 9-23-19]</i>	P	P	P	P	P	P	P	11.9.7
Temporary uses and structures approved by the Zoning Administrator	P	P	P	P	P	P	P	11.8

* (Amended, City of Jefferson, 9-10-07 to change Church, temple, synagogue, or place of worship from permitted to prohibited) (P to X). (City of Jefferson only amendment since the DBD zoning district pertains to the City of Jefferson Only).

[City of Jefferson Amended provisions for metal manufacturing via Ord. LUMC 18-07 adopted 12/17/18]

**TABLE 8.2
 DIMENSIONAL REQUIREMENTS FOR
 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

DIMENSIONAL REQUIREMENT	O-I	C-1	C-2	DBD	TC	LI	HI
Minimum site area to rezone to this district (acres)	0.5	0.5	1	None	None	2.0	5.0
RESIDENTIAL ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS							
Maximum residential density (dwelling units per acre), other than mixed use building	NP	NP	NP	Note 1	Note 1	NP	NP
Maximum residential density, mixed use building	See Chapter 11.12					NP	NP
Minimum floor area per dwelling unit including caretaker's residence if permitted (square feet)	900	900	700	900	1250	700	700
BUILDING HEIGHT REQUIREMENTS							
Maximum height (feet)	40	40	50	60	40	60	75
Maximum height (number of stories)	3	2	3	4	3	4	5
BUILDING AND SITE REQUIREMENTS							
Maximum building coverage (percent)	25	30	35	75	60	40	40
Minimum landscaped open space (percent)	20	20	15	None	10	20	20
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS							
Front (feet)	20	15	30	None	None	40	100
Side (feet)	10	10	10	None	None	30	75
Rear (feet)	15	15	20	None	None	40	75
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES							
Front (feet)	NP	NP	NP	NP	NP	NP	NP
Side (feet)	10	10	5	None	None	20	50
Rear (feet)	10	10	None	None	None	30	50
SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS							
Minimum principal or accessory building setback abutting any Residential Zoning District other than MFR (feet)	20	30	40	20	None	50	100
Minimum natural buffer abutting any Residential Zoning District other than MFR (feet)	10	20	30	10	None	40	75
Minimum principal or accessory building setback abutting an MFR, AG, or AG-R district (feet)	None	20	30	10	None	40	60
Minimum natural buffer abutting an MFR, AG, or AG-R district (feet)	None	10	20	None	None	30	50
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	None	None	20	30
Minimum landscape strip required along side property lines for any non-single-family residential use	5	5	5	None	None	10	20

NP = Not Permitted N/A = Not Applicable
 Note 1: As authorized by conditional use.

[Table 8.2 Amended Via Ordinance LUMC 16-05, adopted July 25, 2016]

**ARTICLE 9
GENERAL DEVELOPMENT REGULATIONS**

CHAPTER 9.1	PURPOSE AND GENERAL PROVISIONS
CHAPTER 9.2	ACCESS
CHAPTER 9.3	GENERAL ARCHITECTURAL BUILDING REQUIREMENTS
CHAPTER 9.4	OUTDOOR LIGHTING
CHAPTER 9.5	NOISE
CHAPTER 9.6	SITE AND ARCHITECTURAL DESIGN REVIEW
CHAPTER 9.7	DESIGN GUIDELINES

**CHAPTER 9.1
PURPOSE AND GENERAL PROVISIONS**

Section 9.1.1.	Purpose and Intent.
Section 9.1.2.	Applicability.
Section 9.1.3.	Inventory of Site Features.

Section 9.1.1. Purpose and Intent.

It is the intent of this Article to ensure that building and site designs of new developments achieve high quality standards and appearances which will enhance the character of the surrounding area. This Article is intended to guide the site planning and design of projects. Development proposals are required, through the site plan review process, to carefully address the potential undesirable impacts on adjoining land uses. Impacts may include traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.

Section 9.1.2. Applicability.

This Article shall apply to all development except for detached, single-family dwellings on individual lots and two-family dwellings on individual lots, except as otherwise specifically provided or exempted in this Article.

Section 9.1.3. Inventory of Site Features.

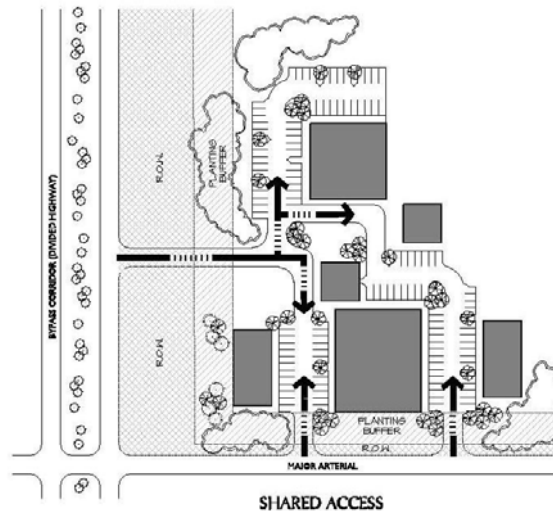
Significant site features such as natural ground forms, large rock outcroppings, water and significant view corridors shall be identified on an existing conditions map and to the extent practicable should be incorporated into the site plan or plans for development. The Zoning Administrator may exempt development proposals on properties with two acres or less in area from this requirement if through a site visit or other information presented the requirement for a site conditions analysis can be satisfied with other data and enforcing this requirement would be onerous given the development proposed.

CHAPTER 9.2 ACCESS

- Section 9.2.1. Principal Access.
- Section 9.2.2. Inter-parcel Access.
- Section 9.2.3. Service Functions.
- Section 9.2.4. Driveways and Work in Right of Ways
[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]
- Section 9.2.5. Driveway and Curb Cut Specifications.
- Section 9.2.6. Minimum Driveway Throat Lengths.
- Section 9.2.7. On-Site Access Requirements.
- Section 9.2.8. Parking and Loading Area Locations.
- Section 9.2.9. Pedestrian Facilities.

Section 9.2.1. Principal Access.

The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans. Shared driveways between two parcels along the common property line may be required by the Zoning Administrator. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles across the site.



Section 9.2.2. Inter-parcel Access.

Abutting properties which do not provide interconnecting access to one another make it difficult and dangerous, if not impossible, for motorists to travel between those properties. This Section shall apply to all new office, commercial, institutional, and industrial developments and major building renovations and repaving projects of office, commercial, institutional, and industrial developments. Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between adjacent and nearby developments as an alternative to forcing all movement onto abutting highways and public roads, unless the Zoning Administrator determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among two or more existing or proposed uses on abutting or nearby sites. Where opportunities for shared access have been identified

by the Zoning Administrator, developments must provide shared access with adjoining properties to facilitate frontage roads and connections between parcels. The property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site.

The location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access may be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of an inter-parcel connection, the Zoning Administrator will determine the location of the inter-parcel connection to be constructed by property owners.

Section 9.2.3. Service Functions.

Service functions (e.g., deliveries, maintenance activities), when present or required as part of a development, shall be integrated into the circulation pattern in a manner which minimizes conflicts with vehicles and pedestrians. Loading areas shall be located in accordance with Section 12.5.3 of this Land Use Management Code.

Section 9.2.4. Driveways and Work in Right of Ways. *[Amended City of Jefferson 8-23-10; City of Talmo 9-7-10]*

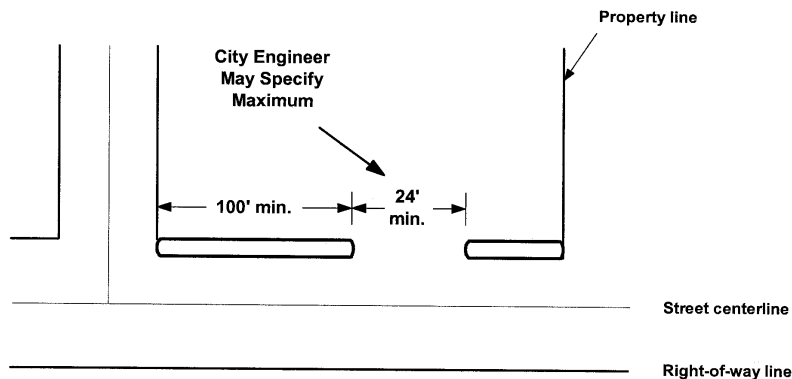
- (a) All entrances or exits of any street or driveway, public or private, from or to any public street shall be approved by the City Engineer and a driveway permit issued by the Zoning Administrator prior to the construction of such entrances or exits. The approval of driveways onto public streets and any other work within public right of ways will be coordinated with the development permitting process, when applicable. The City Engineer may establish administrative procedures and requirements or specifications governing approval of driveways onto public streets and for other work within a city right of way. Applicants are responsible for complying with applicable driveway and curb cut specifications of this ordinance (see Section 9.2.5, "Driveway and Curb Cut Specifications)," and any additional requirements of the city, county, or state, as applicable depending on ownership of the street, with regard to driveways or work within right of ways.
- (b) When a city street is served by open drainage ditches, it is the responsibility of any person proposing to connect a new driveway to a city street to seek approval of the City Engineer and a permit from the Zoning Administrator to install a storm drainage culvert of a size specified by the City Engineer.
- (c) All entrances or exits of any street or driveway, public or private, from or to any state highway, and any work within the right of way of a state highway, shall be approved by the State Department of Transportation prior to the construction of such entrances or exits, or commencement of work, and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits or work in the state highway right of way. For more information on requirements, see "Regulations for Driveway and Encroachment Control," Georgia Department of Transportation, October 10, 2009, as may be amended or updated from time to time.
- (d) Roadway entrances and improvements, including acceleration and/or deceleration lane(s) and right/left turn lanes if required, shall be designed, installed, and maintained

as approved by the State Department of Transportation, as applicable, or the City Engineer (whichever has jurisdiction), in accordance with applicable specifications.

- (e) The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.
- (f) A permit shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer.

Section 9.2.5. Driveway and Curb Cut Specifications.

Except for driveways serving individual single-family detached dwellings, no curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway. Except for driveways serving individual residences or one-way traffic, curb cuts or access driveways shall be no narrower than twenty-four (24) feet from back of curb to back of curb.

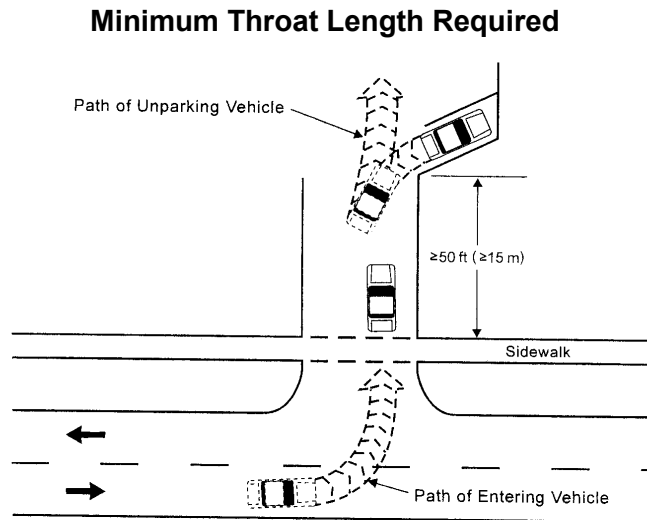


Curb Cuts and Access Specifications

Strict adherence to these requirements may not be practical in all instances as determined by the City Engineer. The City Engineer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

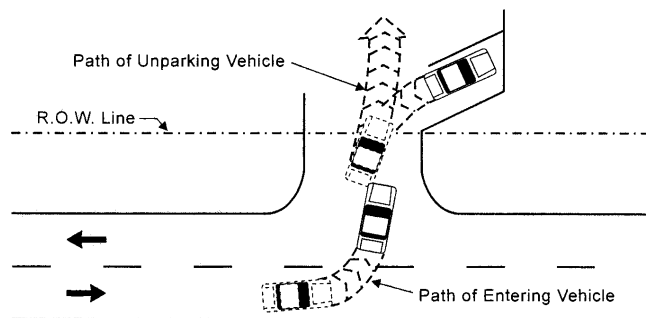
Section 9.2.6. Minimum Driveway Throat Lengths.

When located on a collector or arterial street and serving parking of five spaces or more and/or a loading area, the driveway entry "throat" shall provide at least fifty (50) feet of clear zone before a turning movement occurs, to provide sufficient queuing room for cars and/or delivery vehicles entering off the collector or arterial street.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-22, p. 7-31.

Inadequate Throat Length Prohibited

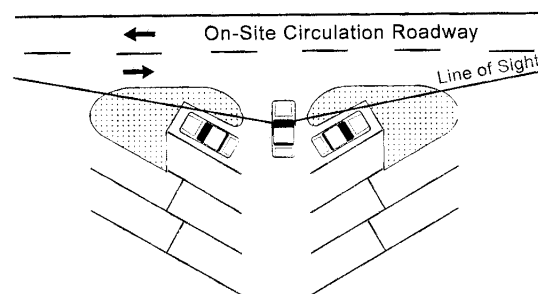


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 7-21, p. 7-30.

Section 9.2.7. On-Site Access Requirements.

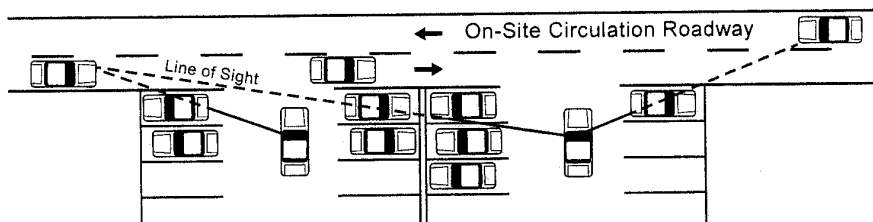
The intersection of parking aisles with a ring road or other on-site roadways or driveways shall provide adequate intersection sight distance. Landscaping at the end islands of parking aisles shall not encroach on sight distance as determined by the Zoning Administrator. Parking aisle end islands shall be curbed unless that requirement is waived for water quality purposes or in a rural/exurban area; painted end islands are ineffective and are generally not permitted.

End Islands Preserve Sight Distance



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-15, p. 8-25.

Inadequate Sight Distance Due To No Parking Aisle End Islands



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-14, p. 8-24.

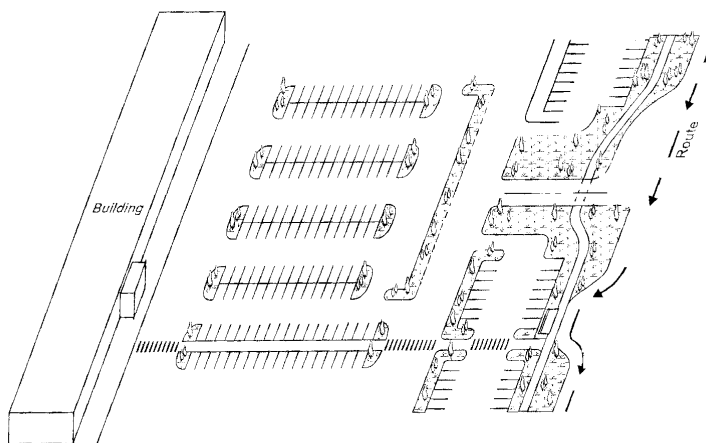
Section 9.2.8. Parking Area Locations.

In O-I, C-1, TC, and CBD zoning districts, no more than fifty (50) percent of the parking spaces required for development pursuant to Article 12 of this Land Use Management Code shall be permitted in a front yard.

Section 9.2.9. Pedestrian Facilities.

On any particular development site subject to this Chapter, where pedestrian circulation crosses vehicular routes, a change in grade, materials, textures or colors, or appropriate striping or demarcation, shall 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 to distinguish pedestrian walkway surfaces from vehicular access ways.

Except for detached, single-family dwellings, pedestrian access must be provided to individual developments and each establishment within the development. Pedestrian ways shall be well defined, take as direct a path as possible, and they should be separated where practical from automobile access ways. Parking aisle dividers are appropriate locations for pedestrian access facilities.

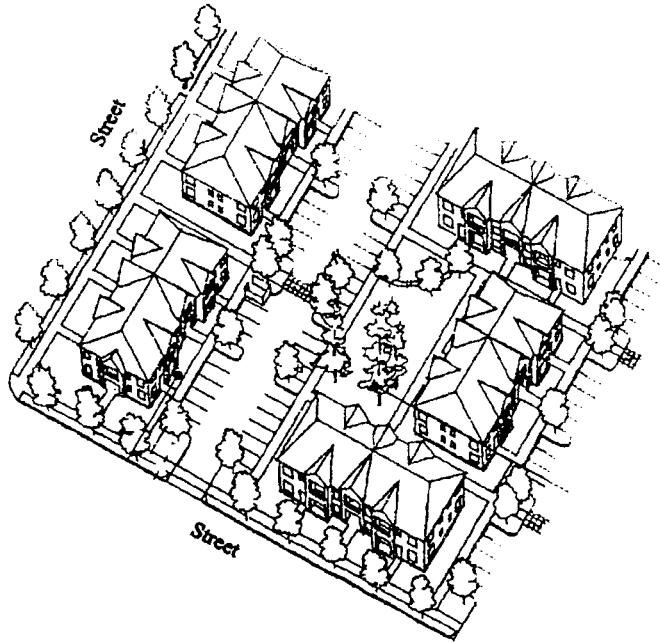


Direct Pedestrian Travel from Street to Store Front

Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 8-28, p. 8-35.

**Article 9 General Development Regulations
Jefferson-Talmo Land Use Management Code**

When multiple buildings are proposed, they shall be linked with on-site pedestrian walkways. Sidewalks on individual properties must connect to the sidewalk system within public road right-of-way, where such system exists or is planned, and to adjacent parcels when determined to be compatible and required by the Zoning Administrator.



**Illustrative Direct Pedestrian Connections
From Buildings to Streets**

CHAPTER 9.3 GENERAL ARCHITECTURAL BUILDING REQUIREMENTS

Section 9.3.1.	Definitions.
Section 9.3.2.	Primary Building Materials.
Section 9.3.3.	Prohibitions.
Section 9.3.4.	Building Colors.
Section 9.3.5.	Awnings and Canopies.
Section 9.3.6.	Building Façades.
Section 9.3.7.	Building Accessories.
Section 9.3.8.	Retaining Walls.
Section 9.3.9.	Decorative Walls.
Section 9.3.10.	Fencing.
Section 9.3.11.	Utility Undergrounding.

Section 9.3.1. Definitions.

Architectural features: Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, 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.

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

Cornice: Any molded projection which crowns or finishes the edge of a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance which faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Fenestration. The organization of windows on a building wall.

Massing. The overall visual impact of a structure's volume; a combination of height and width and the relationship of the heights and widths of the building's components.

Section 9.3.2 Primary Building Materials (City of Talmo).

This section shall apply only to office, institutional and commercial developments. On front facades or other building side visible from a public right-of-way, exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated panels.

Section 9.3.2. Primary Building Materials (City of Jefferson). *[Amended, LUMC 15-01, 2-23-15]*

This section shall apply only to office, institutional and commercial developments, including principal and accessory buildings, as well as structures and signs. On all building facades exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated panels. Such materials may be used for construction, but must be veneered or covered with approved exterior building materials, as interpreted by the Zoning Administrator (see Table 9.3.1).

The use of a common palette of exterior building materials should be maintained to create a consistent and traditional architectural identity. For large commercial/retail buildings, variation in building materials, texture, and depth should be employed to provide design variation.

Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building or common development with which they are associated.

The support columns for drive under canopies for gasoline pumps shall be made of the same material as the primary building on the property and will match the trim and accent material as applicable.

Permanent ground signs shall be constructed of the same materials that are used in the façade of the principal building.

For all facades of a building, the exterior building materials shall be limited to the following (see Table 9.3.1):

- a. Brick;
- b. Stone. Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;
- c. Stucco up to 50% of the surface area of each side of a principal building;
- d. Glass/glass block up to 50% of the surface area of each side of a principal building; and
- e. Split-face block/concrete masonry unit (CMU) up to 50% of the surface area of each side of a principal building.

Calculation of ratios of building materials. The amount of permitted material shall be calculated using the gross square footage of wall area for each elevation (side) of the building. See example below.

Example: A building has a side elevation with a gross wall surface area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200

square feet of required building material calculations. A wall area of 1,200 square feet shall have no more than 600 square feet of stucco on the front façade [e.g. (1,200 x 50% = 600)]. The balance shall be brick or other allowed material.

Table 9.3.1 Approved Exterior Building Materials
(Does not apply to residential and industrial property)

Use	Brick	Stone	Glass	Stucco	Smooth Faced Concrete Block	Split Face CMU	Metal	Tile
Commercial/ Office	P	P	P, max 50% per facade	P, max 50% per facade	X	P, max 50% per facade	X	X

P=Permitted. X=Not Permitted for Exterior Building Material.

Section 9.3.3. Prohibitions (City of Talmo).

The following types of external building materials are prohibited: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks. This provision applies to accessory buildings and structures, including signs.

Section 9.3.3. Prohibitions (City of Jefferson). *[Amended, LUMC 15-01, 2-23-15]*

The following types of external building materials are prohibited: highly reflective, shiny or mirror-like materials; mill-finish (non-colored) aluminum windows or door frames; exposed, unfinished walls; exposed plywood or particle board; unplastered, exposed concrete masonry block; and smooth faced concrete block (finished or unfinished).

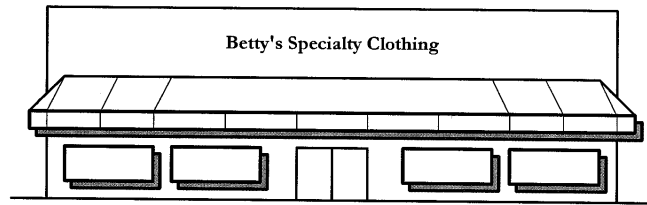
This provision applies to office, institutional and commercial developments, including principal buildings, accessory buildings and structures, including signs.

Section 9.3.4. Building Colors.

This section shall apply to office, institutional, and commercial developments. Colors can be classified as the “base” color (used on the majority of the building surface), “trim” color (used on the window trim, fascia, balustrades, and posts), and “accent” color (used on signs, awnings, and doors). The base color shall consist of more subdued earth tones or brick shades. Trim colors should have contrasting lighter or darker shade than the base color. If natural brick is used, it should not be painted. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas may feature brighter colors, including primary colors, provided that the width of the trim shall not exceed four (4) feet.

Section 9.3.5. Awnings and Canopies. (Amended LUMC 15-01, 2-23-15)

The use of awnings on buildings are recommend but not required, so as to provide much needed protection from sun, wind, and rain, and to improve aesthetics of the building exterior. Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they shall be designed to coordinate with the design of the building and any other awnings along the same building façade.



**Encouraged:
Shops Facing Street
With Awnings and Storefront Windows
Help Define Streetscape**

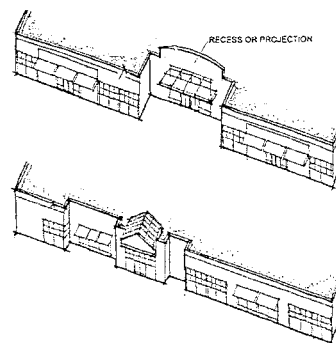
For any multi-tenant commercial development, a covered arcade/structural canopy shall be provided along the front façade of the building. Arcades are covered walkways connected to the principal building. They should be a minimum of five feet in width and designed to provide covered areas for relief from the weather. Different arcade/structural canopy designs may be used for each individual tenant/business within a multi-tenant commercial development provided that they blend aesthetically with the front façade of the building and has the approval of the building owner and the Zoning Administrator. *[Added via LUMC 15-01 approved 2-23-15; applicable to City of Jefferson only]*

Section 9.3.6. Building Façades.

Lengthy, featureless façades and building walls must be avoided. Large, flat, blank expanses on a façade are not acceptable and shall not be permitted. The walls of buildings for office, institutional, commercial, and industrial use shall not extend more than 200 linear feet parallel to a street unless the front façade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through the following:

- (a) Façade modulation: stepping back or extending forward a portion of the façade.
- (b) Providing bay windows or repeating window patterns at regular intervals.
- (c) Providing a porch, patio, deck, covered entry to portions of the façade at the ground level, or in the case of buildings containing two or more story, balconies.
- (d) Changing the roofline by alternating dormers, or using stepped roofs, gables, or other roof elements.
- (e) Changing materials with the change in building plane.

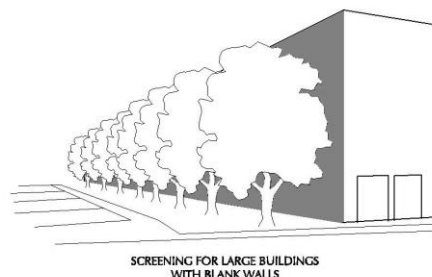
**Façade Modulation:
Recesses and Projections**



Changes in Rooflines



(f) Large, monotonous building walls should be screened with vegetation.



Street Orientation. Principal building entrances shall be oriented to public streets with the exception of internal buildings not directly fronting on the street. *[Added LUMC 15-01, adopted 2-23-15, applicable to City of Jefferson only]*

Building design shall include minimum one-foot deep cornices along the entire front façade of buildings and extending for a distance of at least 10 feet along the sides of buildings. *[Added LUMC 15-01, adopted 2-23-15, applicable to City of Jefferson only]*

Building design shall include a minimum two foot high contrasting base, extending along the entire front of buildings and the sides of buildings at least ten feet. *[Added LUMC 15-01, adopted 2-23-15, applicable to City of Jefferson only]*

Section 9.3.7. Building Accessories.

This section shall apply to all office, institutional, commercial, and industrial developments. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless they are being used expressly as a trim or accent element.

Project elements such as storage areas, transformers, generators and similar features shall be sited in areas which are not visible from abutting public rights-of-ways or must be screened from such view.

Trash enclosures shall be constructed of sturdy, durable, opaque materials (with trash receptacles screened from view) which are similar to or designed to be compatible with the project architecture. Newspaper and magazine recycling collection boxes shall not intrude on required parking areas, shall not be permitted in front yards, and shall be screened from view from public rights-of-ways. Rooftop mechanical and electrical equipment shall be screened from

public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

Section 9.3.8. Retaining Walls.

When retaining walls are required and will be visible from a public right-of-way, the height and length of said retaining walls shall be minimized and screened with appropriate landscaping. Tall, smooth faced concrete retaining walls are prohibited, and walls visible from the right-of-way shall be faced with wood, brick, stone, or other architectural treatment. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.9. Decorative Walls.

All walls or fences fifty (50) feet in length and located within a front yard shall be designed to minimize visual monotony through changes in plane, height, material or material texture, or through significant landscape massing. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.10. Fencing.

Perimeter fencing, security fencing, or gateways shall be constructed of materials which are compatible with the design and materials used throughout the development project. Razor wire or electric fencing are prohibited and chain link fencing is prohibited except vinyl coated. See also Section 11.1.2 of this Land Use Management Code.

Section 9.3.11. Utility Undergrounding.

All individual utilities serving developments shall be installed underground.

CHAPTER 9.4 OUTDOOR LIGHTING

Section 9.4.1.	Findings, Purpose, and Intent.
Section 9.4.2.	Definitions.
Section 9.4.3.	Applicability.
Section 9.4.4.	Exemptions.
Section 9.4.5.	Cut-off Fixtures Required.
Section 9.4.6.	Glare.
Section 9.4.7.	Intensity Specifications.
Section 9.4.8.	Prohibitions.
Section 9.4.9.	Lighting of Signs.
Section 9.4.10.	Lighting Plans.

Section 9.4.1. Findings, Purpose, and Intent.

It is in the public interest to provide a quality night time environment. Careless use of outdoor lighting damages the aesthetics of the night time environment. If not regulated, outdoor lighting can decrease security or safety or create hazards through glare, light trespass, and distraction. Inappropriately shielded lights and overlighting can compromise the public's visibility. For instance, service station canopies and convenience store lighting can approach 25 or more footcandles, which is considered to be more than necessary to provide acceptable illumination and avoid liability risks. The naturally dark, star-filled sky is an important part of the natural environment that should not be degraded by improper or inappropriate outdoor lighting. Regulating outdoor lighting brings substantial public benefits. Eliminating glare improves visibility. Elimination of wasted light saves money, energy, and resources.

This Chapter is intended to reduce the problems created by improperly designed and installed outdoor lighting. The regulations of this Chapter are intended to eliminate problems of glare, minimize light trespass with provisions designed to avoid unnecessary direct light from shining onto abutting properties or streets, enhance visibility and safety (especially for the aging eye), protect the natural nighttime sky, conserve energy, and to avoid light encroachment on wildlife habitat.

Section 9.4.2. Definitions.

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

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

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).

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

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

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

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

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

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

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

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

Security lighting. Exterior lighting installed solely to enhance the security of people and property.

Wallpack: A wall-mounted luminaire.

Section 9.4.3. Applicability.

All public and private outdoor lighting installed in the participating municipalities shall be in conformance with the requirements established by this Chapter.

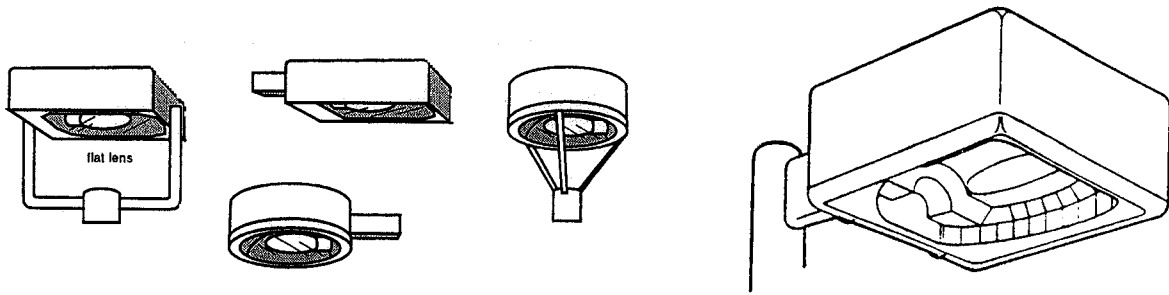
Section 9.4.4. Exemptions.

The following shall be exempt from the provisions of this Chapter:

- (a) All temporary emergency lighting needed by police or fire departments or other emergency services.
- (b) All hazard warning luminaires required by federal regulatory agencies.
- (c) All vehicular luminaires.
- (d) Safety lighting, as defined in this Chapter.
- (e) All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.
- (f) Holiday lights and decorations using typical unshielded low-wattage incandescent lamps, provided that they are removed within a reasonable period following the holiday season to which they pertain.

Section 9.4.5. Cut-off Fixtures Required.

All luminaires not exempted from this Chapter hereafter installed for outdoor lighting shall be full cutoff luminaires, as defined by this Chapter, or another luminaire which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. This provision shall not apply to internally illuminated signs where permitted (see Chapter 17.2 for definition).



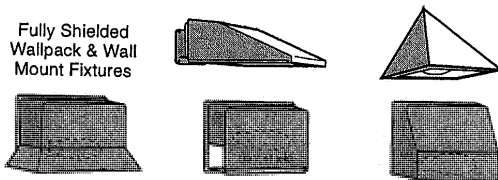
Cut-Off Fixtures

Security lighting, as defined in this Chapter, unless activated by motion sensor devices, shall also meet this requirement.



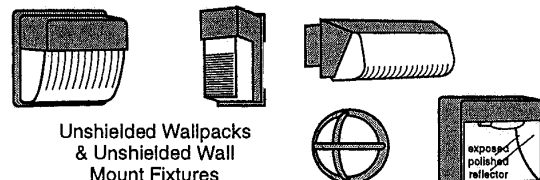
Security Lighting

Wallpacks, as defined in this Chapter, are not permitted unless fully shielded.



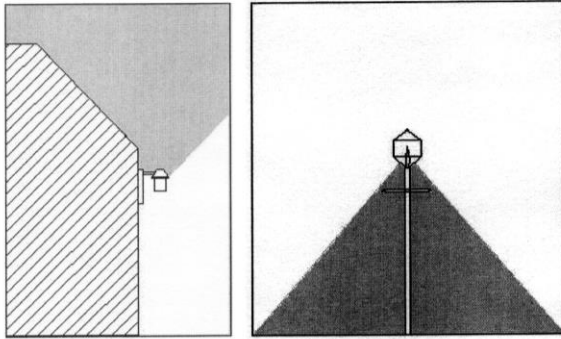
Fully Shielded
Wallpack & Wall
Mount Fixtures

Shielded Wallpacks Permitted

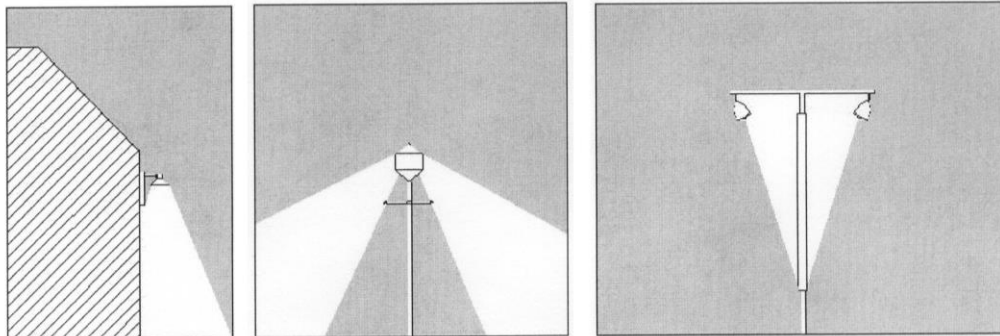


Unshielded Wallpacks
& Unshielded Wall
Mount Fixtures

Unshielded Wallpacks Prohibited



NOT ALLOWED



REQUIRED
(Cut-off above horizontal plane)

Section 9.4.6. Glare.

Any luminaire that is aimed, directed, or focused so that the lamp is visible, or in a way that causes direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or that creates glare perceptible to persons operating motor vehicles on public ways, shall be redirected or its light output controlled as necessary to eliminate such conditions.

Section 9.4.7. Intensity Specifications.

Illuminance levels for outdoor lighting fixtures shall comply in design and upon installation with the standards in Table 9.4.1, measured at three feet above the ground or finished grade. Lighting for athletic fields in urban/suburban areas shall be exempt from this Section.

**TABLE 9.4.1
 OUTDOOR LIGHTING REGULATIONS**

At Property Lines Including Rights-of-Way	Minimum Footcandles		Maximum Footcandles
At property line abutting a residential use	None		0.5
At property line abutting an office or institutional use	None		1.0
At property line abutting a commercial or light industrial use	None		1.5
Off-Street Parking Lots	Minimum Footcandles	Average Footcandles	Maximum Footcandles
Residential areas	0.5	2	4
Office-institutional areas	1.0	3	6
Commercial areas	2.0	6	12
Light industrial areas	1.0	4	8

Section 9.4.8. Prohibitions.

Strobe lights, and laser lights or searchlight beams projected into the sky, shall be prohibited.

Section 9.4.9. Lighting of Signs.

See Section 17.5.2 of this Land Use Management Code for electrical permit requirements. See Section 17.6.8 of this Land Use Management Code for additional regulations on the lighting of signs.

Section 9.4.10. Lighting Plans.

See Section 11.2.1 of this Land Use Management Code, which provides that the Zoning Administrator may require a lighting plan for community recreational facilities. See Section 11.6.5 of this Land Use Management Code regarding lighting of golf driving ranges. Also see Sections 11.6.1 and Section 11.6.3 of this Land Use Management Code regarding lighting of automobile service establishments and outdoor commercial recreation facilities, respectively.

CHAPTER 9.5 NOISE

Section 9.5.1.	Applicability.
Section 9.5.2.	Definitions.
Section 9.5.3.	Noise Disturbance Prohibited.
Section 9.5.4.	Measurement of Sound.
Section 9.5.5.	Noise Performance Standards.
Section 9.5.6.	Exemptions.
Section 9.5.7.	Industrial Noise Mitigation Requirements.

Section 9.5.1. Applicability.

This chapter shall apply to all development and areas of the participating municipalities. When a participating municipality has additional regulations concerning noise, the more restrictive requirements shall apply.

Section 9.5.2. Definitions.

Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance: Any sound which endangers or injures the safety or health of humans, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Sound level: The intensity of sound, measured in decibels, produced by an operation or use.

Sound level meter: An instrument designed to measure sound pressure levels and constructed in accordance with the requirements for General Purpose Sound Level Meters published by the American National Standards Institute.

Section 9.5.3. Noise Disturbance Prohibited.

No person shall unnecessarily make, continue, or cause to be made or continued any noise disturbance.

Section 9.5.4. Measurement of Sound.

Sound levels shall be measured with a sound level meter. Noises capable of being measured shall be those that cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels.

Section 9.5.5. Noise Performance Standards (City of Jefferson only).

From 10:00 p.m. until 7:00 a.m., at no point on the boundary of property shall the sound pressure level of any operation exceed the decibel levels shown in Table 9.5.1 for any consecutive sixty second period:

**TABLE 9.5.1
 NOISE PERFORMANCE STANDARDS
 (CITY OF JEFFERSON ONLY)**

Receiving Land Use Category	Noise Level (dB A)
	10:00 p.m. to 7:00 a.m.
All residential	70
Commercial	70
Industry	70

[Amended City of Jefferson via Ord. LUMC 17-04, 7-24-17; Amended City of Jefferson via Ord. LUMC 18-04, adopted 6-21-18]

Section 9.5.5. Noise Performance Standards (City of Talmo only).

At no point on the boundary of property shall the sound pressure level of any operation exceed the decibel levels shown in Table 9.5.1 below:

**TABLE 9.5.1
 NOISE PERFORMANCE STANDARDS
 (CITY OF TALMO ONLY)**

Receiving Land Use Category	Noise Level (dB A)	
	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.
All residential	45	60
Commercial	60	65
Industry	70	70

Section 9.5.6. Exemptions.

The following activities or sources are exempt from the noise standards of this Chapter

- (a) Stationary emergency signaling devices, and nonstationary emergency signaling devices (excluding back up vehicle alarms) when used in the cases of an emergency or training exercises and noises or sounds made by law enforcement and other public safety officials performing their official functions.
- (b) The unamplified human voice.
- (c) Railway locomotives and cars.
- (d) Normal sounds of reasonably cared for agricultural or domestic animals, and the sounds of necessary farming equipment for a bona fide agricultural operation. This exemption

includes dogs barking as a result of a person trespassing or threatening to trespass upon property in or upon which the dog is situated.

- (e) Aircraft operations, not including model airplanes.
- (f) Bells or chimes of churches or other places of worship.
- (g) Motor vehicle operations, but not including radios and stereo equipment within a motor vehicle.
- (h) The testing of any alarm for a period of less than sixty (60) seconds, and noise from the activation of an alarm of any building, provided such alarm shall terminate its operations within five (5) minutes of its activation.
- (i) Noises or sounds that result from a sports or athletic event at a public park or school.
- (j) The use of fireworks as authorized by state law, O.C.G.A. § 25-10-2.
- (k) Domestic power tools, when operated during the hours of 7:00 a.m. to 10:00 p.m. only.

[Amended City of Jefferson via Ord. LUMC 17-04, 7-24-17]

Section 9.5.7. Industrial Noise Mitigation Requirements.

- (a) Applicability. Unless specifically exempted by this Section, this Section shall apply to any LI-zoned property in the City of Jefferson with an exterior boundary that lies within 1,750 feet of a “noise sensitive area,” which is hereby defined as any residential zoning district as established in Article 7 or any agricultural-residential zoning district as established in Article 6 of this land use management code. This section shall not apply to unincorporated lands, other municipalities, or individual dwellings outside a “noise sensitive area” as defined.
- (b) Exemption. The requirements of paragraph (c), subparagraphs 2 and 3 of this section shall not apply to any development site for which a development permit has been issued by the city, so long as the development permit remains valid and has not expired.
- (c) Site planning and other techniques to mitigate noise. An applicant for development with a property boundary within 1,750 feet of a noise sensitive area established by this Section shall be required to implement noise mitigation techniques appropriate to the site, including the following:
 - 1. Smart alarms. Where back-up alarms of vehicles are utilized for operations on the industrial site, the site user shall either disarm the back-up alarms and utilize flaggers, or install multi-frequency backup “smart alarms” on the vehicles such that the decibel level of the alarm adjusts downward to account for ambient sound levels. For example, ECCO multi-frequency backup smart alarm, 77-97 DB(A), 500 series, part no. EA 9724 or EA 9780, or equivalent.
 - 2. Building orientation vis-à-vis loading bays. The site plan for the development shall consider orienting the building parallel, more or less, to noise sensitive areas and

Article 9 General Development Regulations
Jefferson-Talmo Land Use Management Code

designing the building such that no loading bays are on the side(s) of the building facing the noise sensitive areas – doing so is expected to minimize the amount of noise from loading/unloading operations including truck backup alarms and overhead door noises.

3. Berm and/or sound wall or other mitigation device. Where the building cannot reasonably be oriented as described in paragraph 2, or where the building must be designed with cross-bays such that loading bays cannot be located away from the noise sensitive area, the development permit applicant shall be required to install an earthen berm, sound attenuation or sound-absorbing wall or fence, or other noise mitigation device approved by the Zoning Administrator.

[Added via amendment, Ord. 17-04, City of Jefferson adopted 7-24-17; amended Ord. LUMC 17-06, City of Jefferson adopted 1-22-18]

CHAPTER 9.6 SITE AND ARCHITECTURAL DESIGN REVIEW

Section 9.6.1.	Findings and Purposes.
Section 9.6.2.	Applicability.
Section 9.6.3.	Exemption.
Section 9.6.4.	Design Review Required.
Section 9.6.5.	Application Requirements.
Section 9.6.6.	Process of Design Review and Approval.
Section 9.6.7.	Criteria for Decisions on Applications for Design Review.
Section 9.6.8.	Compliance with Approved Application.

Section 9.6.1. Findings and Purposes.

Large multi-family residential, institutional and commercial developments can have a major impact on the aesthetics of the community. It is in the public interest to direct and control the visual appearance and functional design of large multi-family residential, institutional and commercial developments in the city, to prevent patently offensive harm to the existing visual character of the city, to ensure functionality and longevity, and to safeguard the happiness, comfort, and general well-being of its citizens. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.2. Applicability.

This chapter shall apply to the City of Jefferson only. It shall apply to the following within the City of Jefferson:

- (a) Any institutional or commercial development, or combination thereof, with an aggregate gross building space of 20,000 square feet or more of new construction. In determining whether a development is institutional or commercial, the Zoning Administrator shall consider all uses defined in Section 2.2.4 as institutional uses and all uses defined in Section 2.2.5 as commercial uses as well as any use listed as an institutional or commercial use in Table 8.1 of this land use management code, as an institutional or commercial use subject to the requirements of this chapter if the building threshold of this section is met; and
- (b) Any existing institutional or commercial development, or combination thereof, that has less than 20,000 square feet of gross building space on the effective date of this chapter shall comply with the provisions of this chapter if additional institutional or commercial building, or combination thereof, is proposed which would result in an aggregate gross building space of 20,000 square feet or more; and
- (c) Any of the following uses with a land area of four (4) acres or more: any new open air business establishment, outdoor commercial recreation facility, automobile sales or service establishment, office park, retreat center, recreational vehicle park, or truck stop, as defined in Section 2.2.5 of this land use management code, and any aircraft landing area; and
- (d) It is the city's intent that any out parcels, that are a part of an original tract developed or to be developed for commercial or institutional development with an aggregate building area of 20,000 or more square feet, shall be subject to the design review process established in this chapter. Said design review process shall therefore apply to any such

out parcel even if development of the out parcel occurs before development of the larger commercial or institutional development on the original tract.

- (e) Any multi-family residential development or fee-simple townhouse project of eight (8) dwelling units or more; and
- (f) Any mixed-use building containing two or more residential units, or any lot containing two or more mixed-use buildings.

For purposes of determining applicability, property lines which existed on the effective date of this chapter shall be used. The division of property after the effective date of this chapter into more than one lot shall not exempt a development or property from complying with the provisions of this chapter, if such lots are functionally related or interconnected with one another. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.3. Exemptions.

- (a) This chapter shall not apply to any development otherwise subject to this chapter, if architectural elevations of buildings for such development were approved as a part of a Planned Community Development or other rezoning, unless otherwise specifically conditioned.
- (b) The site design review requirements of this chapter shall not apply to any land development project which obtained development plan approval at the time of adoption of this chapter.
- (c) The architectural design review requirements of this chapter shall not apply to a building or structure which has been issued a building permit at the time of adoption of this chapter.
- (d) Accessory buildings, structures, and uses smaller than 120 square feet in area of building or land area may be exempted by the Zoning Administrator from inclusion in the design review application.
- (e) This chapter shall not apply to projects for which a certificate of appropriateness is required to be obtained from the Historic Preservation Commission (i.e., properties within a local historic district). *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.4. Design Review Required.

- (a) Prior to the issuance of a development permit, if required, and prior to the issuance of a building permit if no development permit is required, any development to which this chapter applies shall be required to obtain site and architectural design approval as specified in this chapter.
- (b) The Zoning Administrator shall not issue a development permit for any land development subject to the requirements of this chapter unless the design review requirements of this chapter have been satisfied.
- (c) The Building Inspector shall not issue a building permit for any building subject to the requirements of this chapter unless the design review requirements of this chapter have been satisfied. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.5. Application Requirements.

Applications for site and architectural design review shall require an application fee and shall also include one print copy and digital version of the following, and no application shall be

processed by the Zoning Administrator unless it is found to be complete with regard to the requirements of this section:

- (a) Application form furnished by the Zoning Administrator, including signature of property owner or authorized agent;
- (b) Legal description of the property and survey plat of the property;
- (c) An existing conditions map identifying significant natural features of the site;
- (d) Letter of intent describing the proposed building(s) on the property, which may include a description of any special conditions voluntarily made a part of the request;
- (e) Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements;
- (f) Exterior elevation drawings drawn to scale and signed by an architect, engineer or other appropriate professional. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed buildings and structures or change(s) thereto;
- (g) Material and colors samples. The Zoning Administrator may accept written descriptions, product summary sheets, photographs, or other information in lieu of actual color and material samples; and
- (h) Other information as may be essential to demonstrate compliance with the land use management code. An applicant for design review may be also be required to submit information in the form of photographs or sketches of adjoining uses and indicate how the design of the proposed project or improvement is compatible with the surrounding context.
- (i) In cases where design review is divided into site plan an architectural design as provided in Section 9.6.6, the Zoning Administrator may waive one or more requirements of this section if unnecessary to complete the review. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.6. Process of Design Review and Approval.

- (a) Generally. Approval of site and architectural design plans for development subject to the requirements of this chapter shall be administrative, after a public review period as described in this Section.
- (b) Division of Design Review. At the discretion of the applicant, an application for site and architectural design review may be submitted as a single application or it may be divided into two applications and approval processes, one for the development site, and one for the building or structure(s). The division of design review applications and approval processes into two distinct (i.e., site and building architecture) components is appropriate and permissible when a property owner or land developer desires to proceed with land development approval but elects at that time to defer application for the architectural review and approval of the building or buildings until a subsequent stage of the permitting process.
- (c) Notice and Comment Period. After determining an application for design review is complete, the Zoning Administrator shall notify the Planning Commission, Mayor and City Council, and city department heads as appropriate, of an opportunity to comment on the application. The Zoning Administrator shall also post a notice in City Hall of an opportunity for the general public to comment on the application. The time period for review and comment opportunity shall be not less than seven (7) work days from the date notice was provided.
- (d) Decision. The Zoning Administrator shall consider but shall not be bound by comments received during the comment period. The Zoning Administrator shall render a decision in

writing to the applicant on the design review application within no less than seven (7) and no more than fifteen (15) working days from receipt of a completed application. The written decision, which shall be public record, shall provide adequate justification based on criteria established in Section 9.6.7 of this chapter. An applicant denied site and/or architectural design approval may revise plans and reapply for design approval.

- (e) Appeal. A decision of the Zoning Administrator under the terms of this Chapter may be appealed per Chapter 22.2 of this land use management code. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.7. Criteria for Decisions on Applications for Design Review.

In acting upon applications for site and architectural design approval, the Zoning Administrator shall consider whether the proposal meets the following criteria:

- (a) Whether the proposal is consistent with policies of the adopted comprehensive plan; and
- (b) Whether the proposal complies with the requirements of this land use management code; and
- (c) Whether the proposal is consistent with the design guidelines of Chapter 9.7 of this land use management code, as may be applicable; and
- (d) Whether the design of the site and the design, scale, arrangement, materials, and colors of the proposed building(s) or structure(s) are compatible with buildings and structures in the immediate surrounding area or the same zoning district, and compatible with the natural environment. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.6.8. Compliance with Approved Application.

- (a) Approval of site and architectural design applications is conditioned on compliance with the approved application(s).
- (b) After the development and building are constructed and completed, but before issuance of a certificate of occupancy, the Zoning Administrator or designee shall inspect the site and building for compliance with the approved design plans for the site or building.
- (c) The Zoning Administrator shall direct the Building Inspector not to issue a certificate of occupancy if the site or building is not in compliance with approved design plans.
- (d) Revision or modifications of an approved design plan, other than changes accepted as minor by the Zoning Administrator, shall require compliance with the procedural requirements of this chapter just the same as if it were a new design review application. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

CHAPTER 9.7 SITE AND ARCHITECTURAL DESIGN GUIDELINES

Section 9.7.1.	Purpose and Intent.
Section 9.7.2.	Interpretation.
Section 9.7.3.	Definitions.
Section 9.7.4.	Existing Site Features.
Section 9.7.5.	Grading.
Section 9.7.6.	Stormwater Management.
Section 9.7.7.	Stormwater Detention.
Section 9.7.8.	Access, Connectivity and Circulation.
Section 9.7.9.	Architectural Design Compatibility.
Section 9.7.10.	Building Style and Design.
Section 9.7.11.	Exterior Building Materials and Finishes.
Section 9.7.12.	Colors.
Section 9.7.13.	Architectural Lighting.
Section 9.7.14.	Retail Commercial Design Guidelines.
Section 9.7.15.	Mixed-Use Building.
Section 9.7.16.	Dwelling Design Guidelines.

Section 9.7.1. Purpose and Intent.

This chapter provides guidelines for site and architectural design and will be applied by the Zoning Administrator during the process of site and architectural design review as required by Chapter 9-6 of this land use management code. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.2. Interpretation.

- (a) The provisions in this chapter which use the term “shall” are regulations and must be followed.
- (b) When the terms “should” and “are encouraged” are used in this chapter, the language shall be considered a guideline, and flexibility toward compliance may be exercised if it is determined by the reviewers that the spirit and intent of the guideline is being followed or an alternative to the guideline is acceptable. However, successive departures from the guidelines is grounds for denial of an application for design review. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.3. Definitions.

In addition to terms defined in Article 2 and Section 9.3.1 of this land use management code, the following definitions shall apply:

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

Architectural appearance, exterior: The architectural character and general composition of the exterior of a building or structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs attached to the building or structure, and any appurtenant elements.

Asymmetrical: Not symmetrical, as in a building façade that is not identical on either side of an imaginary line drawn down its center.

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

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.

Clapboard: A wood exterior siding material that is applied horizontally and overlapped with the lower edge thicker than the upper edge.

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

Column: A vertical, cylindrical or square supporting member.

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

Coping: The capping member of a wall that covers and protects the wall from the effects of weather.

Dentil: Any of a series of closely spaced, small, rectangular blocks forming a molding or protecting beneath a cornice.

Dormer: A small window with its own roof projecting from a sloping roof. Dormers are projections that provide ventilation, light, and additional space for attic areas.

Exterior Insulating and Finish System (EIFS): Exterior wall cladding system consisting primarily of polystyrene foam board with a textured acrylic finish that resembles plaster or stucco.

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

Gable: The triangular upper portion of an end wall, underneath a peaked roof.

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

Modularity: Design composition comprised of a rhythmic organization of parts.

Modulation: A measured setback or offset.

Parapet: That portion of a wall which extends above the roof line.

Plaza: An open area adjacent to a building that functions as a gathering place and may incorporate a variety of non-permanent activities.

Porch: A projection from a building wall which is covered but enclosed on no more than one side by a vertical wall.

Portico: An exterior appendage to a building, normally at the entry, usually roofed.

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

Retail display window: A window or opening in the exterior wall of any portion of a building used for business purposes, through which merchandise, services, or businesses are displayed or advertised and visible from the ground or sidewalk level.

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

Street furniture: Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

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

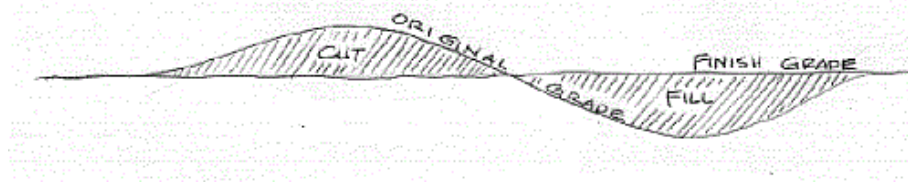
Streetscape: The appearance and organization along a street of buildings, paving, plantings, street hardware, street furniture, and miscellaneous structures. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.4. Existing Site Features.

Significant natural features of the site proposed to be developed, should be identified on an existing conditions map and to the extent practicable incorporated into the site plan or plans for land development. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.5. Grading.

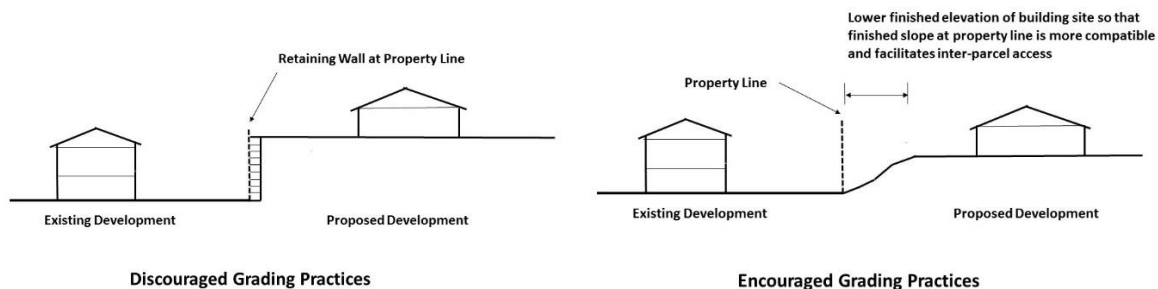
- (a) Developments should be designed to fit the existing contours and landform of the site, to minimize the amount of earthwork, and to reduce visual impacts and erosion.
- (b) Where cut and fill is required, balancing the cut and fill is highly encouraged.



Illustrative Cut and Fill

- (c) Abrupt or unnatural-appearing grading should not be proposed and will not be allowed.
- (d) Grading should blend with the contours of adjacent properties with minimum alteration of the natural topography necessary to accomplish the development.
- (e) When cut or fill is involved in the grading of an individual building pad or development site, the finished grade of the parking lot or driveway should be terminated far enough inside the property to allow for the slope to return to that of the natural grade or finished ground elevation at the property line. When inter-parcel access is provided or required, the slope at such a property line shall not exceed 10 percent. The purposes of this

design guideline is to both facilitate inter-parcel access at reasonable grades between compatible land uses and to avoid harsh differences in grade between abutting properties. This practice also provides for a blending of the finished site elevations in a manner so that stark contrasts in the landscape will not occur. Where inter-parcel access is not required due to incompatible land uses, grade differentiation at a property line may be permitted but should be mitigated or softened as much as possible (see illustration below).



Discouraged and Encouraged Grading Practices

(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)

Section 9.7.6. Stormwater Management.

The city will require the land development applicant to examine and where feasible implement stormwater management methods broadly referred to as “low-impact development” and as specifically referred to in the Georgia Stormwater Management Manual (GSMM) as stormwater better site design practices and limited application structural stormwater controls (i.e., filter strips, grassed channels, and porous concrete, among others) (reference: GSMM, Vol. 2, Sec. 3.3).

(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)

Section 9.7.7. Stormwater Detention.

Man-made lakes and stormwater ponds should be designed for maximum habitat value and/or to serve as amenity features. Stormwater ponds and facilities that are visible from a public right-of-way should be landscaped around the perimeter and should be shallow enough with gentle slopes to prevent the need for fencing. Any fencing surrounding a stormwater pond, if permitted, that is visible from the public right-of-way shall be decorative in nature, or if chain link fencing is permitted it shall be black vinyl coated. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.8. Access, Connectivity and Circulation.

- (a) See Chapter 9.2, “Access,” of this land use management code for requirements pertaining to principal access, inter-parcel access, pedestrian facilities, and other matters.
- (b) See Chapter 12.2, “Circulation,” of this land use management code for on-site circulation requirements.
- (c) See Chapter 12.3 “Off-Street Parking” of this land use management code for various parking lot design requirements. For retail commercial developments, parking aisle length should not exceed 300 feet without a break for circulation.

- (d) See Chapter 26.5, "Corridor Map," of this land use management code for requirements to reserve land needed for future transportation facilities, as may be applicable (See also Chapter 10.1 of this land use management code).
- (e) See Section 28.1.7, "Improvements to Abutting Land" regarding improvements to abutting streets accessed. Within the U.S. Highway 129 overlay district and in other retail commercial locations as may be appropriate, pedestrian and bicycle access and improved facilities shall be provided as part of the land development. During the site design review process, such pedestrian and bicycle access and improvements may be provided by alternative means to existing arterial streets, including but not limited to new arterial, collector, and/or local streets built as a part of the land development, and/or greenways, as shown in the comprehensive plan or as part of a corridor map. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

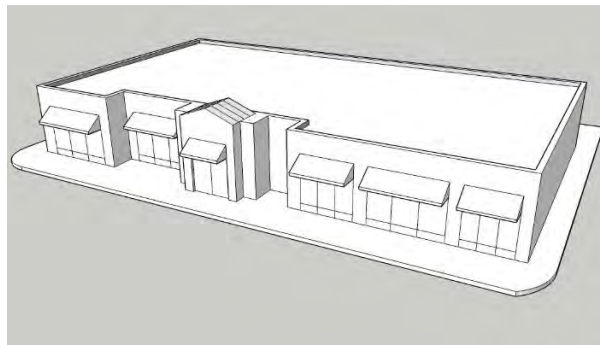
Section 9.7.9. Architectural Design Compatibility.

Buildings or other improvements should be compatible with the orientation, directional emphasis, shape, volume, massing, proportion, rhythm, scale and materials of the context, setting and streetscape of the site. Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. Determinations of compatibility will consider each of the following factors as appropriate:

- (a) Size: The relationship of the project to its site.
- (b) Orientation: The relationship of buildings to streets. Buildings should front directly onto public sidewalks unless site features prohibit such building configuration.
- (c) Scale: The relationship of the building to those around it. Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building.
- (d) Massing: The relationship of the building's various parts to each other, and the consistency of roof characteristics to adjacent buildings.
- (e) Fenestration: The placement of windows and doors. The building may incorporate design that is similar to or links with designs of neighboring buildings. For instance, window lines should be placed in a pattern that reflects the same elements on neighboring buildings.
- (f) Rhythm: The relationship of fenestration, recesses and projections.
- (g) Setback: Placement of the building in relation to setback of immediate surroundings.
- (h) Materials: The compatibility of building materials with those used in the zoning district.
- (i) Context: The overall relationship of the project to its surroundings. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.10. Building Style and Design.

- (a) See Section 9.3.6 of this land use management code for regulations pertaining to building facades. Building facades for buildings with 20,000 or more square feet shall not extend more than 100 linear feet without modulation.



Illustrative Articulation of Building Facade

- (b) When more than one building is constructed on a development site or within a planned development, all buildings shall reflect a compatible architectural style and create a cohesive visual relationship between the buildings.
- (c) “Theme” 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.
- (d) Franchise architecture will be reviewed for compatibility with surroundings and may require adjustments to be compatible with surrounding buildings in the district.
- (e) Building design should include a minimum of one-foot high cornice extending along the entire frontage and sides of buildings.
- (f) Building design should incorporate and feature awnings, canopies, porches, porticos, patios, decks, or other covered entries to portions of the façade at the ground level. See also Section 9.3.5 of this land use management code. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.11. Exterior Building Materials and Finishes.

- (a) Finding. The choice of materials and texture applied to the exterior of buildings has great visual significance and can affect the long-term appearance and maintenance of the built environment. Exterior building material is directly related to the durability of the building against weathering and damage from natural forces.
- (b) Reference. See Section 9.3.2, Primary Building Materials, for regulations applicable to office, institutional, and commercial developments. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.12. Colors.

- (a) The primary material color (used on the majority of the building surface) of buildings and accessory buildings and structures should be harmonious and compatible with the primary material colors of other buildings within the character district in which the building or structure is located.
- (b) High-intensity or fluorescent colors shall not be used.
- (c) Façade primary material colors should be low reflectance, subtle, neutral, or earth tone colors.

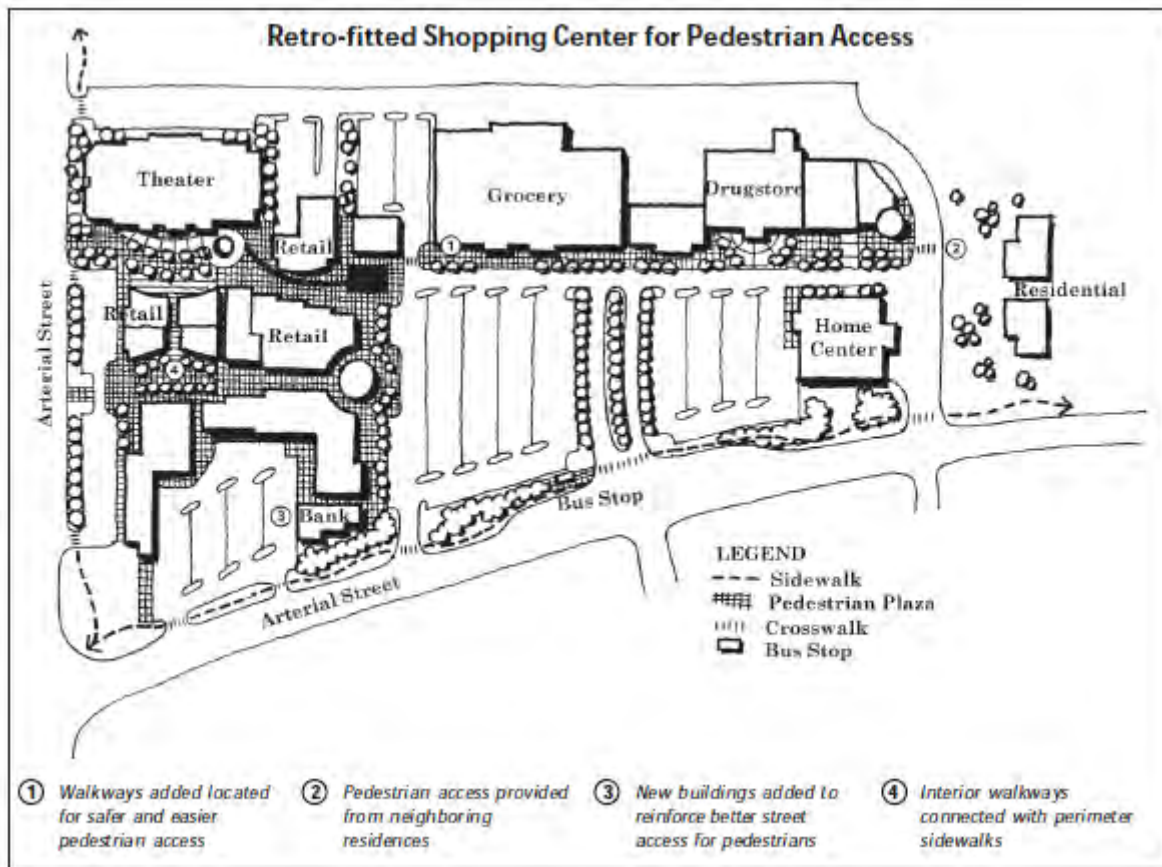
- (d) Trim color (used on the window trim, fascia, balustrades, and posts) may be brighter than primary material color.
- (e) All vents, gutters, downspouts, flashing, electrical conduits, etc., should be painted to match the color of the adjacent surface primary material, unless they are being used expressly as a trim or accent element.
- (f) Accent color may be used with discretion on the building's exterior. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.13. Architectural Lighting.

- (a) Finding. Well-designed and distinctive lighting of building facades is one of the best ways to attract attention and make a favorable impression with a minimal investment. Building façade lighting can help enhance the intrinsic charm, beauty, and utility of any given setting. Architectural lighting may include outlining, floodlighting, spotlighting, or any applicable combination of these techniques.
- (b) Selectivity. The discrete lighting of a few key architectural features or details is preferred over uniform floodlighting of the entire building façade. Focal points can also be established through careful floodlighting of major buildings, with the lighting of secondary buildings keyed in turn to these focal points.
- (c) Reflectivity. Highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain enamel, and various metals can reflect the image of the light source. Designers should avoid lighting these reflective surfaces directly. Glass buildings usually cannot be lighted for nighttime viewing. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

Section 9.7.14. Retail Commercial Design Guidelines.

- (a) Conventional, suburban-style shopping centers result in auto-oriented development with expansive surface parking areas that are not pedestrian-friendly, lack open spaces, and should not be pursued for larger shopping centers in Jefferson. Instead, the city envisions more functionally appropriate shopping centers utilizing designs that resemble mixed-use developments, incorporate "main street" -type pedestrian retail character, cluster buildings to create activity centers, and integrate plazas and pedestrian places as central points of activity. Commercial site design should focus on "placemaking," or creating a unique sense of place, as its primary design goal.



Source: Georgia Department of Transportation. 2005. Pedestrian & Streetscape Guide.

Illustrative Pedestrian Emphasis in a Retrofitted Shopping Center

(b) Gathering places for activities that promote safe community interaction, exchange, and congregation. Designers are encouraged to provide plazas or gathering places, especially where building breaks occur, by including design elements such as play areas, landscaping, street furniture, public art, and/or other attractive features that improve functionality and introduce a pedestrian orientation. Pedestrian plazas should be provided in a minimum amount of 400 square feet for every 20,000 square feet of building space (0.02 square feet of pedestrian plaza space for each square foot of building space).

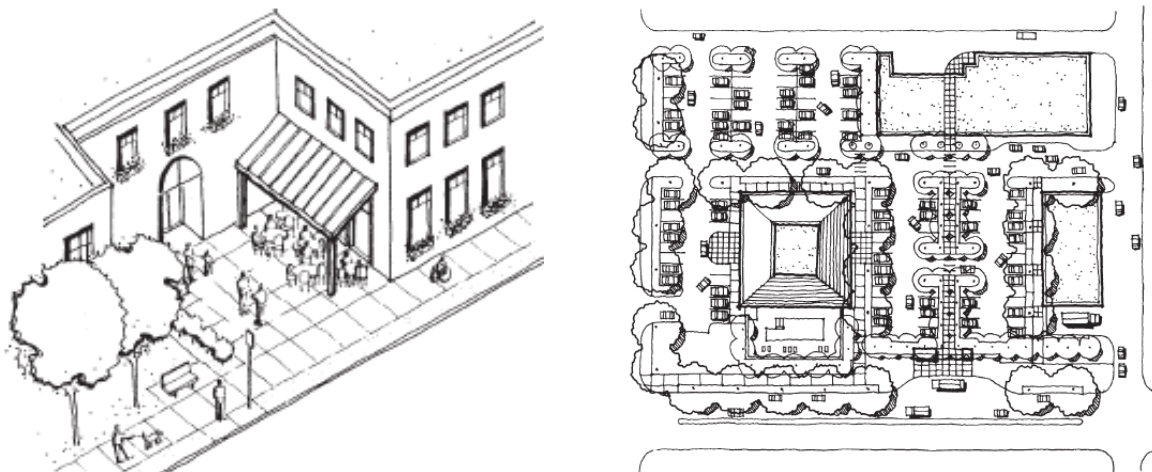


Illustrative Pedestrian Plaza

(c) Exterior pedestrian furniture should be provided in appropriate locations at a minimum rate of one standard size bench for every 20,000 square feet of gross floor area.

Benches should be provided near drop off areas and entryways to major buildings and at key locations along pedestrian ways and within plazas. Consideration should be given to the location of benches with respect to the ability to provide shelter from summer sun and winds and be open to direct sunlight in the winter.

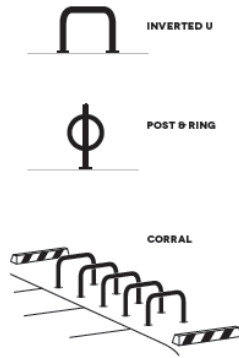
- (d) One or more buildings should be arranged to create a primary “main street” or internal street grid pattern. Building designs should frame and accentuate public spaces with pedestrian-scale elements and details. Pedestrian walkways along internal driveways or streets internal to the site should be embellished with special design features such as towers, arcades, porticos, pedestrian-scale light fixtures, bollards, planter walls, other architectural elements that define circulation ways and outdoor spaces, and shade trees.



Source: Georgia Department of Transportation. 2005. Pedestrian & Streetscape Guide.

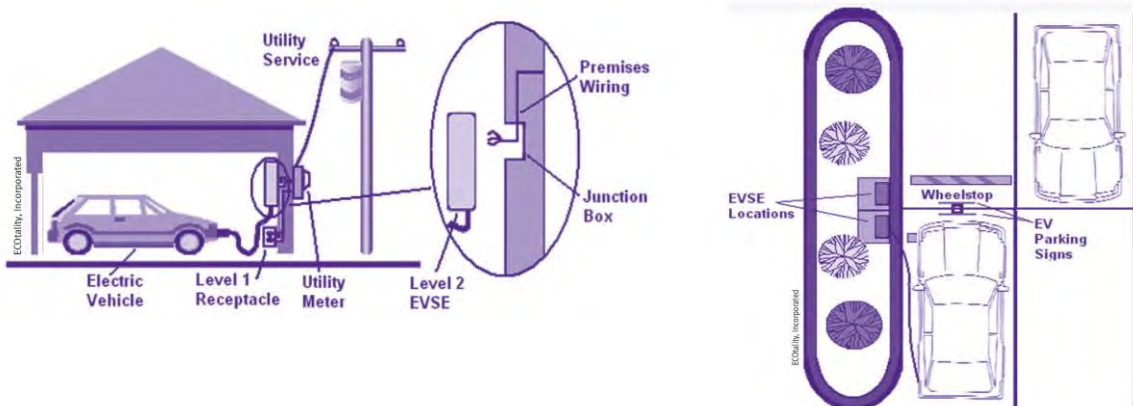
Example Pedestrian-scale Elements Near Buildings

- (e) Any outparcels to be developed in conjunction with the retail commercial developments subject to design review shall be required to coordinate architectural design and signage plans.
- (f) Buildings should orient, frame, and/or direct pedestrian views to parks and plazas. Buildings along roadways should provide a building scale of two stories or if single-story should be no less than 20-feet in height. Buildings, including those on outlots, should be massed against the primary arterial or collector roadways to create a “street wall” effect, with shared, interior surface parking. No more than 40 percent of any parcel frontage should be open to a view of surface parking.
- (g) Drive-through windows and drive-through lanes should not be utilized and may be permitted only if the access drives are designed in a way that minimizes conflict with pedestrian travel which shall take precedence.”
- (h) Short-term parking for bicycles should be provided on the development site, located within 200 feet of but not necessarily at the building entrance, at a rate of one short-term bike parking space for each 20 parking spaces provided in the development, and with appropriate signage directing bicyclists to the parking facilities.



Source: Association of Pedestrian and Bicycle Professionals. 2015. *Essentials of Bike Parking*.
 Examples of Acceptable Bicycle Parking Facilities

- (i) Electric vehicle charging station. Retail commercial developments with 200 or more parking spaces are encouraged to provide at least one electric vehicle charging station.



Integration of Electric Vehicle Charging Station into Parking Lot

Source: Bourcier, Timothy M. July 2010. "Electric Vehicles: Is Your Community Connected?" *Zoning Practice*.

(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)

Section 9.7.15. Mixed-Use Building.

See Section 11.12.5, "Guidelines for Design of Mixed-use Buildings," of this land use management code. (Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)

Section 9.7.16. Dwelling Design Guidelines.

- (a) Applicability. This section applies to residential dwellings and their accessory buildings and structures which are subject to the requirements of Chapter 9.6 of this Land Use Management Code.
- (b) Orientation. The primary entrance to a dwelling should face the primary street on which the lot fronts.
- (c) Building articulation. Building forms should be articulated by varying roof heights and wall planes. Projections and recesses should be used to provide shadow and depth.

Long, unbroken volumes and large, unarticulated wall and roof planes should be avoided. Roof articulation may be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers. However, avoid multiple roof angles, types, or slopes that may create a disjointed or chaotic appearance. As a general guide, at least 25 percent of the façade should be offset a minimum of two feet either projecting from or recessed back from the remainder of the façade.

- (d) Dwelling entry. The use of a covered porch, stoop, and/or other entryway feature is encouraged for the dwelling's primary entrance. A minimum front porch depth of 4 feet and a minimum area of 40 square feet are encouraged.
- (e) Walkways and pathways. A concrete walkway is encouraged from the dwelling's primary entrance to the fronting street, connected to the public sidewalk where one exists.
- (f) Exterior building materials. The durability of building materials should be considered; materials that do not need high maintenance or frequent replacement are preferred. Brick and stone convey permanence and are preferred primary and accent building materials for all dwelling types. Other exterior building materials such as wood may be appropriate. Cementitious fiberboard and cedar shake may also be considered, depending on surrounding dwellings. Exterior Insulating and Finish System (EIFS), Dryvit material, or stucco should not be used as a primary material. Where used, EIFS should be justified based upon the design intent of the building and limited to accent applications above the pedestrian level (approximately 10 feet above ground). Materials on the façade to be avoided include metal or aluminum siding, reflective materials and finishes, and unfinished concrete block. When material changes are incorporated into a façade, they should occur at a change in plane. On corner lots, exterior building materials should be consistent on dwelling elevations facing both streets.
- (g) Similar finish on all sides. All sides of a dwelling 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. All buildings should be designed so that all sides contain similar architectural finishes and detailing.
- (h) Height and scale. New dwellings should have heights within the range typically observed for dwellings on adjacent or nearby lots in the neighborhood. Where a dwelling must be taller than existing dwellings in the vicinity (e.g., a two-story home along a street where one-story homes are prevalent), the scale of the new, taller infill dwelling should be mitigated through the use of upper story setbacks and articulation of façade planes. For two-story or taller dwellings, the second story should be designed so that it is subordinate in scale to the first story and so as not to project or overhang the first floor footprint.
- (i) Garages and carports. Except in neighborhoods where such design is already clearly prevalent, garages attached to the principal dwelling should not face the street. If such placement is necessary, street-facing garages should be recessed a minimum 10 feet behind the façade of the principal dwelling. Street-facing garages, where permitted, should have recessed garage doors (i.e., appear to be set into a wall rather than flush with an exterior wall) to allow for shadow and depth. *(Section Added Via Ordinance LUMC 16-03, City of Jefferson approved 7/25/16)*

**ARTICLE 10
OVERLAY DISTRICT REGULATIONS**

CHAPTER 10.1	U.S. HIGHWAY 129 CORRIDOR OVERLAY DISTRICT
CHAPTER 10.2	WETLANDS PROTECTION DISTRICT
CHAPTER 10.3	GROUNDWATER RECHARGE AREAS
CHAPTER 10.4	CURRY CREEK RESERVOIR WATERSHED PROTECTION DISTRICT
CHAPTER 10.5	PROTECTED RIVER CORRIDORS
CHAPTER 10.6	CITY OF JEFFERSON HISTORIC DISTRICTS

**CHAPTER 10.1
U.S. HIGHWAY 129 CORRIDOR OVERLAY DISTRICT**

Section 10.1.1.	Findings, Purpose and Intent.
Section 10.1.2.	Applicability.
Section 10.1.3.	Compliance.
Section 10.1.4.	Access Control.
Section 10.1.5.	Existing Access Rights Observed.
Section 10.1.6.	Corridor Buffer Along U.S. Highway 129 Right-of-Way.
Section 10.1.7.	Reduction of Buffer Abutting Right-of-Way.
Section 10.1.8.	U.S. Highway 129 Corridor Map Adopted.

Section 10.1.1 Findings, Purpose and Intent.

Over time, if not carefully thought through, numerous entryways to a highway can contribute to difficult turning situations and lead to unsafe conditions. It is therefore the intent of this Chapter to limit the number of access points which are permitted onto the divided highway portion of US Highway 129. Controlled access points restrict the number of turning movements, thereby resulting in safer conditions. This Chapter is adopted in part to protect the motoring public and to ensure safe ingress and egress to the divided portion of US Highway 129, while preserving its capacity. It is also the intent of this Chapter to preserve the aesthetics of the corridor.

Section 10.1.2. Applicability.

(Amended 9-10-07 City of Jefferson)

This Chapter shall apply to all lands within 1,000 feet of the right of way of the divided highway portion of the US Highway 129 Corridor along its entire linear distance in the participating municipalities, except as specifically excluded in this Section. All those properties or portions thereof within 1,000 feet of the right-of-way of the divided highway portion of US Highway 129 as shown on the official zoning map or US Highway 129 Corridor Overlay District Map are subject to the requirements of this Chapter, except as specifically excluded in this Section.

Properties within that portion of the US Highway 129 corridor between Hog Mountain Road and Concord Road within the city limits of the City of Jefferson shall not be regulated by this Chapter.

Section 10.1.3. Compliance.

No development or building permit shall be issued by the Zoning Administrator for land disturbance, grading, construction of a building, structure, or manufactured home, or other development within the divided highway US Highway 129 Corridor as shown on the official zoning map or overlay district map, unless the land use or building conforms to the requirements of this Chapter. 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 Chapter.

Section 10.1.4. Access Control.

No direct access or driveway, ingress or egress, to the divided highway portion of the US Highway 129 right-of-way shall be permitted. No lot shall hereafter be created which establishes the U.S. Highway 129 right-of-way as the only road frontage. All lots within the regulated corridor with property frontage along the divided highway portion of the US Highway 129 right-of-way shall have frontage on an adjacent public right-of-way. No lot shall be permitted to have a driveway, ingress, egress, or access to said right-of-way.

Section 10.1.5. Existing Access Rights Observed.

Where the Georgia Department of Transportation (DOT) has permitted access to the highway right-of-way prior to November 11, 2002, in the City of Jefferson, or prior to the date of adoption of this Land Use Management Code in any portion of the corridor outside the city limits of Jefferson, such access shall be permitted and may be utilized, as agreed upon between the property owner and the Georgia DOT.

Where such access has been approved by Georgia DOT but not constructed, the access shall be improved to comply with specifications called for in said agreement or as otherwise specified by Georgia DOT.

The Zoning Administrator shall require proof of DOT approval of access and compliance with applicable improvement specifications, either through agreement between the property owner and DOT or other means, and such proof shall be submitted prior to approval of any development permit or building permit on the property regulated by this Chapter.

Section 10.1.6. Corridor Buffer Along U.S. Highway 129 Right-of-Way.

A natural buffer with a minimum width of fifty (50) feet shall be installed, maintained, and protected for all office, institutional, commercial, and industrial developments, along the entire property frontage abutting the divided highway portion of the US Highway 129 right-of-way, except as further provided in this Section

A natural buffer with a minimum width of twenty-five (25) feet shall be installed, maintained, and protected for all residential development, along the entire property frontage abutting the divided highway portion of the US Highway 129 right-of-way, except as further provided in this Section.

Where no vegetation exists to constitute a natural buffer, the planting of a buffer of specified width shall be required. The provisions of Section 16.4.4, "Screening and Buffer Specifications," of this Land Use Management Code shall apply to required buffers; provided, however, that the

requirement that sparsely vegetated buffers be enhanced with evergreen materials shall not necessarily apply, since much of the vegetation within the regulated corridor consists of deciduous vegetation. Therefore, buffers along the right-of-way of the divided highway portion of U.S. Highway 129 shall be supplemented with compatible, deciduous materials if the installation of evergreen materials would result in an unnatural or contrasting appearance as determined by the Zoning Administrator.

For developments containing commercial uses and which require the display of goods in view from the road, the Zoning Administrator may upon application permit a modification of the buffer requirement of this Section to allow for reasonable but limited view of commercial products from the road, provided that no such product view area shall extend more than twenty (20) percent of the total length of the property frontage along U.S. Highway 129. Access points, if permitted, shall be counted as part of the twenty (20) percent allowance.

Section 10.1.7. Reduction of Buffer Abutting Right-of-Way.

The Governing Body with jurisdiction is authorized to reduce the buffer required by this Chapter to a width no less than twenty-five (25) feet for office, commercial, industrial, or institutional (i.e., non-residential) properties and developments and twelve (12) feet for all residential properties and development, upon application for a variance by the property owner and where sufficient evidence is produced to indicate that the enforcement of the required buffer would significantly reduce the usability of the property; provided, however, that this variance opportunity shall not be applicable to any property subdivided after November 11, 2002, if in the City of Jefferson, or prior to the date of adoption of this Land Use Management Code in any portion of the regulated corridor outside the city limits of Jefferson. The buffer as may be reduced in width pursuant to this Section shall be shown on all applicable subdivision plats, development plans, and building plot plans submitted for properties fronting on the divided highway portion of the US Highway 129 right-of-way.

The buffer required by this Chapter may also be waived, if such a waiver of buffer requirement promotes scenic views of rural landscapes (e.g., open pasture land) on the same property that will be protected from encroachment by land development via a conservation easement or other appropriate means.

Section 10.1.8. U.S. Highway 129 Corridor Map Adopted.

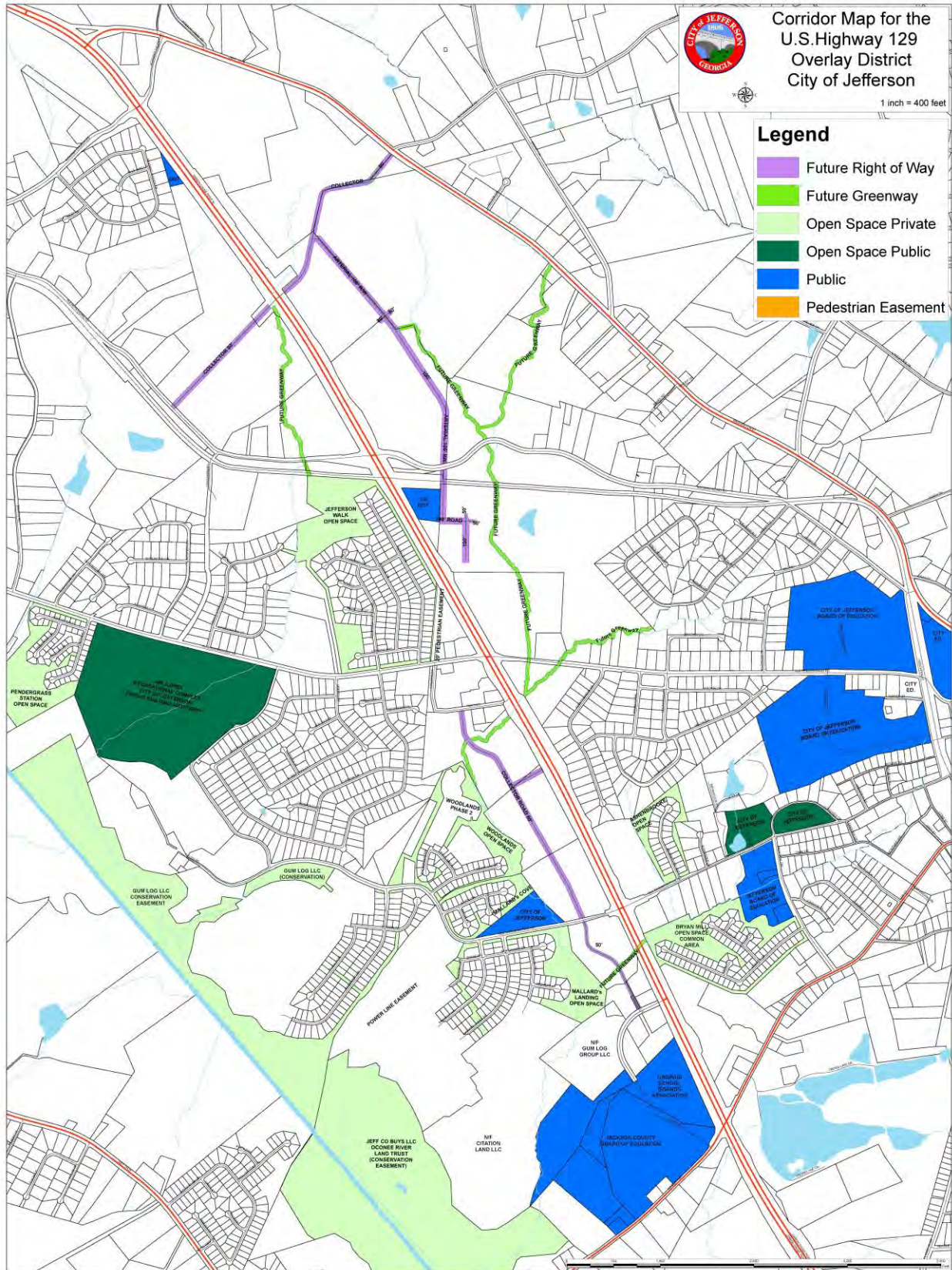
- (a) That map titled "Corridor Map for the U.S. Highway 129 Overlay District, City of Jefferson," as contained in the adopted comprehensive plan of the City of Jefferson and which is attached to and made a part of this ordinance, is hereby adopted for purposes of this land use management code in the City of Jefferson.
- (b) The areas shown on said corridor map as "future right of way" and "future greenway" shall be interpreted as "reserved land" as defined in Chapter 26.5 of this land use management code.
- (c) The areas shown on said corridor map as "pedestrian easement" shall be considered reserved for purposes of providing pedestrian access easements only.
- (d) In cases where a future right of way shown on said corridor map has a private property line as its centerline, the land reserved for the future right of way or future greenway

shall be considered to apply to both property owners equally (i.e., each is responsible for reserving ½ of said future right of way).

- (e) In cases of future greenways shown on said corridor map, the map shall be interpreted as encompassing the entire 50-foot-wide buffer on both sides of the stream. Land for a future greenway shall be reserved on both sides of the stream, for future construction of a greenway on one or both sides of the stream or connection thereto.
- (f) In the case of a future right of way shown on said corridor map, the City of Jefferson may but is not obligated to consider an alternative alignment that provides the same interparcel connectivity at the specified width, and which is located no more than 400 feet from the centerline of said future right of way shown on the corridor map. This provision is intended to offer flexibility for purposes of site planning and to account for the possible need for changes given existing environmental and field conditions. A decision of the zoning administrator pursuant to this paragraph may be appealed as an administrative decision subject to the provisions of Chapter 22.2 of this land use management code.
- (g) Any development proposed on any land reserved for a future right of way or future greenway shown on the adopted corridor map shall be subject to the provisions of Chapter 26.5 of this land use management code, as applicable.

(Added via amendment, Ordinance LUMC 16-02, approved July 25, 2016)

**Article 10, Overlay District Regulations
Jefferson-Talmo Land Use Management Code**



(Added via amendment, Ordinance LUMC 16-02, approved July 25, 2016)

CHAPTER 10.2 WETLANDS PROTECTION DISTRICT

Section 10.2.1.	Purpose and Intent.
Section 10.2.2.	Definitions.
Section 10.2.3.	Generalized Wetland Map.
Section 10.2.4.	Applicability.
Section 10.2.5.	Permit Required.
Section 10.2.6.	Jurisdictional Wetland Determination Required.
Section 10.2.7.	Buffer Required.
Section 10.2.8.	Permitted Uses.

Section 10.2.1. Purpose and Intent.

Wetlands are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the well being of communities in the State of Georgia. Nationally, a considerable number of wetlands have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other activities. Without additional regulation, piecemeal or cumulative losses of wetlands will continue to occur over time. Therefore, it is in the interest of public safety and the general welfare to avoid damage or destruction to wetlands. The purpose of this Chapter is to promote wetlands protection by providing for the withholding of land use and building permits in areas designated as wetlands until a jurisdictional wetland determination is completed, and establishing permitted and prohibited land uses within wetlands.

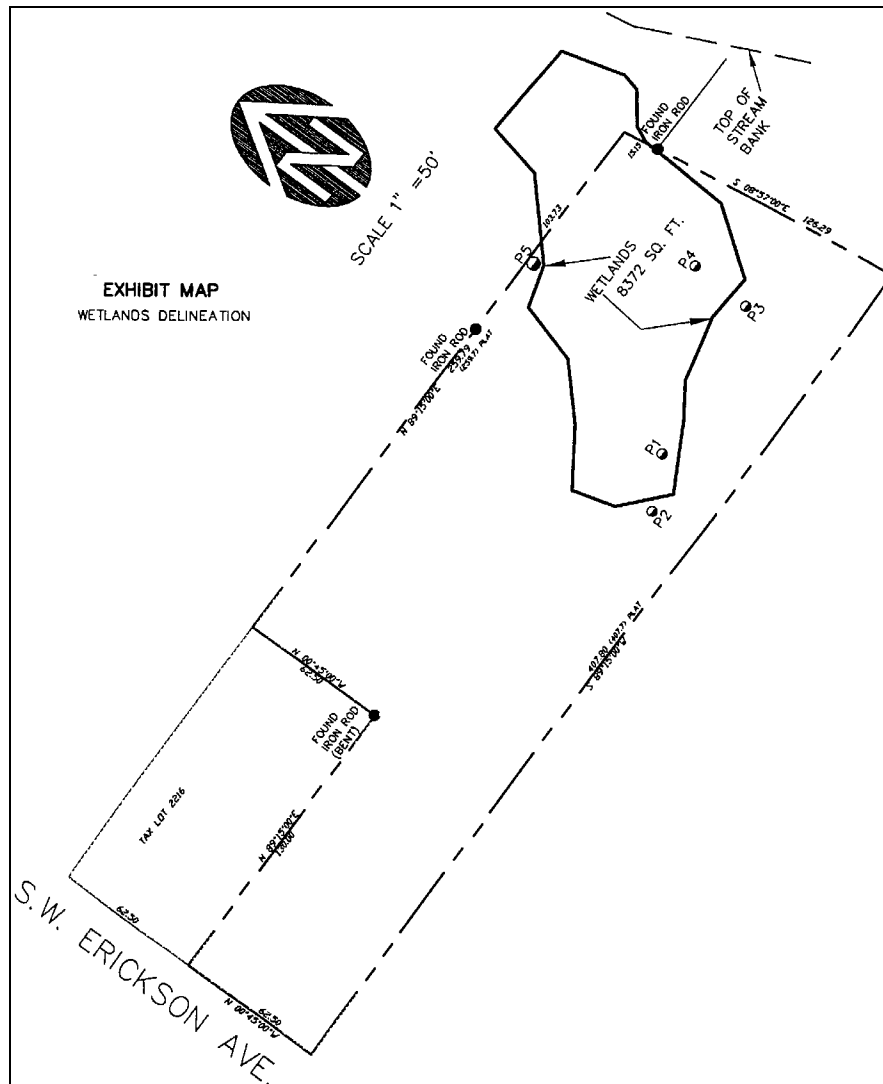
Section 10.2.2. Definitions.

Jurisdictional wetland: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetland determination: A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Regulated activity: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

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. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.



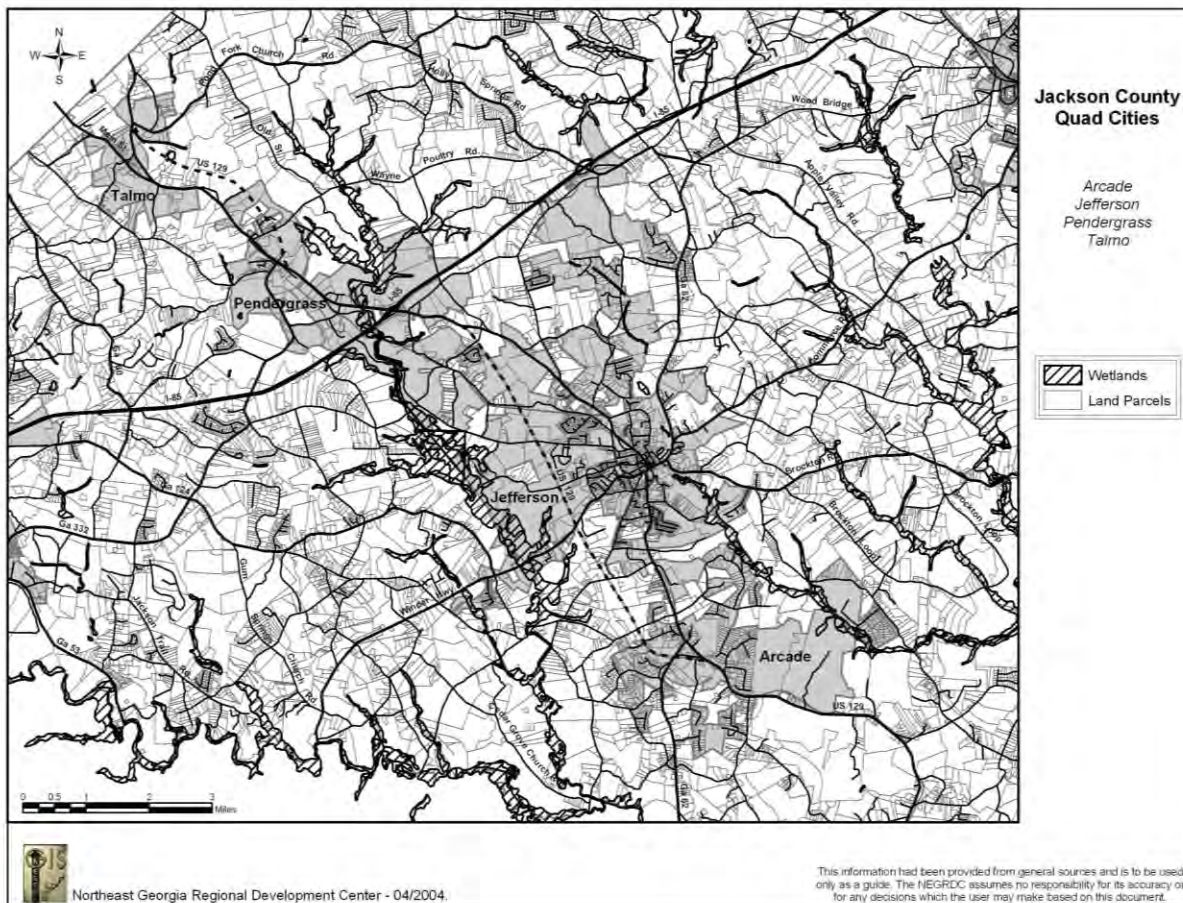
Illustrative Jurisdictional Wetland Delineation

Section 10.2.3. Generalized Wetland Map.

The Generalized Wetlands Map together with all explanatory matter thereon, is hereby adopted by reference and made a part of this Land Use Management Code as if fully set forth herein. The Generalized Wetlands Map does not represent, serve as, or substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers as required by Section 404 of the Clean Water Act, as amended.

Section 10.2.4. Applicability.

This chapter shall apply to all lands shown on the Generalized Wetlands Map as wetlands, which shall constitute an overlay district of this Land Use Management Code. In addition, where other information is available to the Zoning Administrator that indicates a wetland is present but it is not shown on the Generalized Wetlands Map, said wetland shall be considered a wetland for purposes of this Chapter and shall be subject to the requirements of this Chapter.



Section 10.2.5. Permit Required.

No development permit or building permit shall be issued by the Zoning Administrator for a land use, building, structure, or manufactured home, nor shall any regulated activity as defined by this Chapter commence, unless the land use, building, structure, manufactured home or regulated activity conforms to the requirements of this Chapter. Prior to a development permit or building permit being issued, the Zoning Administrator shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this Chapter.

Section 10.2.6. Jurisdictional Wetland Determination Required.

If an area proposed for development is located within fifty (50) feet of a wetland, as determined by the Zoning Administrator, no development permit or building permit on said wetland shall be issued until a jurisdictional wetland determination has been completed and either of the following occur: (a) The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 Permit or a letter of permission is issued by the Corps for the proposed development; or (b) The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required.

Section 10.2.7. Buffer Required.

There shall be established a fifty (50) foot wide natural buffer surrounding all wetlands. Where vegetation constituting a wetland buffer does not exist, vegetation compatible with the natural environment of the wetland shall be installed within the required buffer, subject to the approval of the Zoning Administrator of a vegetation/replanting plan prepared by a qualified professional.

Section 10.2.8. Permitted Uses.

The following uses shall be permitted within a wetland, to the extent that they are not prohibited by any other ordinance or law, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. All other uses are prohibited within wetlands.

1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
4. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural Best Management Practices are followed.
6. Education, scientific research, and nature trails.

CHAPTER 10.3 GROUNDWATER RECHARGE AREAS

Section 10.3.1.	Purpose and Intent.
Section 10.3.2.	Definitions.
Section 10.3.3.	Applicability.
Section 10.3.4.	Permit Required.
Section 10.3.5.	County Health Department Approval of Permit Required.
Section 10.3.6.	Minimum Lot Size.
Section 10.3.7.	Manufactured Home Parks.
Section 10.3.8.	Agricultural Waste Impoundment Sites.
Section 10.3.9.	Above Ground Chemical or Petroleum Storage Tanks.
Section 10.3.10.	Hazardous Materials Handling Facilities.

Section 10.3.1. Purpose and Intent.

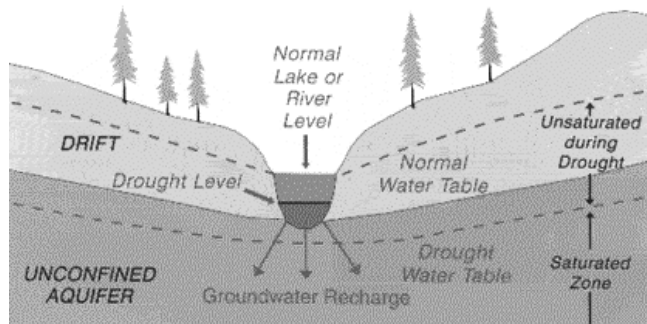
Groundwater is among the Nation's most important natural resources. It provides drinking water to urban and rural communities, supports irrigation and industry, sustains the flow of streams and rivers, and maintains riparian and wetland ecosystems. In many areas of the Nation, the future sustainability of ground-water resources is at risk from contamination. Because groundwater systems typically respond slowly to human actions, a long-term perspective is needed to manage this valuable resource. This Chapter is intended to implement rules of the Georgia Department of Natural Resources Environmental Protection Division known as the "Rules for Environmental Planning Criteria" as they specifically relate to groundwater recharge areas (Rule 391-3-16-.02).

It is essential to the health, safety, and welfare of the public that the quality of subsurface public drinking water supplies be maintained. Groundwater resources exist in underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface that are capable of producing water through a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. Certain land use activities, such as septic tanks, underground tanks, and chemical spills, pose a threat to the quality of groundwater supplies. Therefore, it is necessary to manage land uses within groundwater recharge areas in order to ensure that pollution threats are minimized. To this end, this Chapter establishes minimum lot sizes to provide for the orderly and safe development of property utilizing on-site sewage management systems.

Section 10.3.2. Definitions.

Acre-foot: The volume (as of irrigation water) that would cover one acre to a depth of one foot.

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



Source: <http://metro council.org/planning/wrfig08.htm>

Recharge of Groundwater from Surface Water During Normal and Drought Conditions

DRASTIC: The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility).

Hydrologic Atlas 18: A map prepared by the Georgia Department of Natural Resources and published by the Georgia Geologic Survey in 1989, which identifies the most significant groundwater recharge areas of Georgia as spotted areas labeled as “areas of thick soils.”

Hydrologic Atlas 20: A multicolored map of Georgia at a scale of 1:500,000, prepared by the Georgia Department of Natural Resources using the DRASTIC methodology and published by the Georgia Geologic Survey in 1992, which shows areas of higher, average (or medium), and lower susceptibility of groundwater to pollution in Georgia. This map is also commonly known as the Groundwater Pollution Susceptibility Map of Georgia. Note: This map shows all areas in Jackson County as “lower” pollution susceptibility.

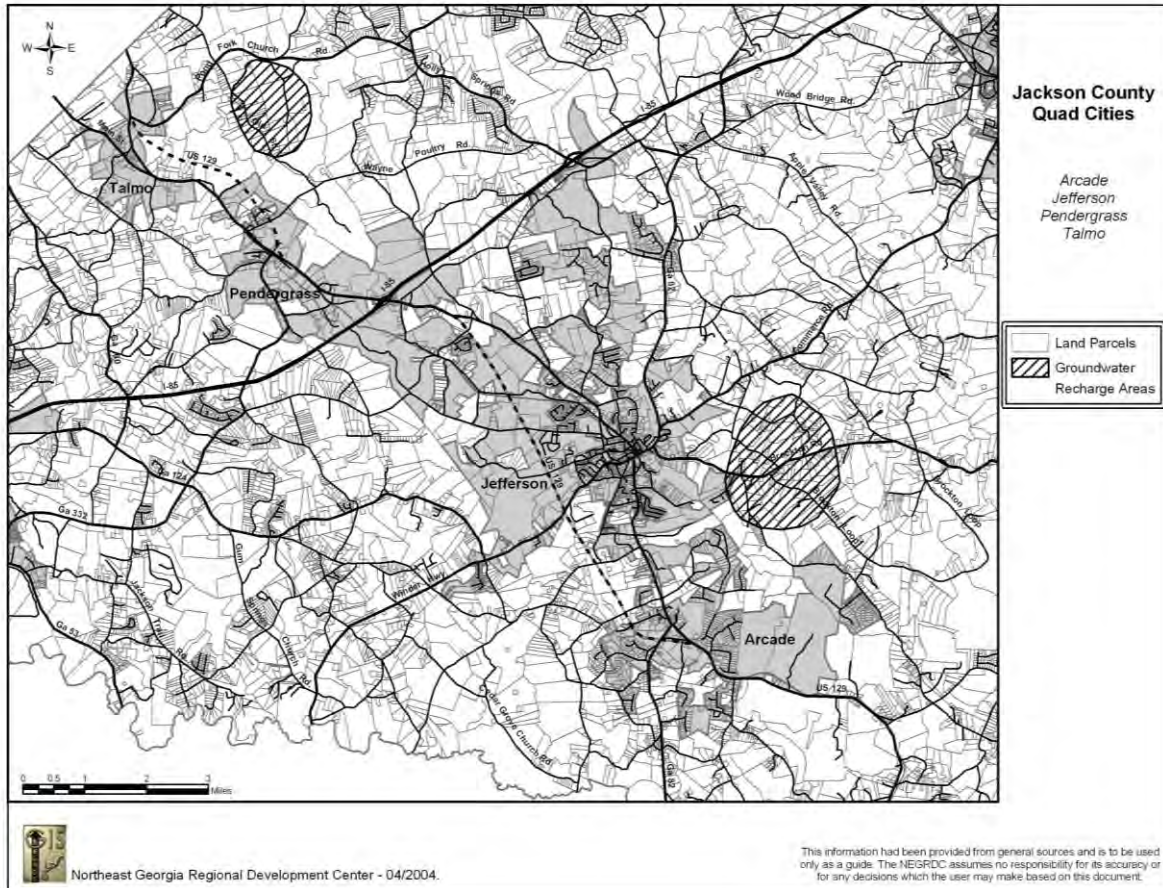
Pollution susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area. Each significant recharge area shown on Hydrologic Atlas 18 is classified on Hydrologic Atlas 20 as higher, average, or lower pollution susceptibility.

Recharge area: Any portion of the earth’s surface where water infiltrates into the ground to replenish an aquifer.

Significant Recharge Areas: Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition) within the relevant portion of Jackson County including the participating municipalities. Each significant recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on Hyrdologic Atlas 20. Note: All areas in Jackson County are “lower” pollution susceptibility.



Hydrologic Atlas 18 (Jackson County Shown)



Section 10.3.3. Applicability.

This Chapter shall apply to all lands within the participating municipalities that are mapped as significant recharge areas as defined by this Chapter.

Section 10.3.4. Permit Required.

No development permit or building permit shall be issued by the Zoning Administrator for a building, structure, or manufactured home to be served by a septic tank, unless the land use or building conforms to the requirements of this Chapter. Prior to a development permit or building permit being issued, the Zoning Administrator shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this Chapter.

Section 10.3.5. County Health Department Approval of Permit Required.

No development permit or building permit shall be issued by the Zoning Administrator for a building, structure, or manufactured home to be served by a septic tank, unless the Jackson County Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems (hereinafter DHR Manual) and this Chapter.

Section 10.3.6. Minimum Lot Size.

Within an area governed by this Chapter, new homes or land uses served by a septic tank/drain field system shall be on lots having minimum lot sizes of at least 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 within a low pollution susceptibility area, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in DHR Table MT-1 may be increased further based on consideration of other factors set forth in Sections A-F of the DHR Manual, as determined by the Jackson County Health Department.

Any lot of record approved prior to the adoption of this Chapter shall be exempt from the minimum lot size requirements of this section. Within an area governed by this Chapter, no subdivision plat shall be recorded until and unless said plat has been reviewed and approved by the Zoning Administrator as being in compliance with the minimum lot sizes established by this section.

Section 10.3.7. Manufactured Home Parks.

Within an area governed by this Chapter, new manufactured home parks served by septic tank/drainfield systems if permitted shall have lots or spaces having minimum areas in square feet that are 110% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 within a low pollution susceptibility area., based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on consideration of other factors set forth in Sections A-F of the DHR Manual, as determined by the Jackson County Health Department.

Within an area governed by this Chapter, no site plan for a manufactured home park shall be considered valid until and unless said site plan has been reviewed and approved by the Zoning Administrator as being in compliance with the minimum space sizes established by this section.

Section 10.3.8. Agricultural Waste Impoundment Sites.

New agricultural waste impoundment sites which exceeds 50 acre-feet in a significant recharge area shall contain a liner consisting of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resource and Conservation Service:

Section 10.3.9. Above Ground Chemical or Petroleum Storage Tanks.

Within an area governed by this Chapter, new above-ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

Section 10.3.10. Hazardous Materials Handling Facilities.

Within an area governed by this Chapter, new facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall

Article 10, Overlay District Regulations
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perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any locally adopted fire code requirements.

**CHAPTER 10.4
CURRY CREEK RESERVOIR
WATERSHED PROTECTION DISTRICT**

Section 10.4.1.	Finding of Fact.
Section 10.4.2.	Purpose and Intent.
Section 10.4.3.	Definitions.
Section 10.4.4.	Applicability.
Section 10.4.5.	Establishment of Curry Creek Reservoir Watershed District.
Section 10.4.6.	Exemptions.
Section 10.4.7.	Permit Required.
Section 10.4.8.	Temporary Emergency Permit.
Section 10.4.9.	Mitigation of Violations.
Section 10.4.10.	Hazardous Materials Handling Facilities.
Section 10.4.11.	Hazardous Waste Treatment or Disposal Facilities.
Section 10.4.12.	Sanitary Landfills.
Section 10.4.13.	Buffers along Perennial Streams.
Section 10.4.14.	Impervious Surface Setbacks.
Section 10.4.15.	Septic Tanks and Septic Tank Drainfields.
Section 10.4.16.	Buffers along Water Supply Reservoir.
Section 10.4.17.	Compliance with Reservoir Management Plan.
Section 10.4.18.	Watershed Impervious Surface Limits.
Section 10.4.19.	Stormwater Treatment.
Section 10.4.20.	Rezoning or Conditional Use Within the Watershed.
Section 10.4.21.	Waiver of Lot Size Within Watershed.

Section 10.4.1. Finding of Fact.

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the city of Jefferson and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation which threaten the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxics, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in the potential risk of contamination of public drinking water supplies.

Section 10.4.2. Purpose and Intent.

The purpose of this Chapter is to establish measures to protect the quality and quantity of the present and future water supply of the city of Jefferson and Jackson County; to minimize the transport of pollutants and sediment to the water supply. This Chapter establishes standards, consistent with the Georgia Department of Natural Resources' Rules for Environmental Planning Criteria for Water Supply Watersheds (Rule 391-3-16-01) to ensure water quality in the watershed system is not compromised by land activities such as grading, septic systems, and accidental release of contaminants. The intent of this Chapter is to minimize the transport of

pollutants and sediment to the water supply, to maintain the yield of water supply watersheds, and to ensure water can be treated to meet federal and state drinking water standards.

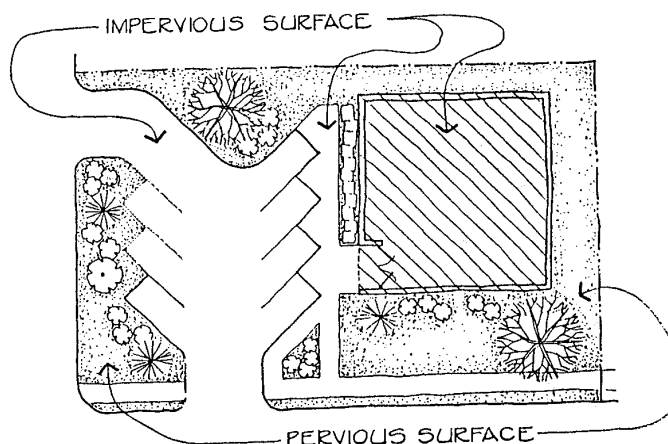
Section 10.4.3. Definitions.

Best Management Practices (BMPs): A wide range of stormwater management regulations, procedures, engineering designs, activities, prohibitions or practices which have been demonstrated to effectively control nonpoint source pollution encompassing the quality, quantity, and erosion and sediment control aspects of stormwater. Such practices could include but not be limited to: detention and retention ponds, sand filters, vegetative swales and buffers, street cleaning, installation of stream bank stabilization measures, and public education programs.

Directly connected impervious area: Impervious surfaces existing or proposed to be constructed on a lot where one of the following conditions exist:

- (1) Runoff from the impervious surface is conveyed to the drainage system by pipes or channels;
- (2) Runoff from the impervious surface flows over other impervious surfaces such as driveways or roads to the drainage system;
- (3) Runoff from the impervious surface flows over less than twenty-five (25) feet of pervious surfaces to reach the drainage system.

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, roads, driveways, parking lots, decks, swimming pools, or patios.



Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 126).

Perennial stream: A stream that flows throughout the whole year as indicated by a solid blue line on a United States Geological Survey Quadrangle map.

Pervious surfaces: A surface containing voids through which water will penetrate or move under hydrostatic pressure.

Reservoir boundary: The edge of a water supply reservoir defined by its normal pool level.

Total impervious surface: Any paved, hardened or structural surface, regardless of material, that has been highly compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to buildings, driveways, walkways, parking areas,

patios, decks, streets, swimming pools, dams, tennis courts and other structures constructed or proposed to be constructed upon a lot of record; except any permanently impounded water thereon shall not be considered as impervious.

Urban hot spot: Any area or lot which has an existing or proposed use that has a high potential to result in pollutants of concern to be deposited in stormwater runoff or into a stream course, specifically uses such as but not limited to: petroleum fueling sites; automotive and machinery repair; vehicle washing establishments; dry cleaning facilities; auto body repair or painting facilities; and, any other business requiring a NPDES stormwater permit.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area of land upstream of a governmentally owned public drinking water intake.

Section 10.4.4. Applicability.

This Chapter shall apply to those portions of the Curry Creek Reservoir Watershed that are, now or in the future, within the City of Jefferson, and to property in any other participating municipality which is within the Curry Creek Reservoir watershed.

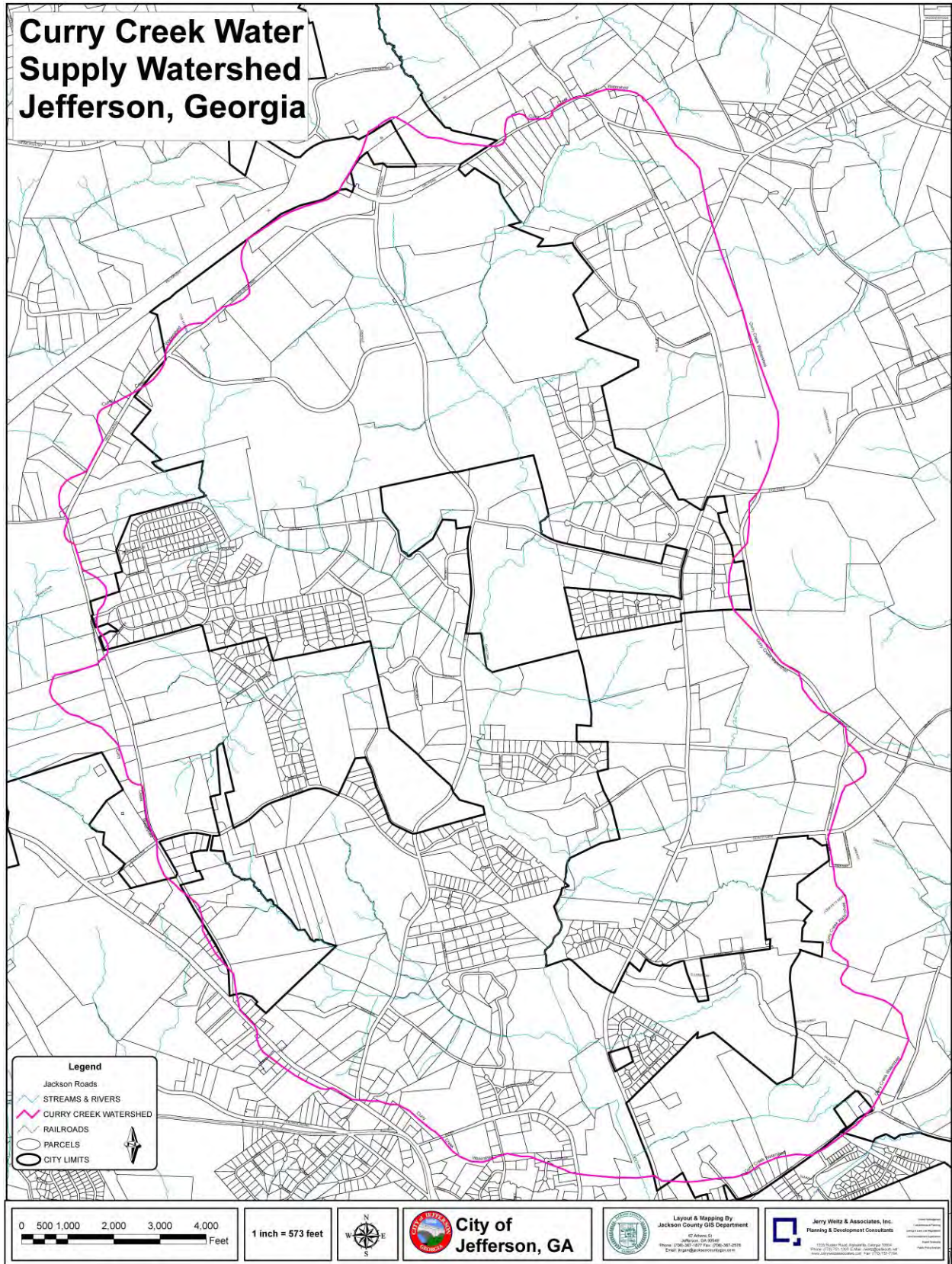
Section 10.4.5. Designation and Map of District.

The Curry Creek Reservoir Watershed Protection District is hereby designated and shall comprise all the land that drains from the ridge lines of the watershed into the Curry Creek Reservoir. The Curry Creek Reservoir watershed protection district is shown on a map attached which is hereby incorporated and made part of this Chapter by reference.

Section 10.4.6. Exemptions.

The following land uses and activities are exempted from compliance with this Chapter:

- (a) Land uses existing prior to the adoption of watershed protection regulations by the City of Jefferson.
- (b) Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
- (c) If utilities cannot feasibly be located outside the buffer or setback areas required by this Chapter], such utility locations can be exempted with permission of the Zoning Administrator from the stream corridor buffer and setback area provisions subject to the following conditions:
 - 1. The utilities shall be located as far from the stream bank as reasonably possible.
 - 2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - 3. The utilities shall not impair the quality of the drinking water stream.



- (d) Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions.
1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 2. The activity shall not impair the quality of the drinking water stream.

Section 10.4.7. Permit Required.

No development permit or building permit shall be issued by the Zoning Administrator for a building, structure, or manufactured home on land regulated by this Chapter, unless the land use or building conforms to the requirements of this Chapter. Prior to a development permit or building permit being issued, the Zoning Administrator shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this Chapter.

Section 10.4.8. Temporary Emergency Permit.

Notwithstanding the provisions of this Chapter or any other law to the contrary, the Zoning Administrator may issue a temporary emergency permit through oral or written authorization, provided a written permit is accomplished within five (5) days, if he/she deems that an unacceptable threat to life or severe loss of property will occur if a temporary emergency permit is not granted. The temporary emergency permit may be terminated at any time without process upon a determination by the Zoning Administrator that the action was not or is no longer necessary to protect human health or the environment.

Section 10.4.9. Mitigation of Violations.

When a building or other structure has been constructed in violation of this Chapter, the violator shall be required to remove the structure. When removal of vegetative cover, excavation or fill has taken place in violation of this Chapter, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

Section 10.4.10. Hazardous Materials Handling Facilities.

New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, and which will locate in the area regulated by this Chapter, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and the requirements of any adopted Fire Prevention Code. Such spill and leak collection systems shall be shown on the site plan in detail and must be approved, as part of the site plan, by the Zoning Administrator.

Section 10.4.11. Hazardous Waste Treatment or Disposal Facilities.

New hazardous waste treatment or disposal facilities are prohibited.

Section 10.4.12. Sanitary Landfills.

Sanitary landfills are prohibited within the Curry Creek Water Supply Reservoir Watershed.

Section 10.4.13. Buffers along Perennial Streams.

Any land subject to the requirements of this Chapter, which contains or abuts a perennial stream, shall maintain a buffer with a minimum width of 100 feet on both sides of all perennial streams, as measured from the stream banks, along all perennial streams within the water supply watershed.

Section 10.4.14 Impervious Surface Setbacks.

For any land subject to the requirements of this Chapter which contains or abuts a perennial stream, no impervious surface shall be constructed within a 150-foot setback area on both sides of all perennial streams, as measured from the stream banks within the watershed or from the water supply reservoir boundary.

Section 10.4.15. Septic Tanks and Septic Tank Drainfields.

Septic tanks and septic tank drainfields are prohibited within 150 feet of both sides of all perennial streams, as measured from the stream banks, and a water supply reservoir boundary.

Section 10.4.16. Buffers along Water Supply Reservoir.

A buffer shall be maintained for a distance of 150 feet from any water supply reservoir boundary as measured from the normal pool elevation.

Section 10.4.17. Compliance with Reservoir Management Plan.

All development within the 150-foot buffer from any water supply reservoir boundary, and any uses of the reservoir itself including docks, shall comply with the reservoir management plan adopted by the municipality with jurisdiction and approved by the Georgia Department of Natural Resources.

Section 10.4.18. Watershed Impervious Surface Limits.

It is the intent of this Chapter that the impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent. Due to the fact that the water supply watershed extends into unincorporated Jackson County and is outside the regulatory authority of the City of Jefferson and other participating municipalities, a watershed-wide limit is not currently enforceable without an intergovernmental agreement and more careful study of existing land uses in the watershed. To ensure that the intent of this Chapter with regard to watershed-wide impervious surface limitations is met, there are hereby established maximum impervious surface limits by land use.

No land shall be developed which exceeds the following impervious surface limitations which are expressed as a percentage of total land area for the given use (Table 10.1):

TABLE 10.1
MAXIMUM IMPERVIOUS SURFACE LIMITATIONS BY LAND USE

Land Use	Maximum Impervious Surface (Percent of Total Land Area of the Site Being Developed)
Residential (all types)	12%
Institutional	40%
Commercial	60%
Industrial	60%

The limitations on impervious surface apply to a lot or any portion of a lot within the watershed. In the case of a lot only partially located within the watershed boundaries, impervious surface should be limited to that portion of the lot outside of the watershed where possible.

To ensure compliance with this Section, the Zoning Administrator may require a numerical estimate and graphical depiction of impervious cover areas and locations be prepared by a registered land surveyor or other qualified professional.

Section 10.4.19. Stormwater Treatment.

Natural stormwater management techniques shall be strongly encouraged, as opposed to concrete retention or detention structures. Such natural techniques include but are not limited to natural drainage ways, sunken meadows, rain gardens, constructed wetlands, vegetative swales, and infiltration basins. Within the watershed, parking lots should make use of stormwater management techniques specified in Section 12.3.13 of this Land Use Management Code.

Notwithstanding the impervious surface limitations established in Section 10.4.18, the Zoning Administrator with approval of the City Engineer may authorize a given development to exceed the maximum impervious surface limitations upon meeting the requirements of this Section.

The total directly connected impervious surface area within the development shall not exceed fifteen (15) percent of the total area within the development. Impervious surfaces can be considered disconnected from the drainage system if the runoff from the impervious surface flows over a minimum of twenty-five (25) feet of pervious surfaces or if the runoff from 1.2 inches of rainfall is treated by one of the following water quality best management practices as approved by the City Engineer:

1. Wet Ponds (extended detention for less than 20 acres).
2. Wetlands – constructed
3. Infiltration Trenches
4. Dry swales
5. Sand Filters
6. Bio-retention
7. Vegetated Filtration Systems
8. Any other best management practice approved by the City Engineer.

For “urban hot spot” areas, as defined in Section 10.4.3 of this Chapter, the runoff from 1.2 inches of rainfall from all impervious surfaces shall be treated by one of the following water quality best management practices: Wet Ponds (with four feet minimum to seasonally high water table); Wetlands (with four feet minimum to seasonally high water table); Sand Filters (which do not allow infiltration); or Bio-retention.

Water quality monitoring shall be undertaken in accord with a plan approved by the City Engineer to determine the effectiveness of the best management practices required.

Section 10.4.20. Rezoning or Conditional Use Within the Watershed.

When an application for rezoning or conditional use for land subject to this Chapter is proposed, the Zoning Administrator and the Quad Cities Planning Commission shall consider the potential impacts of development resulting from the rezoning or conditional use if approved would have on the purposes of watershed protection established in this chapter. Any finding that development pursuant to the rezoning or conditional use if approved would result in excessive impervious surface or adverse impacts on water quality in the watershed shall be a sufficient basis for denial of the rezoning application by the Governing Body with jurisdiction.

When an application for rezoning or conditional use for land is proposed in unincorporated Jackson County within the water supply watershed, and the Zoning Administrator is offered the opportunity to comment on said application, the Zoning Administrator shall consider the potential impacts of development resulting from the rezoning or conditional use if approved on the purposes of watershed protection established in this chapter. Any finding that development pursuant to the rezoning or conditional use if approved would result in excessive impervious surface or adverse impacts on water quality in the watershed shall be transmitted to the Jackson County Board of Commissioners with either a recommendation that said application be denied or that adverse impacts on water quality be mitigated.

Section 10.4.21. Waiver of Lot Size Within Watershed.

The minimum lot sizes established for residential and rural residential zoning districts as established in this Land Use Management Code may be reduced or waived, upon application by the property owner or authorized agent, in order to meet the objectives of this Chapter, including the reduction of impervious surface within the watershed. Applications shall demonstrate water quality benefits and/or a reduction of impervious surface. Open space conservation subdivisions are strongly encouraged within the watershed as an alternative to conventional subdivision design. Where an open space conservation subdivision is proposed pursuant to Article 29 of this Land Use Management Code, lot sizes may be reduced or waived without application for variance, provided that overall density of residential units per acre permitted under the zoning district is not increased and permanent protection of pervious surface is provided.

CHAPTER 10.5 PROTECTED RIVER CORRIDORS

Section 10.5.1.	Purpose.
Section 10.5.2.	Definitions.
Section 10.5.3.	Applicability.
Section 10.5.4.	Protected River Corridor Buffer Required.
Section 10.5.5.	Measurement of Required Buffer.
Section 10.5.6.	Land Disturbing Activity Within Required Buffer.
Section 10.5.7.	Restoration of Disturbed Buffers.
Section 10.5.8.	Uses Prohibited Within Required Buffers.
Section 10.5.9.	Uses Permitted Within Required Buffers.
Section 10.5.10.	Permit and Site Plan Required.
Section 10.5.11.	Subdivision Plats.

Section 10.5.1. Purpose.

River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters. Certain rivers and creeks have been designated as a protected river by the State of Georgia. The purpose of this Chapter is to establish measures to guide future growth and development in the areas adjacent to the protected rivers. The river corridor regulations established in this Chapter require the maintenance of buffers where natural vegetation is left intact along the banks of protected rivers. Preservation of the soil and plants within the corridor reduces non-point source pollution entering the river and minimizes riverbank erosion. The vegetation acts to slow down water flow and trap sediment and other contaminants carried in runoff before they reach downstream water supplies. This Chapter also minimizes disturbance of the natural terrain and vegetation and protects water quality through various use limitations.

Section 10.5.2. Definitions.

Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is same definition as used in the Georgia Hazardous Waste Management Act.)

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

Natural vegetative buffer or buffer area: A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114,

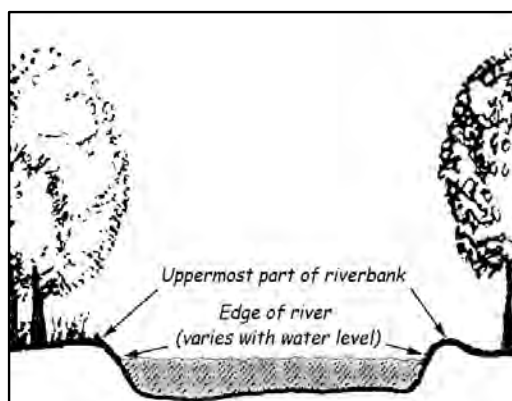
“The Natural Environments of Georgia.” Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

Perennial river: A river or section of a river that flows continuously throughout the year.

Protected river: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. At the date of adoption, the only designed “protected river” in the jurisdiction of the participating municipalities is the Middle Oconee River.

Public utility or utilities: A service or services provided by a public utility company or a private entity which provides such service or services and all equipment and structures necessary to provide such services.

River bank: The rising ground, bordering a river or creek, which serves to confine the water to the natural channel during the normal course of flow. River banks are usually marked by a break in slope.



River corridor: All the land in areas of a protected river and being within 100 feet horizontally on both sides of a protected river as measured from the river banks. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time.

Sensitive natural area: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following: (1) habitat, including nesting sites, occupied by rare or endangered species; (2) rare or exemplary natural communities; (3) significant landforms, hydroforms, or geological features; or (4) other areas so designated by the Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

Single-family dwelling: A dwelling structure that is designed for the use of one family or household.

Section 10.5.3. Applicability.

This Chapter shall apply to all protected rivers, as defined by this Chapter, and to all river corridors, as defined by this Chapter.



Section 10.5.4. Protected River Corridor Buffer Required.

Along any protected river, the river corridor shall be maintained as a natural vegetative buffer or buffer area, as designated by this chapter, except as specifically otherwise exempted or provided for in this Chapter.

Section 10.5.5. Measurement of Required Buffer.

The 100-foot buffer required by this Chapter shall include land and water between the river banks but shall be measured horizontally from the uppermost part of the river banks. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be considered as within the 100-foot buffer required by this Chapter and shall be afforded the same protection as the 100-foot buffer.

Section 10.5.6. Land Disturbing Activity Within Required Buffer.

All land disturbing activity, as defined by this Chapter, shall be prohibited within the required buffer area, except as specifically provided in this Chapter.

Section 10.5.7. Restoration of Disturbed Buffers.

Any area within a required buffer that is disturbed per the allowances of this Chapter shall be restored as quickly as possible, consistent with applicable best management practices, following any land disturbing activity.

Section 10.5.8. Uses Prohibited Within Required Buffers.

The following uses shall be prohibited within buffers required by this Chapter, unless specifically indicated otherwise in this Chapter.

- (a) Facilities that receive and store hazardous waste.
- (b) Septic tank and septic tank drainfields are prohibited in the river corridor.

Section 10.5.9. Uses Permitted Within Required Buffers.

The following uses shall be permitted within required river corridor buffers.

- (a) Agricultural production and management, provided that all such activities shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission and provided that such activities shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and provided that such activities shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- (b) Any use permitted by the Georgia Department of Natural Resources or under Section 404 of the Clean Water Act.
- (c) Any use not prohibited by this Chapter and not otherwise specified and regulated under the terms of this Chapter, that lawfully existed on the effective date of this Chapter. For purposes of this section, the following shall be considered existing: Buildings, structures and developments that are completed or under construction; and buildings, structures, developments and activities, for which a permit to construct or initiate it has been applied for and is allowed by law at the time of permit application.
- (d) Industrial and commercial land uses existing in the river corridor on the effective date of this Chapter, provided that such existing land uses do not impair the drinking quality of the river water and meet all state and federal environmental rules and regulations.
- (e) Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- (f) Passive recreational uses consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation, specifically including paths, walkways, and boat ramps but excluding tennis courts and parking lots.
- (g) Road crossings and utility crossings, provided such construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, as amended, and Article 13 of this Land Use Management Code (soil erosion and sedimentation control); provided further, that utilities shall only be allowed if they cannot feasibly be located outside the buffer, as decided conservatively by the Zoning Administrator, and further provided that:

- (1) The utilities shall be located as far from the river bank as reasonably possible;
 - (2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - (3) Utilities shall not impair the drinking quality of the river water.
- (h) Timber production and harvesting, provided that such uses do not impair the long-term functions of the protected river or the river corridor, provided that such forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission, and such activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
- (i) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.
- (j) Waste-water treatment.
- (k) Water quality treatment or purification.

Section 10.5.10. Permit and Site Plan Required.

No development permit or building permit shall be issued by the Zoning Administrator for a building, structure, or activity, unless the land use, building, or activity conforms to the requirements of this Chapter. Prior to a development permit 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 Chapter.

Section 10.5.11. Subdivision Plats.

Within an area governed by this Chapter, no subdivision plat shall be recorded until and unless said plat has been reviewed and approved by the Zoning Administrator as being in compliance with the requirements established by this Chapter. Open space conservation subdivisions pursuant to Article 29 of this Land Use Management Code are strongly encouraged as an alternative to conventional suburban subdivision designs, within river corridors.

**CHAPTER 10.6
CITY OF JEFFERSON HISTORIC DISTRICTS**

Section 10.6.1.	Purpose and Intent.
Section 10.6.2.	Definitions.
Section 10.6.3.	Historic Districts.
Section 10.6.4.	Boundaries of Historic Districts.
Section 10.6.5.	Amendments to Historic District Boundaries.
Section 10.6.6.	Criteria for Establishing Historic Districts.
Section 10.6.7.	Criteria for Designation of Historic Properties.
Section 10.6.8.	Certificate of Appropriateness Required.
Section 10.6.9.	Incorporation Clause.

Section 10.6.1. Purpose and Intent.

The historical, architectural, cultural, and aesthetic heritage of Jefferson is among the city's most valued and important assets. Protection of that heritage is essential to the promotion of the health, prosperity, and general welfare of the city, county, region, state, and nation. The city hereby intends to retain the historic districts as they existed prior to the adoption of this ordinance and as they were lawfully established pursuant to the requirements of O.C.G.A. Section 44-10-26 (the Georgia Historic Preservation Act - Acts 1980, pages 1723-1729), without change to the geography of historic properties.

The purpose of the historic districts and accompanying regulations is to safeguard the heritage of Jefferson by preserving the city's historic and architecturally worthy properties, areas, buildings, structures, monuments, streetscapes, squares, landscapes, archaeology, and neighborhoods. This Chapter requires certificates of appropriateness so that these purposes can be achieved.

Section 10.6.2. Definitions.

Certificate of Appropriateness: A document evidencing approval by the Jefferson Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Historic district: A geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Governing Body with jurisdiction.

Historic property: An individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Governing Body with jurisdiction.

Section 10.6.3. Historic Districts.

The historic districts designated by prior ordinance adopted by Jefferson's Governing Body pursuant to the provisions of O.C.G.A. Section 44-10-26 (the Georgia Historic Preservation Act - Acts 1980, pages 1723-1729), as enumerated below, shall continue:

Downtown
Martin-Cooley
Oak Avenue
Paradise Cemetery
Washington-Lawrenceville
Woodbine Cemetery

Additional historic districts may be designated pursuant to this Chapter. Existing historic districts may be amended pursuant to this Chapter.

Section 10.6.4. Boundaries of Historic Districts.

The boundaries of the various historic districts shall include those properties previously approved by the Jefferson Historic Preservation Commission and designated by prior ordinance adopted by Jefferson's Governing Body pursuant to the provisions of O.C.G.A. Section 44-10-26 (the Georgia Historic Preservation Act - Acts 1980, pages 1723-1729). The boundaries of the historic districts are shown on the Official Zoning Map or if more expedient, on a separate map or maps of the city referenced and adopted in Chapter 3.3 of this ordinance.

Section 10.6.5. Amendments to Historic District Boundaries.

The boundary of Historic Districts established by this Chapter shall not be amended, except in conformance with the provisions of this section and O.C.G.A. Section 44-10-26 as applicable. No ordinance amending the boundaries of a historic district shall be adopted until the following procedural steps have been taken:

- (a) The Historic Preservation Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, district, site, building, structure, or work of art proposed for inclusion in the historic district. This report shall be submitted to the Office or Division of Historic Preservation of the Georgia Department of Natural Resources or its successor which will be allowed thirty (30) days to prepare written comments concerning the report;
- (b) The Historic Preservation Commission and Jefferson's Governing Body shall hold a public hearing on the proposed amendment to the historic properties overlay district. Notice of the hearing shall be published at least three times in the principal newspaper of general circulation within the city, and written notice of the hearing shall be mailed by the Historic Preservation Commission to all owners and occupants of such properties. All the notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing;
- (c) Following the public hearing, Jefferson's Governing Body may adopt the amendment as prepared, adopt the amendment with changes it deems necessary, or reject the proposed amendment;
- (d) Within thirty (30) days immediately following the adoption of the amendment to the historic district, the owners and occupants of each property and the owners and occupants of each structure, site, or work of art located within the area added to the historic district shall be given written notification of such inclusion within the historic district, which notice shall apprise said owners and occupants of the necessity for obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property included within the historic district.

Article 10, Overlay District Regulations
Jefferson-Talmo Land Use Management Code



Section 10.6.6. Criteria for Establishing Historic Districts.

The Jefferson Historic Preservation Commission may recommend as a historic district any geographically definable area which contains structures, sites, works of art, or a combination thereof, which:

- (a) Has special character or special historic/aesthetic value or interest;
- (b) Represents one or more periods or styles of architecture typical of one or more eras in the history of the City of Jefferson, Jackson County, state or region; or
- (c) Causes such area, by reason of such factors, to constitute a visibly perceptible section of the City of Jefferson or Jackson County.

Section 10.6.7. Criteria for Designation of Historic Properties.

The Jefferson Historic Preservation Commission may recommend and Jefferson's Governing Body may designated through ordinance adoption as a historic property any structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Jefferson, State of Georgia, or local region, for one or more of the following reasons:

- (a) It is an outstanding example of a structure representative of its era;
- (b) It is one of the few remaining examples of past architectural style;
- (c) It is a place or structure associated with an event or person of historic or cultural significance to the City of Jefferson, State of Georgia, or the region.

Section 10.6.8. Certificate of Appropriateness Required.

After the designation by ordinance of an historic property or of an historic district, no material change in the appearance of such historic property, or of a structure, site, or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until an application for a Certificate of Appropriateness has been submitted to and approved by the Jefferson Historic Preservation Commission in accordance with Article 19 of this Land Use Management Code. This provision shall also be required for signs regulated pursuant to Article 17, "Signs," of this Land Use Management Code.

Section 10.6.9. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq., which Act is incorporated by reference in its entirety into this Chapter. Where any provision of this Chapter is in conflict with any provision of the Act, the Act shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

**ARTICLE 11
SPECIFIC USE PROVISIONS**

CHAPTER 11.1	GENERAL ACCESSORY USE REGULATIONS
CHAPTER 11.2	PRINCIPAL RESIDENTIAL USES
CHAPTER 11.3	ACCESSORY RESIDENTIAL USES
CHAPTER 11.4	HOME OCCUPATIONS
CHAPTER 11.5	INSTITUTIONAL USES
CHAPTER 11.6	PRINCIPAL COMMERCIAL USES
CHAPTER 11.7	ACCESSORY COMMERCIAL USES
CHAPTER 11.8	TEMPORARY USES
CHAPTER 11.9	TOWERS AND WIRELESS SERVICE FACILITIES
CHAPTER 11.10	OTHER USES
CHAPTER 11.11	ADULT BUSINESSES
CHAPTER 11.12	MIXED-USE BUILDING

**CHAPTER 11.1
GENERAL ACCESSORY USE REGULATIONS**

Section 11.1.1.	Accessory Use or Structure.
Section 11.1.2.	Fences and Walls.
Section 11.1.3.	Junked Vehicle or Material.
Section 11.1.4.	Accessory Uses of Parking Lots and Loading Areas.

Section 11.1.1. Accessory Use or Structure.

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

Section 11.1.2. Fences and Walls.

- (a) Height. If a fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court is to be placed in a required yard, it shall be no more than eight (8) feet in height. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed four (4) 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 (8) feet in height and columns shall not exceed ten (10) feet in height.

- (b) Composition. Walls composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted. In all residential zoning districts, fences or walls erected within the required front yard shall be decorative and constructed of brick, stone, wood, stucco, wrought iron, or split rail; provided, however, that this shall not preclude wire fences (e.g., chain link, or barbed wire) within a required front yard, when a residential property contains a minimum of two (2) acres.
- (c) Gates. When gates for vehicular access are required or proposed, said gates shall not be located closer than twenty-five (25) feet of a public street or road right-of-way, to ensure safe ingress and egress.
- (d) Location. No fence or wall shall be constructed in a public right-of-way, except that retaining walls and subdivision entrance monuments may be placed partially within the right-of-way of a local street if approved by the Zoning Administrator and City Engineer as not posing a visibility or other public hazard.

These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security or safety or code compliance reasons. All such temporary fencing shall be approved by the Building Inspector upon issuance of a building permit and shall be removed upon completion of construction. See also Section 9.3.10 of this Land Use Management Code for provisions regulating fencing.

Section 11.1.3. Junked Vehicle or Material.

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

(Amended via Ordinance LUMC 16-7, City of Talmo, 8-02-16; City of Jefferson, 8-22-16; superseded Ordinance 2014-9)

Section 11.1.4. Accessory Uses of Parking Lots and Loading Areas.

- (a) Parking and loading areas shall not be used for the repair or dismantling of any vehicle, equipment, materials, or supplies.
- (b) Parking and loading areas shall not be used to store vehicles for sale, except in cases where the property owner owns the vehicle(s), provided auto sales is a permitted use in the district in which the property is located. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle located in a private residential driveway and which licensed vehicle, boat, or other vehicle is owned by an occupant of said private residence.
- (c) An attendant's shelter building which does not contain more than fifty (50) square feet of gross floor area and which is set a distance of not less than twenty (20) feet from any boundary of the parking lot may be permitted.
- (d) See also Chapter 12.2 of this Land Use Management Code for additional restrictions.

CHAPTER 11.2 PRINCIPAL RESIDENTIAL USES

Section 11.2.1.	Community Recreation as Principal Use.
Section 11.2.2.	Dwelling Occupancy Generally.
Section 11.2.3.	Dwellings, Single-Family and Two-Family, and Manufactured Homes.
Section 11.2.4.	Dwelling, Single-Family Attached (Townhouses).
Section 11.2.5.	Dwelling, Two-Family (Duplex).
Section 11.2.6.	Mobile Home.
Section 11.2.7.	Multi-Family Development.

[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]

Section 11.2.1. Community Recreation as Principal Use.

Within a residential subdivision or multiple-family residential development, community recreation as defined by this Land Use Management Code shall be subject to the following:

- (a) Exterior lighting. If lighted, exterior lighting proposed for a building, swimming pool, tennis courts, or other structure or use shall comply with Chapter 9.4, "Outdoor Lighting," of this Land Use Management Code. The Zoning Administrator may require a lighting plan be submitted and approved prior to the installation of outdoor lighting to ensure compliance with said paragraph and Chapter 9.4.
- (b) Swimming pools and tennis courts. Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along any side or rear property line of said tract. Approved amenities, including but not limited to swimming pools and tennis courts (see Section 11.2.7.b), may not be separated from their associated dwelling units by any roadway, other than interior roads located within the development itself, or as deemed appropriate by the Zoning Administrator. See Chapter 16.4 of this Land Use Management Code for landscape strip specifications.
- (c) Buildings. Buildings shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Chapter 16.4 of this Land Use Management Code for landscape strip specifications.
- (d) Parking. Parking shall be provided per the requirements of Article 12 of this Land Use Management Code.

Section 11.2.2. Dwelling Occupancy Generally.

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

Section 11.2.3. Dwellings, Single-Family and Two-Family, and Manufactured Homes.

This Section establishes requirements for detached single-family dwellings, including site-built, modular, industrialized housing, duplexes, and manufactured homes.

- (a) Foundation. The building 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.
- (b) 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.
- (c) Code Compliance. The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by or as applies in the participating municipality with jurisdiction, or 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.), or in accordance with state law and regulations for industrialized buildings, whichever applies.
- (d) *[deleted by amendment City of Jefferson 8-23-10; City of Talmo 9-7-10]*

Section 11.2.4. Dwelling, Single-Family Attached (Townhouses).

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

- (a) Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards of the municipality with jurisdiction.
- (b) The minimum lot size shall be 2,000 square feet.
- (c) Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the roof of each attached unit distinct from the other through separation or offsets in roof design.
- (e) Each townhouse development or phase thereof shall require subdivision plat approval in accordance with Article 26, "Subdivisions and Land Development," of this Land Use Management Code.

Section 11.2.5. Dwelling, Two-Family (Duplex).

Property containing a two-family dwelling may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units, subject to compliance with applicable building codes and subject to compliance with Article 26, "Subdivisions and Land Development," of this Land Use Management Code.

Section 11.2.6. Mobile Home.

A mobile home as defined in this Land Use Management Code (i.e., manufactured prior to June 15, 1976) is not permitted in any zoning district.

Section 11.2.7. Multi-Family Development. *[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

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

- (a) Condominiums. If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) Amenities. All developments containing fifty (50) or more dwelling units shall have active recreation and/or amenities proportional to the size of the development as may be approved by the planning commission at the time of rezoning if required, or as approved by the Zoning Administrator at the time of development permitting if no rezoning is required. Active recreational facilities may include but are not limited to walking trails, multi-purpose or ball field, community center, a clubhouse, swimming pool, and/or tennis court(s). Approved amenities may not be separated from their associated dwelling units by any roadway, other than interior roads located within the development itself, or as deemed appropriate by the Zoning Administrator.
[Amended, City of Jefferson 8-23-10; 10-22-12; City of Talmo 9-7-10; 10-22-12]
- (c) Laundry facilities. On-site principal or accessory laundry facilities are permitted accessory uses for developments with 25 or more units.

CHAPTER 11.3 ACCESSORY RESIDENTIAL USES

Section 11.3.1.	Generally.
Section 11.3.2.	Accessory Apartment, Detached or Attached.
Section 11.3.3.	Guest House.
Section 11.3.4.	Manufactured Home While Principal Use is Constructed.
Section 11.3.5.	Parking or Storage of Recreational Vehicles.
Section 11.3.6.	Swimming Pool.
Section 11.3.7.	Yard Sales.

Section 11.3.1. Generally.

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

- (a) Accessory uses, buildings, and structures shall be located in a rear yard or side yard, except for well houses which may be located in front yards.
- (b) Accessory buildings shall not exceed two stories or twenty-four (24) feet in height.
- (c) Accessory buildings shall be located a minimum of ten (10) feet from any side or rear property line. Accessory structures other than buildings shall be located a minimum of five (5) feet from any side or rear property line.
- (d) In no case shall an accessory building or structure exceed the square footage of the principal building or structure to which it is accessory.
- (e) Accessory buildings, structures, and uses are subject to the provisions of Section 11.1.1 of this Article.

Section 11.3.2. Accessory Apartment, Detached or Attached.

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

- (a) Only one accessory apartment shall be permitted on a lot. An accessory apartment shall not be permitted on the same lot as a home occupation.
- (b) One additional off-street parking space is required and shall be provided, which must be located in a side or rear yard.
- (c) At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory apartment shall be at least 300 square feet and shall not exceed 900 square feet or the size of the principal dwelling, whichever is less.
- (d) The entrance to an accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (e) Accessory apartments, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.

- (f) The Jackson County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
- (g) Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

Section 11.3.3. Guest House.

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

Section 11.3.4. Manufactured Home While Single-Family Dwelling is Constructed.

Upon application, a manufactured home may be installed on a lot where a building permit has been issued for a detached single-family dwelling, subject to the following requirements:

- (a) Approval by Planning Commission. The application is approved by the Quad Cities Planning Commission.
- (b) Approved Septic System. The manufactured home shall be connected to a public sanitary sewer or septic system with capacity available as approved by the Jackson County Health Department.
- (c) Setbacks. The manufactured home meets the minimum required setbacks for principal buildings for the zoning district in which it is located.
- (d) Removal. The manufactured home shall be temporary, not to exceed one (1) year. It shall be unlawful for another person to occupy a manufactured home pursuant to this Section except as approved under the original terms of approval. The manufactured home shall not be rented. The Zoning Administrator shall order the removal of the manufactured home upon issuance of a certificate of occupancy for the permanent dwelling, and the owner of real property shall remove the manufactured home from the lot within thirty (30) days of the issuance of a certificate of occupancy.

Section 11.3.5. Parking or Storage of Recreational Vehicles.

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

Section 11.3.6. Swimming Pool.

All swimming pools shall be enclosed by a fence or wall at least four (4) feet in height. All swimming pools shall meet the minimum side setback for the principal dwelling and the minimum rear setback for an accessory structure for the zoning district in which it is located; provided, however, that these required setbacks for swimming pools may be reduced to a ten

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(10) foot side setback and a five (5) foot rear setback if the swimming pool is enclosed by a six (6) foot high privacy (opaque) fence or wall; provided however, that the rear setback shall be no less than ten (10) feet if the rear property line abuts a side property line of a platted lot.
(Amended by Ordinance LUMC 15-04, approved 1-25-16)

Section 11.3.7. Yard Sales.

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.

CHAPTER 11.4 HOME OCCUPATIONS

Section 11.4.1.	General Provisions.
Section 11.4.2.	Physical Limitations.
Section 11.4.3.	Alterations to the Dwelling.
Section 11.4.4.	Vehicles and Parking.
Section 11.4.5.	Equipment, Off-site Impacts, and Nuisances.
Section 11.4.6.	Visits by Patrons Prohibited.
Section 11.4.7.	Signs Prohibited.
Section 11.4.8.	Employees and Licenses.
Section 11.4.9.	Display, Stock-in-Trade, Sales, and Storage.
Section 11.4.10.	Uses Specifically Prohibited.
Section 11.4.11.	Approval.
Section 11.4.12.	Modifications by Conditional Use Permit.

Section 11.4.1. General Provisions.

Home occupations may be established in a dwelling as provided in permitted uses requirements for the zoning districts established by this Land Use Management Code. No more than one home occupation may be established in a single 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.

Section 11.4.2. Physical Limitations.

The gross floor area of a dwelling unit devoted to a home occupation shall not exceed 750 square feet, or 25 percent of the gross floor area of the dwelling, whichever is less. No accessory building shall be used in connection with the home occupation, except in rural residential and agricultural zoning districts.

Section 11.4.3. 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 building may be permitted.

Section 11.4.4. 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 Chapter. 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.

Section 11.4.5. Equipment, Off-site Impacts, and Nuisances.

No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property (See also Chapter 9.6 of this Land Use Management Code). Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

Section 11.4.6. Visits by Patrons Prohibited.

There shall be no visits by clients or patrons permitted in conjunction with a home occupation; provided, however, that the following exceptions are made for purposes of meeting overriding public goals of education and the care of children: (a) Instruction in music, dance, arts and crafts, and similar subjects, limited to two (2) students at one time; and (b) a “family day care home,” as defined by this Land Use Management Code.

Section 11.4.7. Signs Prohibited.

There shall be no signs permitted in conjunction with a home occupation, although this shall not preclude the property owner from erecting signs permitted on the lot pursuant to Article 17 of this Land Use Management Code.

Section 11.4.8. Employees and Licenses.

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. Any occupational licenses, including business registrations, required by state or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted to the Zoning Administrator prior to the issuance of a business registration.

Section 11.4.9. Display, Stock-in-Trade, Sales, and Storage.

There shall be no display, and no stock-in-trade nor commodity sold or stored on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling.

Section 11.4.10. Uses Specifically Prohibited.

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

Section 11.4.11. Approval.

All home occupations shall be subject to the Zoning Administrator’s approval. The applicant for a business registration shall file for approval from the Zoning Administrator on forms provided by the Zoning Administrator. Additional information, including a plot plan of the lot on which a

home occupation is proposed, may be required by the Zoning Administrator, along with information describing the nature of the home occupation.

Section 11.4.12. Modifications by Conditional Use Permit.

The provisions of this Chapter may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in Chapter 21.2 of this Land Use Management Code.

CHAPTER 11.5 INSTITUTIONAL USES

- Section 11.5.1. Church.
Section 11.5.2. Continuing Care Retirement Community.
Section 11.5.3. Institutional Residential Living and Care Facilities.

Section 11.5.1. Church.

In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any property line, and within the fifty foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer shall be provided. See Chapter 16.4 of this Land Use Management Code for buffer specifications.

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

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

(Amended City of Jefferson 8-23-10; City of Talmo 9-7-10)

Section 11.5.2. Continuing Care Retirement Community.

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

Section 11.5.3. Institutional Residential Living and Care Facilities.

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

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

CHAPTER 11.6 PRINCIPAL COMMERCIAL USES

Section 11.6.1.	Automobile Sales Establishment.
Section 11.6.2.	Bed and Breakfast Inn.
Section 11.6.3.	Commercial Recreational Facility, Outdoor.
Section 11.6.4.	Day Care Center.
Section 11.6.5.	Golf Driving Range.
Section 11.6.6.	Junkyards or Storage Yard.
Section 11.6.7.	Outdoor Shooting Range.
Section 11.6.8.	<i>[Deleted per Amendment City of Jefferson 8-23-10; City of Talmo 9-7-10].</i>
Section 11.6.9.	Race Track.
Section 11.6.10.	Self-Service Storage Facility (Mini-Warehouses).
Section 11.6.11.	Service and Fuel Filling Station.
Section 11.6.12.	Truck Stop.

Section 11.6.1. Automobile Sales Establishment.

Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers (see Chapter 16.5 of this Land Use Management Code). It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas. Outside loudspeakers shall not be permitted when abutting a residential zoning district (see also Chapter 9.5 of this Land Use Management Code).

When abutting a residential zoning district, automobile sales establishments require submittal and approval by the Zoning Administrator of a photometric plan for lighting demonstrating compliance with the requirements of Chapter 9.4, "Outdoor Lighting" of this Land Use Management Code. Establishments that will not operate during darkness shall not be required to submit a photometric plan.

Section 11.6.2. Bed and Breakfast Inn.

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

Section 11.6.3. Commercial Recreation Facility, Outdoor.

Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts. Such uses require a minimum lot area of two acres, a minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination (see Chapter 9.4 of this Land Use Management Code). A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise

attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are required for stadiums, amphitheatres, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

Section 11.6.4. Day Care Center.

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

Section 11.6.5. Golf Driving Range.

- (a) The minimum lot area shall be ten acres or one acre per tee, whichever is greater.
- (b) Vehicular access shall be derived only from a collector or arterial street.
- (c) Loudspeakers/paging systems are prohibited when residential use or a residential zoning district abuts a driving range.
- (d) The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (e) The depth of a driving range along the driving area shall be at least 350 yards measured from the location of the tees, and the width shall be not less than 200 yards at a distance of 350 yards from the tees.
- (f) If proposed to be lit, a lighting plan demonstrating compliance with Chapter 9.4, "Outdoor Lighting" of this Land Use Management Code shall be required to be submitted to the Zoning Administrator for approval.

Section 11.6.6. Junk Yards or Storage Yard.

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

Section 11.6.7. Outdoor Shooting Range.

The minimum site size for a skeet or trap shooting range shall be 15 acres. The minimum site size for a rifle range shall be 20 acres. Ranges shall have an earth embankment not less than 25 feet in height and not less than ten feet in width at the end of the range to serve as a back stop. Also see Section 11.6.3 in this chapter.

Section 11.6.8. *[Deleted per Amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10].*

Section 11.6.9. Race Track.

- (a) Race tracks for vehicles shall be located a minimum of 500 feet from a residential zoning district.
- (b) Vehicular access shall be derived only from an arterial or collector road.
- (c) A minimum 75-foot buffer shall be provided adjacent to any property containing a residential use or a residential zoning district. A minimum 50-foot wide buffer shall be provided adjacent to all other property lines.
- (d) Security fencing shall be provided when the facility abuts a residential use or a residential zoning district.

- (e) A maximum constant sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent residential property lines.
- (f) Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- (g) Also see Section 11.6.3 in this chapter which shall also pertain to said use.

Section 11.6.10. Self-Service Storage Facilities (Mini-Warehouse).

- (a) Minimum and maximum development size. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.
- (b) Size and use of storage units. Individual storage units shall not exceed eight hundred (800) square feet in area and shall not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited.
- (c) Maximum building length. No individual mini-warehouse building shall be more than two hundred (200) feet long.
- (d) Fencing. Fencing adjacent to a public right-of-way shall be required in the form of an architecturally finished wall or solid, opaque wooden fence. Fences placed on the remainder of the site may be chain-link. Also see Chapter 9.3 and Section 11.1.2 of this Land Use Management Code.
- (e) Hours of operation. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

Section 11.6.11. Service and Fuel Filling Station.

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

Section 11.6.12. Truck Stop.

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

CHAPTER 11.7 ACCESSORY COMMERCIAL USES

Section 11.7.1.	Drive-Through Facilities.
Section 11.7.2.	Manufacturing and Fabrication
Section 11.7.3.	Residence for Caretaker or Nightwatchman.
Section 11.7.4.	Accessory Retail and Restaurant Uses.
Section 11.7.5.	Special Outdoor Event.
Section 11.7.6.	Swimming Pools.
Section 11.7.7.	Sale, Display and Storage of Tires.

Section 11.7.1. Drive-Through Facilities.

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

Section 11.7.2. Manufacturing and Fabrication.

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

Section 11.7.3. Residence for Caretaker or Nightwatchman.

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

Section 11.7.4. Accessory Retail and Restaurant Uses.

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

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

(Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10)

Section 11.7.5. Special Outdoor Event.

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

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

Section 11.7.6. Swimming Pools.

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

Section 11.7.7. Sale, Display, and Storage of Tires.

- (a) Definitions. As used in this section and elsewhere in this code as may be applicable, the following terms are defined: "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment, such motor vehicles including but not limited to, automobiles, trucks, heavy equipment, motor bikes, boat and other trailers, aircraft, and recreational vehicles. "Used tire" means a tire which has a minimum of 2/32" of road tread and which is still suitable for its original purpose. "Scrap tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- (b) Display. From and after the date of adoption of this amendment, any tire shop, retail tire sales establishment, used tire dealer, and any other establishment lawfully associated with the sale, service or repair of tires or used tires shall be required to limit the display outside of a building of tires and used tires, as defined in this section, to no more than a total of 24 tires and/or used tires. This provision shall not limit the display of tires inside a building, provided the inside-the-building display shall not exceed 48 tires and/or used tires. The only acceptable method of tire or used tire display outside of a building is the placement of such tires or used tires on one or more racks in the upright position. No tire or used tire display rack(s) shall be placed in any required driveway, fire lane, landscape strip, frontage buffer, parking space, or within 20 feet of the front property line. It shall be unlawful to display outside a building any scrap tires (see also Section 11.1.3 of this land use management code).
- (c) Storage. Except for salvage yards, the storage of tires and used tires shall be authorized only within a building or fully enclosed structure.

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- (d) Compliance. Owners of establishments storing or displaying tires and owners of property on which such establishments store or display tires shall both be responsible for bringing their establishment and property into compliance with this Code Section within sixty (60) days from the date of adoption. *(Added by Amendment, Ordinance LUMC 16-07, approved 8-02-16 City of Talmo; 8-22-16 City of Jefferson)*

CHAPTER 11.8 TEMPORARY USES

- Section 11.8.1. Construction Field Office.
Section 11.8.2. Model Home or Temporary Sales Office for Subdivision.
Section 11.8.3. Temporary Classroom.

Section 11.8.1. 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 such manufactured homes or other temporary buildings or structures may be used for a temporary office or other permitted non-residential use, subject to the following:

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

Section 11.8.2. Model Home or Temporary Sales Office for Subdivision.

An applicant for final subdivision approval as required by Article 26 of this Land Use Management Code may apply for a building permit and may after securing a building permit erect a dwelling or install a temporary manufactured home to serve as a temporary sales office for the subdivision. If the building is developed as a model home (site-built dwelling), it shall be established on a lot shown on an approved preliminary plat and shall meet zoning district requirements for lot size, setbacks, etc. Upon completion of its use as a model home or temporary sales office, said dwelling can be converted to a dwelling upon issuance of a certificate of occupancy. If the temporary sales office is a manufactured home, it shall be installed to meet the applicable requirements of this Land Use Management Code as approved by the Zoning Administrator, and it shall be removed within thirty (30) days of the cessation of lot or house sales in the subject subdivision.

Section 11.8.3. Temporary Classroom.

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

CHAPTER 11.9 TOWERS AND WIRELESS SERVICE FACILITIES

Section 11.9.1	Purpose and Intent.
Section 11.9.2.	Applicability.
Section 11.9.3.	Performance and Construction Standards.
Section 11.9.4.	Application Requirements.
Section 11.9.5.	Application Processing.
Section 11.9.6.	Criteria to Consider in Acting Upon Applications.
Section 11.9.7.	Small Wireless Facility.

Section 11.9.1. Purpose and Intent.

The purpose of this chapter is to establish guidelines for the siting of all wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennae. The regulations and requirements of this Chapter are adopted for the following purposes:

- (a) To provide for the location of communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of communication towers, poles, and antennas by restricting them in accordance with the restrictions of this Chapter.
- (b) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.
- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
- (f) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.

It is also the intent of this ordinance to limit the siting of telecommunications facilities and towers where they will have the least adverse impact on the community and still comply with the requirements of the Telecommunications Act of 1996 (Public Law No. 104-104, 47 U.S. C. Section 332(c)(7)). These intentions are accomplished with restriction of locations and by enacting controls on height, setbacks, screening, color, and materials in order to minimize visibility and promote public safety and welfare. The regulations in this Chapter are reasonably related to the valid public purposes described in this Section.

It is not the intent of the Governing Bodies of the participating municipalities to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the provision of wireless services in the participating municipalities. It is also the intent of the

participating municipalities that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

Section 11.9.2. Applicability.

All new communication towers, poles, and communication antennas shall be subject to this Chapter, except that this Chapter shall not govern the following:

- (a) Any tower, or the installation of any antenna, that is seventy (70) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or ham radio operator from the operator's residence.
- (b) Antennae or towers located on property owned, leased, or otherwise controlled by a participating municipality, Jackson County, or Jefferson School Board, provided that a license or lease authorizing such antenna or tower has been approved by the government or agency with jurisdiction.
- (c) Monopole towers 100 feet or less in height located within electrical substations and antennae attached to existing transmission towers.

Section 11.9.3. Performance and Construction Standards.

- (a) Structural Design. New communication towers or poles and antennae, and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with applicable federal, state and local regulations.
- (b) Placement Restrictions. Towers occupying a lot as a principal use shall at minimum meet the minimum lot size and setback requirements for the zoning district in which the lot is located. In addition, communication towers shall be setback from residential zoning district boundaries a minimum of one foot for each foot of tower or antenna height. All towers shall be located at least one-third of their height in feet from any public right-of-way. When the tower is on property leased, the setbacks shall apply to the lot of record, not the lease boundaries.
- (c) Fencing. A chain link fence or wall not less than six (6) feet in height from finished grade shall be provided around each communication tower or pole. Access to the tower or pole shall be through a locked gate. The tower or pole shall be equipped with an appropriate anti-climbing device, unless the Zoning Administrator waives this requirement for alternative tower structures.
- (d) Landscaping. The visual impacts of a communication tower at the ground level shall be mitigated by landscaping. Where adequate vegetation is not present, tower facilities shall be landscaped with a minimum ten (10) foot wide landscape strip or buffer which effectively screens the view of the tower compound at ground level. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used to meet this landscaping requirement. See Chapter 16.4 of this Land Use Management Code for additional specifications.
- (e) Height. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed 200 feet in height from ground level; provided, however, that a variance application may be filed concurrently with the conditional use application and heard by the Governing Body with jurisdiction to exceed this height limitation. To prevail, the applicant must successfully demonstrate why the prescribed maximum height is insufficient to

- provide adequate service, or that a taller tower will be in the community's interest by avoiding the construction of one or more additional towers at a new location.
- (f) Illumination. Communication towers, poles, or antennae shall not be lighted except to assure human safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction.
 - (g) Color and Material. Towers clustered at the same site shall be of similar height and design. Communication towers not required to be painted or marked by the Federal Aviation Administration shall have either galvanized steel finish or be painted a non-contrasting color approved by the Governing Body with jurisdiction to minimize the equipment's visibility. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (h) Signs and advertising. No advertising is permitted on a tower or antenna. However, towers shall have mounted in a conspicuous place a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency.
 - (i) Co-location. Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 160 feet shall accommodate at least three users, and towers over 160 feet shall accommodate at least five users.
 - (j) Noninterference. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

Section 11.9.4. Application Requirements.

In addition to and in conjunction with the information required for conditional use applications generally, as provided in Chapter 21.2 of this Land Use Management Code, each application shall include the following:

- (a) A site plan with topographical information.
- (b) An elevation view, perspective drawing, or simulated photograph of how the proposed telecommunication tower will look from public rights-of-way and surrounding residential streets from which it will be visible once constructed.
- (c) Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.

Section 11.9.5. Application Processing.

Decisions on applications for wireless service facilities shall be made within a reasonable period of time, which shall mean generally that such decisions shall be processed in roughly the same amount of time required for other conditional use applications; provided, however, that the Planning Commission and Governing Body shall each table an application for conditional use

for a wireless service facility no more than once before making a recommendation and decision, respectively, unless the applicant does not object to additional continuances.

Section 11.9.6. Criteria to Consider in Acting Upon Applications.

In addition to the criteria for determining whether to approve or deny conditional uses, as specified in Chapter 21.2 of this Land Use Management Code, when an application for wireless telecommunication facilities or equipment is considered, the Planning Commission and the Governing Body with jurisdiction shall consider the following without limitation:

- (a) Impacts on surrounding properties with regard to aesthetics and fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (b) Whether impacts on surrounding properties on aesthetics can be mitigated by a monopole tower, or by a camouflaged tower (e.g., disguised as a pine tree), or by using stealth technology (i.e., making the tower resemble common features such as church steeples, bell towers, clock towers, grain silos, gateway elements, and monuments), or by requiring greater setback from impacted properties.
- (c) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.
- (d) The appropriateness of the location of existing towers, poles, and buildings, including electric transmission towers, that might serve as alternative locations to construction of a new tower or pole or placement on a building in a new location. It is the intent that new antennae where possible shall be co-located on existing towers and poles, placed on existing buildings, or be within a concealed support structure (e.g., camouflaged as an artificial pine tree, church steeple, clock tower, grain silo, flagpole, etc.), prior to authorizing the installation of a new non-camouflaged pole or tower. For limitations to this provision in the City of Arcade, see Section 11.9.7 in this Chapter. The failure to consider or unwillingness to accept viable options as described in this paragraph may be grounds for denial of a conditional use application for a new tower or pole.
- (e) Whether the application demonstrates compliance with the regulations established in this chapter.
- (f) Whether the tower would be engineered and constructed to accommodate additional communication service providers (i.e., whether the application provides for co-location as required by this Chapter).
- (g) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

In addition, the Governing Body with jurisdiction shall make its decision on the application based on substantial evidence and sufficient to allow a reviewing court to understand the reasoning behind the decision and whether that reason comports with the evidence presented. To this end, for each application for wireless service facilities, the Governing Body with jurisdiction shall rely on findings of fact in making a decision on said application. Such findings may be part of the recommendation and report of the Zoning Administrator, the recommendation of the Quad Cities Planning Commission, the application and supporting materials submitted by the applicant, testimony from interested individuals, professionals, and the applicant, and any additional findings of fact the Governing Body with jurisdiction may itself determine. Generalized community concerns, unaccompanied by supporting documentation, do not

constitute substantial evidence under Section 704 of the Telecommunication Act of 1996 or this Chapter.

Section 11.9.7. Small Wireless Facility.

Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the right of way as a permitted use in accordance with Code Section 36-66C-6, subject to applicable codes and the following requirements:

- (a) Each such new, modified, or replacement pole installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level;
- (b) Each such new, modified, or replacement pole installed in the right of way not in historic district or in an area zoned primarily for residential use shall not exceed the greater of: fifty feet above ground level; or ten feet greater in height above ground level than the tallest existing pole in the same authority right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole; and
- (c) New small wireless facilities in the right of way shall not exceed the following:
 - 1. For a collocation on an existing pole or support structure, more than ten feet above the existing pole or support structure; or
 - 2. For a collocation on a new, modified, or replacement pole under paragraph (a) or (b) of this section, the height limit provided in such paragraphs.
- (d) An applicant in the right of way shall employ due care during the installation and maintenance process and shall comply with all safety and right of way protection requirements of general applicability set forth in applicable law.
- (e) An applicant in the right of way shall not place any small wireless facilities, support structures, poles, or decorative poles where they will interfere with any existing infrastructure or equipment and shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the rights or reasonable convenience of owners of property that abuts any right of way.
- (f) Within a historic district, an applicant may collocate a small wireless facility and may place or replace a pole, only upon satisfaction of the following: The issuance of a permit under subsection (a) of Code Section 36-66C-6; and compliance with any objective, reasonable, and nondiscriminatory aesthetic and structural requirements that have been made publicly available in writing by the authority at least 30 days prior to submission of the application; provided, however, that any such requirements may not have the effect of materially inhibiting any wireless provider's technology or service, and compliance with any such requirements shall not be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility. In the absence of any such requirements, a replacement pole shall be substantially similar in height and appearance to the pole being replaced.

- (g) For applications for new poles in the right of way in areas zoned for residential use, the authority may propose an alternate location in the right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

- (h) An applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: the issuance of a permit under subsection (a) of Code Section 36-66C-6; and compliance with any objective, reasonable, and nondiscriminatory aesthetic and structural requirements that have been made publicly available in writing by the authority at least 30 days prior to submission of the application; provided, however, that any such requirements may not have the effect of materially inhibiting any wireless provider's technology or service, and compliance with any such requirements shall not be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility. In the absence of any such requirements, a replacement pole shall be substantially similar in height and appearance to the pole being replaced.

[Jefferson added via amendment, Ord. LUMC 19-04 adopted 9-23-19]

**CHAPTER 11.10
OTHER USES**

Section 11.10.1.	Aircraft Landing Area.
Section 11.10.2.	Landfill.
Section 11.10.3.	Mining and Quarrying.
Section 11.10.4.	Roadside Produce Stand.

Section 11.10.1. Aircraft Landing Area.

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

- (a) No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000.00 per claim.
- (b) The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The Zoning Administrator shall review the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and make a recommendation to the Governing Body with jurisdiction regarding approval or denial of the conditional use application.
- (e) In approving an aircraft landing area, the Governing Body may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within 600 feet of a residential zoning district may form the basis for denial of the application.

Section 11.10.2. Landfill.

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

Section 11.10.3. Mining and Quarrying.

11.10.3.1. Application Requirements. In addition to the requirements for conditional use applications as specified in Chapter 21.2 of this Land Use Management Code, all applicants for mining or quarrying shall submit to the Zoning Administrator the following information for review by the Quad Cities Planning Commission and the Governing Body with jurisdiction:

- (a) A site plan, which shall meet the requirements of Chapter 21.2 of this Land Use Management Code, and which must also show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials.
- (b) An operations plan, which shall include: the date of commencement of operation and its expected duration; proposed hours of operation, which shall not be permitted to include the hours of 7:00 p.m. to 7:00 a.m., nor shall operations be allowed on Sundays and national holidays; the estimated type and volume of extraction;
- (c) A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purpose of obtaining a state mining permit.
- (d) A statement from the Georgia Department of Transportation which shall identify any state-maintained road within or adjacent to the subject property, and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (e) A statement from the City Engineer or other qualified professional which identifies all city roads within or adjacent to the property and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (f) A statement as to the intended use or production of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage, and disposal of such materials.
- (g) A reclamation and rehabilitation plan, which shall include a detailed procedure for the rehabilitation of excavated land, the future use or uses of the land, the type of ground cover, fill, and landscaping, methods for disposing of all equipment and structures,

and an estimate of the timing of phases of rehabilitation including estimated time of completion.

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

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

Section 11.10.4. Roadside Produce Stand.

A produce stand not greater than 1,000 square feet of gross floor area for the purpose of seasonal sales of products grown or produced on the premises on which it is located is allowed as an accessory structure in a front yard of a lot containing a farm or agricultural use, provided that there is adequate egress and two on-site parking spaces available. A produce stand larger than 1,000 square feet of gross floor area, or the resale of imported agricultural produce or products on a farm or agricultural use, may be permitted with conditional use approval.

CHAPTER 11.11 ADULT BUSINESSES

Section 11.11.1.	Findings.
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Section 11.11.13.	Unlawful Operation Declared a Public Nuisance.
Section 11.11.14.	Application of Other Municipal Ordinances.

Section 11.11.1. Findings.

The Governing Bodies of the participating municipalities find and declare that adult businesses, by their nature, generate secondary effects unless regulated. This finding is based on the experiences of other communities and municipalities and on studies, reports and findings of other communities. Among the acts identified with such establishments are disorderly conduct, prostitution, drug trafficking and drug use. Experience in other cities has shown that where adult businesses are concentrated, neighborhoods deteriorate and the areas become less desirable places in which to work and live. Accordingly, the purpose of this Chapter is to regulate certain types of businesses so that many types of criminal activities frequently engendered by such businesses will be curtailed.

This Chapter is intended to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores, adult businesses, and erotic dance establishments. The Governing Bodies of the participating municipalities find that restricting adult businesses to light industrially zoned areas and imposing development standards can legitimately regulate adult businesses by establishing zones where adult businesses are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult business uses and other uses so as to afford adequate protection to residential uses.

Public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior described above, and acceleration of community blight by the

concentration of such establishments in particular areas. Furthermore, other forms of adult entertainment, including but not limited to, adult bookstores, peep shows, adult theaters, and massage parlors have a deleterious effect upon the quality of life in neighborhoods, commercial districts, and urban life in general. The limitation of adult business to certain areas and distances from other land uses is in the public welfare, and it is a matter of substantial governmental interest to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which provide or establish adult entertainment or adult uses.

This Chapter represents a balancing of interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and adult businesses versus the protected rights of such businesses and their patrons. It is not the intent, in enacting this Chapter, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books, or other materials. Further, the Governing Bodies of the participating municipalities do not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States or Georgia Constitutions, nor do they intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials.

Section 11.11.2. Definitions.

Adult bookstore: A bookstore having ten (10) percent or more of the gross public floor area or ten (10) percent or more of its display shelf capacity, which ever is less, devoted to or containing publications, books, magazines, periodicals, videotapes, and other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This term includes adult video stores.

Adult business: Any business or establishment where employees or patrons expose specified anatomical areas or engage in specified sexual activities for the purpose of sexual gratification or any business which offers its patrons goods, services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas. This term specifically includes any nightclub, theater or other establishment which features live performances by topless or bottomless dancers, go-go dancers, strippers or similar entertainers, which such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas. This term also includes sexually oriented escort bureaus and adult video viewing booths.

Adult gift shop: Any commercial establishment that has in its stock articles or merchandise more than ten percent (10%) of which is characterized or distinguished by emphasis on matter depicting, describing or used to simulate specified sexual activities or specified anatomical areas, or such commercial establishment where such stock occupies more than ten percent of the gross public floor area of the establishment.

Adult video viewing booth: Private or semi-private booths or cubicles for viewing materials, films, videos, or other reproductions depicting nudity, specified anatomical areas, and/or specified sexual activities.

Good moral character: A person is of good moral character according to this Chapter if that person has not been convicted of a felony or any crime not a felony if it involves moral turpitude, in the past five (5) years. The city with jurisdiction may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere.

Gross public floor area: The total area of the building accessible or visible to the public.

Mainstream performance house: A theater, concert hall, auditorium, museum or a similar establishment which regularly features live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description or featuring of specified anatomical areas and where such depiction, if any, is only incidental to the primary purpose of any performance.

Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity therefore.

Massage establishment: Any commercial establishment having a source of income or compensation derived from the practice of massage, as defined in this section, and which has fixed a place of business where any person, firm, association, or corporation engages in or carries on any of the activities defined as "massage."

Massage therapist: Any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

Minor: For the purposes of this Chapter, minor means any person who has not attained the age of eighteen (18) years.

Service-oriented escort bureau: An escort bureau which maintains an open office at an established place of business; does not use an escort bureau runner; does not advertise, offer, solicit, agree to, or provide sexual conduct to a patron; and employs or provides only escorts who possess escort identification cards.

Specified anatomical areas: Shall include any of the following: (a) Less than completely and opaquely covered human genitals or pubic region; buttock, or female breast below a point immediately above the top of the areola; or (b) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Shall include any of the following: (a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, cunnilingus, fellatio, necrophilia, pedophilia; or (b) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or (c) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or (d) Fondling or touching of nude human genitals, pubic region, buttocks or

female breast; or (e) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or (f) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or (g) Human excretion, urination, menstruation, vaginal or anal irrigation.

Section 11.11.3. Adult Businesses are Principal Uses.

Adult bookstores, adult businesses and adult gift shops are hereby defined as principal uses. No such uses shall be considered an accessory use for purposes of this Land Use Management Code.

Section 11.11.4. Prohibited Establishments.

Adult Video Viewing Booths, as defined by this Chapter, are prohibited.

Section 11.11.5. Exempt Businesses.

This Chapter shall not be construed to apply to any of the following:

- (a) Bookstores and video rental establishments that do not meet the definition of "adult bookstore" in this Chapter.
- (b) Therapeutic massage establishments and massage therapists.
- (c) Mainstream performance houses.
- (d) Service-oriented escort bureaus.

Section 11.11.6. Location and Separation Restrictions.

No adult bookstore, adult business, or adult gift store shall be located:

- (a) Within seven hundred fifty (750) feet of any parcel of land which is either zoned or used for residential uses or purposes.
- (b) Within seven hundred fifty (750) feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located.
- (c) Within seven hundred fifty (750) feet of any parcel of land upon which another establishment regulated by this Chapter is located.
- (d) Within seven hundred fifty (750) feet of any parcel of land upon which any establishment selling alcoholic beverages is located.
- (e) On less than one (1) acre of land or on property that contains less than one hundred fifty (150) feet of public road frontage.
- (f) In any district other than one that is zoned for and meets all requirements of the LI zoning district and has received conditional use approval.
- (g) In any building which has within the past 18 months been used for purposes of or in the commission of solicitation, prostitution, or other illicit acts.

For the purposes of this Section, distance shall be from property line to property line along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary.

Section 11.11.7. Licensing Requirements for Adult Businesses.

It shall be unlawful for any person to operate an adult business unless such business shall have a valid current license. Unless the Governing Body of a participating municipality has adopted an ordinance more specifically addressing the licensing requirements for adult business uses and that conflict with these provisions, the application for license shall comply with this Chapter.

Section 11.11.8. License Required.

Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct or carry on any adult business shall make application to the city administrator or his designated representative of the city with jurisdiction. Prior to submitting such application, a nonrefundable fee of five hundred dollars (\$500.00) shall be paid to the city with jurisdiction to defray, in part, the cost of investigation and report required by this Chapter.

Section 11.11.9. License Processing.

The municipality with jurisdiction shall have thirty (30) days to investigate the application and the background of the applicant. If the city police chief, city clerk, or other responsible city official, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this Chapter, said official shall, within ten (10) days, notify the applicant of such denial.

Section 11.11.10. Conditions of License.

- (a) No such license may be sold, transferred, or assigned by a licensee.
- (b) No licensee shall operate, conduct, manage, engage in or carry on an adult business under any name other than the person's name and the name of the business as specified on the approved license.
- (c) No license shall be granted to any person who is not of good moral character.
- (d) It shall be unlawful for an adult business to admit or permit the admission of minors on the premises or that portion of a premise devoted to adult business uses.
- (e) The city with jurisdiction may pose additional reasonable restrictions on the issuance of a license which have a clear rationale with regard to upholding the public safety, health, morals, and general welfare of the community.

Section 11.11.11. License Fee.

There shall be an annual license fee of five thousand dollars (\$5,000.00) for an adult business. There shall be no prorating of license fees, and the license fee for any partial calendar year shall be the same as the fee for a full calendar year.

Section 11.11.12. Operational Requirements for Adult Businesses.

Adult businesses may be open between the hours of 7:00 p.m. and 1:00 a.m. Monday through Friday, and Saturday from 5:00 p.m. until 12:00 midnight. No licensee shall permit the place of business to be open on Sundays.

If dancing or performances are involved in the operation, all such activities shall occur on a platform intended for that purpose which is raised at least eighteen (18) inches from the level of

the floor. No such activities shall occur closer than four (4) feet to any patron. No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.

Section 11.11.13. Unlawful Operation Declared a Public Nuisance.

Any adult bookstore, adult business, or adult gift shop operated, conducted or maintained contrary to the provisions of this Chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The city with jurisdiction may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult use and restrain and enjoin any person from operating, conducting or maintaining said adult use contrary to the provisions of this Chapter. In addition, violation of the provisions of this Chapter shall be per se grounds for suspension or revocation of a license granted hereunder.

Section 11.11.14. Application of Other Municipal Ordinances.

Where a participating municipality has adopted an ordinance relating to the siting, operation, or licensing of adult businesses, said ordinance shall apply in addition to the requirements of this Chapter. In cases where such other municipal ordinance is more restrictive, the more restrictive requirement shall apply. This Section specifically refers but is not limited to Chapter 6-11 of the Code of Ordinances of the City of Jefferson.

**CHAPTER 11.12
 MIXED-USE BUILDING**

- Section 11.12.1. Use Permission.
- Section 11.12.2. Maximum Floor-Area Ratios and Residential Densities.
- Section 11.12.3. Dimensional Requirements.
- Section 11.12.4. Approval of Site and Architectural Design.
- Section 11.12.5. Guidelines for Design of Mixed-use Buildings.

Section 11.12.1. Use Permission.

A mixed-use building, as defined in Section 2.2.1, is permitted in certain nonresidential zoning districts as specified in Table 8-1 of this land use management code. In zoning districts where permitted, a mixed-use building may consist of a single, conventional, site-built single-family dwelling or other building which is used for an office or commercial use permitted in the zoning district in which it is located, and also used simultaneously as a dwelling for the owner/operator of the office or commercial use permitted, i.e., a building where the same person lives and works, but which is distinguishable from a “home occupation” as defined in Section 2.2.3 of this land use management code.

(Added via Ordinance LUMC 16-05, City of Jefferson adopted 7-25-16)

Section 11.12.2. Maximum Floor-Area Ratios and Residential Densities.

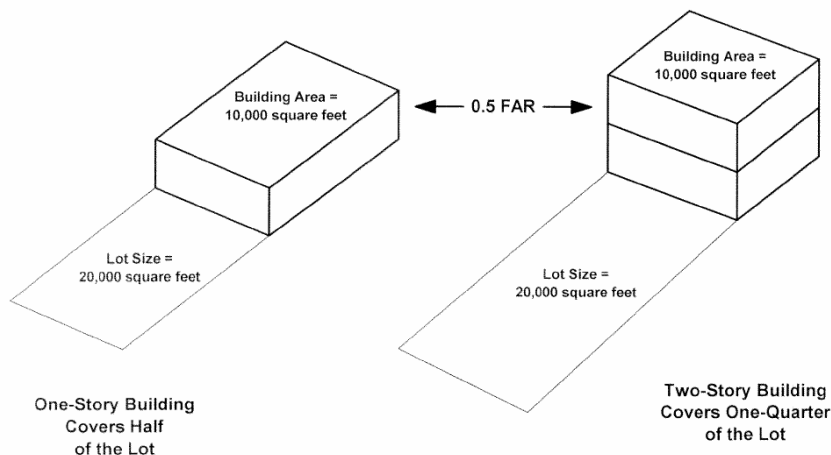
Any mixed-use building containing more than one dwelling unit, or any lot containing two or more mixed-use buildings, shall not exceed the maximum floor area ratios by use for the zoning district in which it is located as well as the maximum residential density, as provided in Table 11-12-1:

**TABLE 11-12-1
 MIXED-USE BUILDING INTENSITY MAXIMUMS BY ZONING DISTRICT**

	<u>Zoning District</u>				
	O-I	C-1	C-2	DBD	TC
Maximum Residential Density (Units per acre)	10.0	14.0	23.3	36.3	8.7
Maximum Floor-Area Ratio, Residential	0.30	0.30	0.375	0.75	0.25
Total Floor-Area Ratio Maximum, All Uses	0.60	0.60	0.75	1.5	0.50

Note: Floor area ratio is the ratio of building space to land area (see figure). For example, on a one-acre lot (43,560 square feet) a floor area ratio of 0.75 is equal to 0.75 (75%) of 43,560 square feet, or 32,670 square feet.

(Added via Ordinance LUMC 16-05, City of Jefferson adopted 7-25-16)



Floor Area Ratio

Section 11.12.3. Dimensional Requirements.

The dimensional requirements specified in Table 8-2 for the zoning district in which the mixed-use building is located shall apply to any mixed-use building containing more than one dwelling unit, or any lot containing two or more mixed-use buildings, with the following exceptions:

- (a) If a conditional use is required to be filed to obtain authorization for a mixed-use building (see Table 8-1), then modifications to any of the dimensional requirements of Table 8-1 can be proposed by the applicant and may be approved by the City Council with jurisdiction during the review and approval process for said conditional use.
- (b) Special setbacks, buffers, and landscape strips of Table 8-2 shall not apply.
- (c) Front setbacks for principal buildings for the zoning district as specified in Table 8-2 may be reduced to 50% of the required front setback.
- (d) The maximum lot coverage may be increased to 125% of the maximum required lot coverage provided in Table 8-2 for the zoning district in which the mixed use building is located.
- (e) Minimum landscaped open space for the zoning district as specified in Table 8-2 may be reduced to 50% of the required minimum.

Provided, however, that compatibility of the proposed development with abutting properties will be considered during the process of site and architectural design plan review, and additional dimensional requirements may be imposed as conditions of approval.

(Added via Ordinance LUMC 16-05, City of Jefferson adopted 7-25-16)

Section 11.12.4. Approval of Site and Architectural Design.

- (a) Within the City of Jefferson, any mixed-use building containing more than one dwelling unit, or any lot containing two or more mixed-use buildings, shall be subject to the requirements of Chapter 9.6 of this land use management code.
- (b) Within the City of Talmo, any mixed-use building containing more than one dwelling unit, or any lot containing two or more mixed-use buildings shall be required to submit a detailed site plan and architectural elevations of the development proposal and to obtain

the approval of the Talmo City Council in a regular meeting, after review and recommendation by the Jefferson-Talmo Planning Commission. Compliance with the requirements of this section may be scheduled for consideration at the same time an application for conditional use, if required, is considered.

(Added via Ordinance LUMC 16-05, City of Jefferson adopted 7-25-16)

Section 11.12.5. Guidelines for Design of Mixed-use Buildings.

The following guidelines should be considered during the site and architectural design of mixed use buildings, and review thereof:



Source: Georgia Department of Transportation. 2005. Pedestrian & Streetscape Guide.

- (a) Access to residential units. Residential uses above the first-floor retail or other nonresidential uses should have an entryway to each unit or a hallway serving one or more units which should connect to a stairway opening directly to the outside at street level. Every dwelling unit with a front façade facing a street should to the maximum extent possible have its primary or shared entrance face the street. All stairways should be enclosed.
- (b) Vehicular parking. Off-street parking should be provided to the rear or side of the building, not in the front yard. On-street parking is encouraged subject to the approval of the City Engineer.
- (c) Private exterior area. All dwelling units above the first-floor should have an exterior area (balcony) with a minimum of eighty (80) square feet, and which affords maximum privacy to occupants.
- (d) Servicing and solid waste collection. In order to preserve the pedestrian orientation of the storefront, all servicing, loading, and solid waste collection should take place off-street, away from pedestrian walkways, generally in bays provided in alleys or if alleys are not available, in screened, internal, rear spaces.
- (e) Mailboxes. Residential uses above the first-floor should not have outside mail boxes; inside mail boxes or mail slots should be used.

(Added via Ordinance LUMC 16-05, City of Jefferson adopted 7-25-16)

ARTICLE 12 PARKING AND LOADING

CHAPTER 12.1	GENERAL PROVISIONS
CHAPTER 12.2	CIRCULATION
CHAPTER 12.3	OFF-STREET PARKING
CHAPTER 12.4	OFF-STREET PARKING REDUCTION
CHAPTER 12.5	OFF-STREET LOADING

CHAPTER 12.1 GENERAL PROVISIONS

Section 12.1.1.	Findings.
Section 12.1.2.	Purpose and Intent.
Section 12.1.3.	Applicability.
Section 12.1.4.	Interpretations.

Section 12.1.1. Findings.

- (a) **Generally.** Poor design of parking lots can lead to damage to the environment and may require the community to subsidize the interests of a commercial enterprise at the expense of the community's environment. It is reasonable to require that development prevent environmental damage through good design of parking lots. Possible negative effects of parking and loading areas include creation of heat islands and changes to microclimate, isolation of pedestrians, increased stormwater runoff, and reduced stormwater infiltration into the ground.
- (b) **Heat islands.** Large parking lots can create heat islands where pavement absorbs solar radiation during the day and remains warm well into the night. When heat islands exist, cooling costs are higher than normal. Strategies can be used to reduce heat islands and their effects.
- (c) **Lack of safe pedestrian mobility.** Large areas of paving are necessary to accommodate automobiles, but they can be unfriendly to pedestrians without specific regulations requiring that designers accommodate pedestrians. Large, open parking areas are conducive to high speeds and random maneuvers which can endanger pedestrians. Wide driveway aisles and access roads also increase speeds and discourage pedestrian travel. Street and parking lot design is moving away from automobile-centered standards toward a more balanced approach that includes pedestrians.
- (d) **Stormwater management.** Parking lots can be seas of asphalt contributing to the degradation of local water quality. Parking lots can be more compatible environmentally if environmental protection measures are incorporated into design standards and regulations. Porous pavement and grass pavers reduce runoff by allowing it to pass through the paved surface and infiltrate back into the soil and groundwater. Utilizing porous pavements and grass pavers also reduces or eliminates land dedicated to surface storm water management facilities. Porous pavement designs and grass pavers are appropriate in some instances. Other types

of stormwater management facilities are also more environmentally compatible, such as vegetative swales and bioretention.

- (e) Overbuilding of parking lots. Past off-street parking requirements have called for huge, expanses of parking around shopping centers and malls, some or much of which remains unused for most of the year. The risk of lost retail sales because of insufficient customer parking, as well as parking requirements for commercial loans, have led in part to the overbuilding of parking lots. This has worked to the benefit of retailers but has been shown to have undesirable environmental impacts, and those costs have been borne by communities. Certain parking areas are used only a few days of the year, yet the impacts of excess pavement continue every day, regardless of whether the parking is used or not. Studies have shown that at least one-half of the parking spaces in shopping centers are vacant at least 40 percent of the time (Urban Land Institute 1982, as cited in "An Opportunity to Reduce Minimum Parking Requirements," by Donald Shoup, *Journal of the American Planning Association*, Winter 1995, 14-28). Parking lot construction is a considerable factor in the cost of development. Reducing parking areas reduces development costs. Therefore, reductions in the size of paved parking and flexibility in the types of pavement and parking designs are beneficial to all concerned.

Section 12.1.2. Purpose and Intent.

The multiple purposes of this Article are summarized as follows:

- (a) Establish requirements for multi-modal access to development sites, including vehicular, truck service, pedestrian, as appropriate;
- (b) Establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access;
- (c) Establish minimum off-street parking and loading areas in proportion to the need created by each use, but considering reductions for the provision of alternative modes of travel;
- (d) Reduce congestion in the streets and ensure that uses and functions of public rights-of-ways are not interrupted;
- (e) Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for exceeding maximums when a demonstrated need exists. Parking requirements should be based on actual average parking demands, rather than to accommodate the highest hourly parking at a site as in conventional parking requirements.
- (f) Provide for alternative pavement materials, such as porous asphalt, turf block, gravel, wood mulch, and cobbles which have higher degrees of water quality effectiveness than conventional asphalt and pervious concrete;
- (g) Promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, smaller spaces for compact cars, and unimproved or pervious pavement overflow or spillover parking areas;
- (h) Establish design and improvement specifications for the development of parking lots, loading areas, access aisles, and connections of parking lots to public streets;
- (i) Ensure that parking areas will be compatible with abutting residential zoning districts.

Section 12.1.3. Applicability.

This Article shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures. This Article shall not be construed so as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this Article for the new use.

Section 12.1.4. Interpretations.

- (a) Fractions. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- (b) Parking space requirement not specified. Where the parking requirement for a particular use is not described in this Article, and where no similar use is listed, the Zoning Administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. At the discretion of a development applicant, a parking generation study prepared by a qualified professional may be submitted to aid the Zoning Administrator in making such a determination; if submitted, it shall be considered by the Zoning Administrator prior to making a determination.
- (c) Computations for multiple floor uses within a building. In cases where a building contains some combination of office space, retail or wholesale sales area, and/or bulk storage area, the Zoning Administrator may authorize that the building space be divided in to such floor space use areas and combined computations of floor areas (e.g., warehousing, retail, and/or office) in meeting the off-street parking or loading space requirements of this Article.

CHAPTER 12.2 CIRCULATION

- Section 12.2.1. Pedestrian Facilities Internal to Site Required.
Section 12.2.3. General Circulation.
Section 12.2.4. Vehicular Circulation.

Section 12.2.1. Pedestrian Facilities Internal to Site Required.

Internal to each building site, non-single-family residential developments shall provide safe routes of pedestrian access between points of departure and destinations. All walkways internal to the site shall be a minimum of four (4) feet wide. Pedestrians shall have the right-of-way over automobile travel. The internal sidewalk system shall connect to the public sidewalk system along streets and highways, where it exists or is planned. Where a transit stop exists, the internal sidewalk system shall provide as direct a link as possible from the buildings on site to the transit stop. The internal sidewalk system shall also connect to any sidewalk systems on abutting private properties or provide for such connections in their absence. See also Section 9.2.9, "Pedestrian Facilities" of this Land Use Management Code.

Section 12.2.2. General Circulation.

- (a) All parking shall be provided with vehicular access to a street. Loading areas shall be provided with access to a street or alley. Parking or loading areas shall not thereafter be encroached upon or altered without approval of the Zoning Administrator.
- (b) Except for single-family and duplex dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way.
- (c) There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity. The City Engineer may require that construction contractors make special provisions for maintaining safe passage along public sidewalks during construction.

Section 12.2.3. Vehicular Circulation.

Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas). Interior vehicular circulation shall be provided by: (1) visually orienting the driver with a regular, logical system of interior driveways and roadways; (2) identifying entrance drives with small entry signs (see Section 17.3.3.1); and (3) preventing vehicles from driving across or through designated parking areas by placing raised landscaped dividers or walkways between parking aisles.

CHAPTER 12.3 OFF-STREET PARKING

- Section 12.3.1. Off-Street Parking Required.
[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]
- Section 12.3.2. Location of Off-Street Parking Areas.
- Section 12.3.3. Parking Plan Required.
- Section 12.3.4. Minimum Design Requirements.
- Section 12.3.5. Minimum Number of Parking Spaces Required.
- Section 12.3.6. Number of Handicapped Parking Spaces Required.
- Section 12.3.7. Administrative Variances.
- Section 12.3.8. Parking Space and Isle Design Specifications.
- Section 12.3.9. Compact Parking Spaces.
- Section 12.3.10. Angled Parking.
- Section 12.3.11. Stacking Spaces for Drive-Through Facilities.
- Section 12.3.12. Improvement Requirements.
- Section 12.3.13. Stormwater Requirements for Large Parking Lots.

Section 12.3.1. Off-Street Parking Required. *[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all zoning districts, except as otherwise specifically exempted by this Article. Required parking spaces shall be available for the temporary parking of passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

Section 12.3.2. Location of Off-Street Parking Areas.

All parking spaces required by this Article shall be provided on the same lot with the main building or use which it serves. Upon demonstration that the parking spaces required by this Article are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the Zoning Administrator may permit some or all of the required parking spaces to be provided on any lot, a substantial portion of which is within eight hundred (800) feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this Article.

Section 12.3.3. Parking Plan Required.

Before any building permit is issued, the parking lot layout and area must be found by the Zoning Administrator to be in compliance with all requirements of this Article. The Building Inspector shall not allow occupancy or use of a building until advised by the Zoning Administrator that parking facilities meet the requirements of this Article.

No permit shall be issued for any parking area, except those for detached, single-family residences, until the plans and specifications have been submitted for review by the Zoning Administrator. Such plans and specifications shall include the number of spaces provided and

required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, and provisions for drainage.

Section 12.3.4. Minimum Design Requirements.

- (a) Dead-end parking areas shall be prohibited unless design conditions prevent a connected design, and they can only be used if 90 degree parking design is used.
- (b) Parking aisle length shall not exceed 500 feet without a break for circulation.
- (c) One landscaped divider (i.e., planted area within, in between and separating the vehicle parking spaces fronting one another) with a minimum width of ten (10) 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.
- (d) 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.
- (e) Parking lots shall meet the requirements for parking lot landscaping as specified in Chapter 16.4 of this Land Use Management Code.

Section 12.3.5. Minimum and Maximum Onsite Parking Spaces.

Unless specifically provided otherwise in this Article, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum (and not to exceed the maximum) amounts in Table 12.3.1.

No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces, or increased to more than the maximum permitted number of spaces, or altered in design or function to less than the minimum standards, unless specifically provided for in this Article.

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 12.1
 MINIMUM AND MAXIMUM 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.

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
COMMERCIAL USES		
Animal hospital; kennel	One per 400 square feet	One per 250 square feet
Appliance sales and repair	One per 500 square feet	One per 300 square feet
Art gallery	One per 400 square feet	One per 300 square feet
Automated teller machine, no drive-through	Two per machine	Three per machine
Auto parts store	One per 500 square feet	One per 300 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office	One per 150 square feet of repair space plus one per 300 square feet of showroom/office
Automobile service and repair	One per 250 square feet	One per 200 square feet
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through facilities)	One per 200 square feet (also see stacking requirements for drive-through facilities)
Barber shop or beauty parlor	One per 300 square feet	One per 250 square feet
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom	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	One per 250 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	Three 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	One per 250 square feet of office space and one per 1,500 square feet of lot outdoor storage
Convenience store	One per 200 square feet	One per 150 square feet
Dance hall	One per 125 square feet	One per 75 square feet
Day care center	One per 500 square feet	One per 375 square feet
Funeral home or mortuary	One per four seats in largest chapel	One per three seats in largest chapel

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USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Furniture and home furnishing store	One per 600 square feet	One per 300 square feet
Grocery store	One per 300 square feet	One per 250 square feet
Hardware store	One per 400 square feet	One per 300 square feet
Health or fitness club	One per 200 square feet	One per 150 square feet
Hotel, extended stay	1.5 per unit lodging unit	Two 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	1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	One for each three washer/dryer combinations	One for each two washer/dryer combinations
Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales or display area	One per 250 square feet plus one per 1,000 square feet outdoor sales or display area
Office, medical or dental <i>(revised via Ord. LUMC 16-04, 7/25/16)</i>	One per 250 square feet	One per 150 square feet
Office, general or professional <i>(revised via Ord. LUMC 16-04, 7/25/16)</i>	One per 300 square feet	One per 250 square feet
Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales	One per 200 square feet of indoor floor space plus one per 500 square feet of outdoor sales
Personal service establishment	One per 250 square feet	One per 200 square feet
Photofinishing laboratory	One per 250 square feet	One per 200 square feet
Photographic studio	One per 300 square feet	One per 250 square feet
Restaurant, bar, or tavern	One per 125 square feet	One per 75 square feet
Retail store	One per 275 square feet	One per 250 square feet
Self storage facility (mini-warehouse)	One per 40 storage units	One per 25 storage units
Service station	One per 250 square feet of office space plus two per service bay	One per 200 square feet of office space plus three per service bay
Shopping center	One per 275 square feet	One per 225 square feet
LIGHT INDUSTRIAL USES		
Manufacturing, processing, assembling	One per 1,300 square feet	One per 1,000 square feet
Warehouse	One per 2,000 square feet	One per 1,500 square feet
Wholesale	One per 1,000 square feet	One per 600 square feet

GOVERNMENT – INSTITUTIONAL USES		
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	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating
USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
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	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating
Government office	One per 300 square feet	One per 250 square feet
Hospital	1.5 per bed	Two per bed
Library	One per 400 square feet	One per 300 square feet
Museum	One per 500 square feet	One per 300 square feet
Nursing home	One per four beds	One per three beds
Post office	One per 200 square feet	One per 150 square feet
School	One per 300 square feet	One per 200 square feet
School for the arts	One per 300 square feet	One per 200 square feet
School, trade or business	One per 200 square feet	One per 150 square feet
RESIDENTIAL USES		
Apartment, one bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
Apartment, two bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
Apartment, three bedroom	2 per unit plus 0.2 per unit for guest space	Three per unit plus 0.2 per unit for guest space
Home occupation	(see provisions for home occupations)	
Residence within building containing a non-residential use	One per unit	1.5 per unit
Single family detached or attached	Two per unit	Four per unit
Two family dwelling	Two per unit	Three per unit
RECREATIONAL FACILITIES		
Athletic field	20 spaces per field	25 spaces per field
Billiard hall/amusement arcade	One per 200 square feet	One per 150 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/amusement arcade, if provided)	Three per each bowling lane (add parking for billiard hall/amusement arcade, if provided)
Community center	One per 300 square feet	One per 250 square feet
Golf course	2.5 per hole	Three per hole
Golf driving range, principal use	0.75 per tee	1 per tee

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Ice or roller skating rink	One per 200 square feet	One per 150 square feet
Miniature golf	Two per hole	Three per hole
Stadium or sport arena	One per twelve feet of bench seating	One per ten feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area	One per 100 square feet of surface water area
Swimming pool – public	One per 125 square feet of surface water area	One per 75 square feet of surface water area
Tennis or racquet ball court	Two per court	Three per court
Theater, cinema	One per four fixed seats	One per three fixed seats

Retail facilities with over 250 parking stalls shall require a minimum of one standard size stall clearly marked in yellow on pavement “EMERGENCY PARKING ONLY.” The location of the parking stall shall be as close as possible to major building entries.

Section 12.3.6. Number of Handicapped Parking Spaces Required.

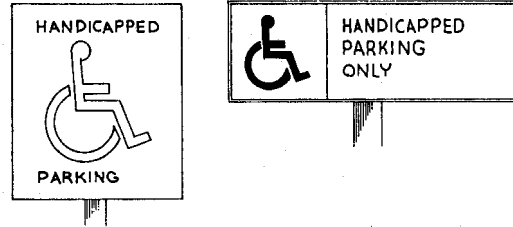
Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute. The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 12.2. Said spaces shall count toward the requirements for off-street parking as specified in Table 12.1. In addition, handicapped van spaces are required at a rate of one van space for each eight (8) handicapped spaces required, with a minimum of one.

**TABLE 12.2
 HANDICAPPED PARKING REQUIREMENTS**

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

- (a) Locations. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

- (b) Dimensions. Accessible parking spaces shall be at least nine (9) feet wide with a minimum five (5) foot-wide access aisle. For van spaces, the width of the parking space shall be at least eleven (11) feet wide with a minimum five (5) foot wide access aisle. Parking access aisles shall be part of an accessible route to the building or facility entrance; two accessible parking spaces may share a common access aisle.
- (c) Signs. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.222, p. 679. New York: McGraw-Hill.

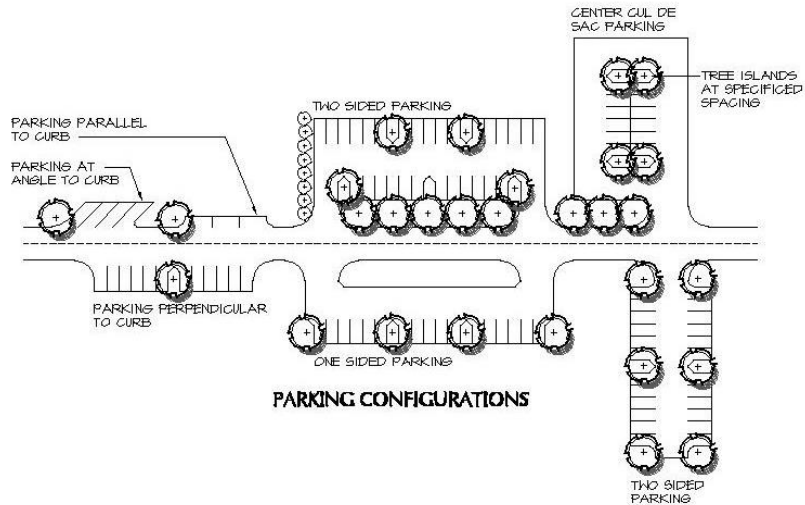
Section 12.3.7. Administrative Variances.

The Zoning Administrator may allow parking at a rate of up to ten percent (10%) above the maximum permitted number of spaces, or at a rate of no more than 20 percent (20%) below the minimum required, on a case-by-case basis based upon the scale and impacts of the request, for good cause shown. The applicant shall make said request in writing which shall include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a qualified professional that documents parking requirements.

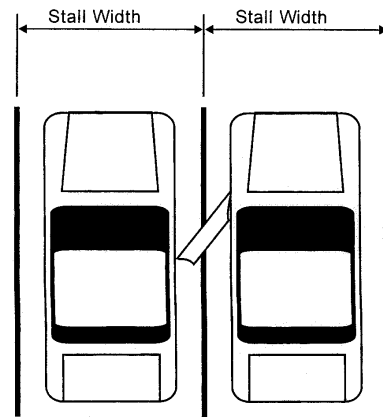
In approving administrative variances to the parking requirements in Table 12.3.1, the Zoning Administrator may as a condition of approval, if applicable, require an area to be reserved or set-aside for additional parking area for future use if needed.

Section 12.3.8. Parking Space and Aisle Design Specifications.

Designers are permitted flexibility with regard to parking lot designs, subject to the requirements of this Section and other applicable provisions of this Article.



- (a) **Parking space width.** When fewer than 75 parking spaces are proposed or provided, off-street parking spaces shall be a minimum of nine (9) feet in width and twenty (20) feet in length, with wider (10 foot) spaces encouraged in high-turnover areas. When 75 or more parking spaces are proposed or provided, off-street parking spaces shall meet the widths specified in Table 12.3.3.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-13, p. 9-24.

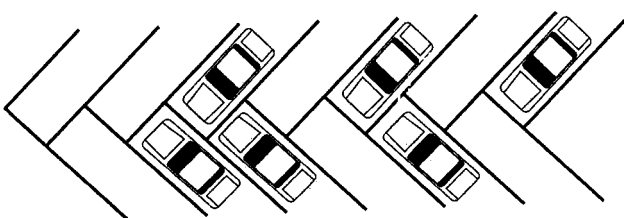
**TABLE 12.3.3
 REQUIRED PARKING STALL WIDTHS**

Type of Parking Area	Width in Feet Standard Midsize	Width in Feet Compact (Where Permitted)
Prime customer	9.0	8.0
Overflow customer	8.5	7.5
Employee	8.0	7.0

- (b) Parking space length. Parking space length shall be twenty (20) feet, except where compact parking is authorized by the Zoning Administrator, in which case parking space lengths can be reduced to sixteen (16) feet.

- (c) Interlocking design. An interlocking or “herringbone” parking design is not permitted, as it exposes the side of one vehicle to the front of another, which can result in substantial damage if the vehicle rolls forward (see figure).

Interlocking Parking Space Design Prohibited



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-6, p. 9-15.

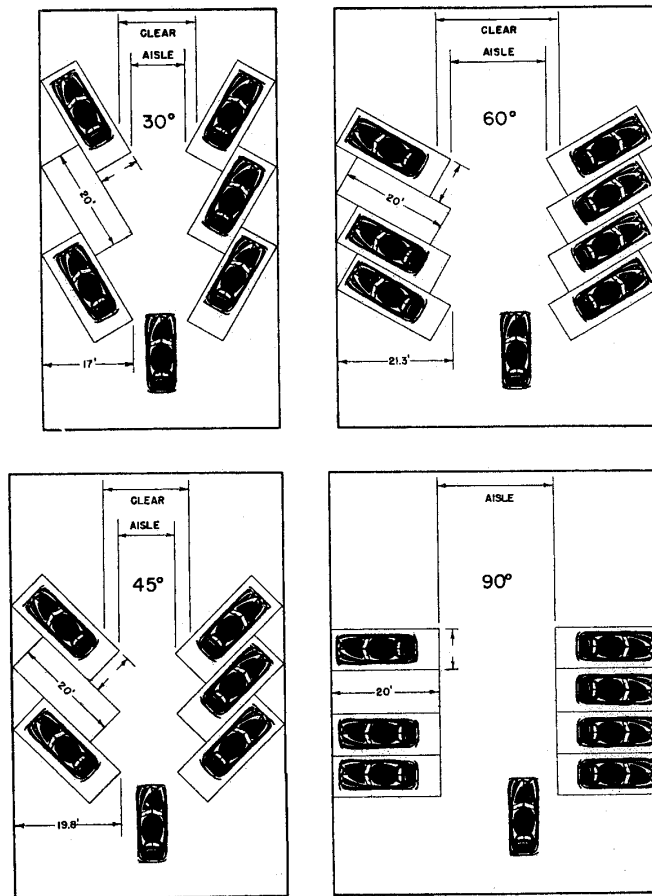
- (d) Aisle widths. Parking driveway maneuvering aisle width requirements vary according to the width and length of parking spaces and the angle of parking. For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90) degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty-two (62) feet (i.e., curb to curb) for nine (9) foot-wide spaces and sixty (60) feet (i.e., curb to curb) for ten (10) foot-wide spaces.

Section 12.3.9. Compact Parking Spaces.

Compact parking spaces may be used in parking areas when more than twenty (20) parking spaces are required, provided that the areas for compact parking are clearly marked and not more than twenty (20) percent of the number of parking spaces provided in the entire parking area is designated compact auto parking. In parking lots of 75 or more spaces, employee and overflow customer parking may be designed with compact parking spaces at a rate of fifty (50) percent of the number of parking spaces provided in the portion of the parking lot devoted to such parking areas.

Section 12.3.10. Angled Parking.

The Zoning Administrator may authorize parking lot designs that utilize 75, 60, and 45 degree-angled parking spaces with one-way or two-way aisles. If such angled parking is used, parking lots shall comply with acceptable parking dimensional standards for aisle widths as specified by the Institute of Transportation Engineers or other reputable source approved by the Zoning Administrator.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.205, p. 663. New York: McGraw-Hill.

Section 12.3.11. Stacking Spaces for Drive-Through Facilities.

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with this Section. Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first encountered by the vehicle user. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through photo finishing booths, drive-through coffee sales facilities, and any other uses with drive-through facilities shall provide three (3) stacking spaces for each window or drive-through service facility. Restaurants with drive-through facilities shall at least provide five (5) stacking spaces for each window or drive-through service facility, free and clear of access easements if any and drives required for on-site circulation.

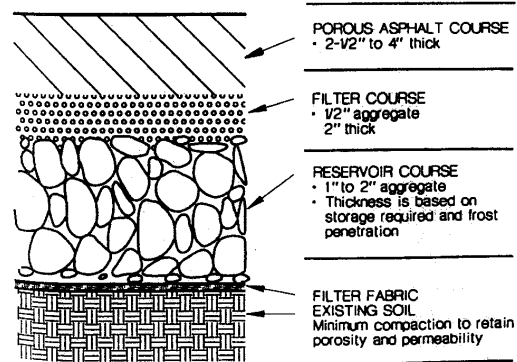
The following general standards shall apply to all stacking spaces and drive-through facilities:

- (a) Stacking spaces and lanes for drive-through stations shall not impede on and off site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- (b) Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.

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

Section 12.3.12. Improvement Requirements.

- (a) 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.
- (b) Surfacing. Parking and loading areas shall be surfaced with concrete, asphaltic concrete, asphalt (see details in illustrations in this Section) or other dust-free surface; provided, however, that 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 exurban and rural areas. Water quality effectiveness and character of the zoning district shall be considered in determining surfacing requirements.

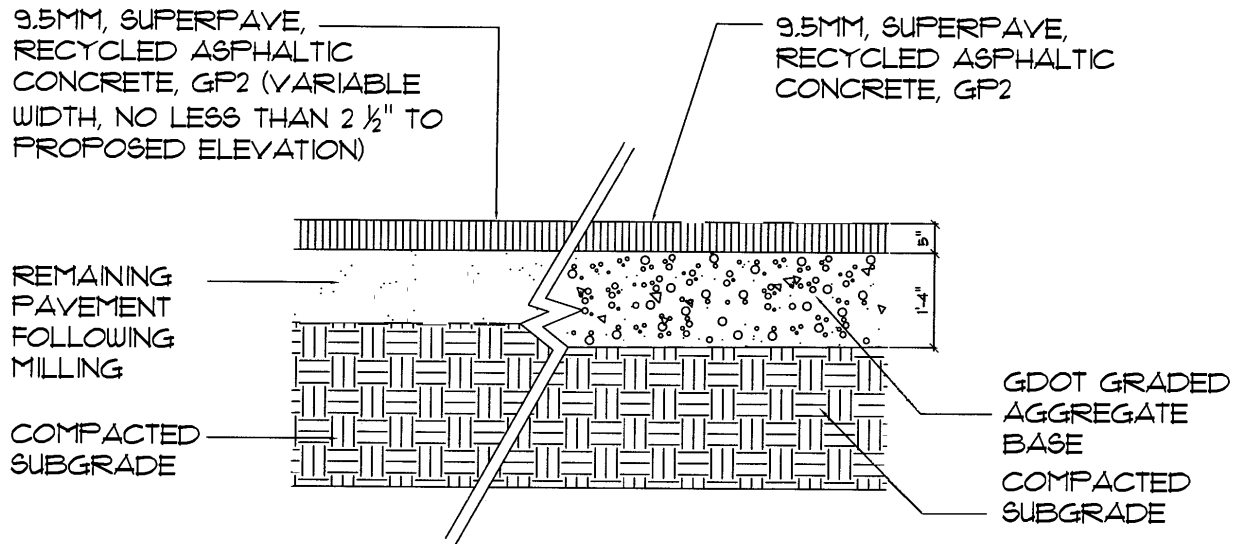


Typical Porous Paving Section

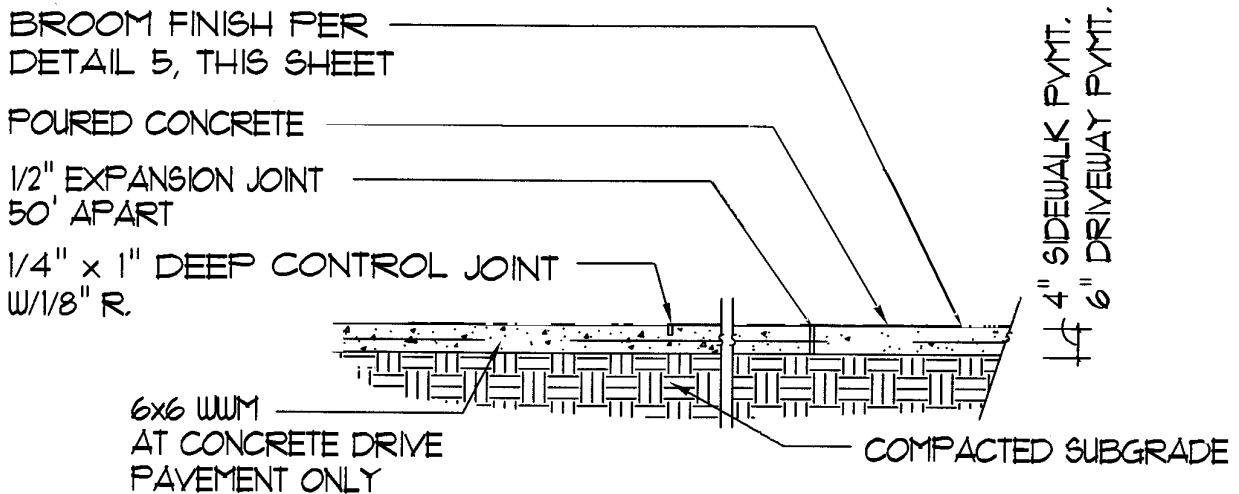
Source: Parker, Dave, et al. 2002. "Design of Stormwater Management Facilities." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 22.37, p. 525. New York: McGraw-Hill.

PAVING OVER MILLED SURFACE

PAVING OVER SOIL

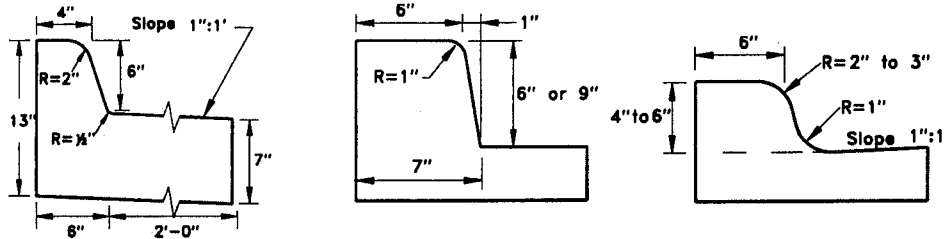


ASPHALT PAVING DETAIL



CONCRETE PAVING DETAIL

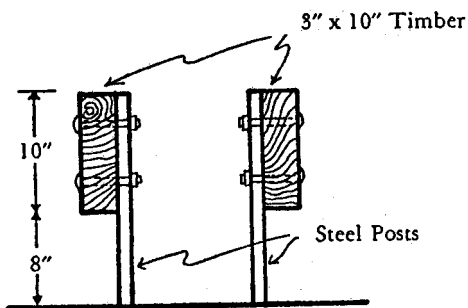
- (c) Curbs or stops. Curbing shall be installed as required by the City Engineer when considered necessary for drainage, although water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements.



Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 20.10, p. 370. New York: McGraw-Hill.

Vertical Curb Details

- (d) Barriers. Parking space bumpers made of timber on steel posts may be used (see figure) in exurban and rural areas to maintain character of the zoning district. The height should be set to meet car bumpers.



Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.215, p. 673. New York: McGraw-Hill.

Section 12.3.13. Stormwater Requirements for Large Parking Lots.

Parking lots covering area of one-half acre or more shall not be permitted to divert all stormwater to a retention or detention basin and shall be required by the city engineer to incorporate one or more of the following techniques illustrated in this section, or other approved alternative, to increase infiltration (provide opportunity for groundwater recharge) and to filter the stormwater collected from parking lots. Within the Curry Creek Reservoir watershed, the techniques in this section shall apply to the maximum extent practicable.

CHAPTER 12.4 OFF-STREET PARKING REDUCTION

- Section 12.4.1. Reduction for Off-Site Arrangements.
Section 12.4.2. Reduction for Mixed or Joint Use of Parking Spaces.
Section 12.4.3. Reduction for Demand Management.
Section 12.4.4. Reduction for On-Street Parking.

Section 12.4.1. Reduction for Off-Site Arrangements.

Off-site parking may be used in combination to meet minimum parking space requirements; a reduction of required off-street parking spaces on a given site may be permitted by the Zoning Administrator in cases where additional off-street, off-site, parking area in sufficient quantity and availability in conformity with this Article compensates for the reduction, subject to the following:

- (a) The property is under one ownership, or a valid agreement exists between the two property owners for use of the parking area.
- (b) Off-site parking shall not exceed fifty (50) percent of the required parking for a building or buildings, except in the CBD zoning district, where 100 percent is permitted.
- (c) Off-site parking shall be located within eight hundred (800) feet of the building or buildings in which it is leased to serve, or 1500 feet in the CBD zoning district.
- (d) Lease agreements, as applicable, must be of sufficient duration to serve the use or uses proposed to be partially served by the off-site leased parking.
- (e) Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

Section 12.4.2. Reduction for Mixed or Joint Use of Parking Spaces.

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Zoning Administrator may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

Section 12.4.4. Reduction for Demand Management.

The Zoning Administrator may in individual cases administratively authorize a proportional reduction in the required minimum number of parking spaces for office, institutional, industrial, and public uses with 50 or more employee parking spaces, if a formal carpool or van pool program is instituted. For purposes of this Section, carpool is defined as two or more persons per car, and vanpool is defined as five or more persons per van. Any carpool or vanpool

Article 12, Parking and Loading
Jefferson-Talmo Land Use Management Code

program shall provide at least five (5) spaces reserved for carpool or vanpool vehicles and shall be clearly marked "Reserved – Carpool/Vanpool Only" through signage or pavement markings. Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped parking spaces provided. The applicant must agree that the parking preferences will be enforced.

Section 12.4.4 Reduction for On-Street Parking

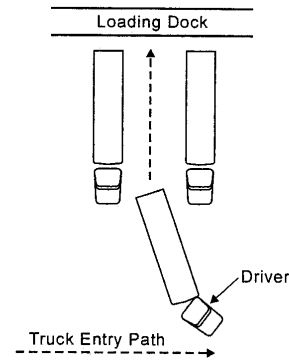
The Zoning Administrator may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by on-street parking approved by the City Engineer.

CHAPTER 12.5 OFF-STREET LOADING

- Section 12.5.1. Off-Street Loading Required.
- Section 12.5.2. Loading Area Specifications.
- Section 12.5.3. Loading Area Locations.
- Section 12.5.4. Minimum Number of Off-Street Loading Spaces Required.

Section 12.5.1. Off-Street Loading Required.

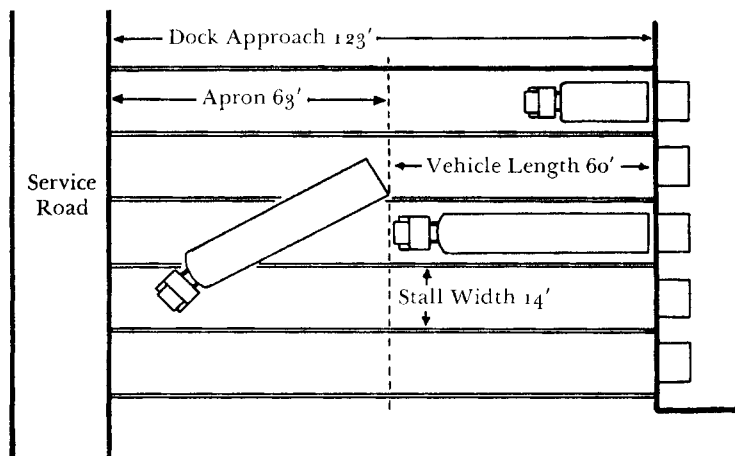
On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of streets, alleys, and private or public parking areas.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 10-5, p. 10-9.

Section 12.5.2. Loading Area Specifications.

Unless otherwise approved by the Zoning Administrator, loading spaces shall be a minimum of fourteen (14) feet wide, forty (40) feet long, with fourteen (14) feet of height clearance. When the development requires loading and unloading by full-size tractor-trailers, loading spaces shall be sixty (60) feet long with a sixty-three (63) foot apron, for a total approach zone of 123 feet.



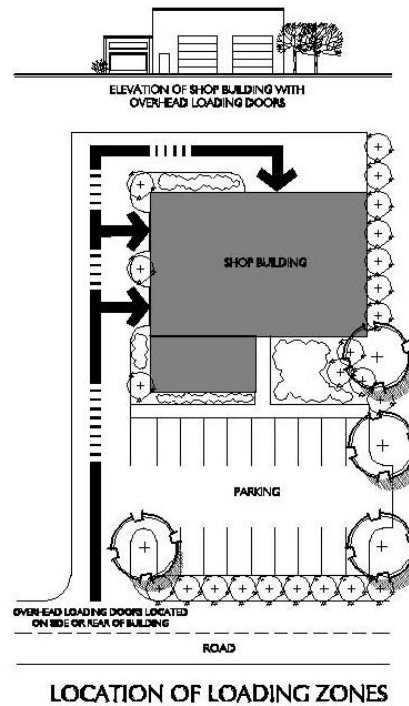
Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 6.188, p. 652. New York: McGraw-Hill.

Section 12.5.3. Loading Area Locations.

Loading areas shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building. Loading areas shall not be permitted within front yards.

Section 12.5.4. Minimum Number of Off-Street Loading Spaces Required.

One off-street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet for retail or other non-industrial use.



ARTICLE 13
SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL

CHAPTER 13.1
TITLE

This ordinance will be known and may be cited as the City of Jefferson-City of Talmo Soil Erosion, Sedimentation and Pollution Control Ordinance.”

CHAPTER 13.2
DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Article, unless otherwise specifically stated. Other definitions provided in the Land Use Management Code shall also apply to the extent their context dictates.

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure. *[Amended, LUMC 18-05, 8-27-18, City of Jefferson; City of Talmo Adopted 12-4-18]*

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Oconee River Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in Chapter 13.4 of this Article.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas) or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction. *[Amended, LUMC 18-05, 8-27-18, City of Jefferson; City of Talmo Adopted 12-4-18]*

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Chapter 13.3 of this Article.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this Article.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that

conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion. Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Oconee River Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with: (A) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or (B) Temporary seeding, producing short-term vegetative cover; or (C) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

CHAPTER 13.3 EXEMPTIONS

This Article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968";
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this article. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this article shall be enforced by the Local Issuing Authority; *[Amended, LUMC 18-05, 8-27-18, City of Jefferson; City of Talmo Adopted 12-4-18]*
5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Chapter 13.4 of this Article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and

which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by this Chapter;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United states engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

CHAPTER 13.4
MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION
CONTROL USING BEST MANAGEMENT PRACTICES

Section 13.4.1. General Provisions.

Section 13.4.2. Minimum Requirements/BMPs.

Section 13.4.3. Adherence to Erosion Control Manual and Additional Requirements.

Section 13.4.4. Injury Not Proof of Violation.

Section 13.4.1. General Provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Article and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this Article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

Section 13.4.2. Minimum Requirements/BMPs.

1. Best management practices as set forth in this Chapter shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

Section 13.4.3. Adherence to Erosion Control Manual and Additional Requirements.

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this Article;
15. There is established a 50 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

Section 13.4.4. Injury Not Proof of Violation.

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

CHAPTER 13.5 APPLICATION/PERMIT PROCESS

- Section 13.5.1. General.
- Section 13.5.2. Permit Application Requirements.
- Section 13.5.3. Plan Requirements.
- Section 13.5.4. Permits.
- Section 13.5.5. Tertiary Land Disturbance Permits.

Section 13.5.1. General.

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult this Article and other Articles of the Land Use Management Code (including zoning ordinance, subdivision regulations, and flood damage prevention ordinance, among others), and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

Section 13.5.2. Permit Application Requirements.

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Jefferson or the City of Talmo without first obtaining a permit from the Zoning Administrator to perform such activity and providing a copy of Notice of Intent submitted to EPD, if applicable.
2. The application for a permit shall be submitted to the Zoning Administrator and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in this Chapter. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Chapter 13.4 of this Article will be met. Applications for a permit will not be accepted unless accompanied by a number of copies specified by the Zoning Administrator of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
3. A local fee, in the amount of \$100.00 shall be charged for each acre or fraction thereof in the project area.
4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such

fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

5. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Chapter 13.4 have been obtained, all fees have been paid, and bonding has been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
6. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
7. The Local Issuing Authority will require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply until after a hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

Section 13.5.3. Plan Requirements.

1. Plans must be prepared to meet the minimum requirements as contained in Chapter 13.4, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of

involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Section 13.5.4. Permits.

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this Article, any variances required by Chapter 13.4 of this Article are obtained, bonding requirements as per this Article are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a Local Issuing Authority shall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The Local Issuing Authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, pursuant to O.C.G.A. 12-7-7 (f) (1).

Section 13.5.5. Tertiary Land Disturbance Permits.

When land development requires only a tertiary land disturbance permit, a separate development permit shall not be required; provided, however, that the following information shall be required as part of the application:

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1. Application form. An application for land disturbance form with information specified by the zoning administrator. Said application form may include but is not limited to name of applicant and contact information, owner and contact information, name of project with location information, proposed source of water service and sewer or septic tank, the name of the professional designer, and the proposed use of the development. The application must be authorized by the property owner.
2. Development name. The name of each tertiary land disturbance project must have the approval of the zoning administrator. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Jackson County or any of its cities.
3. Address. Provide an address for the site, if already assigned.
4. Checklist(s). A checklist for tertiary land-disturbance permit application submissions, as specified by the district and zoning administrator.
5. Fees. Payment of any permit fee, and any associated fees, as established from time to time by the local issuing authority.
6. Plan sets and electronic file. All tertiary land disturbance plans for a project shall be submitted in hard copy in a number of copies as required by the zoning administrator (see checklist), and in digital form in a format acceptable by the zoning administrator. Plan sets will contain sheets for the following, as applicable:
 - a. Plat. A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record. Incorporate applicable provisions of the plat into the site plan, and show abutting lot numbers.
 - b. Site plan. A site plan at an engineering scale, showing project location and boundary, total project area, natural features of the site (including but not limited to the 100-year flood plain, existing drainage channels, required stream buffers if applicable), and proposed development features, including buildings, driveways, and easements.
 - c. Prior approvals. Reference rezoning, special use, and variance approval and any conditions of approval, if applicable.
 - d. Topography and grading. Existing contour lines based on sea level datum at intervals of not more than two (2) feet. Include the entire site and abutting street(s). Show proposed contours.
 - e. Soil erosion plans. Provisions for soil erosion and sedimentation control shall be shown.
 - f. Stormwater management. Provisions for storm drainage shall be shown.
 - g. Tree, buffers and landscaping plan. If buffers or other landscaping are required, show the location, size and type.
 - h. Utilities. The location of water, sanitary sewer, and other utility line as may be required by the zoning administrator.

7. Additional information. Such additional information as may reasonably be required to allow an adequate evaluation of the land-disturbance proposal. *[Section added, Ordinance LUMC 18-05, 8-27-18, City of Jefferson; City of Talmo Adopted 12-4-18]*

CHAPTER 13.6 INSPECTION AND ENFORCEMENT

- Section 13.6.1. Inspections.
- Section 13.6.2. Required Amendment to this Article.
- Section 13.6.3. Investigations.
- Section 13.6.4. No Refusal of Access.
- Section 13.6.5. Review of Actions.

Section 13.6.1. Inspections.

The Zoning Administrator or designee will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, 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 time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article.

Section 13.6.2. Required Amendment to this Article.

The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

Section 13.6.3. Investigations.

The City of Jefferson and the City of Talmo, through its Zoning Administrator or other designee or authorized official, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

Section 13.6.4. No Refusal of Access.

No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Section 13.6.5. Review of Actions.

The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

CHAPTER 13.7 PENALTIES AND INCENTIVES

Section 13.7.1. Failure to Obtain a Permit for Land-Disturbing Activity.

Section 13.7.2. Stop-Work Orders.

Section 13.7.3. Bond Forfeiture.

Section 13.7.4. Monetary Penalties.

Section 13.7.1. Failure to Obtain a Permit for Land-Disturbing Activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

Section 13.7.2. Stop-Work Orders.

1. For the first and second violations of the provisions of this Article, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

Section 13.7.3. Bond Forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that

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person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Section 13.7.4. Monetary Penalties.

Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Article, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

**CHAPTER 13.8
EDUCATION AND CERTIFICATION**

Section 13.8.1. Education and Training Certification Requirements.

Section 13.8.2. On-Site Responsibility.

Section 13.8.1. Education and Training Certification Requirements.

Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

Section 13.8.2. On-Site Responsibility.

For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Section.

If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

CHAPTER 13.9
ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW

Section 13.9.1. Administrative Remedies.

Section 13.9.2. Judicial Review.

Section 13.9.1. Administrative Remedies.

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Local Issuing Authority within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.

Section 13.9.2. Judicial Review.

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Jackson County.

CHAPTER 13.10
EFFECTIVITY, VALIDITY AND LIABILITY

Section 13.10.1. Effectivity.

This ordinance shall become effective upon its adoption.

Section 13.10.2. Validity.

If any section, paragraph, clause, phrase, or provision of this Article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Article.

Section 13.10.3. Liability.

Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

**ARTICLE 14A (CITY OF JEFFERSON)
FLOOD DAMAGE PREVENTION ORDINANCE**

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**CHAPTER 14A.1
GENERAL PROVISIONS**

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Section 14A.1.1. Short Title.

This Article shall be known and may be cited as the Flood Damage Prevention Ordinance of the City of Jefferson.

Section 14A.1.2. Findings.

The flood hazard areas in the City of Jefferson, Georgia, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section 14A.1.3. Purposes.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

- (b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (c) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Section 14A.1.4. Objectives.

The objectives of this Article are to:

- (a) Protect human life and health;
- (b) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (c) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (d) Minimize expenditure of public money for costly flood control projects;
- (e) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (f) Minimize prolonged business interruptions, and;
- (g) Insure that potential homebuyers are notified that property is in a flood area.

Section 14A.1.5. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Accessory Structure: A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

Appeal: A request for a review of the Zoning Administrator's interpretation of any provision of this Article.

Area of Shallow Flooding: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in this Article.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: That portion of a building having its floor sub grade (below ground level) on all sides.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical Facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
4. generating plants, and other principal points of utility lines.

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, and storage of materials or equipment.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing Construction: For the purposes of determining rates, structures for which the "start of construction" commenced before June 4, 1987 in the City of Jefferson (the effective date of the initial FIRM for that community).

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) was completed before June 4, 1987 in the City of Jefferson (the effective date of the initial FIRM for that community).

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic Structure: Any structure that is: Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of

historic places and determined as eligible by communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Land Use Management Code.

Manufactured Home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced after June 4, 1987 in the City of Jefferson and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after June 4, 1987 in the City of Jefferson and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after June 4, 1987 in the City of Jefferson.

North American Vertical Datum (NAVD): A vertical control which has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Recreational Vehicle: A vehicle, which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision: The division of a single lot into two or more lots for the purpose of sale or development.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially Improved Existing Manufactured Home Parks or Subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance: A grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, or other certifications, or other evidence of compliance required by this Article is presumed to be in violation until such time as that documentation is provided.

Section 14A.1.6. Applicability.

This Article shall apply to all Areas of Special Flood Hazard within the jurisdiction of City of Jefferson, Georgia.

Section 14A.1.7. Basis for Area of Special Flood Hazard.

(Amended, City of Jefferson 8-23-10)

- (a) Flood Insurance Study, Jefferson. The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated June 4, 1987 for the City of Jefferson, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article.
- (b) Flood Insurance Rate Maps, Jefferson. The Flood Insurance Rate Maps for the City of Jefferson, Georgia, with an effective date of June 4, 1987, are adopted as if fully contained within this Article and shall be the basis for determining Areas of Special Flood Hazard, until said maps are replaced with the Flood Insurance Rate Maps for Jackson County, Georgia and Incorporated Areas, dated December 17, 2010, and as may be amended.
- (c) Annexations before December 17, 2010. For those land areas with an effective date of annexation before December 17, 2010, the current effective FIS dated November 16, 1990 and the Flood Insurance Rate Maps for Jackson County, Georgia, with an effective date of November 16, 1990, as may be amended, are adopted as if fully contained within this Article and shall be the basis for determining Areas of Special Flood Hazard.
- (d) Flood Insurance Rate Maps for Jackson County and Incorporated Areas. The Flood Insurance Rate Maps for Jackson County, Georgia, and Incorporated Areas, dated December 17, 2010, and as may be amended, and other supporting data and any revision thereto, are hereby adopted as if fully contained within this Article, without the need to amend this Article. As of December 17, 2010, the Flood Insurance Rate Maps dated December 17, 2010, and as may be amended, shall be the basis for determining Areas of Special Flood Hazard without the need to amend this Article.
- (e) Additional Areas of Special Flood Hazard. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
- (f) Repository. The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is the Jefferson-Talmo Planning and Development Department, located at 147 Athens Street, Jefferson, Georgia, 30549.

CHAPTER 14A.2 PERMITTING REQUIREMENTS

Section 14A.2.1.	Permit Required.
Section 14A.2.2.	Permit Procedures.
Section 14A.2.3.	Specific Information Required – Application Stage.
Section 14A.2.4.	Specific Information Required – Construction Stage.

Section 14A.2.1. Permit Required.

No development activity shall commence within an area regulated by this Article until and unless a development permit or building permit, or both if required, shall have been approved by the Zoning Administrator. No development activity shall be approved unless it conforms with the provisions of this Article prior to the commencement of any development activities. No building or structure shall be constructed within an area regulated by this Article until and unless a development permit or building permit, or both if required shall have been approved by the Zoning Administrator. No building or structure shall be approved unless it conforms with the provisions of this Article prior to the construction of said building or structure.

Section 14A.2.2. Permit Procedures.

Application for a Development Permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator prior to any development activities, and may include, but not be limited to the following: plans in sufficient number as specified by the Zoning Administrator, drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Section 14A.2.3. Specific Information Required – Application Stage.

The following information is required at the application stage:

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of this Article; and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

Section 14A.2.4. Specific Information Required – Construction Stage.

The following information is required at the construction stage:

- (a) For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (b) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**CHAPTER 14A.3
PROVISIONS FOR FLOOD HAZARD REDUCTION**

Section 14A.3.1.	General Standards.
Section 14A.3.2.	Elevated Buildings.
Section 14A.3.3.	New Construction and/or Substantial Improvements.
Section 14A.3.4.	Non-Residential Construction.
Section 14A.3.5.	Manufactured Homes.
Section 14A.3.6.	Recreational Vehicles.
Section 14A.3.7.	Floodway.
Section 14A.3.8.	Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones).
Section 14A.3.9.	Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations Without Designated Floodways.
Section 14A.3.10.	Standards for Areas of Shallow Flooding (AO Zones).
Section 14A.3.11.	Subdivisions.
Section 14A.3.12.	Standards for Critical Facilities.

Section 14A.3.1. General Standards.

In all Areas of Special Flood Hazard the following provisions are required:

- (a) Anchoring. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Flood-Resistant Materials. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (c) Construction Methods and Practices. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (d) Heating and Air Conditioning. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Manufactured Homes. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (f) Water Supply. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

- (h) On-site Sewage Disposal Systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) Nonconformities. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

Section 14A.3.2. Elevated Buildings.

In all Areas of Special Flood Hazard, all new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (b) The bottom of all openings shall be no higher than one foot above grade; and,
- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

So as not to violate the "Lowest Floor" criteria of this Article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Section 14A.3.3. New Construction and/or Substantial Improvements.

In all areas of special flood hazard the following provisions are required for new construction and/or substantial improvements.

Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of this Article for "Elevated Buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above two feet above the base flood elevation.

Section 14A.3.4. Non-Residential Construction.

New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to two feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in this Article

Section 14A.3.5. Manufactured Homes.

Where base flood elevation data are available:

- (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than two feet above the base flood elevation.
- (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either: the lowest floor of the manufactured home is elevated no lower than two feet above the level of the base flood elevation; or the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

Section 14A.3.6. Recreational Vehicles.

All recreational vehicles placed on sites must either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
- (c) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of this Article.

Section 14A.3.7. Floodway.

Located within Areas of Special Flood Hazard established in this Article, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (b) Only if the provision of this subsection above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this Article.

Section 14A.3.8. Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones).

Located within the Areas of Special Flood Hazard established in this Article, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a Floodway has not been delineated. When base flood elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article.

Only if data are not available from these sources, then the following provisions shall apply: the following provisions apply:

- (a) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.
- (b) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this article for "Elevated Buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

The Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Section 14A.3.9. Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations Without Designated Floodways.

Located within the Areas of Special Flood Hazard established in this Article, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Article.

Section 14A.3.10. Standards for Areas of Shallow Flooding (AO Zones).

Areas of Special Flood Hazard established in this Article, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of this Article for "Elevated Buildings". The Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (b) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of

practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in this Article.

- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section 14A.3.11. Subdivisions.

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Section 14A.3.12. Standards For Critical Facilities.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

CHAPTER 14A.4 VARIANCES

Section 14A.4.1.	Variance Procedures.
Section 14A.4.2.	Criteria and Conditions for Variances.
Section 14A.4.3.	Conditional Approval Permitted.
Section 14A.4.4.	Actions Following Variance Approval.

Section 14A.4.1. Variance Procedures.

The Governing Body with jurisdiction, after recommendation from the Planning Commission, shall hear and decide requests for appeals or variance from the requirements of this Article, as provided in Article 22 of this Land Use Management Code.

The Governing Body with jurisdiction shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Zoning Administrator, in the enforcement or administration of this Article, as provided in Article 22 of this Land Use Management Code.

Any person aggrieved by the decision of the Governing Body with jurisdiction may appeal such decision to the Superior Court of Jackson County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

Section 14A.4.2. Criteria and Conditions for Variances.

The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. In reviewing requests for variances, the Governing Body with jurisdiction shall consider all technical evaluations, relevant factors, and the following standards in addition to others in this Article. A variance shall be issued only when consistent with the following criteria and conditions:

- (a) A finding of good and sufficient cause is made.
- (b) A determination is made that failure to grant the variance would result in exceptional hardship.
- (c) A determination is made that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure. In the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- (g) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

Section 14A.4.3. Conditional Approval Permitted.

Upon consideration of the factors listed above and the purposes of this ordinance, the Governing Body with jurisdiction may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

Section 14A.4.4. Actions Following Variance Approval.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**CHAPTER 14A.5
ADMINISTRATION AND LEGAL STATUS PROVISIONS**

Section 14A.5.1.	Designation of Administrator.
Section 14A.5.2.	Duties and Responsibilities of the Administrator.
Section 14A.5.3.	Abrogation and Greater Restrictions.
Section 14A.5.4.	Interpretation.
Section 14A.5.5.	Warning and Disclaimer of Liability.
Section 14A.5.6.	Penalties for Violation
Section 14A.5.7.	Severability.

Section 14A.5.1. Designation of Administrator.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this Article.

Section 14A.5.2. Duties and Responsibilities of the Administrator.

Duties of the Zoning Administrator shall include, but shall not be limited to:

- (a) Review proposed development to assure that the permit requirements of this Article have been satisfied.
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When Base Flood Elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of this Article.
- (e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with this Article.
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with this Article.
- (g) When flood-proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with this Article.

- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (l) All records pertaining to the provisions of this Article shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

Section 14A.5.3. Abrogation and Greater Restrictions.

This Article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14A.5.4. Interpretation.

In the interpretation and application of this Article all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 14A.5.5. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Jefferson, or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 14A.5.6. Penalties for Violation.

Failure to comply with the provisions of this Article or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to the provisions of Chapter 24.2 of this Land Use

Article 14A, Flood Damage Prevention (City of Jefferson)
Jefferson Land Use Management Code

Management Code. Nothing herein contained shall prevent the City of Jefferson from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 14A.5.7. Severability.

If any section, clause, sentence, or phrase of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Article or Ordinance.

**ARTICLE 14B (CITY OF TALMO)
FLOOD DAMAGE PREVENTION ORDINANCE**

CHAPTER 14B.1	GENERAL PROVISIONS
CHAPTER 14B.2	PERMITTING REQUIREMENTS
CHAPTER 14B.3	PROVISIONS FOR FLOOD HAZARD REDUCTION
CHAPTER 14B.4	VARIANCES
CHAPTER 14B.5	ADMINISTRATION AND LEGAL STATUS PROVISIONS

**CHAPTER 14B.1
GENERAL PROVISIONS**

Section 14B.1.1.	Short Title.
Section 14B.1.2.	Findings.
Section 14B.1.3.	Purposes.
Section 14B.1.4.	Objectives.
Section 14B.1.5.	Definitions.
Section 14B.1.6.	Applicability.
Section 14B.1.7.	Basis for Area of Special Flood Hazard. [Amended City of Talmo 9-7-10]

Section 14B.1.1. Short Title.

This Article shall be known and may be cited as the Flood Damage Prevention Ordinance of the City of Talmo.

Section 14B.1.2. Findings.

The flood hazard areas in the City of Talmo, Georgia, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section 14B.1.3. Purposes.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

- (b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (c) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Section 14B.1.4. Objectives.

The objectives of this Article are to:

- (a) Protect human life and health;
- (b) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (c) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (d) Minimize expenditure of public money for costly flood control projects;
- (e) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (f) Minimize prolonged business interruptions, and;
- (g) Insure that potential homebuyers are notified that property is in a flood area.

Section 14B.1.5. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Accessory Structure: A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

Appeal: A request for a review of the Zoning Administrator's interpretation of any provision of this Article.

Area of Shallow Flooding: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in this Article.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: That portion of a building having its floor sub grade (below ground level) on all sides.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical Facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
4. generating plants, and other principal points of utility lines.

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, and storage of materials or equipment.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing Construction: For the purposes of determining rates, structures for which the "start of construction" commenced before September 29, 2010 (the effective date of the initial FIRM for that community).

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) was completed before May 4, 2004 (the effective date of the first flood damage prevention ordinance of the City of Talmo, i.e., the Quad Cities Land Use Management Code).

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic Structure: Any structure that is: Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which

have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Land Use Management Code.

Manufactured Home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced after September 29, 2010 (the effective date of the initial FIRM in the City of Talmo) and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after May 4, 2004 (the effective date of the first flood damage prevention ordinance of the City of Talmo, i.e., the Quad Cities Land Use Management Code).

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after May 4, 2004 (the effective date of the first flood damage prevention ordinance of the City of Talmo, i.e., the Quad Cities Land Use Management Code).

North American Vertical Datum (NAVD): A vertical control which has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Recreational Vehicle: A vehicle, which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision: The division of a single lot into two or more lots for the purpose of sale or development.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially Improved Existing Manufactured Home Parks or Subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance: A grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this Article is presumed to be in violation until such time as that documentation is provided.

Section 14B.1.6. Applicability.

This Article shall apply to all Areas of Special Flood Hazard within the jurisdiction of City of Talmo, Georgia.

Section 14B.1.7. Basis for Area of Special Flood Hazard.

[Amended City of Talmo 9-7-10]

- (a) Flood Insurance Study, Jackson County. The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated November 16, 1990 for Jackson County, Georgia (unincorporated areas but including the City of Talmo) with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article.
- (b) Flood Insurance Rate Maps, Jackson County. The Flood Insurance Rate Maps effective November 16, 1990 for Jackson County, Georgia (unincorporated areas but including the City of Talmo) and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article and shall be the basis for determining Areas of Special Flood Hazard, until said maps are replaced with the Flood Insurance Rate Maps for Jackson County, Georgia and Incorporated Areas, dated December 17, 2010, and as may be amended.
- (c) Flood Insurance Rate Maps for Jackson County and Incorporated Areas. The Flood Insurance Rate Maps for Jackson County, Georgia, and Incorporated Areas, dated December 17, 2010, and as may be amended, and other supporting data and any revision thereto, are hereby adopted as if fully contained within this Article, without the need to amend this Article. As of December 17, 2010, the Flood Insurance Rate Maps dated December 17, 2010, and as may be amended, shall be the basis for determining Areas of Special Flood Hazard without the need to amend this Article.
- (d) Additional Areas of Special Flood Hazard. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
- (e) Repository. The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is the Jefferson-Talmo Planning and Development Department, located at 147 Athens Street, Jefferson, Georgia, 30549.

CHAPTER 14B.2 PERMITTING REQUIREMENTS

Section 14B.2.1.	Permit Required.
Section 14B.2.2.	Permit Procedures.
Section 14B.2.3.	Specific Information Required – Application Stage.
Section 14B.2.4.	Specific Information Required – Construction Stage.

Section 14B.2.1. Permit Required.

No development activity shall commence within an area regulated by this Article until and unless a development permit or building permit, or both if required, shall have been approved by the Zoning Administrator. No development activity shall be approved unless it conforms with the provisions of this Article prior to the commencement of any development activities. No building or structure shall be constructed within an area regulated by this Article until and unless a development permit or building permit, or both if required shall have been approved by the Zoning Administrator. No building or structure shall be approved unless it conforms with the provisions of this Article prior to the construction of said building or structure.

Section 14B.2.2. Permit Procedures.

Application for a Development Permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator prior to any development activities, and may include, but not be limited to the following: plans in sufficient number as specified by the Zoning Administrator, drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Section 14B.2.3. Specific Information Required – Application Stage.

The following information is required at the application stage:

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of this Article; and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

Section 14B.2.4. Specific Information Required – Construction Stage.

The following information is required at the construction stage:

- (a) For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- (b) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**CHAPTER 14B.3
PROVISIONS FOR FLOOD HAZARD REDUCTION**

Section 14B.3.1.	General Standards.
Section 14B.3.2.	Elevated Buildings.
Section 14B.3.3.	New Construction and/or Substantial Improvements.
Section 14B.3.4.	Non-Residential Construction.
Section 14B.3.5.	Manufactured Homes.
Section 14B.3.6.	Recreational Vehicles.
Section 14B.3.7.	Floodway.
Section 14B.3.8.	Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones).
Section 14B.3.9.	Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations Without Designated Floodways.
Section 14B.3.10.	Standards for Areas of Shallow Flooding (AO Zones).
Section 14B.3.11.	Subdivisions.
Section 14B.3.12.	Standards for Critical Facilities.

Section 14B.3.1. General Standards.

In all Areas of Special Flood Hazard the following provisions are required:

- (a) Anchoring. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Flood-Resistant Materials. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (c) Construction Methods and Practices. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (d) Heating and Air Conditioning. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Manufactured Homes. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (f) Water Supply. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

- (h) On-site Sewage Disposal Systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) Nonconformities. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

Section 14B.3.2. Elevated Buildings.

In all Areas of Special Flood Hazard, all new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (b) The bottom of all openings shall be no higher than one foot above grade; and,
- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

So as not to violate the "Lowest Floor" criteria of this Article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Section 14B.3.3. New Construction and/or Substantial Improvements.

In all areas of special flood hazard the following provisions are required for new construction and/or substantial improvements.

Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of this Article for "Elevated Buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above two feet above the base flood elevation.

Section 14B.3.4. Non-Residential Construction.

New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to two feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in this Article

Section 14B.3.5. Manufactured Homes.

Where base flood elevation data are available:

- (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than two feet above the base flood elevation.
- (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either: the lowest floor of the manufactured home is elevated no lower than two feet above the level of the base flood elevation; or the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

Section 14B.3.6. Recreational Vehicles.

All recreational vehicles placed on sites must either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
- (c) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of this Article.

Section 14B.3.7. Floodway.

Located within Areas of Special Flood Hazard established in this Article, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (b) Only if the provision of this subsection above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this Article.

Section 14B.3.8. Building Standards for Streams without Established Base Flood Elevations and/or Floodway (A-Zones).

Located within the Areas of Special Flood Hazard established in this Article, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a Floodway has not been delineated. When base flood elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article.

Only if data are not available from these sources, then the following provisions shall apply: the following provisions apply:

- (a) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.
- (b) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this article for "Elevated Buildings".

All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

The Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Section 14B.3.9. Standards for Areas of Special Flood Hazard (Zones AE) With Established Base Flood Elevations Without Designated Floodways.

Located within the Areas of Special Flood Hazard established in this Article, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Article.

Section 14B.3.10. Standards for Areas of Shallow Flooding (AO Zones).

Areas of Special Flood Hazard established in this Article, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of this Article for "Elevated Buildings". The Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (b) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of

practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in this Article.

- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section 14B.3.11. Subdivisions.

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Section 14B.3.12. Standards For Critical Facilities.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

CHAPTER 14B.4 VARIANCES

Section 14B.4.1.	Variance Procedures.
Section 14B.4.2.	Criteria and Conditions for Variances.
Section 14B.4.3.	Conditional Approval Permitted.
Section 14B.4.4.	Actions Following Variance Approval.

Section 14B.4.1. Variance Procedures.

The Governing Body with jurisdiction, after recommendation from the Planning Commission, shall hear and decide requests for appeals or variance from the requirements of this Article, as provided in Article 22 of this Land Use Management Code.

The Governing Body with jurisdiction shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Zoning Administrator, in the enforcement or administration of this Article, as provided in Article 22 of this Land Use Management Code.

Any person aggrieved by the decision of the Governing Body with jurisdiction may appeal such decision to the Superior Court of Jackson County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

Section 14B.4.2. Criteria and Conditions for Variances.

The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. In reviewing requests for variances, the Governing Body with jurisdiction shall consider all technical evaluations, relevant factors, and the following standards in addition to others in this Article. A variance shall be issued only when consistent with the following criteria and conditions:

- (a) A finding of good and sufficient cause is made.
- (b) A determination is made that failure to grant the variance would result in exceptional hardship.
- (c) A determination is made that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure. In the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- (g) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

Section 14B.4.3. Conditional Approval Permitted.

Upon consideration of the factors listed above and the purposes of this ordinance, the Governing Body with jurisdiction may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

Section 14B.4.4. Actions Following Variance Approval.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**CHAPTER 14B.5
ADMINISTRATION AND LEGAL STATUS PROVISIONS**

Section 14B.5.1.	Designation of Administrator.
Section 14B.5.2.	Duties and Responsibilities of the Administrator.
Section 14B.5.3.	Abrogation and Greater Restrictions.
Section 14B.5.4.	Interpretation.
Section 14B.5.5.	Warning and Disclaimer of Liability.
Section 14B.5.6.	Penalties for Violation
Section 14B.5.7.	Severability.

Section 14B.5.1. Designation of Administrator.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this Article.

Section 14B.5.2. Duties and Responsibilities of the Administrator.

Duties of the Zoning Administrator shall include, but shall not be limited to:

- (a) Review proposed development to assure that the permit requirements of this Article have been satisfied.
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When Base Flood Elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of this Article.
- (e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with this Article.
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with this Article.
- (g) When flood-proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with this Article.

- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (l) All records pertaining to the provisions of this Article shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

Section 14B.5.3. Abrogation and Greater Restrictions.

This Article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14B.5.4. Interpretation.

In the interpretation and application of this Article all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 14B.5.5. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Talmo, or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 14B.5.6. Penalties for Violation.

Failure to comply with the provisions of this Article or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to the provisions of Chapter 24.2 of this Land Use

Management Code. Nothing herein contained shall prevent the City of Talmo from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 14B.5.7. Severability.

If any section, clause, sentence, or phrase of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Article or Ordinance.

ARTICLE 15
[RESERVED FOR FUTURE USE]

ARTICLE 16
TREE, LANDSCAPE, AND BUFFER REQUIREMENTS
[CITY OF JEFFERSON]
[City of Jefferson, Ordinance LUMC 18-02 adopted 5-21-2018]

Note: Contact City of Jefferson planning for City of Talmo requirements

CHAPTER 16.1	PURPOSE AND GENERAL PROVISIONS
CHAPTER 16.2	TREE PROTECTION
CHAPTER 16.3	TREE PLANTING AND CANOPY REQUIREMENTS
CHAPTER 16.4	LANDSCAPING

CHAPTER 16.1
PURPOSE AND GENERAL PROVISIONS

Section 16.1.1.	Findings, Purpose and Intent.
Section 16.1.2.	Definitions.
Section 16.1.3.	Compliance.
Section 16.1.4.	Obstructions to Sight Visibility.
Section 16.1.5.	Administration.
Section 16.1.6.	Inspections.
Section 16.1.7.	Forest Management Activities.
Section 16.1.8.	Jefferson Tree Council.

Section 16.1.1. Findings, Purpose and Intent.

- (a) Trees improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for wildlife, moderate the climate, and enhance community image and property values. Therefore, it is the intent of this article to encourage the protection and provision of trees through sound, responsible land development practices.
- (b) Landscaping enhances a community's environmental and visual character and improves the overall quality of life. Vegetation can also improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for wildlife, moderate the climate, and enhance property values, thus protecting the health, safety, and welfare of the community.
- (c) It is the purpose of this article to provide trees, environmentally sound landscape amenities, and buffers which promote a positive community image by promoting quality development, enhancing property values, providing for landscape improvements, and promoting aesthetic quality. It is also the intent to promote a healthy, natural environment whenever possible by protecting and enhancing existing vegetation.
- (d) Inappropriate landscaping can degrade the quality of the natural environment by requiring excess water and pesticides, or by creating unnecessary conflicts with sewers, sidewalks, and vehicle access. It is important to promote environmentally sound landscaping, including the use of low-maintenance, drought-resistant, and native or noninvasive plants, and to ensure that the right tree is planted in the right place. Environmentally sound landscaping also means restricting the use of invasive and

potentially invasive species. Although well-mannered nonnative species can be welcomed additions to a landscape, invasive species can cause severe economic and environmental harm (including crop damage and degradation of native habitats) and can engender significant control costs.

- (e) This article also establishes standards for buffers and landscape strips. Buffers between two incompatible uses minimize harmful impacts such as transmission of noise, dust, and glare. Buffers can also lessen visual pollution, establish a greater sense of privacy from visual or physical intrusion, and protect the public health, safety, and welfare of the community.

Section 16.1.2. Definitions.

ANSI A300 Standards: The generally accepted (consensus) industry standards for tree care practices, developed by the Tree Care Industry Association (TCIA) and written by a committee called the Accredited Standards Committee (ASC) A300. These standards are based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

Arborist: A professional certified by the International Society of Arboriculture who possesses the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants in the residential, commercial, and public landscape. In the absence of an appointed arborist, the zoning administrator or designee shall serve as the arborist for the city.

Berm: An earthen mound or embankment, usually less than three feet if designed to provide visual interest only, and usually six feet or more in height if intended to screen views or reduce noise.

Caliper: The diameter of a tree (usually nursery stock) measured at a point (six) 6 inches above the ground or top of root ball for up to and including four-inch (4") caliper trees, and at a point twelve (12) inches above the ground or top of root ball for larger sizes.

Critical root zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone (CRZ) will typically be represented by a concentric circle centered on the tree's trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter. Example: The CRZ radius of a 20-inch diameter tree is 30 feet.

Crown: The leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

Deciduous: A plant with foliage that goes dormant and is shed annually, typically in the fall.

Diameter breast height (DBH): The standard measure of trunk diameter for those trees existing on a site. Trunk diameter is measured in inches at a height of 1.5 above and less than 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the DBH shall be the largest of the multiple trunks when measured at 4.5 feet above the ground.

Drip line: An imaginary perpendicular surface from a tree's branch tips down to the ground. The circular area of land surrounding the tree from the trunk to the outermost branches. This area is

distinguished from, and not to be confused with, critical root zone.

Evergreen: A plant with foliage that persists and remains green year-round.

Ground cover: Living material planted in such a way as to form an eighty percent (80%) or more continuous ground cover at the time of planting that can be maintained at a height of not more than eighteen (18) inches.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

Invasive tree or shrub: Any tree or shrub that is not native and is known to have negative effects on the environment or the economy. Invasive plants commonly threaten the ecosystems of native plants and animals.

Landscape plan: A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan consists of a site plan showing the boundaries of the property and the location of proposed plant (trees and shrubs and other) materials, in relation to surroundings and improvements, along with a planting schedule and any additional specifications required by the zoning administrator or his designee.

Landscape strip: A planted area 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 subject to the zoning administrator's approval include decorative rock, bark, mulch and other similar materials in addition to vegetation and live plant material.

Mulch: Organic matter composed of pine straw, leaves, aged wood chips, compost, pine bark, or a combination thereof, that is applied in a layer on the ground over the roots of a tree to retain soil moisture, improve soil texture, cover and suppress the growth of unwanted vegetation, increase soil nutrients, and provide a favorable habitat for beneficial soil organisms.

Qualified Professional: An International Society of Arboriculture-certified arborist, forester, registered landscape architect, the County Extension Agent, technical staff of the Georgia Forestry Commission, or other professional accepted by the zoning administrator as having the requisite qualifications as a professional with regard to trees and landscaping and the preparation of plans. For purposes of preparing existing tree canopy calculations, a registered land surveyor or registered engineer shall be considered a qualified professional.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, and generally obtaining a height less than eight (8) feet; a shrub may be deciduous or evergreen.

Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of at least two (2) inches which normally attains a mature height of at least ten (10) feet.

Tree, Large Canopy: A tree species with a canopy that typically covers at least 1,600 square feet at maturity under urban conditions, with crown diameter of at least 45 feet at maturity.

Tree, Medium Canopy: A tree species with a canopy that typically covers at least 900 square feet at maturity but less than 1,600 square feet under urban conditions, with a crown diameter of at least 35 feet at maturity.

Tree, Small Canopy: A tree species with a canopy that typically covers at least 400 square feet at maturity but less than 900 square feet under urban conditions, with a crown diameter of at least 25 feet at maturity.

Tree, Street: A tree that is planted on private property abutting or (with city permission) within a street right-of-way, generally for purposes of canopy shade, beautification, and cooling of the microclimate.

Tree Canopy: The total area beneath the drip line of a qualifying tree.

Tree Canopy Coverage: The total area of a development site or building lot within the tree canopy of all qualifying trees on the site or lot, the actual coverage of which is measured in square feet and which is also required to be expressed as a percentage of the total area of a development site or building lot. Tree canopy coverage includes portions of the development site or building lot with tree canopy extending onto the development site or building lot from an abutting road right of way, or easement, or an abutting private lot within a designated tree protection area.

Tree Protection Area: The area underneath retained trees which is required to be protected during construction. The tree protection area encompasses, at a minimum, the critical root zone of the tree.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or low water use.

Section 16.1.3. Compliance.

- (a) Land disturbance and grading activities shall take place only in accordance with the requirements of this Article.
- (b) No person shall cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this Article.

Section 16.1.4. Obstructions to Sight Visibility.

- (a) All landscaping and trees planted adjacent to street rights of way and driveway intersections with rights of way shall be installed and must be maintained in a manner that observes minimum vision clearances specified in Section 5.2.4 of the land use management code.
- (b) No landscaping shall be allowed that obstructs or impairs the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from

a public road, or any other location including the interiors of private parking lots) where said obstruction would create a hazard to life or property.

- (c) The city shall have the right, but not the obligation, to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, interferes with visibility of any traffic control device or sign or sight lines necessary for safe vehicular traffic, or poses an imminent danger to public property.

Section 16.1.5. Administration.

This article shall be administered and interpreted by the zoning administrator. The zoning administrator may but is not required to delegate the functions of administering this article to a city arborist or other designee. For purposes of this article, reference to the “city” shall be construed as the zoning administrator, unless the context clearly indicates otherwise.

Section 16.1.6. Inspections.

The zoning administrator, city arborist, and code enforcement officer are authorized to conduct inspections to ensure that the provisions of this article are met. Primary inspection duties shall be assigned to the city arborist.

- (a) Generally. Inspections shall be required to ensure that the purposes and provisions of this article are met.
- (b) Preliminary inspection. A development site or lot shall be inspected with the applicant or his or her agent prior to plan review for the purpose of identifying options for tree conservation and compliance with technical standards. The preliminary inspection may be used to confirm the accuracy of any tree survey required to be submitted.
- (c) Tree protection inspection. An inspection shall be made prior to land disturbance (i.e., at a pre-construction meeting) to ensure that all tree protection measures required at that time have been installed, and following land disturbance to ensure the required protection of trees is continued.
- (d) Pre-installation. An inspection shall take place at the time of the delivery of the trees and shrubs on site and prior to installation to inspect for quality and to review planting requirements.
- (e) Periodic inspections. Additional site inspections may occur periodically or at any time during development or construction or encroachment to ensure that all requirements of this article are being met.
- (f) Certificate of occupancy inspection. A site inspection shall be required prior to issuance of a certificate of occupancy for the purpose of ensuring that all applicable requirements of this article have been met.

Section 16.1.7. Forest Management Activities.

- (a) Forest management activities. Forest management activities, including timber harvesting, shall conform to accepted professional forestry practices and current

Georgia's Best Management Practices for Forestry.

- (b) Notification required. All persons or firms harvesting standing timber in the city for delivery as pulpwood, logs, poles, posts or wood chips to any woodyard or processing plant located inside or outside the state or any property owners who individually or through agents or contractors harvest standing timber from their own lands shall provide notice of such harvesting operations to the zoning administrator prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed [Reference: O.C.G.A. 12-6-24]. "Harvest" or "harvesting" as used in this article shall mean the cutting or removal of trees for any purpose that results in the assessment of ad valorem taxation of such trees in accordance with O.C.G.A. Sec. 48-5-7.5.
- (c) Forms and content of notice. The required notice of harvesting such timber shall describe each separate site to be harvested, shall be on such form promulgated by the Georgia Forestry Commission, shall be delivered to the zoning administrator prior to the inception of harvesting and shall consist of:
- (1) A map of the area which identifies the location of the site to be harvested and, as to those trucks which will be traveling to and from such site for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such site from a public road and, if different, the main point of egress from such site to a public road.
 - (2) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest.
 - (3) The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest.
 - (4) The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- (d) Delivery of notice. Notice may be submitted in person, by transmission of an electronic record via telefacsimile, e-mail or such other means as approved by the zoning administrator, or by mail to the zoning administrator.
- (e) Development limitations. Unless a development permit or building permit based on an approved tree retention and replacement plan for a site has been issued by the zoning administrator prior to or contemporaneously with the filing of the notice of timber harvesting activity, no activity requiring a land disturbance, development, or building permit may occur on the site for a period of five years after the completion date of the timber harvesting or tree cutting or removal. The five-year limitation regarding development may be waived if a timber harvesting plan, prepared by a forester, licensed in the State of Georgia, is submitted by the owner, and approved by the zoning administrator, prior to the beginning of any timber harvesting, tree cutting, or removal. The intention of this plan is to preserve the environmental integrity of the site, as well as to maintain the required tree canopy per acre, distributed throughout the site.

Section 16.1.8. Jefferson Tree Council.

- (a) Creation and continuance of tree council. There is hereby created and established a city tree council to be known as the Jefferson Tree Council. The composition of the Tree Council as it existed on the effective date of this code amendment shall continue in its present composition. As member terms of appointment expire, the composition of the tree council shall transition to seven (7) voting members who shall be appointed by the mayor and city council, five (5) of whom must be residents of the city.
- (b) Term of office. The term of office of the persons appointed by the mayor to the tree council shall be three (3) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
- (c) Compensation. Members of the council shall serve without compensation.
- (d) Duties and responsibilities. It shall be the responsibility of the tree council to study, investigate, develop or update a written plan for the sustainable management of the community forest, including the care, conservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along city streets, and in other public areas. It shall also be the responsibility of the tree council to include in the plan ongoing education to the community about trees and their management. Such plan will be presented periodically to the mayor and city council by the tree council and upon city council's adoption it shall constitute the official community forest management plan of the city. The tree council, when requested by the mayor and city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming before it and within the scope of its work.
- (e) Operation. The tree council shall choose its own officers, establish its own bylaws and rule and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. The tree council shall meet at least quarterly, unless there is no business to conduct. The tree council shall have a budget for its operation as approved by the city council, and it shall be authorized to accept grants and private donations on behalf of the city to fund its activities.
- (f) Interference with city tree council. It shall be unlawful for any person to prevent, delay or interfere with the city tree council, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street or park tree as authorized in this article.
- (g) Review by city council. The city council shall have the right to review the conduct, acts and decisions of the city tree council.

CHAPTER 16.2 TREE PROTECTION

Section 16.2.1.	Tree Protection Required.
Section 16.2.2.	Designation of Tree Protection Areas.
Section 16.2.3.	Tree Protection Fencing Required.
Section 16.2.4.	Tree Protection Area Signs Required.
Section 16.2.5.	Prohibitions Within Tree Protection Areas.
Section 16.2.6.	Damage to Tree Protection Areas.
Section 16.2.7.	Tree Replacement.
Section 16.2.8.	Protection of Trees on Public Property.

Section 16.2.1. Tree Protection Required.

Tree protection requirements of this chapter shall be applied to every activity that requires the issuance of a land-disturbance permit or development permit under this land use management code, except for activities otherwise exempted by this chapter.

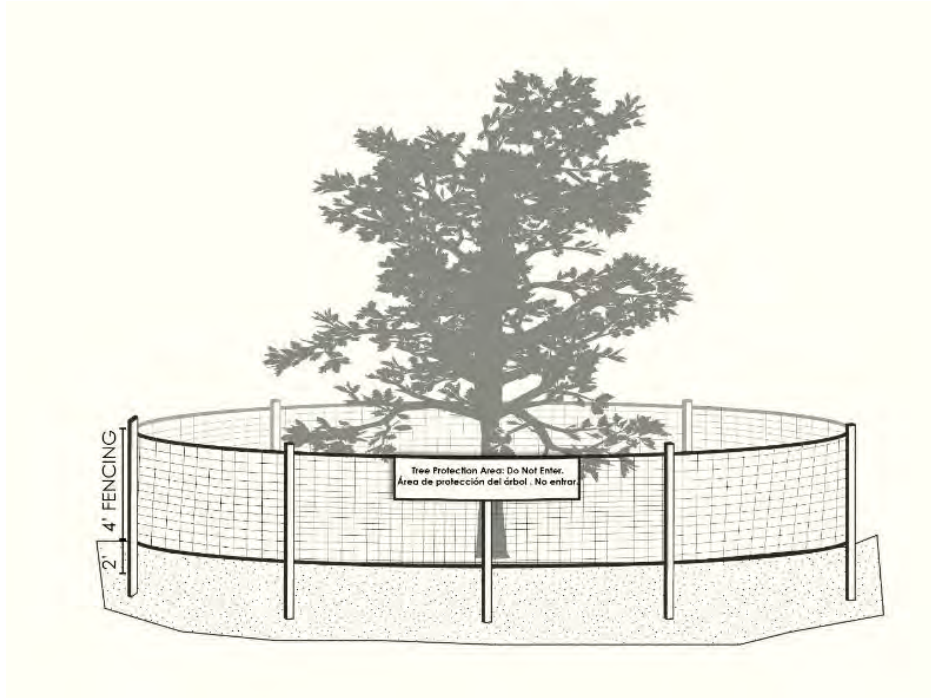
Section 16.2.2. Designation of Tree Protection Areas.

The following areas shall be designated as tree protection areas on grading plans, landscaping plans, and final plats, within which it shall be unlawful to remove trees unless specifically provided otherwise by this Chapter:

- (a) Stream buffers. Stream and any other riparian buffers required by state law or this land use management code.
- (b) Zoning buffers. Natural buffers when required by zoning district. Every required zoning buffer shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of six (6) feet on a continuous, year-round basis.
- (c) Existing trees to be retained. Where a developer or subdivider proposes or is required to retain trees outside of required stream buffers and zoning buffers.

Section 16.2.3. Tree Protection Fencing Required.

- (a) Tree protection areas shall be actively protected during land disturbance and land development with tree protection fencing (see figure below), installed at the boundaries of all tree protection areas prior to any land development or land disturbance activity. An inspection shall be required prior to land development or land disturbance activity.
- (b) Tree fencing shall be a minimum of four (4) foot in height and comprised of chain-link fencing, orange laminated plastic fencing supported by posts, wooden post and rail fencing, or other equivalent barrier. The perimeter of the tree protection fence shall be a radius of 1.5 feet for each 1 inch of DBH. Tree protection fencing required by this section shall remain in place until land development and construction activities cease, or a certificate of occupancy is issued, or authorization by the zoning administrator is given to remove the tree protection fencing, whichever is later.



Section 16.2.4. Tree Protection Area Signs Required.

- (a) Prior to any land development or land disturbance activity, tree protection signs shall be installed on or along tree protection fencing required by this Chapter. Signs shall be installed along the perimeter of all tree save areas at a minimum of every 200 feet and shall include the following text: “Tree Protection Area, Do Not Enter” in both English and Spanish.
- (b) Unless otherwise approved by the zoning administrator, the signs shall be fabricated of a sturdy material, shall be a minimum of eighteen (18) inches by twenty-four (24) inches, and shall be placed on a sturdy post with the bottom of the sign a minimum height of thirty (30) inches above grade. The signs must remain present at all times during land disturbance and building construction.

Section 16.2.5. Prohibitions Within Tree Protection Areas.

- (a) When a tree protection area is established and delineated on a recorded subdivision plat, or an approved land development plan, any and all trees within the tree save area delineated on the plat or land development plan shall be preserved by the subdivider and subsequent lot owner except as otherwise exempted or specifically authorized in this chapter.
- (b) Except as specifically authorized in this chapter, tree protection areas shall remain in a natural, undisturbed condition; activities related to development within a tree protection area shall be prohibited. This specifically includes prohibition of the following:
 - 1. Vehicle or equipment traffic or storage;
 - 2. Materials or supplies storage;
 - 3. Placement of temporary or permanent structures

4. Equipment maintenance or washout;
5. Wounding of tree trunks or wounding or breakage of limbs or branches greater than four (4) inches in diameter, topping or other improper pruning, such as stub cuts or flush cuts;
6. Fires or excessive heat from equipment exhausts;
7. Site or lot clearing or grubbing, soil excavation or soil cuts or fills; grading; trenching; tilling; soil compaction; top dressing with fill or soil greater than two (2) inches in depth; and paving.

Section 16.2.6. Damage to Tree Protection Areas.

Any land disturbance within a tree protection area shall be cause for issuance of a stop work order, unless such disturbance is authorized by all agencies with jurisdiction. Any tree within a tree protection area that is damaged during land disturbance, land development, or building or site construction shall be treated according to ANSI A300 standards. If damage necessitates removal of a tree, it shall be replaced with a tree or trees of similar species and equal to the value of the tree replaced, as determined by the zoning administrator.

Section 16.2.7. Tree Replacement.

The property owner or his or her assigns shall replace any tree (required to be retained or that is planted in conformance with requirements of this article) that dies or is removed from a site, if such removal results in a tree canopy coverage less than that required by this article, or any other deficiency with regard to meeting the requirements of this article. Replacement is required by the next planting season with a tree of the same or similar species and projected canopy size at maturity as determined by the zoning administrator.

Section 16.2.8. Protection of Trees on Public Property.

- (a) No person shall plant, spray, fertilize, prune, or remove, or otherwise disturb any tree on any road right-of-way or property owned by the city without first securing permission from the city. No person shall cause damage to trees on rights-of-way or other public property, by cutting, carving, attaching any rope, wires, nails, signs, or other object to any such tree; or allowing any harmful gas, liquid, or solid substance to contact any tree; or to set fire or permit any fire to burn which may injure any portion of any tree; or causing harm to tree roots through construction activities, vehicle parking, or material storage.
- (b) It shall be unlawful for any person or firm to top or severely prune any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Severe pruning seriously affects a tree's food supply, can scald the newly exposed outer bark, make trees vulnerable to insect invasion, stimulates the re-growth of dense, upright branches below the pruning cut, makes the tree more vulnerable to wind damage, disfigures the tree aesthetically, and sometimes results in the death of the tree. Where appropriate, crown reduction pruning according to ANSI standards by a qualified arborist may be substituted. Trees severely damaged by storms or other causes, or certain trees under obstructions such as utility wires where other pruning practices are impractical may be exempted from this section as determined by the city.

CHAPTER 16.3 TREE PLANTING AND CANOPY REQUIREMENTS

Section 16.3.1.	Determination of Existing Tree Canopy Coverage.
Section 16.3.2.	Existing Canopy to be Retained.
Section 16.3.3.	Minimum Tree Canopy Coverage Requirements by Land Use.
Section 16.3.4.	Addition of Trees to Meet Minimum Tree Canopy Coverage Requirements.
Section 16.3.5.	Tree Bank.
Section 16.3.6.	Tree Planting Standards.
Section 16.3.7.	Street Tree Requirements.

Section 16.3.1. Determination of Existing Tree Canopy Coverage.

- (a) Generally. Prior to engaging in land disturbance or land development, it shall be the duty of land developers to calculate existing tree canopy coverage on any site to be disturbed or developed.
- (b) Sites with trees. The extent of tree canopy coverage can and shall be estimated based on a current or reasonably current (i.e., not more than three years from the date an application for land disturbance or land development is submitted) aerial photograph of the site. A copy of the aerial photograph utilized shall be provided as part of the application for land disturbance or land development. Estimates of tree canopy coverage should be verified in the field by the applicant (with date of field verification so noted in the application) and are subject to verification in the field by the city.
- (c) Sites without trees. Where no tree canopy exists on the site to be subdivided, disturbed, or developed, the applicant shall indicate such in the application for land disturbance or land development.

Section 16.3.2. Existing Canopy to be Retained.

Where a development site or lot has existing tree canopy, the developer or subdivider shall propose all or some of the existing trees to be retained and designated as tree protection areas. The following provisions will apply to designation of tree protection areas for purposes of meeting the tree canopy requirements of this chapter:

- (a) Existing tree canopy on the parcel of land to be subdivided, disturbed or developed should be retained to the maximum extent possible. Land developers and subdividers will be required to consider designing land development in a way that protects existing trees to the maximum extent possible, while allowing for reasonable development of the site. This criterion applies even if the site can sustain significant tree removal and still meet minimum tree canopy coverage requirements of this chapter after such tree canopy removal.
- (b) Trees that conflict with the building envelope, that are within areas that must be cleared for parking and loading spaces, or in other places on the site where infrastructure must be installed, are to be approved for removal unless an alternative site design is

considered feasible and the trees within such area are of high value as determined by the Zoning Administrator.

- (c) If tree canopy must be and is authorized to be removed from the site, healthy, native hardwood trees that are 24 inches or more diameter breast height and significant stands of trees are the highest priority for retention. To incentivize retention of trees that are 24 inches or more diameter breast height, such trees retained and protected per this chapter shall be given 1.5 times the future tree canopy listed in the Tree Species List or 1.5 times the actual tree canopy, whichever is greater. In such cases, the area of tree canopy for which credit is given shall always remain in tree canopy, and there shall be no other use of the area other than for tree growth. The area shall remain permeable and undeveloped. Pine tree canopy shall be considered the lowest priority for preservation.

Section 16.3.3. Minimum Tree Canopy Coverage Requirements by Land Use.

- (a) Minimum ratios. All subdivisions and land developments shall meet the minimum tree canopy coverage requirements for the land use as indicated in Table 16.3.1.

Table 16-3-1
Minimum Tree Canopy Coverage Requirements by Land Use

Land Use	Minimum Tree Canopy Coverage Required (% of development site or lot)
Residential, single-family attached or two-family subdivisions (note 1)	20%
Residential, multiple-family	30%
Residential, fee simple townhouse	15%
Planned Community Development	As per site plan or conditions of zoning approval
Office or institutional	35%
Commercial	30%
Commercial, downtown	None
Industrial	25%
Mixed use	15%

Note 1. The total site area included within a major residential subdivision shall be required to meet the requirements of this section at the time of preliminary platting, but individual lots within a major or minor subdivision shall not be subject to the minimum tree canopy coverage requirements of this section.

- (b) Exemption for lakes and ponds. The area within natural or manmade bodies of water of two or more acres may be subtracted from calculations of tree canopy required.
- (c) Determination, uncertainty, and interpretation. With respect to classifying a land use for purposes of this section, the Zoning Administrator shall determine the land use as that use which is the principal use of the development site or lot. The Zoning Administrator shall be authorized to interpret the land use classifications in cases of uncertainty.

- (d) Compliance. A major subdivision or land development may meet the minimum tree canopy coverage requirements of this section, by virtue of the tree canopy existing and to be retained on the site, in which case additional tree canopy coverage is encouraged but not required to be provided. Development sites and major subdivisions which have existing trees which result in a tree canopy coverage that meets or exceeds the requirements of this section will not be required to plant additional trees, except as may be required to meet parking lot landscaping, landscape strip, street tree planting, and/or buffer requirements of this land use management code. If a site does not have sufficient existing tree canopy, plans for the major subdivision or land development shall indicate additional tree planting in a manner that will meet the minimum requirements of this section.
- (e) Timing of compliance. Compliance with the requirements of this chapter will be determined at the time of development plan review (including review of tree protection areas and a landscaping plan proposing tree canopy) for a land development and at the time of preliminary subdivision plat review for a major subdivision.
- (f) Canopy cover credit for individual trees. For the purposes of this chapter, the tree canopy cover that is credited to an individual tree shall be either the actual square foot area of the crown's projection directly down onto the ground, or the tree canopy coverage at maturity as specified for the species as listed in the Jefferson Tree Species List, whichever is greater. Any tree of a species not on the Jefferson Tree Species List shall be given the tree canopy cover at maturity for the size typical of the species using standard landscaping references.

Section 16.3.4. Addition of Trees to Meet Minimum Tree Canopy Coverage Requirements.

- (a) When required. When a development site or major subdivision does not meet the minimum tree canopy coverage required by this Section 16.3.3 via the maintenance of existing trees on site at the time of development or major subdivision, respectively, the developer or subdivider shall be required to plant trees on the development site or in the major subdivision's boundaries sufficient to meet the requirements of Section 16.3.3.
- (b) Locations. Trees may be planted throughout the development site or lot, although preference should be given to parking lots, and the front yard of the property.
- (c) Species selection standards. Species shall be selected that are tolerant of growing conditions on the site, including growing space, sunlight, soil moisture, temperature and soil volume. No more than 25 percent of all trees planted on a lot shall be of any one species.
- (d) Pine tree limitation. Where trees must be added to achieve the required tree canopy coverage requirement for the development site or lot, pine trees shall not comprise more than 25 percent of the tree canopy planted.

Section 16.3.5. Tree Bank.

- (a) Tree bank established. An alternative means of compliance may be available in certain instances, called the Jefferson Tree Bank, which is hereby established.

- (b) Purchase of canopy credits. If the city determines that tree canopy coverage requirements of this chapter cannot be met on a particular site, due to lack of existing tree canopy coverage, a lack of suitable places on the development site, or within the subdivision to plant trees for canopy, or other condition that renders it impractical to fully comply with this chapter, owners of property confirmed by the city as being unable to achieve the tree canopy coverage requirements of this chapter on a particular site may at their option purchase canopy credits from the Jefferson Tree Bank to compensate for tree canopy deficits.
- (c) Limitations on purchase of tree canopy credits. All requirements for trees in required front landscape strips, parking lot interiors, and buffers must be met before donations to the tree fund in lieu of planting will be authorized, and in no case shall more than fifty percent (50%) of the tree canopy required on the site be satisfied by donations to the tree bank.
- (d) Calculation of the cost of canopy credits. Canopy deficit is calculated by subtracting the area of tree canopy achieved on site by saved and planted trees from the required tree canopy coverage, rounded up to the nearest 900 square foot increment. Each 900-square foot increment shall equal one canopy credit. Canopy credits may be purchased from the Jefferson tree bank at a cost of \$400.00 per credit. This cost assignment is based on average wholesale cost for trees of various sizes that would provide comparable canopy, plus shipping, labor, installation, and a two-year maintenance program.
- (e) Use of funds. Funds maintained in the Jefferson Tree Bank shall be administered by the Zoning Administrator with consultation by the Jefferson Tree Council and shall be spent on an appropriate combination of: (1) tree establishment on public properties and public rights of ways or within easements on private properties abutting street rights-of-ways which do not already have street trees alongside them; (2) maintenance of trees on public properties and public rights of ways or within easements on private properties abutting street rights of ways; (3) community education; and (4) Other environmental projects in which trees are an integral part. The Jefferson Tree Commission shall establish an annual program for administration of these funds.

Section 16.3.6. Tree Planting Standards.

- (a) Quality. Trees planted to satisfy the requirements of this article shall meet minimum quality standards as established in ANSI A300 standards, as officially revised from time to time.
- (b) Caliper and height. Trees shall be a minimum of 2 to 2.5 inches in caliper for deciduous trees, a minimum of eight feet in height for evergreen trees, and a minimum of one-inch caliper per trunk for multi-stemmed trees at the time of planting.
- (c) Critical root zone protection. Grading, excavating, or locating utilities within the critical root zones of trees shall be prohibited. No activity or materials, including solvents, construction equipment, portable toilets, construction trailers or temporary soil deposits shall encroach or be placed within the critical root zone of any tree protected under the requirements of this article.

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- (d) Soil depth. The soil within an area intended for tree planting shall be well aerated to a minimum depth of twelve (12) inches; soils in tree planting islands surrounded by pavement shall be well aerated to a minimum depth of 18 inches.
- (e) Soil composition. The soil shall contain a minimum of five percent organic matter. Soil pH shall be within a range of 5.8 to 7.0.
- (f) Watering. Trees shall be “watered in” at the time of planting to eliminate air pockets.
- (g) Staking. Although tree staking is not generally required, it may at times be required under certain site or other conditions. If installed, stakes shall be removed by the tree owner no later than six months after planting. Any staking shall comply with ANSI A300 standards.
- (h) Mulching. Trees shall be mulched immediately in accordance with the mulching ANSI A300 standards as may be revised from time to time.
- (i) Additional technical standards. The zoning administrator with arborist recommendation may establish additional technical specifications or standard drawings for planting trees to implement the intentions of this Article.

Section 16.3.7. Street Tree Requirements.

- (a) Required. Street tree planting is required along all new public streets and private streets within commercial, industrial, or residential subdivisions. The city required medium- to large canopy trees, depending on context, placement, and site conditions.
- (b) Accommodation of existing trees. Where one or more healthy trees already exist along the street frontage in such a way as to obviate the need for street tree planting, the city may waive or partially waive the tree centering requirement.
- (c) Plan submittal and approval. The subdivider, owner of land to be dedicated as a public street, or the developer of a private street shall at the time of preliminary plat approval submit a plan for the provision and installation of street trees along all said roads. The plan for street trees shall indicate the following:
 - 1. The typical location of trees in relation to (or within) the right of way, utilities, and driveways. If proposed to be located in the right of way, or within a utility easement abutting the right of way, the plan must show existing and planned utilities to avoid conflicts therewith.
 - 2. A graphic plan showing the placement of street trees along the new public or private street.
 - 3. The species of tree(s) to be planted and the size (caliper), along with a planting legend showing the total number of street trees. Street trees shall be selected from the species listed on the approved Species List (see appendix to this article).
 - 4. Spacing (interval between the trees).
 - 5. Estimated canopy cover at maturity (% of site with tree canopy), both for the street right of way and private property.

6. Responsibility to install. The plan shall indicate whether the street trees will be installed by the owner/subdivider, or whether the tree installation will be deferred to subsequent lot owners. If the zoning administrator allows for street tree planting to be deferred to lot owners/builders, the subdivider will be required prior to final plat approval to place notes on the final plat regarding street tree planting by individual lot owners or builders.
- (d) Additional specifications and guidelines. The spacing of street trees shall not be less than thirty-five (35) feet for large canopy trees. The spacing interval may be reduced by the zoning administrator for medium canopy trees, or if overhead power lines exist. No street tree should be planted within thirty (30) feet of a street intersection or within five (5) feet of any underground utilities. In exurban or rural areas, loose, informal tree groupings are more appropriate than rows and thus may be proposed by the designer and approved by the zoning administrator. A mixture of plant species rather than a single (monoculture) species should be provided.

CHAPTER 16.4 LANDSCAPING

Section 16.4.1.	When Required.
Section 16.4.2.	Planting Options and Specifications for Front Landscape Strips.
Section 16.4.3.	Planting Specifications for Side Landscape Strips.
Section 16.4.4.	Parking Lot Interior Landscaping.
Section 16.4.5.	Screening and Buffer Specifications.
Section 16.4.6.	General Provisions.
Section 16.4.7.	Tree Protection and Landscape Plan Required.
Section 16.4.8.	Landscaping Specifications.
Section 16.4.9.	Landscape Maintenance and Landscape Bond.

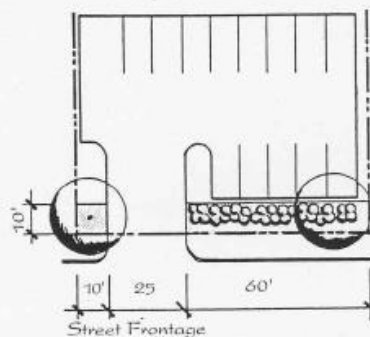
Section 16.4.1. When Required.

- (a) The landscaping requirements of this article shall apply to all land uses for which a development permit or building permit is required to be issued, except for lots containing detached, single-family or two-family dwellings.
- (b) The exemption of individual lots containing detached, single-family and two-family dwellings shall not be construed to exempt the filing of a landscape plan for residential subdivision entrances and/or landscaping installation on common areas within such subdivision.

Section 16.4.2. Planting Options and Specifications for Front Landscape Strips.

Where a front landscape strip is required by this Land Use Management Code, one of the following optional planting specifications shall apply to all landscape strips adjacent to the right-of-way of a public or private street. The landscape requirement shall not apply to vehicle access areas but the landscape strip shall not include any other paved surfaces with the exception of pedestrian sidewalks or trails and areas approved for storm water management.

Option 1. The minimum 10-foot wide landscape strip shall be planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage, excluding driveway openings.

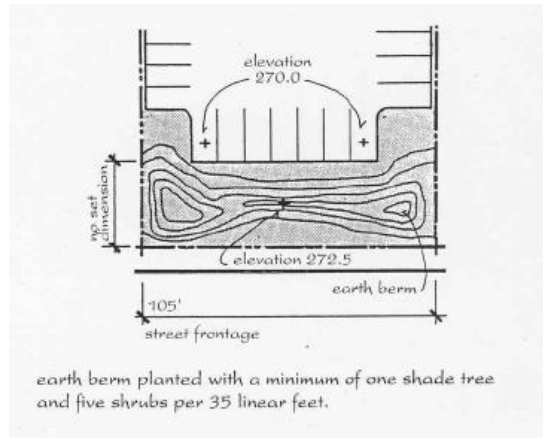


minimum 10'-wide landscaped strip—planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage.

Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

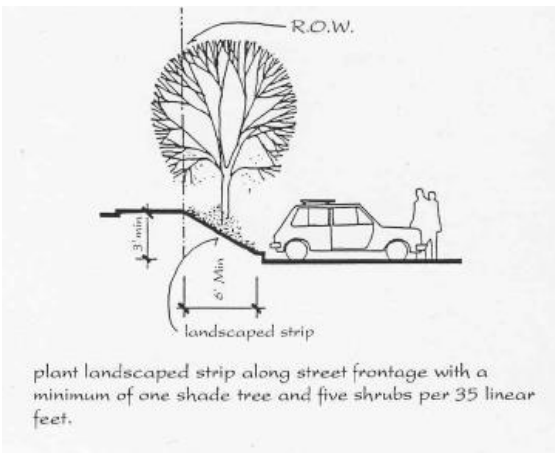
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Option 2. An earth berm at least 2.5 feet higher than the finished elevation of the parking lot, with one shade tree and five shrubs for every 35 linear feet of frontage.



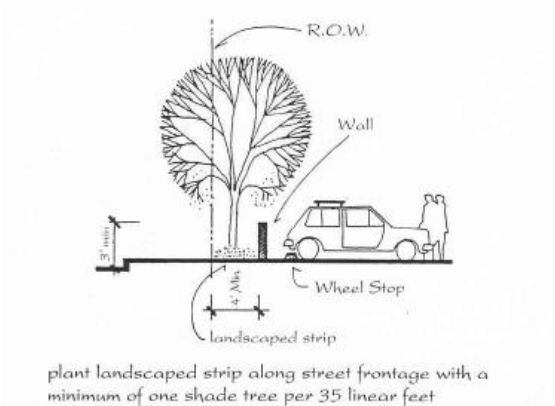
Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

Option 3. A six-foot landscaped strip with a minimum three-foot grade drop from the right-of-way to the parking lot. One shade tree and five shrubs are required for every 35 linear feet.



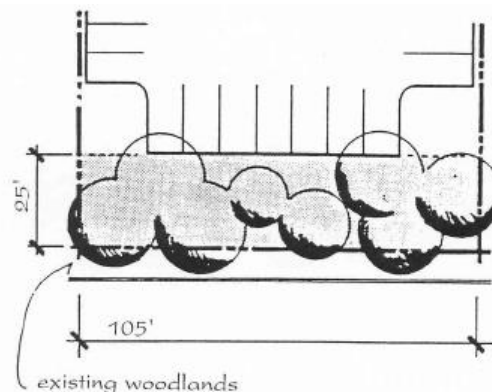
Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

Option 4. A three-foot high fence of brick, stone, or finished concrete wall, with a four-foot buffer strip, planted with a minimum of one shade tree per 35 linear feet of frontage.



Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

Option 5. If existing woodlands are determined by the Zoning Administrator to be sufficient to meet the intent of the required front landscape strip, the applicant may preserve a 25-foot wide natural buffer strip to satisfy the front landscape strip requirements. This option is strongly encouraged within exurban and rural areas.



Source: Martz, Wendelyn A., and Marya Morris. 1990. *Preparing a Landscape Ordinance*. Planning Advisory Service Report Number 431. Chicago: American Planning Association.

Variation. The width of a required front landscape strip may be varied, provided that the total area within the front landscape strip provided meets or exceeds the amount of landscaped area as would be achieved if the average width front landscape strip were planted; provided, however, that no required front landscape strip shall be reduced to a width of less than three feet. The purpose of varying the width of the required front landscape strip is to accommodate such features as sidewalks connecting to the public street, fire hydrants or other public improvements if located within an easement on private property, utilities, and signs. Within the area counted as a front landscape strip, decorative walls or other decorative features may be approved by the zoning administrator.

Section 16.4.3. Planting Specifications for Side Landscape Strips.

- (a) Side landscape strips as may be required by this Land Use Management Code (see dimensional requirements for zoning districts), shall be planted according to the following specification: Within the perimeter landscape strip, the applicant shall install one (1) tree and three (3) shrubs for each 35 linear feet of property boundary along the perimeter to which the side landscape strip applies, unless the Zoning Administrator approves the use of existing woodlands or other vegetation as meeting the intent of this requirement.
- (b) The requirement for a side landscape strip shall not apply to interparcel access points but shall not include any other paved surfaces with the exception of pedestrian sidewalks or trails and areas approved for stormwater management.
- (c) The zoning administrator may administratively authorize the waiver or reduction of side landscape strip planting requirements within a side yard behind the front building line, provided that an equal number of trees and shrubs that would otherwise be required by are transferred to the front yard of a given building site. Further, the zoning administrator may authorize a contribution to the tree bank in lieu of planting certain trees behind the front building line.

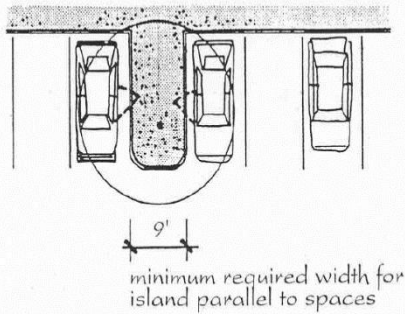
Section 16.4.4. Parking Lot Interior Landscaping.

This Section shall apply to parking lots with ten (10) or more spaces. One interior parking lot landscape island at least nine (9) feet wide and at least 144 square feet in area shall be

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provided for every ten (10) spaces in each row of parking spaces abutting the perimeter or within the interior of the parking lot. Within each interior parking lot landscape island, at least one tree with a minimum 2 to 2.5-inch caliper shall be required to be planted. The surface of the landscape island shall be slightly concave to promote stormwater infiltration. Where overhead utility lines exist and where trees will interfere with lighting, small maturing trees shall be planted in lieu of shade trees.

Landscape dividers, when required, shall be planted at a rate of one (1) minimum of 2 to 2.5-inch caliper tree per twenty (20') linear feet of landscape divider.



Source: Martz, Wendelyn A., and Marya Morris. 1990.
Preparing a Landscape Ordinance. Planning Advisory Service
Report Number 431. Chicago: American Planning
Association.

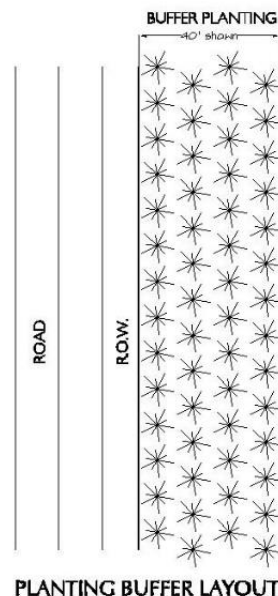
Section 16.4.5. Screening and Buffer Specifications.

Screening shall be established and achieved within all buffers required by this Land Use Management Code alongside and rear lot lines. Screening within required buffers shall be of such nature and density to screen activities on the lot from view from the normal level of a first story window on an abutting lot and shall provide year-round maximum opacity from the ground to a height of at least six (6) feet.

Existing vegetation within a required buffer shall remain undisturbed and if it is sufficiently dense to meet the requirements for screening, existing vegetation can suffice to meet the screening requirement as determined by the zoning administrator or designee. Where the existing vegetation within a required buffer is sparse and/or does not achieve screening, then additional trees and shrubs shall be installed pursuant to this section where sparsely vegetated or screening via existing vegetation is insufficient. Trees and shrubs shall be installed to not only provide maximum opacity, but to allow for proper plant growth and maintenance.

The following specifications for natural buffers shall be adhered to, when existing vegetation is insufficient to provide screening as required by this section.

Width of Required Buffer (Feet)	Planting Specification
10	One row of six-foot-high evergreen screening shrubs planted four (4) feet on center and one row of evergreen trees with branches touching ground planted thirty (30) feet on center.
20	Two stagger-planted rows of evergreen trees with branches touching ground planted thirty (30) feet on center.
30	Three stagger-planted rows of evergreen trees with branches touching ground planted thirty (30) feet on center.
40	Four stagger-planted rows of evergreen trees with branches touching ground planted thirty (30) feet on center.
More than 40	One additional stagger-planted row of evergreen trees with branches touching ground for each 10 additional feet of required buffer width.



An applicant may propose and the zoning administrator or his designee may approve modifications to the specified planting details when the applicant shows that an equivalent amount of screening can be accomplished by applying alternative planting specifications. This shall not be construed as authorizing an administrative variance by the zoning administrator to decrease buffer widths. Also see sections 10.1.6 and 10.1.7 for buffer requirements in the U.S. Highway 129 overlay district.

Section 16.4.6. General Provisions.

- (a) Visibility. Landscaping shall not restrict visibility of motorists or pedestrians (e.g., tall shrubs or low-lying branches of trees).
- (b) Clearance. Trees must have a clear trunk at least eight (8) feet above finished grade to allow a safe clearance beneath the tree.
- (c) Native plants. The use of native plants is encouraged.
- (d) Invasive species. Invasive or potentially invasive plants are prohibited. See the Appendix to this article for a list of invasive species not authorized to be used.

- (e) Xeriscaping and water conservation. Xeriscaping is encouraged. Ground covers should be used to supplement landscaping in appropriate areas to reduce extensive grass lawns that require regular watering in drought conditions.
- (f) Grass. Grass lawn areas should be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage.
- (g) Artificial landscaping. No artificial plants, trees or other vegetation shall be installed.
- (h) Curb Stops. A curb or wheel stop shall be provided along interior parking lot landscape islands, perimeter landscape strips, and landscapes adjacent to street rights-of-ways, to prevent cars from encroaching on trees, shrubs, and landscapes, as approved by the Zoning Administrator.

Section 16.4.7. Tree Protection and Landscape Plan Required.

A tree protection and landscaping plan, titled as such, which shall be graphically depicted at an engineering scale, shall be required to be approved by the zoning administrator prior to the issuance of a development or building permit to demonstrate compliance with the provisions of this chapter. A building permit may be withheld if such plan has not been submitted and approved. The tree protection and landscape plan shall be based on an accurate boundary survey of the site or reasonable property description with reference thereto and shall include the following:

- (a) Existing trees to be retained. The extent, location and species of existing trees on the development site or building lot that are proposed to be retained (note: hardwood trees with diameter breast height of 24" or more should be noted since they qualify for 1.5 times their existing canopy credit). Existing vegetation to be retained must also be noted on the plan;
- (b) Trees not on approved list. Identification of any tree species, whether existing or proposed to be planted, not on the species list (see appendix), or if none, a statement that all species are listed on the approved species list;
- (c) Tree canopy. A spatial delineation of tree canopy coverage on the site and calculation of the existing tree canopy coverage as a percentage of total development site area or lot;
- (d) Tree protection. Location and specifications of tree protection fencing, which shall be installed along all limits of disturbance (this must be shown on the grading plan as well). The plan shall incorporate verbatim in their entirety the following sections of this article (additional methods and details for protecting existing vegetation during construction may be required);
 - 1. Section 16.1.4. Obstructions to Sight Visibility
 - 2. Section 16.1.6. Inspections
 - 3. Section 16.2.3. Tree Protection Fencing Required
 - 4. Section 16.2.4. Tree Protection Area Signs Required
 - 5. Section 16.2.5. Prohibitions Within Tree Protection Areas
 - 6. Section 16.2.6. Damage to Tree Protection Areas
 - 7. Section 16.2.7. Tree Replacement
 - 8. Section 16.3.6. Tree Planting Standards

- (e) Graphic plan and schedule with legend. The extent, location and species of trees and shrubs to be planted on the development site or building lot to meet the requirements of this article. All information shall also be shown in a tree planting schedule and a separate planting schedule for shrubs that includes Latin names, species common names, symbol used on the graphic plan, caliper or size at time of planting, number of trees (or shrubs) by each species type, and percentage of total trees planted for each species. The legend must show the label or symbol alongside each type of plant;
- (f) Other landscape features. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;
- (g) Specifications. Other installation specifications and planting diagrams for trees and shrubs, as appropriate or as supplied by the arborist or zoning administrator.
- (h) Tree plan summary. The tree protection and landscape plan shall include the following summary:

Existing tree canopy	___	% of total site area
Existing tree canopy retained, if any	___	% of total site area
Tree canopy required	___	% of total site area
Tree canopy proposed/provided	___	% of total site area
Tree canopy deficit, if any	___	square feet
- (i) Plan preparer. Name, contact information, and signature/stamp of the professional preparing the tree protection and landscaping plan. The landscape plan shall be prepared by a registered landscape architect; provided, however, that the zoning administrator may authorize a landscaping plan applicable to a site of two (2) acres or less to be prepared by another qualified professional.

**APPENDIX:
 CITY OF JEFFERSON APPROVED LANDSCAPE PLANTING LIST**

Canopy Category	Plant Type	Symbol	Latin Name	Common Name	Minimum Size	Parking Lot Approved	Piedmont Native	Pollinator	Firewise Rating
LARGE TREES OVER 30 FEET									
L	D-OS	AR	<i>Acer rubrum</i>	Maple, Red	3" Cal.		x	x	Low
L	D-OS	AS	<i>Acer saccharum</i>	Maple, Sugar	3" Cal.		x	x	Low
L	D-OS	BN	<i>Betula nigra</i>	Birch, River	8-10'		x	x	Low
L	D-OS	CG	<i>Carya glabra</i>	Hickory, Pignut	3" Cal.		x		Low
L	E-OS	CD	<i>Cedrus deodara</i>	Cedar, Deodar	8-10'				Med
L	E-OS	CJ	<i>Cryptomeria japonica</i>	Cypress, Japanese	8-10'				Med
L	E-OS	AZ	<i>Cupressus arizonica</i>	Cypress, Arizona	3" Cal.				Med
L	D-OS	DV	<i>Diospyros virginiana</i>	Persommon (male only)	3" Cal.		x	x	Low
L	D-OS	FG	<i>Fagus grandiflora</i>	Beech, American	3" Cal.				Med
L	D-OS	GB	<i>Ginko biloba</i>	Ginko (male only)	3" Cal.				Med
L	E-OS	JV	<i>Juniperus virginiana</i>	Redcedar, Eastern	8-10'	x	x	x	High
L	D-OS	LS	<i>Liquidamber styraciflua</i>	Sweetgum	3" Cal.		x		Low
L	D-OS	LT	<i>Liriodendron tulipifera</i>	Yellow (Tulip) Poplar	3" Cal.		x	x	Low
L	E-OS	MG	<i>Magnolia grandiflora</i>	Magnolia, Southern	8-10'			x	Med
L	D-OS	ML	<i>Metasequoia glyptostroboides</i>	Redwood, Dawn	3" Cal.	x			High
L	D-OS	NS	<i>Nyssa sylvatica</i>	Blackgum	3" Cal.	x	x	x	Low
L	E-OS	PS	<i>Pinus strobus</i>	Pine, Eastern White	8-10'	x	x		High
L	E-OS	PT	<i>Pinus taeda</i>	Pine, Loblolly	8-10'	x	x	x	High
L	D-OS	PO	<i>Platanus occidentalis</i>	Sycamore, American	3" Cal.		x		Med
L	D-OS	QA	<i>Quercus alba</i>	Oak, White	3" Cal.	x	x	x	Low
L	D-OS	QC	<i>Quercus coccinea</i>	Oak, Scarlet	3" Cal.	x	x	x	Low
L	D-OS	QF	<i>Quercus falcata</i>	Oak, Southern Red	3" Cal.	x	x	x	Low
L	D-OS	QL	<i>Quercus laurifolia</i>	Oak, Laurel	3" Cal.	x	x	x	Low
L	D-OS	QY	<i>Quercus lyrata</i>	Oak, Overcup	3" Cal.		x	x	Low
L	D-OS	QM	<i>Quercus michauxii</i>	Oak, Swamp Chestnut	3" Cal.		x	x	Low
L	D-OS	QN	<i>Quercus nigra</i>	Oak, Water	3" Cal.	x	x	x	Low
L	D-OS	QU	<i>Quercus nuttallii</i>	Oak, Nuttall	3" Cal.	x	x	x	Low
L	D-OS	QP	<i>Quercus phellos</i>	Oak, Willow	3" Cal.	x	x	x	Low
L	D-OS	QI	<i>Quercus prinus</i>	Oak, Chestnut	3" Cal.		x	x	Low
L	D-OS	QR	<i>Quercus rubra</i>	Oak, Northern Red	3" Cal.		x	x	Low
L	D-OS	QH	<i>Quercus shumardii</i>	Oak, Shumard	3" Cal.	x	x	x	Low
L	D-OS	QS	<i>Quercus stellata</i>	Oak, Post	3" Cal.		x	x	Low
L	D-OS	TD	<i>Taxodium distichum</i>	Baldcypress	3" Cal.	x			Low
L	D-OS	TN	<i>Taxodium distichum varmutans</i>	Pondcypress	3" Cal.	x			Low
L	E-OS	TH	<i>Thuja plicata</i>	Arborvitae, Giant	3" Cal.				Med
L	D-OS		<i>Tilia americana</i>	Basswood	3" Cal.		x	x	Low
L	D-OS	UA	<i>Ulmus alata</i>	Elm, Winged	3" Cal.	x	x	x	Low
L	D-OS	UM	<i>Ulmus Americana ("Princeton")</i>	Elm, American, Princeton	3" Cal.		x	x	Low
L	D-OS	ZS	<i>Zelkova serrata</i>	Zelkova, Japanese	3" Cal.	x			Low
MEDIUM TREES TO 30 FEET									
M	D-US	AB	<i>Acer barbatum</i>	Maple, Southern Sugar	2" Cal.		x	x	Low
M	D-US	AU	<i>Acer buegeranum</i>	Maple, Trident	2" Cal.	x		x	Low
M	D-US	AL	<i>Acer leucoderme</i>	Maple, Chalk	2" Cal.		x	x	Med
M	D-US	AA	<i>Amalanchier arborea</i>	Serviceberry	6-8'		x	x	Low

Article 16, Tree, Landscape and Buffer Requirements
Jefferson Land Use Management Code (excludes Talmo)

Size Category	Plant Type	Symbol	Latin Name	Common Name	Minimum Size	Parking Lot Approved	Piedmont Native	Pollinator	Firewise Rating
M	D-US	CC	<i>Carpinus caroliniana</i>	Hornbeam, American, ironwood	2" Cal.		x	x	Low
M	D-US	CN	<i>Cercis canaensis</i>	Redbud, Eastern	2" Cal.		x	x	Low
M	D-US	CT	<i>Chamaecyparis thyoides</i>	Whitecedar, Atlantic	6-8'			x	High
M	D-US	HC	<i>Halesia caroliniana</i>	Silverbell, Carolina	2" Cal.		x	x	Low
M	E-US	IO	<i>Ilex opaca</i>	Holly, American	6-8'		x	x	High
M	E-US	IF	<i>Ilex x attenuata</i> "Foster"	Holly, Foster	6-8'	x		x	Low
M	E-US	IN	<i>Ilex x attenuata</i> "Lellie R. Stevens"	Holly, Nellie Stevens	6-8'	x		x	Mod
M	E-US	MV	<i>Magnolia virginiana</i>	Magnolia, Sweetbay	6-8'		x	x	Low
M	D-US	OV	<i>Ostrya virginiana</i>	Hophornbeam, Eastern	2" Cal.	x	x		Low
M	D-US	OA	<i>Oxydendron aboreum</i>	Sourwood	2" Cal.		x	x	Low
M	E-US	PV	<i>Pinus virginiana</i>	Pine, Virginia	6-8'	x	x	x	High
M	D-US	PH	<i>Pistacia chinensis</i>	Pistache, Chinese	2" Cal.	x			Low
M	E-US	PC	<i>Prunus caroliniana</i>	Cherry, Carolina Laurel	6-8'				Mod
M	D-US	SN	<i>Salix nigra</i>	Willow, Black	6-8'		x	x	Low
M	D-US	SA	<i>Sassafras albidum</i>	Sassafras	6-8'		x		Low
M	E-US	TO	<i>Thuja occidentalis</i>	Arborvitae, Medium	6-8'		x		Mod
M	D-US	UP	<i>Ulmus parvifolia</i>	Elm, Chinese	2" Cal.	x			Mod
SMALL TREES TO 20 FEET									
S	D-US	CH	<i>Cercis chinensis</i>	Redbud, Avondale	2" Cal.	x		x	Low
S	D-US	CV	<i>Chionanthus virginicus</i>	Fringe Tree	6-8'		x		Low
S	D-US	CF	<i>Cornus florida</i>	Dogwood, Flowering	2" Cal.		x	x	Low
S	D-US	CO	<i>Cornus kousa</i>	Dogwood, Kousa	2" Cal.	x		x	Low
S	D-US		<i>Crataegus spp.</i>	Hawthorn	2" Cal.	x	x	x	Low
S	D-US	HV	<i>Hamamelis virginiana</i>	Witchhazel, Common	6-8'			x	Low
S	E-US	IV	<i>Ilex vomitoria</i>	Holly, Yaupon	6-8'	X		X	High
DECIDUOUS SHRUBS									
	D	AS	<i>Aesculus sylvatica</i>	Painted Buckeye	3 gal.		x		Low
	D	CA	<i>Callicarpa americana</i>	American Beautyberry	3 gal.		x		Low
	D	CF	<i>Calycanthus floridus</i>	Sweetshrub	3 gal.		x	x	Low
	D	CO	<i>Cephalanthus occidentalis</i>	Buttonbush	3 gal.		x	x	Low
	D	CL	<i>Clehra alnifolia</i>	Summersweet	3 gal.		x		Low
	D	HZ	<i>Corylus Americana</i>	Hazel	3 gal.		x		Low
	D	EA	<i>Euonymus Americana</i>	Strawberry Bush	3 gal.		x		Low
	D	FG	<i>Fothergilla gardenii</i>	Dwarf Bottlebrush	3 gal.		x	x	Low
	D	JA	<i>Hydrangea arborescens</i>	Hydrangea	3 gal.		x	x	Low
	D	HQ	<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	3 gal.		x		Low
	D	ID	<i>Ilex decidua</i>	Possumhaw	3 gal.				Low
	D	IV	<i>Ilex verticillata</i>	Winerberry	3 gal.			x	Low
	D	IR	<i>Itea virginica</i>	Virginia Sweetspire	3 gal.		x	x	Low
	D	RC	<i>Rhododendron canadensis</i>	Azalea, Native	3 gal.		x		Mod
	D	RA	<i>Rhus aromatica</i>	Sumac, Aromatic	3 gal.			x	Low
	D	RG	<i>Rhus copallina</i>	Sumac, Winged	3 gal.			x	Low
	D	SC	<i>Sambucus canadensis</i>	Elderberry	3 gal.			x	Low
	D	SP	<i>Spirea spp.</i>	Spirea	3 gal.				High

Article 16, Tree, Landscape and Buffer Requirements
Jefferson Land Use Management Code (excludes Talmo)

Size Category	Plant Type	Symbol	Latin Name	Common Name	Minimum Size	Parking Lot Approved	Piedmont Native	Pollinator	Firewise Rating
	D	VA	<i>Vaccinium arboreum</i>	Sparkleberry	3 gal.				Mod
	D	VS	<i>Vaccinium spp.</i>	Blueberry	3 gal.		x	x	Low
	D	VC	<i>Viburnum acerifolium</i>	Viburnum, Mapleleaf	1 gal.		x	x	Low
	D	VD	<i>Viburnum dentatum</i>	Viburnum, Arrowwood	3 gal.		x	x	Low
	D	VP	<i>Viburnum prunifolium</i>	Viburnum, Blackhaw	3 gal.		x	x	Low
	D	VR	<i>Viburnum rudifolium</i>	Viburnum, Rusty	3 gal.		x	x	Low
	D	VG	<i>Vitex agnus-castus</i>	Chastetree	3 gal.		x		Mod
EVERGREEN SHRUBS									
	E	AB	<i>Abelia spp.</i>	Abelia	3 gal.			x	Mod
	E	AO	<i>Agarista populifolia</i>	Leucothoe	3 gal.				Mod
	E	CH	<i>Chamaecyparis obtusa</i>	Chamaecyparis Goldthread	3 gal.				Mod
	E	LE	<i>Leucothoe axillaris</i>	Doghobble	3 gal.				High
	E	IG	<i>Ilex glabra</i>	Inkberry	3 gal.				High
	E	IF	<i>Illicium floridanum</i>	Anise, Florida	3 gal.				Low
	E	IP	<i>Illicium parviflorum</i>	Anise, Small Tree	3 gal.				Low
	E	KL	<i>Kalmia latifolia</i>	Mountail Laurel	3 gal.		x	x	High
	E	LO	<i>Loropetalum chinenses</i>	Loropetalum	3 gal.				Low
	E	MC	<i>Myrica cerifera</i>	Waxmyrtle	3 gal.				High
	E	OF	<i>Osmanthus fragrans</i>	Tea Olive	3 gal.				Mod
	E	RO	<i>Rhodendron obtusum</i>	Azalea, Evergreen	3 gal.				Mod
	E	YF	<i>Yucca filamentosa</i>	Yucca, Adam's Needle	3 gal.				Low
	E	IC	<i>Ilex cornuta</i>	Holly, Burford	3 gal.			x	Mod

LEGEND:	FIREWISE FLAMMABILITY RATINGS:	
L = large M = medium S = small D = deciduous E = evergreen OS = overstory tree US = understory tree Spp = species	Low	These plants must be planted at least 6' from the structure. Vertical and horizontal spacing is not critical, but mature size should be considered in plant selection and placement
	Moderate	These plants can become highly flammable in certain environmental conditions such as drought. They must be planted 15 feet or more away from the structure, preferably with some space between plants at time of maturity
	High	These plants ignite quickly and release large quantities of heat even when healthy and well-watered. They must be planted at least 30 feet from structures, and must be separated vertically and horizontally from other plants, both at planting and at maturity
	Extreme	Most vines and ornamental grasses are considered to have an extreme flammability rating and will not generally be allowed in development landscape plans

NOTES:

This list is a guide, and any substitutions must be approved by the Zoning Administrator or his/her designee prior to plan approval and issuance of a development permit.

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Drought tolerance, or suitability for wet sites, has not been specified. Determination as the plant's suitability to a particular condition will be evaluated by city staff at the time of plan submission.

Plants must be considered to be non-invasive.

Perennial and annual flowers are not included in the species list. The City of Jefferson is a Bee City USA and encourages the use of native plants, as well as those regarded as pollinator friendly. While perennials and annuals will not be restricted to native and pollinator types, these plants will be reviewed for suitability at the time of plan submission.”

**ARTICLE 17
SIGNS AND ADVERTISING DEVICES**

[Ord. LUMC 17-05, Jefferson adopted 1-22-2018]

Note: Contact Jefferson Planning for City of Talmo Requirements

CHAPTER 17.1	GENERAL PROVISIONS
CHAPTER 17.2	DEFINITIONS
CHAPTER 17.3	SIGN ALLOWANCES BY SIGN TYPE
CHAPTER 17.4	SIGNS AND ADVERTISING IN JEFFERSON HISTORIC DISTRICTS
CHAPTER 17.5	MAINTENANCE, ABANDONMENT AND NONCONFORMITIES
CHAPTER 17.6	PERMITTING PROCEDURES
CHAPTER 17.7	MALL SIGN REGULATIONS

**CHAPTER 17.1
GENERAL PROVISIONS**

Section 17.1.1.	Findings.
Section 17.1.2.	Purposes.
Section 17.1.3.	Intentions.
Section 17.1.4.	Jurisdiction and General Applicability.
Section 17.1.5.	Exemptions.
Section 17.1.6.	Prohibited Signs.
Section 17.1.7.	Location Restrictions.
Section 17.1.8.	Illumination of Signs and Illumination for Advertising Purposes.
Section 17.1.9.	Sign Height Limitations.
Section 17.1.10.	Sign Area Limitations.
Section 17.1.11.	Sign Number Limitations.
Section 17.1.12.	Material and Composition.
Section 17.1.13.	Display of Street Address on Principal Ground Sign.
Section 17.1.14.	Signs permitted in PCD zoning districts.
Section 17.1.15.	Variances.

Section 17.1.1. Findings.

It is a substantial and compelling governmental interest to control signs and other advertising devices for the following reasons, among others:

1. Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. Sign controls are needed to promote traffic safety and avoid traffic accidents.
2. Signage, if left unregulated, can cause confusion and delay in responding to emergencies, because unregulated signs can degrade the utility and reduce the visibility and effectiveness of public safety signs.
3. Unregulated signage can contribute to clutter and lack of organization in the wayfinding system of a community and thereby increase the stress levels of motorists.

4. The appearance of the city is substantially influenced by signs, and it is essential to the city's long-term economic viability to maintain a positive appearance. Signs and advertising, without regulation, can detract from the character, beauty, and visual attractiveness of the city.
5. The size, height, construction materials, location, condition, and attributes of signs can have an adverse impact on surrounding and nearby land uses and properties if not regulated and properly maintained, including the lowering of property values. Abandoned and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can have a particularly detrimental effect on adjacent properties and contribute to an overall image of blight in the community.
6. Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize the value and benefit of public investments in streetscapes.
7. Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses, because business owners may be compelled to erect larger and costlier signs to outperform neighboring or nearby businesses. Such competition for visibility among business can result in too many signs and excessive sizes and heights, to a point of diminishing returns where individual business signs are no longer adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business of choice in the sea of advertising devices.
8. Signs which are lighted at night give the appearance of activity or operation that is not consistent with residential character of certain parts of the city. Signs that are internally illuminated also tend to give the appearance of a business area. It is appropriate to control the lighting of signs and to make distinctions on where signs may need to remain unlit, and also where internally illuminated signs are permitted. Lights that flash or blink, or vary in intensity have greater potential to attract attention but also a greater probability of distracting motorists. It is in the interests of the community to prohibit lighting practices on signs that are likely to distract motorists. The luminance of a sign (a measurable quantity) can also be perceived by humans as too bright or imposing glare, or causing a nuisance, and it is in the interest of the community to control the intensity of lighting. Electronic changeable copy signs pose special issues and deserve individual regulation specific to that type of sign.
9. Signs that change copy electronically and that produce multiple, which allow operators to change content from remote locations in a matter of seconds, have been shown to create possible threats to public safety. Such signs are erected for the purpose of trying to hold the attention of motorists by changing messages and pictures for short durations using a series of bright, colorful images produced mainly via LED (light emitting diode) technologies. Brightly lit and colorful signs that change messages every few seconds compel motorists to notice them, and they lure the attention of motorists away from what is happening on the road and onto the sign. Such signs pose public safety threats because if they attract a motorist's attention, the motorist will look at the sign and not at the road. Electronic multiple message signs are also a threat to public safety because of

their brightness, making them visible from great distances. Due to their nature of brightness, changing colors, and changing displays, electronic multiple message signs are more distracting than signs which do not vary the brightness, color or message, or multiple message signs that are changed by other means at less frequent intervals. Some electronic multiple message signs could, if unregulated, have the appearance of large, plasma-screen televisions. An electronic LED display contains brightly-lit text and graphics which can be seen from hundreds of feet away, drawing the attention of everyone within view. Unless otherwise regulated, such displays can be extremely bright since they are designed to be visible in bright sunlight and at night. Furthermore, the human eye is drawn to them far more strongly than to traditional illuminated signs. Such electronic LED displays can be seen from as far away as six-tenths of a mile, making them distracting. It takes a minimum of six seconds to comprehend the message on an electronic sign, which is three times the safe period for driver distraction. For these reasons, it is the intent of the City Councils of the Participating Municipalities to make electronic multiple message signs subject to acceptable operational criteria.

10. The object to which a sign is attached has important implications for compatibility with surroundings. Signs placed on building walls and in windows can be excessive if not regulated as to the area of the sign face, and it is in the public interest to ensure that building and window signs are proportional to the building wall or window on which the signs are placed. It is considered inappropriate to attach signs to certain objects like rocks and benches, thereby justifying certain prohibitions. It is also considered inappropriate to allow signs on roofs of buildings, justifying prohibition, since roof signs interrupt the silhouette of the building, overpower the architecture of the building, and can also block views.
11. Limitations on window signs can increase visibility from outside a building and may help deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on window signs can provide for an appropriate minimum of exterior visibility and may increase public safety of commercial areas through a reduction in crime potential.
12. Some signs are not movable in the wind, while others are designed to move in the wind. For instance, a flag, or feather banners (also called "wind blades"), or ribbons on strings, etc. are designed to capture attention due to movement in the wind. Further, movement by wind may be naturally generated or power driven, as in the case of machines that blow air through an advertising device. Signs that move in the wind have greater potential for attracting attention to them given their movement. Without regulations and prohibitions on these types of advertising, the result would be clutter and degradation of community appearance.
13. Flying the American flag is one of the most fundamental rights of every person in the United States. Federal protections have been instigated to protect that right. It is not the intent to prevent the display of the American flag on any sign, although it is also appropriate to restrict the use of flags as an advertising medium. The cities find that the flying of flags, whether the nation's flag or any other, can be abused. Specifically, businesses, in an effort to outdo their competitors or to stand out in the complex visual environment of messaging, will sometimes install flags on light posts or place multiple small flags along street frontages. Other businesses may, if unregulated, choose to fly uncolored flags in multiple locations just to gain attention. These situations are not

considered responsible displays of the American flag and are considered abuses for advertising purposes. The use of flags as an advertising or attention-attracting medium deserves regulation. Accordingly, it is appropriate to regulate flags, including colored flags without sign copy, to ensure the city's various objectives are met, while at the same time safeguarding the rights of individuals, establishments, and property owners to demonstrate allegiance to the nation, a state, a city or a private establishment. The regulations pertaining to the size, height, and manner of displaying flags is intended to permit such expressions of allegiances while preventing the potential abuses. The copy or content of flags is not regulated by this article.

14. Not all lots, parcels, or properties are equal when it comes to the need for signs. Signs along state highways are generally greater in area and height not only because of the desire to allow commercial messages but also because motorist travel speeds (i.e., posted speed limits) are typically greater than in residential neighborhoods. There is evidence that larger signs are needed for legibility and visibility on state highways given their greater motor vehicle speeds (i.e., less time to view a message) and greater width of the right of way, which increases distance of the motorist to sign messages and thus decreases legibility and visibility. This provides justification for differentiating among sign area allowances along different routes based on the number of travel lanes.
15. The zoning district is an appropriate means of regulating signs, because generally a character is established by each zoning district (see local comprehensive plans). The needs for signage differ remarkably among single-family residential zoning districts from zoning districts allowing business, which in turn differ significantly from business parks, low-rise office complexes, and industrial establishments. Greater sign heights and areas are appropriate in business and industrial zones when compared with residential zoning districts.
16. Due to their large areas, billboards are inherently incompatible with the goals and objectives for development and community character as established in the city's adopted comprehensive plan. Because this article allows for any type of message on any type of lawful sign, it is unnecessary to allow large signs that are inconsistent with the city's desired character and not fundamentally necessary in terms of providing additional opportunity for messages that may be classified informally as "off site." The purposes served by billboards are reasonably accommodated by other signs, but with smaller areas and at lower heights than would be accomplished with billboards.
17. It is acknowledged that no set of sign regulations can anticipate all situations relative to sign needs. It is further acknowledged that sign regulations may impose undue burdens on property owners and occupants. Accordingly, it is appropriate to have a procedure, in the form of a variance permission, which can bring relief from strict sign regulations when conditions warrant such relief be granted.
18. The regulations contained in this Article are no more extensive than necessary to serve the substantial governmental interests and purposes identified in this Article.

Section 17.1.2. Purposes.

The purposes of this Article are to promote and protect the public health, safety, general welfare, and aesthetics, specifically including but not limited to the following:

1. To provide for the expression of messages by citizens and businesses in the city, and to afford adequate opportunity for self-expression through free speech;
2. To reduce clutter and to improve the general attractiveness of the city;
3. To enable the public to locate goods, services, and facilities in the city without difficulty and confusion;
4. To ensure the reasonable, orderly, and effective display of signs;
5. To reduce the probability of traffic accidents due to signs obstructing or confusing the vision of drivers, bicyclists, or pedestrians;
6. To ensure that signs are compatible with their surroundings and to protect property values;
7. To facilitate and aid in the identification and location of businesses in the city in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies;
8. To insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs; and
9. To balance the rights of individuals to convey their messages through signs with the rights of the public to be protected against the unrestricted proliferation of signs.

Section 17.1.3. Intentions.

1. Time, place, and manner restrictions. It is the intent of this Article to regulate the composition, type, location, placement, height, size, quantity, illumination, duration, and manner of signs and advertising devices that may be displayed. The regulation of these aspects of signs and sign structures is a valid and lawful means of achieving the intentions and purposes of this Article. These intentions and purposes are valid and lawful governmental interests.
2. Content neutrality. The participating municipalities intend to adopt and implement regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. It is the intent of this Article to allow political, religious, or personal (non-commercial) messages on any sign permitted to be erected by this Article.

Section 17.1.4. Jurisdiction and General Applicability.

No sign or advertising device may be erected, placed, established, painted, created, or maintained within the City of Jefferson or the City of Talmo except in conformity with this Article.

Section 17.1.5. Exemptions.

The following types of signs are specifically exempted from compliance with this Article.

1. Street address identifiers and building identification numbers on ground signs and on building faces which are required by code or essential to the location of such buildings.
2. Building markers and decorative or architectural features integral to buildings.
3. Cemetery stones and markings of individual graves or burial plots.
4. Incidental signs, unlighted.
5. Interior signs, unlighted.
6. Murals, but only when erected as part of a public art program or other program recognized by the Governing Body with jurisdiction, and in the case of location within a City of Jefferson local historic district, authorized by the Jefferson Historic Preservation Commission.
7. Traffic safety and traffic directional signs, installed within the right-of-way of a public street under the authority of the government with jurisdiction, or along private streets or driveways and in off-street parking lots, consistent with the Manual on Uniform Traffic Control Devices.
8. Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as but not limited to public notices, safety signs, memorial plaques, signs of historical interest, and temporary banners pertaining to community festivals.
9. Signs required by federal, state, or local laws, including but not limited to parking spaces reserved for the handicapped or disabled.
10. Signs not oriented or intended to be legible from a public right-of-way or adjacent property, or from outdoor areas of public property.
11. Scoreboards that are permitted as a part of an approved plan for a public or private recreational facility.
12. Signs, including those attached to fences surrounding ball fields, erected on public park properties and recreation sites with authority of the governing body with jurisdiction or a city or county Board of Education.
13. Holiday lights and decorations, provided that they are removed within a reasonable period following the holiday season to which they pertain.

Section 17.1.6. Prohibited Signs.

The following signs and advertising devices are prohibited unless otherwise specifically provided in this Article:

1. Air-blown and windblown advertising devices, including but not limited to air puppets and pennants.
2. Banners and feather banners.
3. Hand-held signs.
4. Signs erected within a state or county right-of-way without the permission of the owner. Any unauthorized traffic control device or sign or message placed in a public right-of-way by a private organization or individual constitutes a public nuisance and is subject to removal.
5. Signs erected at a height of between three and eight feet within a site visibility triangle established by this Article, or a sign at any height or in any manner that obstructs or interferes with the vision of a motor vehicle operator's view of approaching, merging, or intersecting traffic.
6. Signs erected without the permission of the property owner.
7. Signs that are painted on or attached to trees, fences (except for one identification plate not exceeding $\frac{1}{4}$ square feet), fence posts, utility poles, or rocks or other natural features.
8. Signs that emit smoke, vapor, or odor.
9. Signs that rotate, revolve (revolving signs), or have moving parts.
10. Inflatable signs and advertising devices.
11. Signs that obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or that prevent the free passage from one part of a roof to any other part thereof.
12. Signs shaped in a manner and with a color that imitates, or could be mistaken for, an official traffic control sign, such as a red, octagonal "stop" sign or yellow, triangular "yield" sign.
13. Signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours or that contain luminous paint that glows in the dark.
14. Umbrellas used for advertising or with sign copy, except for umbrellas above authorized outdoor seating.
15. Portable signs.

16. Projected image signs.
17. Roof signs.
18. Vehicular signs, and signs or advertising devices attached to vehicles operating within public rights of ways (also commonly referred to as mobile billboards).
19. Any sign not specifically permitted in a zoning district as provided in this Article shall be prohibited in that district, unless specifically otherwise provided under this Article.
20. Any other sign or advertising device not specifically permitted by this Article, shall be prohibited unless otherwise specifically provided.

Section 17.1.7. Location Restrictions.

1. Signs in public right of way. No sign shall be erected on or encroach on any public right-of-way.
2. Vision clearance area. No portion of a sign face, and no portion of a sign structure wider than twelve (12) inches, between the heights of two and one half (2½) feet and twelve (12) feet shall be located within twenty (20) feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within twenty (20) feet of the intersection of a street right-of-way and either edge of a driveway. In addition, no sign shall obstruct or impair the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.
3. Obstruction of visibility of public sign. No sign shall be located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
4. Height clearance. Projecting signs and any sign suspended from a canopy shall provide a minimum of eight (8) feet of clearance from ground level to the bottom of the sign.

Section 17.1.8. Illumination of Signs and Illumination for Advertising Purposes.

1. It shall be unlawful to utilize strobe, laser, and search lights except for emergency or public safety operations.
2. Neon tubes or other exposed tubes containing luminescent gas on the outside a building or located inside a building and any form of illuminated outlining a window or door, are prohibited.
3. No colored lights shall be used.
4. Signs shall not flash or blink, except as may be specifically authorized in this Article.
5. Signs located on properties utilized exclusively for a single-family dwelling (including manufactured home), two-family dwelling (duplex), exclusively for agricultural use, or combination of agricultural and residential use, shall not be illuminated.

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6. Signs in agricultural, residential, town center, and downtown business district zoning districts shall not be internally illuminated.
7. Back-lit awnings are prohibited except in C-2 zoning districts. Except in C-2 zoning districts, the following shall apply: awnings may be illuminated only with direct lighting mounted on the surface of the ground, and not with any form of backlighting or internal illumination.
8. Temporary signs shall not be illuminated.
9. Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky.

Section 17.1.9. Sign Height Limitations.

1. Ground signs. The maximum height of any ground sign regulated by this Article shall be twenty (20) feet in all commercial and industrial zoning districts (Article 8 of this Land Use Management Code) except O-I, TC, and DBD which shall be a maximum height of twelve (12) feet, and six (6) feet maximum height in agricultural and residential zoning districts (Articles 6 and 7 of this Land Use Management Code). This provision shall not apply to subdivision identification monuments, which shall not exceed eight (8) feet in height.
2. Wall signs. No wall sign shall exceed the height of the building or structure on which it is placed; provided, however, that the Zoning Administrator may upon application authorize via administrative variance a wall sign to extend not more than two (2) feet above the height of the wall, for good cause shown.
3. Temporary signs. The maximum height of a temporary sign shall be eight (8) feet.
4. Variance. The maximum sign height established in this article may be exceeded upon application for and approval by the governing body with jurisdiction of a variance as provided in Article 22 of this land use management code.

Section 17.1.10. Sign Area Limitations.

The maximum area of signs permitted shall be as provided for the type of sign as provided in Chapter 17.3.

Section 17.1.11. Sign Number Limitations.

The number of sign shall be limited to one of each type, unless otherwise specifically provide in Chapter 17.3.

Section 17.1.12. Material and Composition.

1. Temporary signs shall be made of metal, plastic, laminated cardboard, or some other durable and waterproof material.

2. No sign shall be made of paper.
3. Principal ground and multi-tenant ground signs shall be monument signs.
4. Hand-made signs shall not be authorized. Unprofessionally fabricated signs may be disapproved. Hand lettering of sign copy is not authorized except for sandwich board signs.
5. Signs should typically be square or rectangular; provided, however, this shall not prevent the Zoning Administrator, or the Historic Preservation Commission in the case of a sign in an historic district) from approving individual signs that may be circular or some other shape, or shaped like a particular object (e.g., a sign in the shape of a shoe for a shoe store).

Section 17.1.13. Display of Street Address On Principal Ground Sign.

Any principal ground or multi-tenant ground sign hereafter permitted shall be required to include the assigned street address for the property on which the sign is erected. Area devoted to display of a street address on such sign shall not be counted toward the maximum area limitations for such sign as specified in this article.

Section 17.1.14. Signs Permitted in PCD Zoning Districts.

Signs permitted in the PCD, Planned Community Development Zoning District, shall be as proposed by the applicant in a master sign plan at the time of zoning approval and as approved by the Governing Body provided, however, that in cases where no such master sign plan has been submitted and approved, the portions of the property within a PCD zoning district shall be subject to those sign regulations for the zoning district most closely resembling the uses proposed in the approved PCD zoning application, as determined by the Zoning Administrator. For instance, where there is no master sign plan approved, a shopping center along a state highway in a PCD zoning district shall be subject to the same sign regulations as those for the C-2 zoning district, and a multi-family project in a PCD zoning district shall be subject to the same sign regulations as those for the MFR zoning district.

Section 17.1.15. Variances.

- (a) It is acknowledged that no set of sign regulations can anticipate all situations relative to sign and advertising needs. It is further acknowledged that sign regulations may impose undue burdens on property owners and occupants. Accordingly, it is appropriate to have a procedure, in the form of a variance permission, which can bring relief from strict sign regulations when conditions warrant such relief be granted.
- (b) The Governing Body with jurisdiction shall have the authority to grant concurrent and stand-alone variances to this Article, upon application, subject to compliance with applicable provisions of Chapter 21.2 of this Land Use Management Code relative to concurrent and stand-alone variances; provided, however, that when the sign is proposed to be located within the Jefferson Historic Districts, the application for variance shall be forwarded by the Zoning Administrator to the Historic Preservation Commission for review and comment prior to the date of public hearing before the Governing Body. Upon receiving the Historic Preservation Commission's comments they shall be

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forwarded to the Governing Body and, if available at that time, the Planning Commission. Such comments of the Historic Preservation Commission shall be advisory only.

- (c) Applications to vary the sign regulations shall be subject to and follow the procedures and notice requirement of Chapter 22.1, "Variances," of this Land Use Management Code, including public hearing by the Planning Commission.

CHAPTER 17.2 DEFINITIONS

Accessory ground sign: A secondary sign allowance provided for in this Article, for a sign erected on the ground.

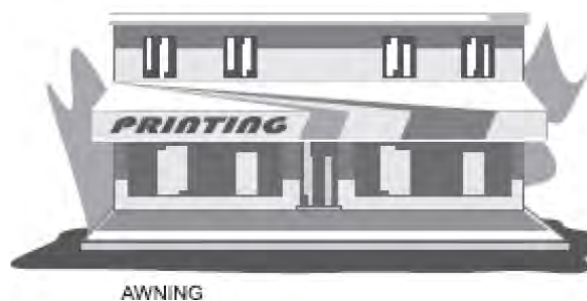
Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this Article, an advertising device is a “sign.”

Air-blown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. For purposes of this Article, air-blown devices are advertising devices.



Alteration: A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. An awning is an architectural projection or shelter projecting from and supported by an exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Awning signs are “wall signs” for the purposes of this Article.

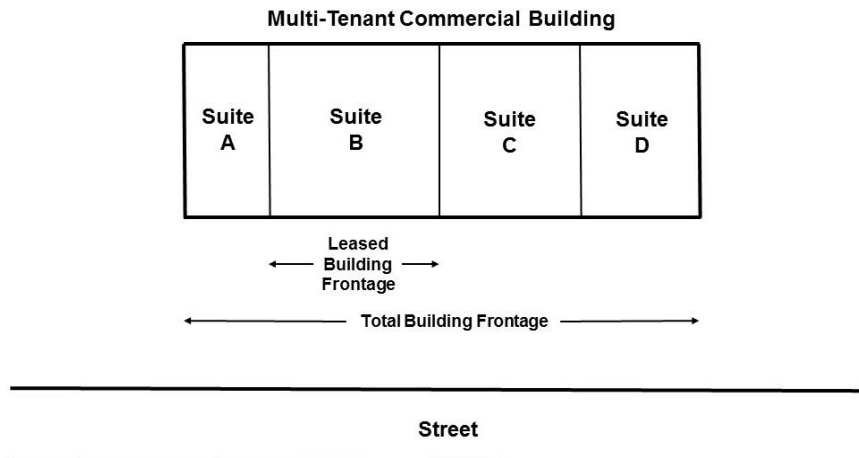


Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Back-lit awning: An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this Article, a banner is a “sign.” A banner may be installed on a building or structure or may be attached to poles or other supports and freestanding. It is characteristic of a banner that, even though tied to a support, there is some movement in the wind.

Building frontage: The width in linear feet of the front exterior wall of a particular building in which an establishment is located (see figure).



Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered “wall signs” for the purposes of this Article.

Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered “wall signs” for the purposes of this Article.

Canopy sign: A sign attached, painted on, or made an integral part of a canopy, whether that canopy is attached to a building or structure or freestanding. An attached canopy is a multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns or supports at additional points. Canopy signs, whether attached, painted on, or made an integral part of an attached canopy, are wall signs for the purposes of this Article.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Changeable copy sign, electronic, static display: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means, but which stays static (unchanged) except for changes made no more than three times in any 24-hour period (e.g., gasoline and diesel price signs at convenience stores). The illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, can be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. These signs are also “internally illuminated” signs.

Changeable copy sign, electronic, multiple message display: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means, and which changes more than three times in any 24-hour period. The illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, can be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. These signs are also “internally illuminated” signs.

Changeable copy sign, manual: A sign on which the sign copy (words, numbers, images, etc.) can be changed manually on the sign itself, such as by replacement of letters.

Changeable copy sign, mechanical: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by movement or rotation of panels or slats.

Derelict sign: A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the jurisdiction.

Dissolve: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than sixty (60) degrees, where each sign face is designed to be seen from a different direction.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Activities performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure are excluded from this definition.

Externally illuminated sign: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Fade: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Feather banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Article, a feather banner is an advertising device and sign. Also known as “blade signs.”



Flag: A device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to such surface, and which is designed to move in the wind. For purposes of this Article, except as specifically authorized, a “flag” is an advertising device and “sign.”

Ground sign: A sign or advertising device which is wholly independent of a building or structure for support (i.e., freestanding). A ground sign may contain more than one sign face, and it is typically double-faced.

Hand-held sign: Any sign or advertising device designed to be used while being held in a person’s hands or attached to a human body, except for signs and devices used for traffic control when conducted as part of a city-approved traffic control function such as the case for road construction purposes through lane closures.

Holiday decorations: Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons (also known as seasonal decorations).

Illuminated sign: A sign characterized by the use of artificial light, either projecting through its surface(s) (i.e., internally illuminated); or reflecting off its surface(s) (i.e., externally illuminated).

Incidental sign: A sign, emblem, decal, or other message no larger than 1 square foot, designed and sized to be read only from close range (i.e., 5 feet or less), attached to or integrated into a device or structure more than 25 feet from the right-of-way of a road, and not readily legible from any public rights-of-way.

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Inflatable sign: Any sign or balloon other than defined as an “air-blown device” that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled depicting a container, figure, or product. For purposes of this Article, inflatable signs and balloons are considered advertising devices.



Source: Model Sign Ordinance, Montgomery County (Pennsylvania) Planning Commission, 2014

Interior sign: Any sign erected within a building, including product displays, more than two feet inside an exterior window within a business or establishment and which is not intended to be seen from outside the business or establishment in which the sign is located.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a transparent or translucent panel. Electronic changeable copy signs, both static displays and multiple-message displays, are internally illuminated signs.

Marquee sign: A sign painted on, attached to, or hung from a marquee. A marquee is a roof-like structure attached to and supported by a building wall without vertical supports and that projects in a cantilever fashion from the wall of a building. For purposes of this Article, marquee signs are “wall signs.”



Source: United States Sign Council. 2011. Model Code for Regulation of On-Premise Signs.

Monument sign: A sign where the structural part of the sign below the sign face encompasses an area at least forty (40) percent of the area of the sign face but no more than 1.5 times the area of the sign face, and which is composed of brick, stone, or other material approved by the Zoning Administrator.

Multi-tenant property: Any parcel designed, occupied, or intended for occupancy for three or more leasable spaces or parcels under one ownership or management. This includes multiple-family apartment complexes, office parks with multiple buildings on individual parcels or multiple office buildings on a single parcel, commercial shopping centers, individual commercial buildings with three or more leasable spaces; and industrial parks with separate parcels and industrial buildings with three or more leasable spaces.

Multiple-faced sign: A sign containing three or more faces.

Mural: A picture or image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a building wall, which may or may not contain text, logos, and/ or symbols.

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Nit: A standard unit of luminance; a measurement of direct light (i.e., looking directly at the light source), used to describe displays. A “nit” is an amount of emanating light equal to one candela per square meter (cd/m²).

Nonconforming sign: Any sign which lawfully existed on the effective date of the adoption of this article (May 2004) but which does not conform to the provisions of this Article, or which does not comply with this Article due to amendments to this Article since the date of erection of the sign.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Article, pennants are advertising devices.

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

Principal ground sign: A primary sign allowance provided in this Article for a given lot which contains any notice or advertisement, the content of which is not regulated by this Article.

Projected image sign: An image projected onto a building, structure, sidewalk or other surface, such that the image projected has no structure itself.

Projecting sign: A sign affixed to a wall and extending more than 14 inches from the surface of such wall, usually perpendicular to the wall surface.



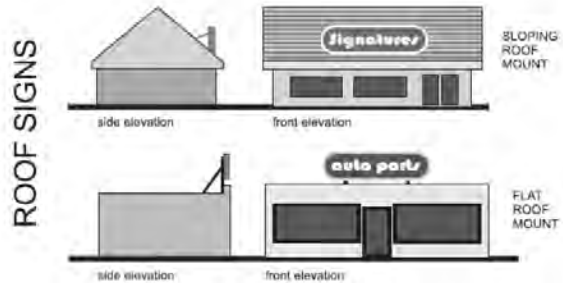
Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Revolving sign: A sign that has the capability to revolve about an axis.

Road frontage: The distance in linear feet of a parcel where it abuts the right-of-way of any public street.

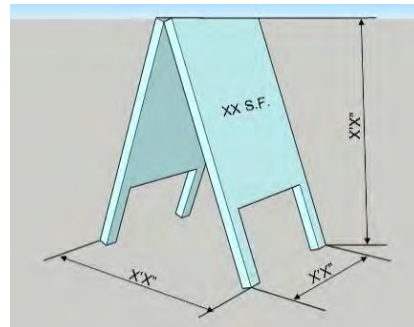
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Roof sign: A sign projecting to a greater height than the front building wall, or any sign supported by or attached to a roof, including a sign painted on or adhered to a roof. A sign placed on the fascia portion of a mansard roof is not a roof sign.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Sandwich board sign: A portable sign that typically consists of two faces connected and hinged at the top and with a message targeted to pedestrians. They are also commonly referred to as A-frame signs.



Scoreboard: A sign contained within an athletic venue and which is directed so as to be visible to the attendees of an athletic event.

Scroll: A mode of message transition on an electronic changeable copy sign in which the message appears to move vertically across the display surface.

Sign: A lettered, numbered, symbolic, pictorial, visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. The term sign includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign area: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed, measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

The following provisions shall also apply to determinations of sign area:

1. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
2. Sign area for ground signs does not include the structural support for the ground sign (e.g., pole or monument base), unless the structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
3. When a sign incorporates a property address, the area devoted to the property address shall not be included in any calculations for purposes of determining the maximum permissible sign area.

Sign copy: The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign height: The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within fifty (50) feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

Sign in need of maintenance: Any sign or advertising device that includes any of the following or similar condition as identified by the city: lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned; painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended; a significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned; or one or more illumination devices are not working and have not been replaced.

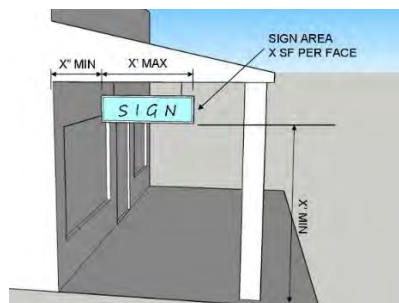
Signable area: In the case of a wall sign, signable area is the leased building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

Streamers: See "Pennants."

Subdivision entrance monument: A freestanding monument sign pertaining to a subdivision designed for single-family residences each on their own lot.

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Suspended sign: A sign that hangs or is suspended beneath an awning or the cover of a walkway or beneath a support extending from a building. A suspended sign is not a wind-blown device, even if the sign copy area is attached to a building or structure in a way that can be set in motion with wind pressure. This term does not include any freestanding signs.



Temporary ground sign: A sign of a nonpermanent nature and erected for a limited duration. This term includes signs constructed from coated paperboard, or corrugated plastic and which are either attached to a wooden post or stake in the ground, or set with a wire metal frame in the ground.

Transition: A visual effect used on an electronic changeable copy sign to change from one message to another.

Travel: A mode of message transition on an electronic changeable copy sign, in which the message appears to move horizontally across the display surface.

Uniform sign plan: A set of drawings and specifications that illustrate the location, materials, size, letter style, and color of all signs to be installed or erected on a given parcel to ensure uniformity of design, coherence and coordination among the various signs on the parcel, and which is binding on tenants or future uses within the parcel.

Vehicular sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner that can be viewed from the public right(s)-of-way; provided, however, that this definition shall not apply when (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business; or (2) such conveyances are actively being used for storage of construction materials for, and on the same parcel where a construction project for which building is underway and required permits have been issued. Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a vehicular sign for purposes of this Article.

Visible: Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, in a parallel fashion, and which does not project more than 14 inches from the outside wall of such building or structure.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Article 17, Signs & Advertising Devices
Jefferson Land Use Management Code (excludes Talmo)

Windblown device: Any device that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. This device includes banners (except where otherwise specifically authorized), streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. Air-blown devices, suspended signs, and flags are defined separately. For purposes of this Article, windblown devices are advertising devices.

Window sign: A sign that is placed on or behind a windowpane or a glass door or a sign installed within two (2) feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two (2) feet from an exterior window or door are "interior signs" and shall not be classified as window signs.

**CHAPTER 17.3
 SIGN ALLOWANCES BY SIGN TYPE**

- Section 17.3.1. Principal Ground and Multi-Tenant Property Ground Signs.
- Section 17.3.2. Accessory Ground Signs.
- Section 17.3.3. Wall Signs.
- Section 17.3.4. Window Signs.
- Section 17.3.5. Signage When for Sale or Under Construction.
- Section 17.3.6. Banner, Interim.
- Section 17.3.7. Changeable Copy Sign, Electronic, Static Display.
- Section 17.3.8. Changeable Copy Sign, Electronic, Multiple Message Display.
- Section 17.3.9. Corner Signs.
- Section 17.3.10. Directory Signs.
- Section 17.3.11. Drive-through Lane Signage.
- Section 17.3.12. Flags.
- Section 17.3.13. Projecting Signs.
- Section 17.3.14. Sandwich Board Signs.
- Section 17.3.15. Special Event Signage.
- Section 17.3.16. Subdivision Entrance Monuments.
- Section 17.3.17. Suspended Signs.
- Section 17.3.18. Temporary Banner During Graduation Season.

Section 17.3.1. Principal and Multi-Tenant Property Ground Signs.

1. A lot containing a non-residential principal permitted use shall be allowed principal ground signage as follows (a principal ground sign is not permitted on a vacant lot or for residential use). Note: NP = not permitted

Zoning District	# Principal Ground Signs Permitted	Maximum area per sign (square feet)					
		Local street		2 or 3-lane state highway		4-lane state highway	
		Principal ground	Multi-tenant	Principal ground	Multi-tenant	Principal ground	Multi-tenant
PCFD, AG, and AG-R	1 per road frontage	16	NP	16	NP	16	NP
RR districts	1 per road frontage	16	NP	16	NP	16	NP
R districts	1 per road frontage	16	NP	16	NP	16	NP
MFR	1 per road frontage	16	16	16	24	16	32
O-I	1 per road frontage	24	36	24	48	24	64
TC	1 per road frontage	24	36	24	48	24	64
DBD	1 per road frontage	24	36	24	48	24	64
C-1	1 per road frontage	32	48	32	64	48	72
C-2	1 per road frontage	48	64	64	72	96	96
LI and HI	1 per road frontage	64	64	72	72	96	128

2. All principal ground signs and multi-tenant property ground signs shall be monument structures.

Section 17.3.2. Accessory Ground Signs.

Accessory ground signs shall be permitted by zoning district by use as follows: Only one accessory ground sign is permitted for a vacant lot or a lot containing a single-family dwelling.

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Two accessory ground signs are permitted for properties in any zoning district developed for any non-residential permitted use.

Zoning District	Maximum area per sign (square feet)								
	Local street			2 or 3-lane state highway			4-lane state highway		
	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.
PCFD, AG, and AG-R	4	4	8	4	4	8	4	4	8
RR districts	4	4	8	4	4	8	4	4	8
R districts	4	4	8	4	4	8	4	4	8
MFR	4	4	8	4	4	8	4	4	8
O-I	4	4	4	6	6	8	16	8	16
TC	4	4	4	6	6	8	16	8	16
DBD	4	4	4	6	6	8	16	8	16
C-1	4	4	8	6	6	12	8	8	24
C-2	4	4	16	6	6	24	16	8	32
LI and HI	4	4	16	6	6	24	16	8	40

Section 17.3.3. Wall Signs.

Wall signage allowances apply only to properties developed for non-residential permitted uses and shall be as follows. Wall signage is not permitted for dwellings. The allowance is for a percentage of the signable area of the building wall, but with a cap, not to exceed the maximum square footage shown. Where more than one wall sign is allowed, the maximum square footage shown is the aggregate for all wall signs placed on the building. Note: N/A = not applicable/ no maximum.

Zoning District	# Wall Signs Permitted	Allowance for Wall Signs					
		Local street		2 or 3-lane state highway		4-lane state highway	
		% of Signable Area	Maximum aggregate sq. ft.	% of Signable Area	Maximum aggregate sq. ft.	% of Signable Area	Maximum aggregate sq. ft.
PCFD, AG, and AG-R	1 per wall	n/a	4	n/a	6	n/a	8
RR districts	1 per wall	n/a	4	n/a	6	n/a	8
R districts	1 per wall	n/a	4	n/a	6	n/a	8
MFR	1 per wall	n/a	4	n/a	6	n/a	8
O-I	2 per wall	20%	n/a	20%	n/a	20%	n/a
TC	2 per wall	20%	n/a	20%	n/a	20%	n/a
DBD	2 per wall	20%	n/a	20%	n/a	20%	n/a
C-1	2 per wall	25%	n/a	25%	n/a	25%	n/a
C-2	2 per wall	40%	n/a	40%	n/a	40%	n/a
LI and HI	2 per wall	5%	128	5%	192	5%	256

For any freestanding canopy, 1 sign per canopy wall is permitted, not to exceed 20% of the canopy area.

Section 17.3.4. Window Signs.

1. Window signage is allowable for non-residential permitted uses only, in certain zoning districts only, as provided in this section. Window signage is not permitted for dwellings

in the zoning districts shown. Where permitted, window signage is not limited in number. The area covered is measured on the basis of each window.

Zoning District	Area Allowed (Percent of Window)
MFR	20%
O-I	20%
TC	20%
DBD	20%
C-1	20%
C-2	75%
LI and HI	10%

- No window sign shall extend from one window to another.
- In O-I, C-1, C-2, TC, and DBD zoning districts, one illuminated sign that flashes is permitted within a building window for non-residential permitted uses only, not to exceed two (2) square feet in area, but only when the business or establishment is open (i.e., during business hours). No such sign shall be illuminated after the close of the business or establishment.

Section 17.3.5. Signage When for Sale or Under Construction.

During the time a property (whether vacant or not), building, portion of a building, or dwelling unit is under construction, or for rent, sale or lease, additional signage shall be permitted as follows: Said additional signage is permissible as a temporary ground sign, or a wall sign, or a window sign, or combination thereof. Two signs are permitted per frontage. The maximum square footages shown are the aggregate for all such signs measured along a property frontage.

Zoning District	Maximum area per sign (square feet)								
	Local street			2 or 3-lane state highway			4-lane state highway		
	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.
PCFD, AG, and AG-R	4	4	8	4	4	8	4	4	8
RR districts	4	4	8	4	4	8	4	4	8
R districts	4	4	8	4	4	8	4	4	8
MFR	4	4	8	4	4	8	4	4	8
O-I	4	4	4	6	6	8	16	8	16
TC	4	4	4	6	6	8	16	8	16
DBD	4	4	4	6	6	8	16	8	16
C-1	4	4	8	6	6	12	8	8	24
C-2	4	4	16	6	6	24	16	8	32
LI and HI	4	4	16	6	6	24	16	8	40

Section 17.3.6. Banner, Interim.

- The occupant or prospective occupant of a building or leased space, may erect a temporary banner not exceeding thirty-two (32) square feet in area on a front building wall, prior to the issuance of a certificate of occupancy, provided that the occupant or

prospective occupant has applied for a permanent wall sign for the building or leased space.

- (b) The occupant or prospective occupant of a building or leased space may erect a temporary banner not exceeding thirty-two (32) square feet in a freestanding location (between two poles or stakes), prior to the issuance of a certificate of occupancy, provided that no principal ground sign exists on the site and the occupant or prospective occupant has applied for a principal ground sign permit for the building or leased space.
- (c) Any such interim banner shall be removed upon installation and operation of the permitted wall sign or principal ground sign, as the case may be.

Section 17.3.7. Changeable Copy Sign, Electronic, Static Display.

Sign copy changed by electronic means that is static (“changeable copy sign, electronic, static display”), may be incorporated into a principal ground sign or multi-tenant sign in C-2 zoning districts, provided that the area devoted to changeable copy shall not exceed 50% of the sign copy area.

Section 17.3.8. Changeable Copy Sign, Electronic, Multiple Message Display.

- (a) Permissions. Subject to compliance with this section, changeable copy signs, electronic multiple message display, shall be authorized to be permitted in whole or in part on any principal ground sign, any accessory use ground sign, any window sign, or any wall sign permitted by this Article for the zoning district and use, except as otherwise limited in paragraph (b) of this Section; provided further, that no such sign shall exceed the area or height specified for the type of sign for which it is defined and permitted under the terms of this Article. Such multiple message displays shall not be authorized to be permitted in whole or in part on “corner signs,” or “temporary” signs.
- (b) Zoning Districts Permitted. Electronic multiple message signs shall not be permitted in agricultural, residential, town center, or downtown business district zoning districts, as they are by definition “internally illuminated” signs and prohibited in such zoning districts, nor shall such electronic multiple message signs be permitted in the Jefferson Historic Districts established by Chapter 10.6 of this Land Use Management Code.
- (c) Nature of Display. Except for changes during transition time and scrolling, sign content/messages shall not blink, animate, flash, or vary in light intensity.
- (d) Duration of Message. Each message on such an electronic multiple message display shall remain fixed for at least eight (8) seconds.
- (e) Transition Time. The change sequence of messages shall either occur immediately, or there shall be a transition time of no more than one second between different messages. A “fade” or “dissolve” mode, may be used to accomplish a gradual transition from one message to another.
- (f) Freeze of Display When Malfunction Occurs. Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.

- (g) **Illumination.** No electronic multiple message display may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 250 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduces nighttime brightness levels (compared to daytime brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels shall not be permitted.

Section 17.3.9. Corner Signs.

In addition to other signage permitted for the zoning district in which the subject property is located, one corner sign, non-illuminated, shall be permitted but only one for each property with frontage on a specified public road within 500 feet of public road intersections specified in this Section, or at other intersection locations if designated by Resolution of the Governing Body with jurisdiction:

- (a) In the City of Talmo, the intersections of U.S. Highway 129 (Bypass) and SR 346, Talmo Trail; and SR 332.
- (b) In the City of Jefferson, the following locations:
1. U.S. Highway 129 (Bypass) and Concord Road.
 2. U.S. Highway 129 (Bypass) and Hog Mountain Road/New Salem Church Road.
 3. U.S. Highway 129 (Bypass) and Holders Siding Road.
 4. U.S. Highway 129 (Bypass) and Old Pendergrass Road.
 5. U.S. Highway 129 (Bypass) and Old Swimming Pool Road.
 6. U.S. Highway 129 (Bypass) and SR 11.
 7. U.S. Highway 129 (Bypass) and Galilee Church Road.
 8. U.S. Highway 129 Bus. and Storey Lane.
 9. U.S. Highway 129 Bus. and Jett Roberts Road.
 10. U.S. Highway 129 Bus. and Holders Siding Road.
 11. U.S. Highway 129 Bus. and Old Pendergrass Road.
 12. U.S. Highway 129 Bus. (Washington St.) and Lee St./Sycamore St.
 13. U.S. Highway 129 Bus. (Lee St.) and U.S. Highway 129 Bus. (Athens St.)
 14. U.S. Highway 129 Bus. and Galilee Church Road
 15. SR 82 (Sycamore St.) and Danielsville Road
 16. SR 82 and Commerce Road (SR 15)
 17. SR 82 Spur and Jett Roberts Road
- (c) Corner signs, where permitted, shall be limited to one corner sign per corner lot which shall not exceed a height of twelve (12) feet in any commercial or industrial zoning district and six (6) feet in any office, residential, or agricultural zoning district.
- (d) Corner signs shall not exceed the maximum area as follows.

Zoning District	Maximum area per sign (square feet)		
	Local street	2 or 3-lane state highway	4-lane state highway
PCFD, AG, and AG-R	4	8	16
RR districts	4	8	16
R districts	4	8	16
MFR	4	8	16
O-I	4	8	16
TC	4	8	16
DBD	4	8	16
C-1	8	12	24
C-2	16	24	32
LI and HI	16	24	40

- (e) A corner sign shall not be permitted on property that has one or more signs which do not conform to the provisions of this Article, unless such existing signs are made to conform prior to the erection of a corner sign.
- (f) Where a corner sign is permitted but such property is located within a historic district of the City of Jefferson, said sign shall not be erected unless a Certificate of Appropriateness has been issued by the Historic Preservation Commission as required by Chapter 21.5 of this Land Use Management Code.

Section 17.3.10. Directory Signs.

In addition to other signage allowed by this article, the Zoning Administrator may upon application authorize, via issuance of parcel sign plan permit, one or more directory signs and traffic safety and traffic directional signs along private streets, driveways, and in off-street parking lots directing residents, visitors, customers, deliveries, etc. to buildings and activities within a development, in accordance with the provisions of this Section.

- (a) A complete application for sign permit shall be submitted, even if one or more signs proposed are 16 square feet or less; and
- (b) A parcel sign plan shall be submitted with the sign permit application, consisting of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, color, shape, etc. of all ground and building signs existing and to be placed on the parcel; and
- (c) The parcel sign plan must demonstrate that there is coherence and coordination among the various signs proposed, such that the location, materials, size, letter style, color, shape, etc. present a unified design concept for signage on the parcel that is proportional to the size and characteristics of existing or proposed development on the parcel; and
- (d) The directory signs and/or traffic safety and traffic directional signs authorized by the Zoning Administrator pursuant to this Section shall not exceed the following area and height maximums by zoning district:

Zoning District	Maximum Area (Square Feet)	Maximum Height (Feet) of Ground Sign
Any agricultural or residential zoning district not otherwise listed in this table	8	6
PCD, MFR	10	8
O-I, C-1, DBD	12	10
C-2	16	10
LI or HI	24	12

Note: Maximum height of a wall sign shall be the height of the building wall.

Section 17.3.11. Drive-through Lane Signage.

A drive-through lane, where authorized by this land use management code, may have a maximum of two display boards not exceeding 6 feet in height or 36 square feet in area.

Section 17.3.12. Flags.

- (a) Generally. Any residence, establishment, or institution may display as many as three flags per parcel, when displayed in accordance with this section. Flags may be displayed on a freestanding pole or poles, projecting from a building or door, or placed in a window.
- (b) Pole flags. No flag displayed from a pole shall be flown at a height of greater than twenty-four (24) feet. An individual flag shall not exceed an area of forty (40) square feet.
- (c) Projecting flags. Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. The pole shall not exceed six (6) feet in length, or one (1) inch in diameter. The flag flying from such pole shall not exceed three (3) feet from top to bottom and five (5) feet in length. Additionally, flags displayed in such a manner shall not impede pedestrian or vehicular traffic.
- (d) Window flags. Flags may be hung in the window of any non-residential property. The area of the flag(s) shall be used in the calculation of allowable window signage but in no event shall exceed 75% of any given window.
- (e) Prohibitions. Flags shall not be attached to light poles, fences, or vehicles, or erected on the ground except on a freestanding pole manufactured for the purpose.

Section 17.3.13. Projecting Signs.

Projecting signs are permissible, subject to the limitations for wall signs and the following limitations:

- (a) Projecting signs shall project perpendicularly from the building.
- (b) Projecting signs shall not project more than three (3) feet beyond the face of the building.

- (c) Projecting signs shall be secured in place with a frame mount assembly.
- (d) Projecting signs shall have a ground clearance of no less than eight (8) feet above the lowest ground elevation.

Section 17.3.14. Sandwich Board Signs.

- (a) For commercial uses in buildings with a private hard-surfaced walkway in front of the building, one sandwich board sign is permitted for each one-hundred (100) feet of leased frontage of a building, during times when the business is open.
- (b) Any such signs shall be removed when the business or establishment is not operating.
- (c) No such sign shall exceed a height of four (4) feet above the ground.
- (d) No such sign shall exceed an area of eight (8) square feet per sign face.

Section 17.3.15. Special Event Signage.

Upon application for a sign permit, in the same manner as described in this article for a sign permit, additional signage and advertising devices may be authorized by the Zoning Administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

- (a) Only two (2) temporary special event sign permits shall be issued to any 1 business or institution in any calendar year.
- (b) No more than four (4) temporary special event sign permits shall be issued for any single lot of record in a given calendar year.
- (c) At the discretion of the applicant for a special event sign permit, the following may be authorized by the Zoning Administrator, provided that the total square footage of special event signage shall not exceed 64 square feet or its equivalent as determined by the Zoning Administrator and the total number of different signs or advertising devices authorized by the permit shall not exceed four during any event: temporary ground sign, temporary wall sign, banner (freestanding or attached), feather banner, flag, hand-held sign, and inflatable advertising device.
- (d) A temporary special event signage permit shall be valid for a maximum of 21 days. It shall be a violation of this article to continue to display temporary signs or advertising devices authorized pursuant to this section, after the expiration of a special event signage permit, unless another such permit is lawfully issued.

Section 17.3.16. Subdivision Entrance Monuments.

- (a) In any zoning district in which detached single-family dwellings are permitted, two subdivision entrance monuments (one on each side of the street providing access to said subdivision) is permitted either on common area owned by a homeowner's association or on an individual lot (if an easement is secured).

- (b) The maximum height shall be eight (8) feet.
- (c) The area devoted to the sign copy for each sign face shall not exceed the following area limitations (square feet):

Local street	2 or 3-lane state highway	4-lane state highway
32	40	64

- (d) The subdivision entrance monument shall be designed by a registered landscape architect and a sign permit shall be required.

Section 17.3.17. Suspended Signs.

- (a) An establishment with a paved and covered walkway in front of the building shall be permitted one suspended sign per establishment, not exceeding 8 square feet, in addition to permitted wall signage.
- (b) Any sign that is suspended from the underside of a canopy (including awnings), shall be located perpendicular to the wall surface of a building.

Section 17.3.18. Temporary Banner During Graduation Season.

A banner, not exceeding thirty-two (32) square feet in area, shall be authorized to be erected on or over a subdivision entrance monument or in a freestanding location (between two poles or stakes) on the same lot as a subdivision entrance monument, no longer than 45 days before and 60 days after the annual date of Jefferson high school graduation.

CHAPTER 17.4
SIGNS AND ADVERTISING IN JEFFERSON HISTORIC DISTRICTS

Section 17.4.1.	Certificate of Appropriateness Required in Jefferson Historic Districts.
Section 17.4.2.	Criteria for Approval of Certificates of Appropriateness for Signs.
Section 17.4.3.	Interim Banner Authorized Via Sign Permit.
Section 17.4.4.	Corner signs.
Section 17.4.5.	Changeable Copy Sign, Electronic, Multiple Message Display.

Section 17.4.1. Certificate of Appropriateness Required in Jefferson Historic Districts.

Within the Jefferson Historic Districts, no sign requiring a sign permit shall be erected, and no sign permit shall be issued for a sign that requires a sign permit, until or unless the application for sign permit has been approved by the Jefferson Historic Preservation Commission after application as a certificate of appropriateness in accordance with Chapter 21.5 of this Land Use Management Code.

Per Section 21.5.2 of this Land Use Management Code, the following types of signs are exempt from the requirement to obtain a certificate of appropriateness:

- (a) Ground signs, unlighted, not exceeding four square feet in area, on property used for a detached, single-family residential use or non-residential or permitted principal use.
- (b) Window signs, unlighted, as permitted by Article 17 of this Land Use Management Code.
- (c) Special event signage, unlighted, upon permit issued by the Zoning Administrator in accordance with Article 17 of this Land Use Management Code.
- (d) Temporary ground signs, unlighted, during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, not to exceed maximum size requirements of Article 17 of this Quad Cities Land Use Management Code.
- (e) Temporary wall signs, unlighted, during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, not to exceed maximum size requirements of Article 17 of this Land Use Management Code.

Section 17.4.2. Criteria for Approval of Certificates of Appropriateness for Signs.

In acting on applications for sign permits, the Commission shall consider the criteria established for the issuance of certificates of appropriateness, and any adopted design guidelines for signs in the City of Jefferson's Historic Districts. The Jefferson Historic Preservation Commission shall consider the following, which shall not be limiting, in issuing certificates of appropriateness for signs and may use these criteria in determining whether to approve, deny, or modify said signs:

- (a) The sign makes a positive contribution to the general appearance of the street and area in which it is located.

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- (b) The scale, size, and shape of the sign are proportional to the building on which they are placed or to which it pertains and the area in which it is located. To this end, the Historic Preservation Commission may find that a sign is out of character with the area or not proportional to the building, activity or use and may work with the sign permit applicant to reduce the scale, size or shape or placement of the sign or signs. However, the commission shall not have authority to limit the area of a sign to less than the maximum permitted by this Article, without agreement by the sign permit applicant.

- (c) The sign does not obscure architectural features of the building, and the design of the sign is integrated with the design of the building.



These signs block building elements and create a chaotic image



These signs complement the building form and create a more orderly appearance

- (d) If the sign proposed is a wall sign, it establishes an appropriate rhythm to the façade.



Wall signs of consistent size and placement establish facade rhythm.

- (e) The proposed sign is composed of materials that are compatible with the materials of the face of the building façade where it is placed or to which it pertains.

- (f) Design, lettering, and composition of the sign are compatible with the building.

Section 17.4.3. Interim Banner Authorized Via Sign Permit.

- (a) Within a historic district in the City of Jefferson, where a commercial business or other entity lawfully exists in a commercial or industrial zoning district, notwithstanding the requirements for a Certificate of Appropriateness as specified in Chapter 21.5 "Certificates of Appropriateness" of this Land Use Management Code, a sign permit may be applied for and approved by the Zoning Administrator for one interim banner as provided in Section 17.3.6 of this article.
- (b) Such a banner may upon issuance of a sign permit remain up to sixty (60) days, in order to allow the business or entity time to apply for a Certificate of Appropriateness and Sign Permit. Any such banner erected shall be removed no later than 60 days after permit issuance.

Section 17.4.4. Corner signs.

Where a corner sign is permitted but such property is located within a historic district of the City of Jefferson, said sign shall not be erected unless a Certificate of Appropriateness has been issued by the Historic Preservation Commission as required by Chapter 21.5 of this Land Use Management Code.

Section 17.4.5. Changeable Copy Sign, Electronic, Multiple Message Display.

Changeable copy signs, electronic, with multiple message displays, are prohibited in Jefferson Historic Districts.

CHAPTER 17.5
MAINTENANCE, ABANDONMENT, AND NONCONFORMITIES

Section 17.5.1.	Maintenance.
Section 17.5.2.	Procedure for Non-Maintained Signs.
Section 17.5.3.	Derelict Signs.
Section 17.5.4.	Abandoned Signs.
Section 17.5.5.	Requirements to Maintain an Abandoned Sign.
Section 17.5.6.	Nonconforming Sign – Replacement.
Section 17.5.7.	Nonconforming Sign – Replacement or Modification.
Section 17.5.8.	Nonconforming Sign – Repairs and Maintenance.
Section 17.5.9.	Nonconforming Sign – Duration and Continuance.

Section 17.5.1. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. It shall be unlawful, after being notified pursuant to this Section and after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions, which shall not be limiting, that constitute a lack of maintenance:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the Zoning Administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Section 17.5.2. Procedure for Non-Maintained Signs.

- (a) Upon discovery of a sign in need of maintenance, the Zoning Administrator shall give written notice of violation to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance.
- (b) The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the Zoning Administrator shall cause a citation to be issued.

Section 17.5.3. Derelict Signs.

The Zoning Administrator may cause to be removed after notice pursuant to this Article any sign which shows gross neglect, is dilapidated, or in the opinion of the Building Inspector poses an imminent threat to public safety.

Section 17.5.4. Abandoned Signs.

- (a) If the principal use or activity on a property has ceased operation for period of ninety (90) days or more, any ground signs including supports, and wall signs, which are allowed by this code in connection with said principal use or activity shall be removed by the owner, or the owner shall apply for a sign permit to maintain the sign in accordance with the standards of this section.
- (b) Any application to maintain an abandoned sign received after the 90-day period shall be required to pay double to sign permit fee.
- (c) No new sign shall be permitted to be erected on the same property until the discontinued sign, including its supports, has been removed or is converted to a lawfully conforming sign, or unless a sign permit to maintain the sign has been issued by the city.
- (d) Upon the expiration of the 90-day time period provided in this Section for the removal of abandoned signs and sign supports, or if an application for a sign permit to maintain said sign(s), has not been made by the owner, said sign(s) shall be deemed unlawful abandoned signs.

Section 17.5.5. Requirements to Maintain an Abandoned Sign.

No permit to maintain an abandoned sign shall be issued by the Zoning Administrator unless the abandoned sign is made to conform with the following requirements:

- (a) Sign with removable panel. If an abandoned sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another principal use is established and a sign permit is issued for a new principal ground (monument) sign.



Source: Model Sign Ordinance, Montgomery County
(Pennsylvania) Planning Commission, 2014

- (b) Sign without removable panel. If an abandoned monument sign contains a sign copy area that is not removable without disassembling the monument, then the said sign copy area

shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas flush with the sign copy area so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign permit is applied for and granted and approved sign copy is affixed on the sign copy area of said monument.

Section 17.5.6. Nonconforming Sign – Replacement.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted. It shall be the responsibility of the sign owner to prove that a sign is a lawful, nonconforming sign.

Section 17.5.7. Nonconforming Sign – Replacement or Modification.

- (a) A nonconforming sign shall not be replaced by another nonconforming sign.
- (b) Nonconforming signs shall not be modified to add additional lighting or to be altered in any way that increases the value of said nonconforming sign.
- (c) A nonconforming sign that is a multiple message sign but the messages are changeable only by manual means may continue to have its copy changed, and change copy, by any manual means.
- (d) A nonconforming sign that is a multiple message sign but the messages are changeable by means of the movement or rotation of panels or slats may continue to have its copy changed, and change copy, by any such same means.
- (e) A non-conforming sign that does not meet the definition of a “changeable copy sign, electronic, multiple message display” as defined in Chapter 17.2 of this Article at the time it was nonconforming shall not be changed, modified, or retrofitted in any way so as to become a “changeable copy sign, electronic, multiple message display.”

Section 17.5.8. Nonconforming Sign – Repairs and Maintenance.

No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted.

Section 17.5.9. Nonconforming Sign – Duration and Continuance.

Signs which did not meet all requirements of this Article when enacted, or which do not meet provisions of this Article at the time of its amendment, may stay in place until one of the following conditions occurs:

- (a) In the case of principal and accessory signs, the business, entity, or activity for which the sign is permitted in connection therewith ceases at that location;
- (b) The deterioration of the sign or damage to the sign makes it a hazard;

Article 17, Signs & Advertising Devices
Jefferson Land Use Management Code (excludes Talmo)

- (c) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value, as determined by independent appraisal and accepted by the Zoning Administrator, are required to restore the sign.
- (d) No ground or wall sign shall be allowed to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

CHAPTER 17.6 PERMITTING PROCEDURES

Section 17.6.1.	Sign Permit Required.
Section 17.6.2.	Sign Permit Application Required.
Section 17.6.3.	Sign Permit Application Review Fee.
Section 17.6.4.	Process for Issuing Sign Permits.
Section 17.6.5.	Permit and Sticker.

Section 17.6.1. Sign Permit Required.

A sign permit shall be required for the following:

- (a) Any sign greater than 16 square feet in area; and
- (b) Any monument sign, regardless of area; and
- (c) Any sign requiring an electrical connection.

It shall be unlawful for any person to post, display, or erect a sign or advertising device without first having obtained a sign permit, when required. The fact that a sign permit is not required in certain instances shall not be construed to exempt such sign from compliance with applicable provisions of this Article.

Section 17.6.2. Sign Permit Application Required.

Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Zoning Administrator upon forms furnished by said office and accompanied by the following: whether on the application form or via attachment:

- (a) The type and purpose of the sign as defined in this Article.
- (b) A drawing of the sign which shows the height of the sign, the area of the face(s) of the sign, and the structural supports of the sign, all drawn to an engineering or architectural scale.
- (c) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable.
- (d) A boundary survey or tax plat or other accurate drawing of the property on which the sign will be located which shows where thereon the sign will be located.
- (e) The location, number, area, and height of all existing signs on the subject property.
- (f) The name and address of the applicant and the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof.

- (g) Name, address, and phone number of the sign contractor.
- (h) A sign permit application review fee, as established by resolution of the Governing Body with jurisdiction.
- (i) The Zoning Administrator may require additional information as a part of the application to insure compliance with this Article.

Incomplete applications will not be processed. The Zoning Administrator will notify applicants with incomplete information with instructions on what additional information is needed to process the application.

Section 17.6.3. Sign Permit Application Review Fee.

- (a) No sign permit shall be issued until a sign permit application review fee has been paid.
- (b) Said sign permit application review fee shall be submitted at the time of application for a sign permit and shall be paid to offset the costs associated with review and processing of the application.
- (c) Sign permit application review fees shall not be refunded if the application for sign permit is denied.
- (d) Any sign permit application review fee involving a sign which was unlawfully erected or established without a sign permit required by this Article shall be assessed a permit application review fee that is double the amount of the applicable sign permit application review fee.

Section 17.6.4. Process for Issuing Sign Permits.

- (a) Except as specified otherwise in this section, upon receipt of a complete application for sign permit, the Zoning Administrator shall process all sign permit applications as quickly as possible but in no case more than six (6) calendar days of receipt of a complete sign permit application and a sign permit fee if required. For purposes of this Section only, the term "process" shall mean to make a decision on sign permit applications which can be administratively approved or denied.
- (b) Applicants for sign permits that receive approval of the Zoning Administrator shall be issued a sign permit. The Zoning Administrator shall be authorized to issue sign permits in accordance with the provisions of this Article. The Zoning Administrator shall be authorized to deny applications for sign permits that do not meet the requirements of this Article.
- (c) Sign permits may be withheld if the site on which the sign is proposed to be located contains a prohibited sign, a derelict sign, a sign for which maintenance is required and which has not been maintained, or any other condition of advertising or signage that is not in accordance with the requirements of this Article.
- (d) This section shall not pertain to sign permits in the Historic Properties Overlay District, which are subject to requirements for certificates of appropriateness.

Section 17.6.5. Inspection.

Upon issuance of a sign permit, it is the responsibility of the sign applicant and contractor to call for an inspection of footing and electrical connections, where applicable. The building inspector will conduct the necessary sign inspections.

Section 17.6.5. Permit and Sticker.

At the discretion of the Zoning Administrator, a system of tags may be established and if implemented it shall be the responsibility of the sign owner to affix the sign sticker to the sign as evidence that the sign was lawfully permitted and inspected.

CHAPTER 17.7 MALL SIGN REGULATIONS

Section 17.7.1.	Purpose.
Section 17.7.2.	Definitions.
Section 17.7.3.	Special Allowances.
Section 17.7.4.	Prohibitions.

Section 17.7.1. Purpose.

The purpose of this chapter is to establish special allowances commercial mall areas of the city which because of their character and composition rely on additional or special signage and advertising needs not customarily appropriate in other zoning districts and places in the city.

Section 17.7.2. Definitions.

Mall: A commercial building containing 200,000 square feet or more and which is used for multiple interior vendors or has multiple leased spaces within the building. The City of Jefferson has two indoor malls that meet this definition:

1. Pendergrass Flea Market (part of Map/Parcel 092 005), bounded by U.S. Highway 129, Interstate 85, railroad, and Map/Parcels 092 012A and 092 005N); and
2. The Old Jefferson Cotton Mill, located on Cobb Street, Railroad Avenue, and Lynn Avenue, including abutting properties under the same ownership (Map/Parcels J05 031; J05 071; J05 030; J05 030A; J02 059 and J02 059A) (specifically excludes Map/Parcel J05 072).

Section 17.7.3. Special Allowances.

A mall, as defined, may exceed the number and sign area limitations for the C-2 zoning district in which they are located, and malls may incorporate unique advertising devices such as plastic or ceramic animals which are otherwise prohibited by this Article, provided its meet all of the following requirements:

- (a) The mall property(ies) must be in compliance with all other requirements of this land use management code and applicable city codes.
- (b) A uniform sign plan, as defined, for all existing and proposed ground signs, wall signs and all other advertising devices, shall be submitted for approval and must be approved by the Jefferson City Council after recommendation by the Zoning Administrator and Planning Commission.

Section 17.7.4. Prohibitions.

This chapter shall not be used to authorize modification of a nonconforming sign or to allow a sign which is prohibited by this Article.”

**ARTICLE 18
JEFFERSON-TALMO PLANNING COMMISSION**

CHAPTER 18.1 ESTABLISHMENT, COMPOSITION, AND PURPOSE
CHAPTER 18.2 PURPOSES, POWERS, AND DUTIES

**CHAPTER 18.1
ESTABLISHMENT AND COMPOSITION**

Section 18.1.1. Establishment and Continuance.
Section 18.1.2. Composition, Appointment, and Quorum.
Section 18.1.3. Officers.
Section 18.1.4. Duties of Officers.
Section 18.1.5. Absences and Declaration of Vacancy.
Section 18.1.6. Conflicts of Interest.
Section 18.1.7. Meetings and Records.

Section 18.1.1. Establishment.

The Jefferson-Talmo Planning Commission is hereby established.

Section 18.1.2. Composition, Appointment, and Quorum.

Membership of the Planning Commission shall be established as follows. There shall be a total of six (6) members. The City of Jefferson shall have five (5) members. The City of Talmo shall have one (1) member. Members of the Planning Commission on the effective date of this Article shall continue until their terms expire and their successors are appointed. All appointments to the Planning Commission shall be made by the Governing Bodies of the Participating Municipalities according to the representation specified in this section. Members to fill expired or unexpired terms shall be for three years. All members appointed shall be a resident of the city by which they are appointed. A quorum shall be required to be present for the Planning Commission to function and decide matters that come before it. A quorum shall consist of a majority of the members of the Commission.

Section 18.1.3. Officers.

The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson, elected by the members of the Planning Commission. The terms of office for the Chairperson and Vice-Chairperson are one year. An officer that has served a full one year term may succeed himself/herself without limitation. In the event of the resignation or removal of the Chairperson or Vice-Chairperson, the members shall elect an individual from the Commission to fill the remainder of the unexpired term.

Section 18.1.4. Duties of Officers.

The Chairperson shall preside at meetings of the Planning Commission, decide all points of order and procedure, represent the Planning Commission at official functions, appoint committees to investigate and report on matters which may come before the Commission, and be responsible for carrying out policy decisions. In the absence of the Chairperson, those duties shall be vested in the Vice-Chairperson. The Secretary, or his/her designated agent, shall maintain the records of the Planning Commission.

Section 18.1.5. Absences and Declaration of Vacancy.

Any member of the Planning Commission that fails to attend three (3) consecutive regular meetings of the Commission or misses at least six (6) meetings in any twelve (12) month period is subject to dismissal without any other valid reason. When such absences are found, the Secretary shall provide written notice to the represented governing body recommending that a vacancy be declared and requesting that the vacated position be filled.

Section 18.1.6. Conflicts of Interest.

Should any member of the Planning Commission have a financial interest in any issue that comes before the Commission, said member shall disqualify himself from participating or considering the issue and shall not sit with the Commission during deliberations. A member may raise the question of perceived conflict or actual financial conflict of interest of any other member regarding a specific issue that is before the Commission. If perceived or actual conflict is alleged, a majority vote of those without such alleged conflict shall determine if such perceived or actual financial conflict exists and whether the member with an alleged conflict should be allowed to participate. If the majority vote is a determination that the member has an actual financial conflict of interest, said member with the financial conflict of interest shall disqualify himself from participating or considering the issue and shall not sit with the Commission during deliberations. If it is determined by majority vote of members present that a perceived conflict of interest exists, but the conflict is one that does not rise to the level of financial interest, the individual member with perceived conflict shall have discretion as to whether he or she will vote on the matter in question, though the other members may make a recommendation to said member.

Section 18.1.7. Meetings and Records.

All meetings of the Planning Commission shall be open to the public and all records of the Planning Commission shall be public record. The Planning Commission may adopt bylaws which establish regular meeting dates, procedures for calling special meetings, and other meeting matters. Unless otherwise specified by the Planning Commission, regular meetings of the Planning Commission shall be held on the third Tuesday of each month at 6 p.m. The Planning Commission shall hold regular meetings unless it is notified by the Secretary that there is no business to conduct, in which case the Chairperson may cancel the regular meeting. No meeting shall be held unless forty-eight (48) hours notice thereof has been provided to each member. If special meetings are called by the Chairperson, the purpose(s) of the special meeting shall be stated and no other business may be conducted at such special meeting.

CHAPTER 18.2 PURPOSES, POWERS AND DUTIES

Section 18.2.1.	Purpose of the Planning Commission.
Section 18.2.2.	Powers and Duties.
Section 18.2.3.	Training.

Section 18.2.1. Purpose of Planning Commission.

The general purpose of the Planning Commission shall be to develop, promote, and assist in establishing coordinated and comprehensive planning in the municipalities of Jefferson and Talmo, and to serve in an advisory capacity to the City Councils of Jefferson and Talmo in the implementation of adopted plans and ordinances.

Section 18.2.2. Powers and Duties.

The Planning Commission shall have all those duties necessary and reasonably implied as being necessary to carry out its duties as specified in this Land Use Management Code. Said powers and duties shall specifically include without limitation, the following:

- (a) To adopt and amend bylaws, without the need to amend this Article.
- (b) Cooperate with the Federal, State, or local, public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with said agencies, individuals, or corporations.
- (c) Prepare or cause to be prepared a comprehensive plan or parts thereof, for the development of the local jurisdictions or parts thereof, which shall be subject to the approval of each governing body with jurisdiction in accordance with the Georgia Planning Act of 1989.
- (d) Prepare or cause to be prepared, and recommend for adoption by the local governing bodies of the participating municipalities zoning ordinances, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the jurisdiction.
- (e) To administer zoning and other land use regulations in whatever role is delegated to it by the local governing body or as provided in this Land Use Management Code. The planning commission shall have authority and responsibility to review applications for zoning map amendments or applications for conditional use approval and other related applications and provide a recommendation to the local governing body with jurisdiction.
- (f) To review and approve subdivision plats; provided, however, that if the Planning Commission is given authority to grant approval of final plats, said approval shall not constitute acceptance of public improvements which is a power reserved by the local governing body with jurisdiction over the subdivision plat.
- (g) To prepare and recommend for adoption to the local governing body with jurisdiction a plat or plats, or a corridor map or maps, showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the jurisdiction or a specified portion thereof.

- (h) To make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of the jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.
- (i) To recommend to the local governing bodies of the participating municipalities, or their executive, programs for capital improvements and the financing thereof.
- (j) To delegate certain of its functions to a hearing examiner, as specified and established in Article 20 of this Land Use Management Code.
- (k) To exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.

Section 18.2.3. Training.

The Governing Bodies of the Participating Municipalities find that it is in the best interests of their citizens to strongly encourage newly appointed members of the Planning Commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of Planning Commissions.

It shall be the responsibility of the Zoning Administrator to periodically notify members of the Planning Commission of appropriate education and training opportunities encouraged in this Section. The following organizations and institutions among others are determined to be appropriate:

1. Training programs and seminars by the University of Georgia's Carl Vinson Institute of Government, the Georgia Institute of Technology graduate city and regional planning program, Georgia State University, or any other institution of higher learning in the state.
2. Training programs by the Northeast Georgia Regional Development Center.
3. Conferences of the Georgia Association of Zoning Administrators.
4. Conferences of the Georgia Chapter of the American Planning Association or the American Planning Association.
5. Training programs organized by the Zoning Administrator specifically for Planning Commission members.

**ARTICLE 19
CITY OF JEFFERSON
HISTORIC PRESERVATION COMMISSION**

CHAPTER 19.1	CREATION AND COMPOSITION
CHAPTER 19.2	DEFINITIONS
CHAPTER 19.3	POWERS AND DUTIES
CHAPTER 19.4	DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS
CHAPTER 19.5	DEMOLITION BY NEGLECT

**CHAPTER 19.1
CREATION AND COMPOSITION**

Section 19.1.1.	Authority.
Section 19.1.2.	Creation and Continuance.
Section 19.1.3.	Appointment and Terms.
Section 19.1.4.	Qualifications of Members.
Section 19.1.5.	Compensation.

Section 19.1.1. Authority.

This Article is adopted pursuant to the authority granted in O.C.G.A. Section 44-10-26 (The Georgia Historic Preservation Act - Acts 1980, pages 1723-1729).

Section 19.1.2. Creation and Continuance.

The Historic Preservation Commission as established by prior ordinance of the City Council of the City of Jefferson shall continue as composed on the effective date of this Article.

Section 19.1.3. Appointment and Terms.

Commission members shall be appointed by the Governing Body of the City of Jefferson. The Historic Preservation Commission shall consist of seven (7) members. Members serving on the Historic Preservation Commission on the effective date of this Article shall continue until their terms expire and until their successors are appointed. Appointments shall be for two (2) years.

[Amended, Ord. LUMC 18-03 adopted 6-21-18]

Section 19.1.4. Qualifications of Members.

Per the requirements of O.C.G.A. 44-10-24, a majority of the members of the commission shall have demonstrated special interest, experience, or education in history or architecture.

[Amended, Ord. LUMC 18-03 adopted 6-21-18]

Section 19.1.5. Compensation.

Members of the Historic Preservation Commission do not receive a salary, although they may be reimbursed for expenses.

**CHAPTER 19.2
DEFINITIONS**

Certificate of appropriateness: A document evidencing approval by the City of Jefferson Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features: All those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district: A geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Jefferson City Council.

Historic property: An individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Jefferson City Council.

Material change in appearance: A change that will affect either the exterior architectural or environmental features of an historic property or any structure, site or work of art within an historic district, and may include any one or more of the following: A reconstruction or alteration of the size, shape, or façade of an historic property, including any of its architectural elements or details; demolition of an historic structure; commencement of excavation for construction purposes; a change in the location of advertising visible from the public right-of-way; the erection, alteration, restoration, or removal of any building or other structure within an historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

CHAPTER 19.3 POWERS AND DUTIES

Section 19.3.1.	Duties and Responsibilities.
Section 19.3.2.	Rules of Procedure and Transaction of Business.
Section 19.3.3.	Authority to Receive Funding from Various Sources.
Section 19.3.4.	Records of Commission Meetings.
Section 19.3.5.	Administration of the Commission's Duties.
Section 19.3.6.	Training.

Section 19.3.1. Duties and Responsibilities.

The City of Jefferson Historic Preservation Commission shall be authorized to:

- (a) Prepare an inventory of all property within its respective jurisdiction having the potential for designation as historic property;
- (b) Recommend to the Jefferson City Council specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
- (c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Land Use Management Code;
- (d) Recommend to the Jefferson City Council the designation of any place, district, site, building, structure, or work of art as an historic property or as an historic district, or recommend that any such place, district, site, building, structure, or work of art be revoked or removed from its status as a historic property or historic district;
- (e) Restore or preserve any historic properties acquired by the City of Jefferson;
- (f) Promote the acquisition by the City of Jefferson of façade easements and conservation easements in accordance with the provisions of the "Façade and Conservation Easements Act of 1976" (Georgia Laws 1976, p. 1181);
- (g) Conduct an educational program on historic properties located within its historic preservation jurisdiction;
- (h) Make such investigations and studies of matters relating to historic preservation as the Jefferson City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (i) Seek out state and federal funds for historic preservation, and make recommendations to the City of Jefferson concerning the most appropriate uses of any funds acquired;
- (j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;
- (k) Perform historic preservation activities as the official agency of the City of Jefferson historic preservation program;
- (l) Employ persons, if necessary, to carry out the responsibilities of the Commission;
- (m) Receive donations, grants, funds, or gifts of historic property, and to acquire and sell historic properties. The Commission shall not obligate the City of Jefferson without prior consent;
- (n) Review, make comments, and recommend to the State Historic Preservation Office the nomination of properties within its jurisdiction to the National Register of Historic Places.

- (o) Prepare and recommend design guidelines for development within the various historic districts of the City of Jefferson, which if adopted by the Jefferson City Council shall be used by the Historic Preservation Commission in considering and acting upon certificates of appropriateness.
- (p) Provide education, outreach, and coordination with the City of Jefferson's Better Hometown Program.

Section 19.3.2. Rules of Procedure and Transaction of Business.

The Historic Preservation Commission shall adopt rules for the transaction of its business and consideration of applications. It shall provide for the time and place of regular meetings and for the calling of special meetings. The Historic Preservation Commission shall have the flexibility to adopt rules of procedure without amendment to this Article. A quorum shall consist of a majority of the members. The latest edition of "Robert's Rules of Order" shall determine the order of business at all meetings.

Section 19.3.3. Authority to Receive Funding from Various Sources.

The Commission shall have the authority to accept donations.

Section 19.3.4. Records of Commission Meetings.

Public records shall be kept of the Historic Preservation Commission's resolutions, proceedings, and actions.

Section 19.3.5. Administration of the Commission's Duties.

Historic Preservation Commission shall be considered a part of the planning functions of the City of Jefferson and shall be administered by the Zoning Administrator.

Section 19.3.6. Training.

The Jefferson Mayor and City Council find that it is in the best interests of the citizens of Jefferson to strongly encourage newly appointed members of the City of Jefferson Historic Preservation Commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of Historic Preservation Commissions.

It shall be the responsibility of the Zoning Administrator to periodically notify members of the Commission of appropriate education and training opportunities encouraged in this Section. The following organizations and institutions among others are determined to be appropriate:

1. Training programs and seminars by the University of Georgia, the Georgia Institute of Technology graduate city and regional planning program, Georgia State University, or any other institution of higher learning in the state.
2. Training programs by the Northeast Georgia Regional Development Center.
3. Conferences of the Georgia Trust for Historic Preservation.
4. Conferences of the Georgia Chapter of the American Planning Association or the American Planning Association.
5. Training programs organized by the Zoning Administrator specifically for Historic Preservation Commission members.

CHAPTER 19.4 DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS

Section 19.4.1.	Preliminary Research by the Commission.
Section 19.4.2.	Criteria for Designation of Historic Districts.
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Section 19.4.9.	Notification of Adoption of Ordinance for Designation.
Section 19.4.10.	Moratorium While Ordinance for Designation is Pending.

Section 19.4.1. Preliminary Research by the Commission.

The Commission shall have the authority to compile and collect information and conduct surveys of historic resources within the City of Jefferson. The Commission shall present to the City Council nominations for historic districts and local landmarks. The Commission shall prepare formal reports when nominating historic districts or local landmarks. These reports shall be used to educate the community and to provide a permanent record of the designation. The report may follow guidelines for nominating structures to the National Register of Historic Places (National Preservation Act of 1966). The report shall consist of two (2) parts: a physical description and a description of historic significance. This report will be submitted to the Historic Preservation Section of the Georgia Department of Natural Resources.

Section 19.4.2. Criteria for Selection of Historic Districts.

An Historic District is a geographically definable area, which contains structures, sites, works of art, or a combination thereof, which: a) have special character or special historic/aesthetic value or interest; b) represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, state, or region; c) cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

Section 19.4.3. Boundaries of Historic Districts.

Boundaries of historic districts when proposed shall be specified on tax maps and the boundaries of historic districts shall be included in the local ordinance designating historic districts. Boundaries specified in legal notices shall coincide with the boundaries finally designated. Districts shall be shown on the Official Zoning Map or as provided in Chapter 3.3 of this Land Use Management Code.

Section 19.4.4. Classification of Properties within Historic Districts.

Individual properties within historic districts shall be classified as “Contributing” or “Noncontributing.”

A contributing building, site, structure, or object adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because (a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or (b) it independently meets the National Register criteria.

A noncontributing building, site, structure, or object does not add to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because (a) it was not present during the period of significance, (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or (c) it does not independently meet the National Register criteria.

Section 19.4.5. Designation of Landmarks.

An historic landmark is a structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Jefferson, State of Georgia, or local region, for one or more of the following reasons: a) it is an outstanding example of a structure representative of its era; b) it is one of the few remaining examples of past architectural style; c) it is a place or structure associated with an event or person of historic or cultural significance to the City of Jefferson, State of Georgia, or the region. Boundaries of designated landmarks shall be clearly defined for individual properties on tax maps and located on the Official Zoning Map or as provided in Chapter 3.3 of this Land Use Management Code.

Section 19.4.6. Application for Designation of Historic District or Landmark.

An historical society, neighborhood association, or group of property owners may apply for designation of historic districts. An historical society or property owner may apply for designation of landmark structures.

Section 19.4.7. Required Public Hearings and Notice.

The Historic Preservation Commission and the Jefferson City Council shall hold a public hearing on the proposed ordinance for designation. Notice of the hearing shall be published in at least three (3) consecutive issues in the legal organ of the City of Jefferson, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to date set for the public hearing. A letter sent via the United States Mail to the last-known owner of the property shall constitute legal notification under this Chapter.

Section 19.4.8. Ordinance Requirements.

Any ordinance designating any property or district as Historic shall describe each property to be designated, set forth the name(s) of the owner(s) of the designated property or properties, and require that a Certificate of Appropriateness be obtained from the Historic Preservation Commission prior to any material change in appearance of the designated property.

Any ordinance designating any property or district as Historic shall require that the designated property or district be shown on the Official Zoning Map or as provided in Chapter 3.3 of this Land Use Management Code and kept as a public record to provide notice of such designation.

Prior to designating any property or district as Historic, the Commission must submit a report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building/structure, or work of art, to the Historic Preservation Section of the Department of Natural Resources and it will be allowed thirty (30) days to prepare written comments. A decision by the Jefferson City Council to accept or deny the ordinance for designation shall be made within fifteen (15) days following the public hearing, and shall be in the form of an ordinance of the City of Jefferson.

Section 19.4.9. Notification of Adoption of Ordinance for Designation.

Within thirty (30) days following the adoption of the ordinance for designation, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the City Council which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. All necessary agencies within the City of Jefferson shall also be notified of the ordinance for designation, including the local historical organization.

Section 19.4.10. Moratorium While Ordinance for Designation is Pending.

Once an ordinance for designation has been publicly advertised, the Zoning Administrator shall not approve development and the Building Official shall not issue a building permit within the boundaries of property proposed to be designated historic that would, upon adoption of the ordinance for designation so advertised, require a certificate of appropriateness as required in Chapter 21.5 of this Land Use Management Code, until the Jefferson City Council has acted upon the ordinance for designation.

If the ordinance for designation is denied, the Zoning Administrator shall issue the development permit and the Building Inspector shall issue the building permit, subject to compliance with all applicable regulations of this Land Use Management Code and applicable building codes.

If the ordinance for designation is approved, no development permit or building permit shall be issued and it shall be unlawful to commence any activity or make any improvement that requires a certificate of appropriateness until or unless an application for certification of appropriateness is filed with and approved by the Historic Preservation Commission in accordance with Chapter 21.5 of this Land Use Management Code.

CHAPTER 19.5 DEMOLITION BY NEGLECT

Section 19.5.1.	Findings and Purposes.
Section 19.5.2.	Definitions.
Section 19.5.3.	Applicability.
Section 19.5.4.	Conditions of Neglect Identified and Prohibited.
Section 19.5.5.	Procedures for Investigations.
Section 19.5.6.	Notice of Violation.
Section 19.5.7.	Corrective Action by Property Owner.
Section 19.5.8.	Remedies for Failure of Property Owner to Take Corrective Action.

Section 19.5.1. Findings and Purposes.

All buildings and structures in the city are required by applicable adopted codes, including but not limited to the International Property Maintenance Code, to be adequately maintained. A frequent remedy for any structure that has fallen into major disrepair and that has become a safety or health hazard or public nuisance is to order its demolition.

It is in the public interest to prevent demolition of historic structures. In the case of a historic structure, demolition is not an acceptable alternative, since historic districts are established for the primary purpose of preserving historic structures. Indeed, certificates of appropriateness are required within historic districts (and for individual landmarks and historic properties) to ensure that historic structures are not demolished. Demolition is therefore antithetical to the purposes of historic preservation.

Owners of historic properties will sometimes defer maintenance in the hopes that a historic structure will deteriorate on its own, or become effectively demolished by simply neglecting maintenance and upkeep (i.e., a house falling in on itself). Neglect of maintenance and upkeep can thus become a tactical strategy of a property owner, motivated by a higher and better use for the property, to obtain what would otherwise be unlikely to be granted (i.e., permission to demolish a historic structure).

Whereas a non-historic structure that has been neglected can usually be demolished without causing widespread impacts on the neighborhood and community, demolition of a historic structure results in a loss of a building that contributes to the historic integrity of the neighborhood, district, and community, undermining the very purpose of establishing historic districts and designating historic landmarks and properties.

It is all the more important, therefore, that the city monitor and prevent such strategies of effectively allowing the deterioration and demolition of historic structures. Accordingly, the purpose of this chapter is to protect Jefferson's designated historic properties, historic landmarks, and historic resources within locally designated historic districts, by intervening when a designated historic resource has undergone or is undergoing demolition by neglect.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.2. Definitions.

Demolition by neglect: A situation in which a property owner, or others having legal possession, custody or control of a property, allows the condition of a historic property, a historic landmark, or improved property located in a historic district, to suffer such deterioration, potentially beyond the point of repair, so as to threaten the integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations.

Deterioration: To weaken, disintegrate, corrode, rust or decay, or lose effectiveness.

Imminent danger: A condition which could cause serious or life-threatening injury or death at any time.

Neglect: The lack of proper maintenance for a building or structure.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.3. Applicability.

This chapter shall apply to all buildings and structures within the City of Jefferson historic districts established by Chapter 10.6 of this Land Use Management Code, and to any historic property, historic landmark, or historic district in the City of Jefferson hereafter designated pursuant to this Land Use Management Code.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.4. Conditions of Neglect Identified and Prohibited.

No historic property, historic landmark, or structure located within a designated local historic district shall be permitted to fall into a state of deterioration, neglect, demolition by neglect, or imminent danger as defined in this Chapter.

Owners or others having legal possession, custody or control of a historic property, historic landmark, or a property in a locally designated historic district shall maintain or cause to be maintained the exterior structural and architectural features of such properties and not allow conditions of deterioration, neglect, demolition by neglect, or imminent danger to occur on such properties. Such conditions shall include but are not necessarily limited to the following:

- (a) The leaning, sagging, splitting, listing, buckling, crumbling, or rotting of any of the following: exterior walls; foundations; vertical supports; flooring or floor supports; roofs or horizontal members; and external chimneys, of the principal structure and all accessory buildings and structures; and
- (b) Ineffective waterproofing or defective weather protection of exterior walls, roofs, and foundations, which may be evidenced by the deterioration or crumbling of exterior plasters, mortars, lack of paint, peeling, flaking and chipped paint, holes in siding or roofing or foundations, and broken windows or doors; and defective siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights such that they are not weather resistant or water tight; and

- (c) Deterioration of overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts; and
- (d) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details including but not limited to veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features that causes delamination, instability, loss of shape and form, or crumbling; and
- (e) Deterioration of accessory structures, fences, gates, and sidewalks; and
- (f) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.5. Procedures for Investigations.

The Historic Preservation Commission, the Zoning Administrator, and the city's code enforcement personnel shall have a duty to monitor the exterior physical conditions of structures on historic properties, historic landmarks, and properties in the city's historic districts.

Whenever it is brought to the attention of the Historic Preservation Commission that a property within its jurisdiction has become deteriorated, neglected, or may constitute demolition by neglect, as such terms are defined by this Chapter, the Commission in a regular or special called meeting shall present or consider evidence by others associated with the claim of deterioration, neglect, or demolition by neglect.

When, in the judgment of the Commission, there is sufficient evidence that deterioration, neglect, or demolition by neglect has occurred or is ongoing, and when the Commission finds in a regular or special called meeting that such conditions are producing or may tend to produce a detrimental effect upon the character of the local historic district as a whole or the life and character of the historic property or historic landmark, in question, the Commission shall direct the Zoning Administrator to work with the Building Inspector and code enforcement officials to investigate the conditions of deterioration, neglect, or demolition by neglect.

The Building Inspector upon directive from the Historic Preservation Commission and Zoning Administrator shall investigate the property in question for violations of property maintenance, building, and other technical codes. If conditions of the property investigated constitute an "imminent danger," the Building Inspector may take immediate steps as authorized under the applicable code(s) to address such imminent danger. No further action shall be needed for city personnel to issue warnings, citations or to take any other enforcement action authorized under such codes.

Nothing in this Section shall be construed to prevent the Zoning Administrator, Building Inspector, or code enforcement personnel of the city from proceeding with the enforcement of code violations, with or without a finding by the Historic Preservation Commission.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.6. Notice of Violation.

Where one or more violations of codes are found to exist, the Building Inspector, Zoning Administrator, and code enforcement official as appropriate shall pursue remedies for violations as provided in applicable property maintenance, building, other applicable technical codes, and this Land Use Management Code. A written notice shall be sent by regular mail to the property owner, with a copy forwarded to the Historic Preservation Commission, giving the owner no less than thirty (30) days from the date of the notice to commence work rectifying the specific code violations and any associated deterioration, neglect, or demolition by neglect as described in the notice. Said notice shall also specify the date upon which repairs must be completed.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.7. Corrective Action by Property Owner.

The owner, operator, or occupant of the subject property shall be responsible for repairing the building to cure the deterioration or other code violations, or take other approved corrective action as prescribed or directed by the city in the notice, within the time frame given in such notice.

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

Section 19.5.8. Remedies for Failure of Property Owner to Take Corrective Action.

If the owner fails to commence repairs within thirty (30) days or fails to complete repairs by the specified deadline, the Zoning Administrator shall schedule a hearing before the Historic Preservation Commission and notify the property owner of the hearing. The Commission shall hold a hearing on the matter, at which the property owner may appear and state the reasons for not commencing or completing repairs. The Commission may, in its discretion, extend the time allotted for repairs if the property owner shows just cause why an extension is necessary. The Commission will use good faith efforts to work with the owner to facilitate all necessary repairs.

In cases where the property owner is unwilling or unable to make the repairs with or without a time extension provided, the Commission may request the City Council to authorize the Commission to enter into negotiations with the property owner for the acquisition by gift, purchase, exchange, or otherwise of the property or any interest therein. The Commission shall have the authority to restore or preserve any historic properties acquired by the City of Jefferson. The Commission may also seek out federal, state, and/or local funds for the purpose of restoring or preserving the subject historic property. If authorized by law, and if approved by the Jefferson City Council, the Commission may perform or cause to be performed such maintenance or repair as is necessary to prevent deterioration by neglect, and the owner of the property shall be liable for the cost of such maintenance and repair performed by the Commission. To accomplish this intent, the amount of the cost of maintenance and repair and all other costs necessarily associated with the required maintenance and repair, shall be a lien against the real property upon which such cost was incurred.

Nothing in this Section shall be construed to prevent the city from taking any other actions as prescribed by law or authorized by code to enforce the requirements of this Chapter.”

[Added by amendment, Ord. LUMC 17-01, approved 5/22/17]

**ARTICLE 20
HEARING EXAMINER**

CHAPTER 20.1 PURPOSE AND AUTHORITY
CHAPTER 20.2 HEARING EXAMINER

**CHAPTER 20.1
PURPOSE AND AUTHORITY**

Section 20.1.1. Purpose.
Section 20.1.2. Authority to Establish.

Section 20.1.1. Purpose.

Additional growth and development in the Cities of Arcade, Jefferson, and Talmo may eventually lead to an increasing number of development applications under the jurisdictional review of the Quad Cities Planning Commission, which include but are not limited to rezoning requests, conditional use applications, variances, appeals, approval of subdivision plats, and other reviews and decisions on applications as provided in this Land Use Management Code. Such applications may eventually overtax the capacity of the Quad Cities Planning Commission to act upon multiple actions under its authority.

The purpose of this Article is to authorize the Quad Cities Planning Commission to establish and appoint a professional hearing examiner position and delegate certain specific responsibilities within the decision-making authority of the Quad Cities Planning Commission to such an appointed Hearing Examiner. This Article establishes the parameters under which such an appointment is acceptable to the Governing Bodies of the Participating Municipalities.

Of the many applications for which the Planning Commission has review and recommendation and/or approval/disapproval jurisdiction, the appeal of an administrative decision and the variance application are two which require the most time-consuming and careful consideration. Appeals of administrative decisions and stand-alone (versus concurrent) variance applications require the hearing body to examine facts and apply the law in a quasi-judicial manner, a procedure that is significantly different from the recommendations made by the Planning Commission on applications that are ultimately legislative matters (i.e., rezoning requests). Such appeal and variance applications can benefit from consistent principles of review and quasi-judicial decision-making which may be better afforded by a professional Hearing Examiner. In addition, the Planning Commission may find a need or have the desire to obtain recommendations from the Hearing Examiner in matters within its jurisdiction.

Section 20.1.2. Authority to Establish.

The Quad Cities Planning Commission shall have the authority to appoint by resolution a Hearing Examiner. The Planning Commission shall also have authority to establish application fees for applications which are reviewed by the Hearing Examiner in order to recover the costs of the Hearing Examiner.

CHAPTER 20.2 HEARING EXAMINER

Section 20.2.1.	Appointment.
Section 20.2.2.	Term of Appointment.
Section 20.2.3.	Compensation.
Section 20.2.4.	Meetings.
Section 20.2.5.	Qualifications; Application for Appointment.
Section 20.2.6.	Removal.
Section 20.2.7.	Delegation of Authority.
Section 20.2.8.	Appeal of Hearing Examiner's Decision.

Section 20.2.1. Appointment.

If it elects to appoint a Hearing Examiner, the Planning Commission shall appoint the hearing examiner by resolution which shall require approval by a majority of the Planning Commission membership.

Section 20.2.2. Term of Appointment.

Any Hearing Examiner appointed pursuant to this Article shall be for a fixed term as specified in the appointment resolution, which may be renewed at the discretion of the Planning Commission.

Section 20.2.3. Compensation.

The resolution appointing the Hearing Examiner shall fix the compensation of the Hearing Examiner which may be on a per application, per meeting, or hourly basis. In connection with such appointment, the Planning Commission shall not be authorized to obligate funds of the Cities of Jefferson or Talmo unless specifically appropriated for said purpose. If appointed, the compensation of the Hearing Examiner shall be derived exclusively from application fees for the type or types of applications delegated by the Planning Commission and heard, recommended, or decided by the Hearing Examiner, unless other funds are specifically appropriated by the Governing Body or Bodies with jurisdiction. To this end, the Planning Commission is authorized to establish the application fees for applications subject to review by the Hearing Examiner and shall set such application fees to recover the costs of the Hearing Examiner. *[references to Pendergrass and Arcade deleted]*

Section 20.2.4. Meetings.

The Hearing Examiner shall meet at least once each month at the call of the Planning Commission or Zoning Administrator and at such other times as the Planning Commission may determine; provided, however, that this provision shall not be construed as requiring the Hearing Examiner to meet when he or she has no regular business to transact.

Section 20.2.5. Qualifications; Application for Appointment.

There shall be no specific qualifications for the Hearing Examiner. Prior to making an appointment, the Planning Commission shall broadly solicit and consider applications for the appointment and shall consider professional credentials that will qualify a person to serve as Hearing Examiner.

Section 20.2.6. Removal.

An appointment of the Hearing Examiner may be discontinued by resolution approved by a majority of the members of the Planning Commission, in which case the Planning Commission shall resume any duties assigned to the Hearing Examiner. A Hearing Examiner may be removed by the Planning Commission, with or without cause, subject to contractual provisions that may specifically apply to the appointment and removal of a Hearing Examiner as negotiated by the Planning Commission in its agreement with said Hearing Examiner.

Section 20.2.7. Delegation of Authority.

If established and assigned responsibility for reviewing and/or deciding upon a specific type of application, the Hearing Examiner shall be the sole body to hear the type of application assigned to it. If the review of a particular type of application is delegated to the Hearing Examiner, then all such applications of that type (e.g., appeals of administrative decisions or stand-alone variance requests, or both) shall be the jurisdiction of the Hearing Examiner.

When the Hearing Examiner is authorized by resolution of the Planning Commission to act upon a certain type of application, subject to the appeal provision of this Chapter, the Hearing Examiner shall make written findings of fact on the application with seven (7) calendar days of the close of the hearing or meeting on the matter. In connection with such application, the Hearing Examiner may impose conditions with respect to the location, construction, maintenance, or operation of any use or building associated with the application, as may be deemed necessary by the Hearing Examiner for the protection of adjacent properties and the public interest.

Section 20.2.8. Appeal of Hearing Examiner's Decision.

If authorized by resolution of the Planning Commission to make final determinations on certain applications, a decision of a Hearing Examiner shall be final; subject, however, to appeal to the Governing Body with jurisdiction in the same manner prescribed for the application considered by the Hearing Examiner. To this end, upon application and after payment by the applicant of any fees specified the Governing Body with jurisdiction, may overturn, modify, or affirm and accept the decision of the Hearing Examiner in the subject case. Such appeal of the Hearing Examiner's decision by a Governing Body shall be based on the facts presented and the record produced by the Hearing Examiner. If a Hearing Examiner is authorized only to determine facts and make a recommendation, this Section shall not apply.

**ARTICLE 21
ZONING AMENDMENTS, APPLICATIONS, AND PROCEDURES**

CHAPTER 21.1	TEXT AMENDMENTS
CHAPTER 21.2	REZONING, CONDITIONAL USE, AND CONCURRENT VARIANCE APPLICATIONS
CHAPTER 21.3	PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS
CHAPTER 21.4	DEVELOPMENT OF REGIONAL IMPACT
CHAPTER 21.5	CERTIFICATE OF APPROPRIATENESS

**CHAPTER 21.1
TEXT AMENDMENTS**

Section 21.1.1.	Intent.
Section 21.1.2.	Authority to Amend.
Section 21.1.3.	Amendments to City-Specific Regulations.
Section 21.1.4.	Authority to Initiate Text Amendments.
Section 21.1.5.	Application.
Section 21.1.6.	Distribution of Application.
Section 21.1.7.	Notice of Public Hearing. <i>[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 21.1.8.	Planning Commission Public Hearing and Recommendation.
Section 21.1.9.	Action by Governing Bodies. <i>[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 21.1.10.	Withdrawal of Application.

Section 21.1.1. Intent.

This chapter describes the process of amending this Land Use Management Code. The purpose of the Quad Cities Land Use Management Code among other things is to bring consistency to the land use regulations of the Participating Municipalities and to ease the implementation of such regulations by one consolidated planning and development department. Amendments that pertain only to one (or less than all four) participating municipality can run counter to this intention. Because this Land Use Management Code is adopted by four municipalities, the procedure for amending this Land Use Management Code must provide for due consideration and adoption by the governing bodies of all Participating Municipalities.

Each Participating Municipality must, however, retain its independent authority and reserve the right to amend its regulations at will. Procedures for text amendments must not infringe on any individual Participating Municipality's right to exercise its legislative authority to amend its own zoning and land development regulations. Amendment procedures cannot require approval of the other Participating Municipalities when such amendments are specific to one jurisdiction.

Section 21.1.2. Authority to Amend.

The Governing Body of each Participating Municipality shall retain its authority to amend any Article, Chapter, or Section of this Land Use Management Code, as it pertains to its jurisdiction, subject to compliance with the requirements of this Chapter. No amendment to this Land Use Management Code, except for amendments to city-specific regulations as specified in Section 21.1.3 of this Article, shall be considered valid until or unless it shall have been approved by the Governing Bodies of all Participating Municipalities; provided, however, that the Governing Body of a Participating Municipality that proposes a text amendment which is not accepted by the Governing Bodies of the other Participating Municipalities may adopt amendments to this Land Use Management Code without approval of other Governing Bodies of Participating Municipalities if the language of the amendment pertains exclusively to its jurisdiction.

Section 21.1.3. Amendments to City-Specific Regulations.

There are regulations in this Land Use Management Code that pertain only to the City of Jefferson. Such provisions include but may not be limited to the City of Jefferson Historic Preservation Commission (Article 19 of this Land Use Management Code), procedures for granting certificates of appropriateness by the Jefferson Historic Preservation (Chapter 21.5 of this Article), and certain residential zoning districts (see Article 7, Chapters 7.4 through 7.7). In addition, the City of Talmo has at least one instance where regulations pertain exclusively to its local government jurisdiction (see Chapter 7.3 of this Code). These examples of regulations that apply solely to one municipality are not necessarily exhaustive.

When a participating municipality desires to amend regulations of this Land Use Management Code that pertain exclusively to its jurisdiction, such as but not limited to those instances described in the preceding paragraph of this section, the Participating Municipality with jurisdiction shall be authorized to initiate, consider, and approve or disapprove an amendment to those articles, chapters, and/or sections that pertain solely to its jurisdiction, without the need to consult with or receive the approval of the Governing Bodies of any other Participating Municipalities. Prior to initiating such an amendment, however, the Governing Body of the Participating Municipality seeking to amend its city-specific regulations shall request confirmation from the Zoning Administrator that the regulations proposed to be amended are "city-specific" (i.e., they pertain exclusively to the municipality proposing the amendment) and that the Governing Body proposing the amendment is therefore authorized pursuant to this Section to exclusively decide on the proposed text amendment.

Section 21.1.4. Authority to Initiate Text Amendments.

An application to amend the text of this Land Use Management Code may be initiated by the Governing Body of any Participating Municipality or the Quad Cities 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 Land Use Management Code, provided said individual, firm, corporation, or agency is the owner or owner's agent of property under the jurisdiction of this Land Use Management Code and the amendment sought pertains in some way to said property within the jurisdiction, and provided further that the applicant has attended a pre-application meeting with the Zoning Administrator to discuss the amendment proposal prior to filing.

Section 21.1.5. Application.

Applications to amend the text of this Land Use Management Code shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Zoning Administrator. The Zoning Administrator shall waive the application fee required by this Section when an application is initiated by the Governing Body of a Participating Municipality or the Quad Cities Planning Commission.

In cases where an applicant is proposing a text amendment to modify or create a new zoning district, and where the applicant also desires to rezone property to the new or modified zoning district, the two applications shall not be considered concurrently.

Section 21.1.6. Distribution of Application.

After acceptance of a complete application for a text amendment, the Zoning Administrator shall transmit a copy of the application or summary thereof to the Quad Cities Planning Commission and to the Governing Bodies of each of the Participating Municipalities. The intent of distribution to all Participating Municipalities is to give each Governing Body the opportunity in advance to consider the merits of the proposed amendment and provide advance notice to the Quad Cities Planning Commission, prior to its public hearing on the application where possible, of the Governing Body's preliminary determination whether the amendment is considered appropriate and should be applied in the Governing Body's jurisdiction. This preliminary determination shall not be binding on the Governing Body and is merely intended to assist the Planning Commission in recommending the jurisdictional extent of the amendment. Any written comments received in a timely manner shall be submitted to the Quad Cities Planning Commission for consideration, and any such comments shall become an official public record. This section shall not apply to city-specific text amendments as provided by this chapter, though the Zoning Administrator may distribute such city-specific text amendment to other Participating Municipalities.

Section 21.1.7. Notice of Public Hearing.

[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]

Upon receipt of a completed application for a text amendment or within a reasonable time thereafter, the Zoning Administrator shall prepare a notice of public hearing before the Planning Commission. At least 15 but not more than 45 days prior to the date of the public hearing before the Quad Cities Planning Commission, the Zoning Administrator on behalf of the Participating Municipality(ies) shall cause to be published within a newspaper of general circulation within the territorial boundaries of the Participating Municipality(ies) a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

The Participating Municipality(ies) shall also advertise and hold a public hearing on the proposed text amendment. At least 15 but not more than 45 days prior to the date of the public hearing before the Governing Body(ies), the Zoning Administrator on behalf of the Participating Municipality(ies) shall cause to be published within a newspaper of general circulation within the territorial boundaries of the Participating Municipality(ies) a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

Section 21.1.8. Planning Commission Public Hearing and Recommendation.

The Quad Cities Planning Commission will convene a public hearing on the text amendment as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the Participating Municipalities as required by O.C.G.A. 36-66-4 (Chapter 21.3 of this Land Use Management Code). The Planning Commission shall provide a recommendation on the application.

The Planning Commission's recommendation shall be submitted to the Governing Body(ies) of the Participating Municipality(ies) with jurisdiction, and its recommendations and, if any, its report, shall be upon publication available upon request to the public. The Planning Commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on any Governing Body of the Participating Municipalities.

Section 21.1.9. Action by Governing Bodies. *[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

The Governing Body or Bodies with jurisdiction shall hold a public hearing on the text amendment. In rendering a decision on any such text amendment, the Governing Body or Bodies shall consider all information supplied by the Zoning Administrator and the Planning Commission, any information presented at the public hearing of the Planning Commission and, if held, information at its (their) own public hearing(s). The Governing Body with jurisdiction may approve or disapprove the proposed text amendment as written.

If the text amendment is city-specific as provided in Section 21.1.3 of this Chapter, approval by the Governing Body with sole jurisdiction shall constitute final approval of said text amendment. If the text amendment is not city-specific as provided in Section 21.1.3 of this Chapter, the amendment shall not become effective until adopted by the Governing Bodies of each of the Participating Municipalities with jurisdiction. If one or more Governing Bodies with jurisdiction elects not to adopt a non-city-specific text amendment as written, the text amendment shall not become law, in which case the Zoning Administrator shall notify the Governing Bodies of the other Participating Municipalities the disposition of the amendment and the reasons for the decision of the Governing Body(ies).

Any Governing Body with jurisdiction that adopted the text amendment prior to its rejection by another Governing Body with jurisdiction may upon such notification reconsider the text amendment, revise the language to be city-specific and readopt the text amendment, or note in its records the text amendment will not become law because of another Governing Body's decision not to adopt the text amendment.

Section 21.1.10. Withdrawal of Application.

Any application for an amendment to the text of this Land Use Management Code 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 Quad Cities Planning Commission is closed.

When any application for a text amendment is initiated by a party other than a Participating Municipality or the Quad Cities Planning Commission, and said text amendment is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Zoning Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator.

**CHAPTER 21.2
REZONING, CONDITIONAL USE, AND
CONCURRENT VARIANCE APPLICATIONS**

Section 21.2.1.	Types of Applications.
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Section 21.2.3.	Initiation of Proposals for Map Amendments.
Section 21.2.4.	Certain Map Amendments Prohibited.
Section 21.2.5.	Application Compliance and Completeness.
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Section 21.2.7.	Application Requirements.
Section 21.2.8.	Plan Requirements.
Section 21.2.9.	Development Statistics Required.
Section 21.2.10.	Analysis Requirements for Map Amendments and Conditional Uses.
Section 21.2.11.	Administrative Processing of Applications.
Section 21.2.12.	Investigations and Recommendation.
Section 21.2.13.	Planning Commission Public Hearing Notice.
Section 21.2.14.	Special Notice Requirements.
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Section 21.2.16.	Governing Body Public Notice and Public Hearing.
Section 21.2.17.	Action by Governing Body.
Section 21.2.18.	Conditional Approval Permitted.
Section 21.2.19.	Withdrawal of Application.
Section 31.2.20.	Limitations on the Frequency of Filing Applications.
Section 31.2.21.	Site Plan Revisions.
Section 31.2.22.	Authority to Grant Concurrent Variances.
Section 21.2.23.	Regulations That Cannot Be Varied.
Section 21.2.24.	Application for Concurrent Variances.
Section 21.2.25.	Criteria to Consider for Concurrent Variances. <i>[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 21.2.26.	Incorporation Clause.

Section 21.2.1. Types of Applications.

The following types of applications are regulated by this Chapter:

- (a) Amendments to the official zoning map (i.e., “rezonings” or “zoning map amendments”), including changes to boundaries of overlay districts.
- (b) Applications for conditional use approval.
- (c) Applications for concurrent variances.

Section 21.2.2. Authority to Amend.

The Governing Body of any Participating Municipality may from time to time amend the number, shape, boundary, or area of any zoning district or overlay district as established in this Land Use Management Code, as they pertain to its territorial jurisdiction.

Section 21.2.3. Initiation of Proposals for Map Amendments.

An application to amend the official zoning map or an overlay district established by this Land Use Management Code may be initiated by the Governing Body of any Participating Municipality with jurisdiction or the Quad Cities Planning Commission. The Zoning Administrator shall waive the application fee required by this Chapter when an application is initiated by the Governing Body of a Participating Municipality or the Quad Cities Planning Commission.

In addition, any person, firm, corporation or agency, may initiate by application to the Zoning Administrator a proposal to amend a zoning district or overlay district boundary, provided said individual, firm, corporation, or agency is the owner or owner's agent of property that is the subject of the proposed amendment.

Section 21.2.4. Certain Map Amendments Prohibited.

No amendment to the official zoning map shall be made, and no applications for such official zoning map amendments shall be accepted by the Zoning Administrator, involving a request to rezone to a zoning district that is specifically prohibited by this Land Use Management Code in the jurisdiction.

Section 21.2.5. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If an application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 21.2.6. Limitation on Applications Processed During One Cycle.

There are practical limits as to how many applications a review body can thoroughly review, consider, and act upon during any single public meeting. It is the intent of this Section to provide for a thorough examination of and adequate hearing time for each application filed pursuant to this Chapter. Accordingly, this Section provides for limitations on the number of applications that will be processed before a review body during any single public hearing.

The number of applications described in this Chapter that are scheduled for consideration by the Quad Cities Planning Commission shall be limited to five (5) such applications at any single public hearing. For purposes of this limitation, one application may include one or more companion applications (i.e., an application for a zoning map amendment, conditional use, and/or concurrent variance pertaining to the same parcel of property shall be counted as one application). Where in the opinion of the Zoning Administrator sufficient time will exist to adequately hear additional applications, the Zoning Administrator may decide to process a number of applications exceeding the maximum of five. Prior to exercising authority to exceed the number of applications to be heard at any given public hearing, the Zoning Administrator shall where possible consult with the Chairperson of the Quad Cities Planning Commission as to the appropriateness of considering additional applications.

For purposes of this Section, the Zoning Administrator shall consider applications on a first submitted and first complete, first processed basis. That is, applications shall be processed in the order in which they are received and determined complete, and any application determined complete but which would exceed the maximum of five at any single public hearing shall be scheduled for the next available public hearing. In cases where a complete application cannot be processed and considered at the next available public hearing, due to the limit on applications specified by this Section, the Zoning Administrator shall promptly inform the applicant of the schedule for considering said application.

Section 21.2.7. Application Requirements.

No application specified in this Chapter shall be processed by the Zoning Administrator unless it meets the requirements of this Section, including the specific requirements of Table 21.2.1. In cases where more than one application (rezoning, conditional use, concurrent variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the Zoning Administrator may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

Section 21.2.8. Plan Requirements.

Applications required by this Chapter to include a site plan (see Table 21.2.1) shall at minimum include on the site plan information specified in Table 21.2.2. The Zoning Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 21.2.2 are not essential to the review process. The Zoning Administrator may request information in addition to that specified in Table 21.2.2 when considered necessary for review of the application by the Quad Cities Planning Commission or Zoning Administrator.

Section 21.2.9. Development Statistics Required.

Applications required by this Chapter to submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in Table 21.2.3. The Zoning Administrator may waive one or more of the requirements of this Section in individual cases when he/she determines that one or more elements of the required information specified in Table 21.2.3 are not essential to the review process. The Zoning Administrator may request information in addition to that specified in Table 21.2.2 when considered necessary for review of the application by the Quad Cities Planning Commission or Zoning Administrator.

Section 21.2.10. Analysis Requirements for Map Amendments and Conditional Uses.

On the application form supplied by the Zoning Administrator, or in a separate written document, applications to amend the official zoning map, including overlay district boundary amendments, and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in Table 21.2.4. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare. The analysis requirements may in individual cases be considered criteria relevant to staff and the Quad Cities Planning Commission in making recommendations and by the Governing Body with jurisdiction in the decision-making process.

Each applicant for an amendment to the text of this ordinance, an amendment to the official zoning map, or an application for conditional use, and each person speaking at a public hearing on such a matter, except the Governing Body or Planning Commission, is responsible for complying with O.C.G.A. 36-67-1, "Conflict of Interest in Zoning Actions." The Zoning Administrator, Quad Cities Planning Commission, and Participating Municipalities assume no further responsibility for enforcing state law or informing applicants or speakers of the need to comply with said state law; provided, however, that the Zoning Administrator may integrate notice of this state law requirement in various application forms and hearing procedural notices.

TABLE 21.2.1
APPLICATION REQUIREMENTS

Application Requirement	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
Application fee as established by resolution	Required	Required	Required
Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner	Required	Required	Required
Legal description of the property	Required	Required	Required
Survey plat of the property	Required	Required	Required
Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features and streams, wetlands, flood plains, and features to be retained, moved or altered	Required	Required	Required
Letter of intent describing the proposed use of the property or other action requested	Required	Required	Required
Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application (see Table 21.2.4)	Required	Required	Required
Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 21.2.8, "Plan Requirements")	Required except for rezoning applications to agricultural zoning districts	Required	Required
Statistics regarding the proposed development (see Section 21.2.9, "Development Statistics Required")	Required	Required	Required
Description of any special conditions voluntarily made a part of the request	Required	Required	No
Other information required by the Zoning Administrator	Maybe	Maybe	Maybe

**TABLE 21.2.2
 PLAN REQUIREMENTS**

Site Plan Requirement	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
Existing and proposed buildings and structures	Required	Required	Required
Parking and internal circulation	Required	Required	Required
Wetlands, flood plains, streams and state waters	Required	Required	Required
Tree protection survey (lots 5 acres or larger; see Section 16.3.3)	Encouraged	Encouraged	Encouraged
Landscaping and buffers	Required	Required	Required
Preliminary grading and drainage (conceptual)	Required	Required	No
Provisions for outdoor lighting (see Chapter 9.4)	No	Required	No
Other information as required by the Zoning Administrator	Maybe	Maybe	Maybe

**TABLE 21.2.3
 DEVELOPMENT STATISTICS REQUIRED**

Development Statistics Required: (Note: Percent = Percentage of Total Site Area)	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
Provision of zoning ordinance requested to be varied, and amount of variance(s) if requested	No	No	Required
Maximum and proposed height of any structure	Required	Required	As determined to be appropriate by the Zoning Administrator
Maximum and proposed gross square footage of the building area (nonresidential only)	Required	Required	
Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)	Required	Required	
Maximum and proposed lot coverage of building area (square feet and percent)	Required	Required	
Minimum and proposed square footage of landscaped area (square feet and percent)	Required	Required	
Maximum and proposed impervious surface area (square feet and percent)	Within small water supply watersheds	Within small water supply watersheds	
Existing and proposed number of parking spaces	Required	Required	
Other information as required by the Zoning Administrator	Maybe	Maybe	

**TABLE 21.2.4
 ANALYSIS REQUIREMENTS**

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map	Application for Conditional Use
1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property (existing land use)	Required	Required
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property	Required	Required
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required	Required
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element	Required	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required	Required
7. Existing use(s) and zoning of subject property	Required	Required
8. Existing zoning of nearby property	Required	Required
9. Existing value of the property under the existing zoning and/or overlay district classification	Optional	No
10. Whether the property can be used in accordance with the existing regulations	Required	No
11. Value of the property under the proposed zoning district and/or overlay district classification	Optional	No
12. Extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification	Optional	No
13. Suitability of the subject property under the existing zoning district and/or overlay district classification for the proposed use	Required	Required
14. Suitability of the subject property under the proposed zoning district and/or overlay district classification	Required	No
15. Length of time the property has been vacant or unused as currently zoned	Required	No
16. Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification	Required	No

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Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map or Official Overlay Districts Map	Application for Conditional Use
17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts	Required	No
18. Possible effects of the change in zoning or overlay district map, or change in use, on the character of a zoning district or overlay district	Required	Required
19. Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations	Required	Required
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality	Required	Required
21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations	Required	Required
22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.	Required	Required
23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested	Required	No
24. The extent to which the proposed rezoning or conditional use will contribute to or detract from the community with regard to greenspace, architectural design, and landscaping.	Required	Required
25. In the case of rezoning to PCD, the consistency of the application with criteria specified in Section 7.8.12. of this Land Use Management Code.	Required	No

Section 21.2.11. Administrative Processing of Applications.

The Zoning Administrator is hereby authorized to establish administrative deadlines for the receipt of applications that require review in accordance with this Chapter. Upon a finding by the Zoning Administrator that an application is complete and complies with the requirements of this Chapter, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Section 21.2.12. Investigations and Recommendation.

Within a reasonable period of time after acceptance of a complete application, the Zoning Administrator may send the application or notice thereof out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the review bodies for consideration and any such comments shall become public records.

With respect to each rezoning or conditional use application, and any concurrent variances filed, the Zoning Administrator may investigate and make a recommendation regarding any or all of the relevant matters enumerated in Table 21.2.4, or in the case of a concurrent variance those matters enumerated in Section 21.2.25, Criteria for Approval of Concurrent Variances. Any such investigation and recommendation shall if in writing be made available to the applicant and planning commission prior to the public hearing held by the planning commission and shall become public records.

Copies of the Zoning Administrator's findings and recommendations shall be available upon request to the public by the time of the Planning Commission's public hearing on the matter.

Section 21.2.13. Planning Commission Public Hearing Notice.

Upon receipt of a completed application for an application for map amendment, conditional use, and/or concurrent variance, or within a reasonable time thereafter, the Zoning Administrator shall prepare a public notice of public hearing before the Quad Cities Planning Commission. At least 15 but not more than 45 days prior to the date of the public hearing before the Quad Cities Planning Commission, the Zoning Administrator on behalf of the Participating Municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the Participating Municipality a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the Governing Body with jurisdiction or the Quad Cities Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the public hearing before the Quad Cities Planning Commission and which shall remain through the date of any public hearings advertised thereon.

Section 21.2.14. Special Notice Requirements.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a zoning decision involves land that is adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed in the definition of an Air Installation Compatible Use Zone of a military airport, the Zoning Administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a proposed zoning map amendment or conditional use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the Zoning Administrator shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Section 21.2.15. Planning Commission Hearing and Recommendation.

The Quad Cities Planning Commission shall convene and hold a public hearing and provide a recommendation on all applications specified in this Chapter. The public hearing shall follow policies and procedures which govern calling and conducting public hearings adopted by the Participating Municipalities as required by O.C.G.A. 36-66-4 (Chapter 21.3 of this Land Use Management Code).

The Quad Cities Planning Commission shall make a recommendation after careful study of the application criteria specified in Table 21.2.4 as appropriate, and after review of any investigations and recommendations supplied by the Zoning Administrator. The Quad Cities Planning Commission's recommendations shall be submitted to the Governing Body with jurisdiction, and its recommendations and, if any, its report, shall be available upon request to the interested members of the public at any meeting on the matter held by the Governing Body with jurisdiction. The Quad Cities Planning Commission shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendations. The Quad Cities Planning Commission may submit any additional report it deems appropriate. The recommendations of the Quad Cities Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body with jurisdiction.

Section 21.2.16. Governing Body Public Notice and Public Hearing.

The Governing Body with jurisdiction shall hold a public hearing on the proposed application. At least 15 but not more than 45 days prior to the date of the public hearing before the Governing Body, the Zoning Administrator on behalf of the Participating Municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the Participating Municipality a notice of the public hearing. The notice shall state the time, place, and purpose of the public hearing.

If the application for rezoning, conditional use, and/or concurrent variance is initiated by a party other than the Governing Body with jurisdiction or the Quad Cities Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, the proposed conditional use if applicable; and the nature of the proposed concurrent variance if applicable; and a sign containing said required information shall be placed in a conspicuous location on the property

not less than 15 days prior to the date of the public hearing before the Governing Body with jurisdiction and which shall remain through the date of any public hearings advertised thereon.

Section 21.2.17. Action by Governing Body.

The Governing Body with jurisdiction shall hold a public hearing on all applications specified in this Chapter. Within a period of sixty-five (65) calendar days from the date of the public hearing held by the Governing Body with jurisdiction on any such application(s), said Governing Body shall render a decision on the application(s). In rendering a decision on any such application, the Governing Body with jurisdiction shall consider all information supplied by the Zoning Administrator, the Quad Cities Planning Commission, and any information presented at its own public hearing or that of the Planning Commission. In addition, the Governing Body with jurisdiction may but is not required to consider relevant application criteria specified in Table 21.2.4. If the Governing Body with jurisdiction fails to render a decision within sixty-five (65) calendar days from the date of the public hearing held by said Governing Body, the application shall be approved as conditioned by the Quad Cities Planning Commission, or in lieu of no conditions specified by the Planning Commission, as conditioned by the Zoning Administrator if any.

Section 21.2.18. Conditional Approval Permitted.

The Governing Body with jurisdiction may attach conditions to its approval of any application regulated by this Chapter. Unless otherwise specified in the approval, any site plan submitted as a part of the application shall be considered “binding” on the applicant and must be followed.

Section 21.2.19. Withdrawal of Application.

Any application regulated by this Chapter may be withdrawn at the discretion of the person or agency initiating such a request, upon written notice to the Zoning Administrator, at any time prior to the closing of the public hearing before the Governing Body on the application. When any application is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Zoning Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator. Any application that is withdrawn by the applicant after a public hearing has been closed by the Quad Cities Planning Commission on the matter shall be withdrawn “with prejudice” and shall be subject to the limitations on the frequency of filing and consideration established in Section 21.2.20.

Section 21.2.20. Limitations on the Frequency of Filing Applications.

No application regulated by this Chapter and affecting the same or any portion of property which was denied by the Governing Body with jurisdiction shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by Governing Body with jurisdiction.

The same or any portion of property previously considered in a zoning map amendment or conditional use application which was denied by a Governing Body with jurisdiction may not

again be initiated by the Governing Body with jurisdiction until the expiration of at least six (6) months immediately following the final decision rendered on the application by the Governing Body with jurisdiction.

Section 21.2.21. Site Plan Revisions.

For any application specified in this Chapter which requires a site plan, the site plan that is the subject of such application may be revised and resubmitted by the applicant, but in no event shall a revised site plan resubmitted by an applicant be accepted or considered less than ten (10) calendar days prior to the public hearing by the Governing Body with jurisdiction; provided, however; said Governing Body may direct an applicant to submit a revised site plan to the Zoning Administrator for its consideration, in which case, the revised site plan shall be submitted to the Zoning Administrator at least ten (10) calendar days prior to any final action being taken on the proposed zoning amendment or conditional use by the Governing Body with jurisdiction. At its discretion, the Governing Body with jurisdiction may refer the site plan back to the Quad Cities Planning Commission for additional study and recommendation, subject to the time initiations established in this Chapter.

Section 21.2.22. Authority to Grant Concurrent Variances.

The intent of this Section is to permit the filing of an application for variance simultaneously with a rezoning or conditional use application, or both, and have both the concurrent variance and companion application(s) considered in the same cycle of review.

The Governing Body with jurisdiction may consider and approve, approve with conditions, or deny an application for one or more variances when such application is made simultaneously (i.e., concurrent variance) with an application for a zoning map amendment, conditional use, and/or application to amend the overlay districts map. In such cases, the Quad Cities Planning Commission shall provide a recommendation on the concurrent variance in addition to the companion application(s). The Quad Cities Planning Commission shall recommend and the Governing Body with jurisdiction shall act on any concurrent variance in a separate motion after recommending or acting, respectively, on the other companion application(s).

Any application for a variance not filed simultaneously with another application for discretionary approval shall be processed and considered in accordance with the provisions of Article 22.

Section 21.2.23. Regulations That Cannot Be Varied.

Concurrent variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district pertaining to the subject property.

Section 21.2.24. Application for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of the Land Use Management Code shall make application for said variance in accordance with the requirements of this Chapter.

Section 21.2.25. Criteria to Consider for Concurrent Variances.

[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]

Any applicant requesting consideration of a concurrent variance to any provision of this Land Use Management Code except variances to Articles 26, 27, 28, and 29, shall provide a written justification that one or more of the following condition(s) exist. The Planning Commission shall not recommend and the Governing Body with jurisdiction shall not approve the concurrent variance application unless the applicant has demonstrated or it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 21.2.26. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 et. seq., which Act is incorporated by reference in its entirety into this ordinance. Where any provision of this Chapter is in conflict with any provision of the Law, the Law shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Law, such provision of the Law, so as to meet the mandate of the Law, shall be fully complied with.

**CHAPTER 21.3
PROCEDURES FOR CALLING AND
CONDUCTING PUBLIC HEARINGS**

Section 21.3.1.	Applicability.
Section 21.3.2.	Presiding Officer.
Section 21.3.3.	Opening of Public Hearing.
Section 21.3.4.	Report of Zoning Administrator. [Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]
Section 21.3.5.	Applicant.
Section 21.3.6.	Public.
Section 21.3.7.	Applicant's Rebuttal.
Section 21.3.8.	Close of Hearing.
Section 21.3.9.	Decision.

Section 21.3.1. Applicability.

Any public hearing required by this Article except those pursuant to Chapter 21.4 of this Article shall be called and conducted in accordance with the procedures of this Chapter. For purposes of this Chapter, the term "hearing body" shall refer to the Governing Bodies of the Participating Municipalities and the Quad Cities Planning Commission. Nothing contained in this Chapter shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

Section 21.3.2. Presiding Officer.

The presiding officer shall preside over the public hearing. In the case of a Governing Body, the Mayor shall preside, or in the absence of the Mayor the Mayor Pro Tempore, or in the absence of both the Mayor and Mayor Pro Tempore, another member of the Governing Body shall be designated to preside over the public hearing. In the case of the Quad Cities Planning Commission, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson if designated, or if neither is present to preside, another member of the commission shall be designated to preside.

Section 21.3.3. Opening of Public Hearing.

The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this Article, shall summarize the processes required by this Chapter, and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

Section 21.3.4. Report of Zoning Administrator.

[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]

Upon opening the public hearing, the presiding officer may recognize the Zoning Administrator or designee, who may provide a summary of the application and present any recommendations or results of investigations. In the case of public hearings before a Governing Body, unless a member of the Planning Commission is present and is authorized and willing to speak for the Planning Commission on the subject application, the Zoning Administrator shall also summarize the recommendations made by the Planning Commission. Any member of the hearing body upon recognition by the presiding officer may ask questions of the Zoning Administrator or designee or other city or planning commission representative providing the report or recommendations.

Section 21.3.5. Applicant.

When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Following the report of the Zoning Administrator or designee, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application.

There shall be a minimum time period of ten (10) minutes per application at the public hearing for the proponents to present data, evidence, and opinions; the hearing body shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both.

Section 21.3.6. Public.

At the conclusion of the applicant's presentation, the presiding officer shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding officer may ask for a show of hands of those persons who wish to ask questions, make comments, and/or appear in opposition to the application. If it appears that the number of persons wishing to appear in opposition to the application, make comments, or ask questions, is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations and ask questions. There shall be a minimum time period of ten (10) minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions; the hearing body shall not be obligated to provide the full ten-minutes per application to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker

the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

The hearing body will consider the questions raised during the public portion of the hearing and may elect to answer questions following the speakers, or it may defer questions to the applicant to be answered during rebuttal.

Any member of the hearing body upon recognition by the presiding officer may ask questions of a member of the public giving testimony.

Section 21.3.7. Applicant's Rebuttal.

At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed a short opportunity for answer questions, rebut the testimony of the public, and provide final comments and remarks. The time devoted to any such rebuttal shall be counted toward the total ten (10) minutes allotted to the applicant under Section 21.3.5, if such a time limit is set by the presiding officer. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant, his or her agent, or both.

Section 21.3.8. Close of Hearing.

After the foregoing procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose.

Section 21.3.9. Decision.

After the public hearing is closed, the hearing body may either vote upon the application or may delay its vote to a subsequent meeting, subject to the limitations of this Article, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this Article for the application in question and other considerations and recommendations as may be considered appropriate. It will not be required that the hearing body consider every criterion specified in this Article as provided in Table 21.2.4 or as otherwise applicable. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented by the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the hearing body on its own initiative or as recommended by the Zoning Administrator or Quad Cities Planning Commission. Otherwise, such application shall be denied. In cases where one or more companion applications are submitted and the Governing Body attaches conditions to the application, such conditions shall unless otherwise specifically stated otherwise become conditions of approval for each companion application.

CHAPTER 21.4 DEVELOPMENT OF REGIONAL IMPACT

Section 21.4.1.	Definitions.
Section 21.4.2.	Applicability.
Section 21.4.3.	Jurisdiction.
Section 21.4.4.	Procedures.

Section 21.4.1. Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the Regional Development Center (RDC). This form notifies the RDC of a potential development of regional impact in order for the RDC to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the Regional Development Center (RDC), the submission of which serves as an official request that the DRI review process be started by the RDC.

Section 21.4.2. Applicability.

This chapter shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

Section 21.4.3. Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Section 21.4.4. Procedures.

The application procedures established in Chapter 21.3 will be modified by this Chapter in cases where a rezoning request or conditional use application fits the definition of a "development of regional impact." Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001, as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a “development of regional impact” according to the aforementioned Rules of the Georgia Department of Community Affairs, the local government with jurisdiction will follow the procedures identified in said administrative rules which are summarized here.

When an application for a development of regional impact is received, the Zoning Administrator on behalf of the Participating Municipality with jurisdiction will complete an “Initial DRI Information” form and a “DRI Review Initiation Request” form. Each of these two forms may be submitted to the Regional Development Center simultaneously, provided the local government has all necessary project-related information.

The local government with jurisdiction shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001,” as may be amended from time to time, is completed. The local government with jurisdiction may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The local government with jurisdiction shall not take any official action related to such a project until the DRI review process is completed and the local government has had adequate time to consider the DRI review comments.

After the DRI review process is completed, the submitting local government may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.

If the project receives a negative public finding from the Regional Development Center and the local government with jurisdiction approves said project or takes action to advance said project, the local government shall notify the Regional Development Center and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

CHAPTER 21.5
CERTIFICATE OF APPROPRIATENESS
(Amended by the City of Jefferson 2-25-08)

Section 21.5.1.	Definitions.
Section 21.5.2.	Certificate of Appropriateness Required.
Section 21.5.3.	Pre-Application Conference.
Section 21.5.4.	Application Requirements.
Section 21.5.5.	Notice and Public Hearing.
Section 21.5.6.	Criteria for Acting on Certificates of Appropriateness.
Section 21.5.7.	Action.
Section 21.5.8.	Action on Demolitions.
Section 21.5.9.	Certificates Involving Relocations.
Section 21.5.10.	Rejection of Certificate.
Section 21.5.11.	Appeal.
Section 21.5.12.	Validity and Conformance after Certificate is Issued.
Section 21.5.13.	Enforcement.
Section 21.5.14.	Incorporation Clause.

Section 21.5.1. Definitions. *[amended 2-25-08]*

Certificate of appropriateness: A document evidencing approval by the City of Jefferson Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property including landmark, or of a property located within a designated historic district.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features: All those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district: A geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Jefferson City Council.

Historic property: An individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Jefferson City Council.

Material change in appearance: A change that will affect either the exterior architectural features or exterior environmental features of an historic property or any structure, site or work of art within an historic district, and may include any on or more of the following: A reconstruction or alteration of the size, shape, or façade of an historic property, including any of its architectural elements or details; demolition of an historic structure; commencement of excavation for construction purposes; a change in the location of advertising visible from the public right-of-way; the erection, alteration, restoration, or removal of any building or other structure within an

historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Major Work: Any “material change in appearance” to an “exterior architectural feature” of a building in a “historic district” or on a “historic property” and which requires a “certificate of appropriateness” pursuant to this Chapter, involving:

1. The demolition or relocation of a building, structure, or part thereof, or which involves an addition of building space to a building or structure; or construction/installation of accessory buildings and/or structures on site.
2. Any grading, land disturbance, and/or paving or improvement for additional parking involving five or more parking spaces or 2,000 square feet or more of area. [added by amendment 2-25-08]

Minor Work: Any “material change in appearance” to an “exterior architectural feature” of a building in a “historic district” or on a “historic property” and which requires a “certificate of appropriateness” pursuant to this Chapter, which does not meet the definition of “major work,” as determined by the Zoning Administrator.” A sign is hereby defined as a “minor work.” [added by amendment 2-25-08]

Section 21.5.2. Certificate of Appropriateness Required. [amended 2-25-08]

Within City of Jefferson Historic Districts as established in Section 3.3 of this Land Use Management Code, and after the designation by ordinance of any other historic district or property, no “material change in the appearance,” as defined by this Chapter, of such historic property, or of a structure, site, or work of art within such historic district, or any individual historic property, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a certificate of appropriateness has been submitted to and approved by the City of Jefferson Historic Preservation Commission, except as specifically provided otherwise in this Section. A certificate of appropriateness must be issued by the Zoning Administrator after approval by the Historic Preservation Commission, prior to any material change in appearance in such district or to any property. [amended 2-25-08]

Notwithstanding the above, the Zoning Administrator shall be authorized to administratively authorize and approve the following “exterior environmental features,” as defined, without the need to obtain a certificate of appropriateness from the Historic Preservation Commission:

- (a) Window air conditioning units installed on the side or rear façade of a building, provided they do not cause the removal, replacement, or damage to the window or window sash.
- (b) Air conditioning, heating, or mechanical systems located on the ground, in a side or rear yard.
- (c) Satellite dishes, provided they are not mounted on front or side building facades or in front yards or readily visible side yards.
- (d) Ramps or other equipment required for handicapped accessibility, if placed at a side or rear entrance.

- (e) Dumpsters, when located in rear yards, subject to compliance with the screening requirements of Sec. 9.3.7, Land Use Management Code.
- (f) Grading, land disturbance, and/or paving or improvement for additional parking for four or less parking spaces or less than 2,000 square feet of area, within a rear yard.
- (g) 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.
- (h) Ground signs, unlighted, not exceeding four square feet in area, on property used for a detached, single-family residential use or non-residential or permitted principal use.
- (i) Window signs, unlighted, as permitted by Article 17 of the Quad Cities Land Use Management Code.
- (j) Special event signage, unlighted, upon permit issued by the Zoning Administrator in accordance with Sec. 17.8.9 of the Quad Cities Land Use Management Code.
- (k) Temporary ground signs, unlighted, during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, not to exceed maximum size requirements of Article 17 of the Quad Cities Land Use Management Code.
- (l) Temporary wall signs, unlighted, during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, not to exceed maximum size requirements of Article 17 of the Quad Cities Land Use Management Code. *[added by amendment 2-25-08]*

The Zoning Administrator is authorized to prepare administrative forms and to provide evidence, upon application and for a fee if authorized, that a proposed action is exempted from the requirement to obtain a certificate of appropriateness pursuant to this Chapter. *[added by amendment 2-25-08]*

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic 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 his property not prohibited by other laws, ordinances, or regulations. The Zoning Administrator is authorized to prepare administrative forms and to provide evidence, upon application and for a fee if authorized, that a proposed action constitutes "ordinance maintenance and repair" and is exempted from the requirement to obtain a certificate of appropriateness pursuant to this Chapter. *[amended 2-25-08]*

Section 21.5.3. Pre-Application Conference.

All applicants for a certificate of appropriateness are strongly encouraged but not required to schedule a pre-application conference with the Zoning Administrator or his or her designee. A pre-application conference is a time where applicants can familiarize themselves with the application requirements and processes and gain preliminary input from staff as to the suitability of the proposed material change in appearance. Typically, the Historic Preservation Commission is not represented at the pre-application conference, although this does not

preclude one or less than a quorum of members of the commission from attending and participating in a pre-application conference.

Section 21.5.4. Application Requirements.

All applications for a certificate of appropriateness shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Elevation drawings and color and material samples. Every application or review involving the construction of a new building or structure and alterations and/or additions to existing structures in any historic district or within a property designated as a historic property shall be accompanied by exterior elevation drawings drawn to scale and signed by an architect, engineer, or other appropriate professional and submitted in sufficient number of copies as required by the Zoning Administrator. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. This requirement for drawings may be waived by the Zoning Administrator in cases of minor applications where photographs and descriptions will provide sufficient information for the Historic Preservation Commission to decide upon the change.
- (b) Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s), and landscape(s) affected, and of existing building(s), structure(s), and landscape(s) on adjoining properties. Applications for the demolition of structures shall be accompanied by photographs of all sides of the building under consideration for demolition and photographs showing contiguous properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the Zoning Administrator.
- (c) Site plan and landscaping plan. For every application, a plot plan or site plan drawn to scale shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements. In the case of a building or structure demolition, the site plan and landscaping plan shall show how the foundation area is proposed to be restored.
- (d) Fee. A fee, as may be established by the Governing Body with jurisdiction shall be submitted for said application.
- (e) Additional information. Any additional information as may reasonably be required by the Zoning Administrator shall be submitted with the application.
- (f) Waiver. Where the requested change involves a minor change in the opinion of the Zoning Administrator, he/she may vary or waive any of the information requirements of this section for applications for a certificate of appropriateness.

Section 21.5.5. Notice and Public Hearing. [amended 2-25-08]

When a completed application for a “minor work” is received, the Zoning Administrator shall cause a sign to be posted, at least ten (10) days prior to the meeting of the Historic Preservation Commission at which the application will be considered. Said sign shall be posted in a conspicuous, visible location on the property and shall indicate the nature of the proposed material change in appearance and the time, date, and place of the meeting before the Historic

Preservation Commission. The Commission may hold a public hearing concerning applications for certificate of appropriateness involving minor works.

When a completed application for a “major work” is received, the Zoning Administrator shall cause the following notices of public hearing be accomplished at least ten (10) days prior to the public hearing scheduled before the Historic Preservation Commission:

- (a) A sign shall be posted in a conspicuous, visible location on the property which shall indicate the nature of the proposed material change in appearance and the time, date, and place of the public hearing before the Historic Preservation Commission; and
- (b) In writing to the applicant and abutting property owners; and
- (c) By publication at least once in the form of an advertisement in a newspaper of general circulation within the city or the legal organ.

The Historic Preservation Commission shall hold a public hearing on all applications for a “major work” as defined, at the time and place and on the date so advertised. Nothing in this Section shall be construed as preventing the Zoning Administrator or the Historic Preservation Commission from holding a public hearing or provide notice beyond the minimum requirements of this Section. [amended 2-25-08]

Section 21.5.6. Criteria for Acting on Certificates of Appropriateness.

In passing judgment on applications for certificates of appropriateness, the Historic Preservation Commission shall consider the appropriateness of any proposed material change in appearance in the context of the following criteria:

- (a) Consistency with the U.S. Secretary of the Interior’s “Standards of Rehabilitation.”
- (b) Consistency with any adopted design guidelines for historic districts or historic properties.
- (c) Expert advice, if any is sought on the matter.
- (d) The nature and character of the surrounding areas and the consistency of the proposed application with such nature and character.
- (e) The general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area and the site and landscaping.
- (f) The proposed material change (s) in appearance’s overall effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.
- (g) The historical and architectural value and significance, architectural style, general design arrangement, texture, and material of the architectural features involved. The commission shall not consider interior arrangement or use having no effect on exterior architectural features.

Section 21.5.7. Action on Certificates.

The Historic Preservation Commission shall approve or reject an application for a certificate of appropriateness within forty-five (45) days after the filing of a complete application. Failure of the Commission to act within the forty-five (45) day period shall constitute approval, and no other evidence of approval shall be needed. Where a mutual agreement has been made by the applicant and the Commission for an extension of the time limit, additional time may be taken.

The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change (s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of historic property or the historic district.

The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change (s) in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. The Historic Preservation Commission may deny an application for a Certificate of Appropriateness when in the opinion of the Commission such proposed change would be detrimental to the interests of the historic district or historic property and the public. Among other grounds for considering a design inappropriate are the following defects: character foreign to the area, arresting and spectacular effects, violent contrasts of material, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, and the absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

Section 21.5.8. Certificates Involving Demolitions.

A decision by the Historic Preservation Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by the following criteria:

- (a) The historic, scenic or architectural significance of the building, structure, site, tree or object.
- (b) The importance of the building, structure, site, tree, or object to the ambiance of a district.
- (c) The difficulty or the impossibility of reproducing such a building, structure site, tree, or object because of its design, texture, material, detail, or unique location.
- (d) Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city/county.
- (e) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be. Where such plans or intentions are evident to the Historic Preservation Commission, it shall not grant permission to demolish a building or structure within its jurisdiction without reviewing at the same time the plans for the building or structure that would replace the building or structure proposed to be demolished.
- (f) Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.
- (g) Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

- (h) Whether the structure is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark.

Section 21.5.9. Certificates Involving Relocations.

A decision by the Historic Preservation Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object from the historic property or district shall be guided by the following criteria:

- (a) The historic character and aesthetic interest the building, structure or object contributes to its present setting.
- (b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
- (c) Whether the building, structure or object can be moved without significant damage to its physical integrity.
- (d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

Section 21.5.10. Rejection of Certificate.

In the event the Historic Preservation Commission rejects an application for a certificate of appropriateness, it shall state its reasons for doing so and shall transmit a record of such action and the reasons there for, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. If he or she so desires, the applicant may make modifications to the plans and may resubmit the application at any time after doing so. The denial of an application for a certificate of appropriateness shall be binding on the Zoning Administrator and, in such a case of denial, no development permit shall be issued by the Zoning Administrator and no building permit shall be issued by the Building Inspector.

Section 21.5.11. Appeal.

Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the City Council; the appeal must be applied for within fifteen (15) days after notification is sent. The City of Jefferson may approve, modify, or reject the determination made by the Commission, if the City Council finds that the Commission abused its discretion in reaching its decision. The City shall notify the Commission of any appeal of an application prior to the council meeting. Appeals from decisions of the City of Jefferson made pursuant to this Chapter may be taken to the Superior Court of Jackson County, in the manner provided by law, for appeals from conviction for municipal or county ordinance violations.

Section 21.5.12. Validity and Conformance after Certificate is Issued.

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall not be required to be renewed. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate.

Section 21.5.13. Enforcement.

In the event work is performed not in accordance with such certificate, the Zoning Administrator shall issue a cease and desist order and all work shall cease. The Zoning Administrator shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

Section 21.5.14. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq., which Act is incorporated by reference in its entirety into this Chapter. Where any provision of this Chapter is in conflict with any provision of the Act, the Act shall control. Or where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

**ARTICLE 22
VARIANCES AND APPEALS**

CHAPTER 22.1	VARIANCES
CHAPTER 22.2	APPEALS OF ADMINISTRATIVE DECISIONS

**CHAPTER 22.1
VARIANCES**

Section 22.1.1.	Applicant Orientation Meeting.
Section 22.1.2.	Application Compliance and Completeness.
Section 22.1.3.	Application Requirements.
Section 22.1.4.	Public Hearing and Procedures.
Section 22.1.5.	Advertised Notice of Public Hearing.
Section 22.1.6.	Public Notice Signs.
Section 22.1.7.	Criteria for Approval of Variances. <i>[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 22.1.8.	Action.
Section 22.1.9.	Regulations That Cannot Be Varied.
Section 22.1.10.	Notice of Action.
Section 22.1.11.	Appeal.
Section 22.1.12.	Administrative Variances.

Section 22.1.1. Applicant Orientation Meeting.

This Chapter describes stand-alone variance applications. For applications for variance made concurrently with an application for amendment to the official zoning map or a conditional use application, see Chapter 21.2. of this Land Use Management Code.

All applicants for a variance, except those that are filed as a concurrent variance pursuant to Chapter 21.2 of this Land Use Management Code, are required to schedule an applicant orientation meeting with the Zoning Administrator. An applicant orientation meeting is a time where applicants can seek a determination of the number and nature of variances required, familiarize themselves with the application requirements and processes, and gain preliminary input from staff as to the suitability of the proposed variances.

Section 22.1.2. Application Compliance and Completeness.

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If a variance application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 22.1.3. Application Requirements.

All applications for a variance shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Application fee.
- (b) Application form furnished by the Zoning Administrator, which at minimum shall describe the requested variance and zoning district in which the subject property is located.
- (c) Survey plat of the property showing all property lines with metes and bounds and dimensions.
- (d) Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features, historic and archaeological sites, and features to be retained, moved or altered.
- (e) Written analysis of how the proposed development compares favorably with the criteria for granting variances as established in this Chapter.
- (f) Site plan of the subject property at an appropriate engineering scale showing the proposed use and relevant information regarding the proposed variance.
- (g) Other information as may be required by the Zoning Administrator.

Where in the opinion of the Zoning Administrator the requested variance involves a minor change, the Zoning Administrator may vary or waive any of the information requirements of this Section for variance applications.

Section 22.1.4. Public Hearing and Procedures.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

The Quad Cities Planning Commission, or Hearing Examiner if appointed and authorized pursuant to Article 20 of this Land Use Management Code, shall hold a public hearing on each application for variance submitted under the terms of this Chapter and provide a recommendation on the matter. The Governing Body with jurisdiction shall have the final authority to approve, conditionally approve, or deny applications for stand-alone variances. Public hearings required by this Chapter shall be called and conducted in accordance with procedures established in Chapter 21.4 of this Land Use Management Code.

Section 22.1.5. Advertised Notice of Public Hearing.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

For any variance application, a public notice shall be published in a newspaper of general circulation in the Municipality with jurisdiction at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing by the Quad Cities Planning Commission or Hearing Examiner if appointed and authorized, and at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing before the Governing Body of the municipality with jurisdiction. Said public notice shall state the purpose, location, time and date of the hearing, location of the property being considered, the existing zoning classification of the property, and the provision(s) of the zoning ordinance requested to be varied.

Section 22.1.6. Public Notice Signs.

For all applications involving a variance, the Zoning Administrator shall cause to have posted in a conspicuous place on said property one (1) or more signs(s). Each public notice sign shall

contain information as to the proposed action with the same content as specified for public notices required to be published in the newspaper.

Section 22.1.7. Criteria for Approval of Variances.

[Amended 11- 8-04 Jefferson; Amended 11-2-04 Talmo]

[Amended, City of Jefferson 8-23-10; City of Talmo 9-7-10]

Any applicant requesting consideration of a variance to any provision of the Land Use Management Code except variances to Articles 26, 27, 28, and 29 shall provide a written justification that one or more of the following condition(s) exist. The Planning Commission or Hearing Examiner if appointed and authorized, shall not recommend and the Governing Body with jurisdiction shall not approve the variance application unless the applicant has demonstrated or it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 22.1.8. Action.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

The Quad Cities Planning Commission, or Hearing Examiner if appointed and authorized, shall recommend and the Governing Body with jurisdiction shall take final action on the variance application at the meeting said application is originally scheduled, unless the agenda item is continued at a later meeting either at the request of the applicant, because of failure of the applicant to be represented, or upon mutual agreement between the Hearing Body and applicant.

The Hearing Body shall take action by rendering one of the following decisions on the variance application:

- (a) Approval as submitted. The application is approved as submitted, and the applicant shall be authorized to file for appropriate development and building permits in accordance with approved plans.
- (b) Approval with conditions. The application is conditionally approved, and the applicant shall be authorized to file for appropriate development, building permit, and/or certificate of occupancy as appropriate, subject to compliance with approved

conditions. Conditions imposed by the Hearing Body shall be limited to those that achieve public purposes yet still permit development as accorded similar properties within similar zoning or overlay districts.

- (c) Denial. The application for variance is denied, and the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy, as appropriate. The Hearing Body shall specify in writing to the applicant the reasons for denial.

Section 22.1.9. Regulations That Cannot Be Varied.

Variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
(b) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

Section 22.1.10. Notice of Action.

The Zoning Administrator shall notify the applicant of the action taken by the Hearing Body on the variance application no later than five (5) working days from the date of such action on said application.

Section 22.1.11. Appeal.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

Any person or persons, jointly or severally, aggrieved by any decision of the Governing Body with jurisdiction with regard to a decision on a variance application under the terms of this Chapter may take an appeal to Jackson County Superior Court. Any person or persons, jointly or severally, aggrieved by any decision of a Hearing Examiner, if authorized, with regard to a decision on a variance application under the terms of this Chapter may take an appeal to the Governing Body with jurisdiction following the same processes as that of the original appeal application.”

Section 22.1.12. Administrative Variances.

In addition to authority to grant administrative variances to off-street parking requirements as specified in Section 12.3.7 of this Land Use Management Code, the Zoning Administrator is hereby authorized to, upon application and for due cause shown, consider and administratively vary any building or structure setback required by this Land Use Management Code, provided said administrative variance granted by the Zoning Administrator shall not be more than ten percent (10%) of the required setback, and in no case shall such administrative variance exceed four (4) feet. The Zoning Administrator shall provide the reasons for denial of an application for administrative variance in writing to the applicant.

CHAPTER 22.2
APPEALS OF ADMINISTRATIVE DECISIONS

Section 22.2.1.	Intent.
Section 22.2.2.	Who May Appeal.
Section 22.2.3.	Procedures.
Section 22.2.4.	Stay of Proceedings.
Section 22.2.5.	Fee.
Section 22.2.6.	Finality of Decision.

Section 22.2.1. Intent.

It is the intention of this Chapter that all questions arising in connection with the administration, interpretation, and enforcement of this Land Use Management Code 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 an appeals body on appeal from decision of an administrative official.

Section 22.2.2. Who May Appeal.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator, Building Inspector, City Engineer, or other administrative official in the administration, interpretation, or enforcement of this Land Use Management Code, may file an appeal with the Governing Body with jurisdiction or Hearing Examiner if appointed and authorized pursuant to Article 20 of this Land Use Management Code, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by any officer, department, or Board or Commission of the local government with jurisdiction, affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of decision of the administrative official.

Section 22.2.3. Procedures.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

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 Appeal Body (Governing Body with jurisdiction or, if appointed and authorized, a Hearing Examiner, for decision). Such appeal shall be taken to the Appeal Body for hearing within thirty-five (35) days of receipt by the Zoning Administrator.

A reasonable time for the hearing of appeals shall be fixed, and there shall be at least fifteen (15) days public notice thereof and due notice to the parties in interest. Specifically, the appeal hearing shall follow public hearing procedures specified in Chapter 21.3 of this Land Use Management Code. At a hearing, any party may testify in person, or by agent or by attorney.

The Hearing Body shall make findings and render a decision in writing within thirty-two (32) days after the initial hearing on the administrative appeal. The Zoning Administrator shall notify

the applicant, in writing, of its decision within five (5) working days after the Hearing Body has rendered its decision.

Section 22.2.4. Stay of Proceedings.

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Hearing Body after the notice of appeal shall have been filed with him, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

Section 22.2.5. Fee.

A fee shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which fee shall be used to offset the costs of public notice and administering the appeal process.

Section 22.2.6. Appeal.

(Amended 11-8-04 Jefferson; Amended 11-2-04 Talmo)

Decisions of the Governing Body with jurisdiction or a Hearing Examiner if appointed and authorized in the case of an appeal of administrative decision shall be final. To this end, the Governing Body with jurisdiction, upon application and after payment by the applicant of any fees specified in a fee resolution, may overturn, modify, or affirm and accept the decision of the Zoning Administrator or other administrative official in the subject case. The appeal of the Zoning Administrator or other administrative official's decision to the Governing Body will be handled procedurally the same as the original appeal of administrative decision as provided in this Chapter; provided, however, that such appeal of the Zoning Administrator or other administrative official's decision to the Governing Body with jurisdiction shall be based on the facts presented and the record produced by the Zoning Administrator or other administrative official which is the subject of the appeal.

**ARTICLE 23
PERMITS AND CERTIFICATES**

CHAPTER 23.1	DEVELOPMENT PERMIT
CHAPTER 23.2	BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

**CHAPTER 23.1
DEVELOPMENT PERMIT**

Section 23.1.1.	Development Permit.
Section 23.1.2.	Exemptions from Development Permit.
Section 23.1.3.	Application for Development Permit.
Section 23.1.4.	Review and Issuance of Development Permit.
Section 23.1.5.	Duration of Validity of Development Permit.

Section 23.1.1. Development Permit.

A development permit shall be required for any proposed use of land(s) or building(s), to indicate and insure compliance with all provisions of this Land Use Management Code before any building permit is issued or any improvement, grading or alteration of land(s) or building(s) commences.

Section 23.1.2. Exemptions from Development Permit.

A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling unit or manufactured home on an individual lot not part of an approved subdivision or development.

Section 23.1.3. Application for Development Permit.

All applications for a development permit shall be made to the Zoning Administrator and shall be accompanied by a sufficient number (as approved by the Zoning Administrator) of sets of plans drawn to scale, signed and stamped by a qualified professional who has authority to produce such plans, with his or her address. Applications shall be made in accordance with application requirements specified by the Zoning Administrator. Plans involving land disturbance shall require the submittal of plans containing information specified in Section 13.4.4 of this Land Use Management Code unless waived by the Zoning Administrator, and the provisions of Article 27 or 28 (whichever is applicable).

Section 23.1.4. Review and Issuance of Development Permit.

The Zoning Administrator shall review the application for development permit, and upon completion of the review, one copy of such plans shall be returned to the owner along with notice of a decision to approve or deny the development permit. All development permits shall be issued by the Zoning Administrator who shall in no case grant any development permit for

the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Land Use Management Code. The Zoning Administrator may issue development permits without being responsible for ensuring that the development complies with other applicable state or federal laws, unless specifically stated otherwise in this Land Use Management Code.

If the development permit is denied, the Zoning Administrator shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person.

The provisions of this Section shall apply to applications for development in addition to Section 13.4.5 of this Land Use Management Code.

Section 23.1.5. Duration of Validity of Development Permit.

A development permit shall expire two (2) years after its issuance, subject to the following provisions: if the work described in any development permit has not been begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected, only if the permit is being revoked prior to the two-year expiration date. Application processes shall begin anew for any expired development permit.

CHAPTER 23.2
BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

- Section 23.2.1. Building Permit.
Section 23.2.2. Certificate of Occupancy.

Section 23.2.1. Building Permit.

The Building Inspector is hereby authorized to issue building permits in accordance with all provisions of this Land Use Management Code and 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 Land Use Management Code.

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 Land Use Management Code and all applicable building and related codes.

Approval of a building permit shall require an application to the Building Inspector as specified in the building and related codes of the municipality with jurisdiction. If the building permit is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the Building Inspector.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one-hundred eighty (180) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

Section 23.2.2. Certificate of Occupancy.

A certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use, any building or structure hereafter erected, or a change in the use of an existing building or structure.

A certificate of occupancy, either for the whole or part of a building or use, shall be issued within seventy-two (72) hours after the erection or structural alterations of such building, or part, or use established, is completed. Work shall be completed in conformity with the provisions of this Land Use Management Code. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Land Use Management Code.

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 24
ADMINISTRATION AND ENFORCEMENT**

CHAPTER 24.1 ADMINISTRATION
CHAPTER 24.2 ENFORCEMENT

**CHAPTER 24.1
ADMINISTRATION**

Section 24.1.1. Zoning Administrator.
Section 24.1.2. Building Inspector.

Section 24.1.1. Zoning Administrator.

This Land Use Management Code shall be administered, interpreted, and enforced by the Zoning Administrator, who shall have the duties and authority with respect to this Code as provided in the various Articles, Chapters, and Sections of this Code and those necessarily implied by said provisions. To this end, the Zoning Administrator is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this Land Use Management Code, and to implement the provisions of this Land Use Management Code. The Zoning Administrator may delegate administrative functions, powers and duties assigned by this Land Use Management Code to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Section 24.1.2. Building Inspector.

The Building Inspector is hereby authorized to enforce and administer the following provisions of this Land Use Management Code:

- (a) Issue building permits in accordance with all provisions of this Land Use Management Code, but only after the Zoning Administrator has issued a development permit or approved the building permit as meeting the requirements of this Land Use Management Code.
- (b) Make field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. When a violation is found to exist, the building inspector shall immediately advise the Zoning Administrator of the violation so that appropriate legal action may be taken to insure compliance.
- (c) Insure that all construction has been completed in accordance with all applicable city code requirements prior to allowing occupancy.

CHAPTER 24.2 ENFORCEMENT

- Section 24.2.1. Penalties for Violation.
Section 24.2.2. Enforcement and Remedies.
Section 24.2.3. Relationship to Soil Erosion Violations.

Section 24.2.1. Penalties for Violation.

In addition to other penalties and withholding of permits as may be specifically provided for in this Land Use Management Code, penalties for violating this Land Use Management Code shall be as provided in this Section.

Any person who violates any provisions of this Land Use Management Code, or any permit condition or limitation established pursuant to this Land Use Management Code, or who negligently or intentionally fails or refuses to comply with any order of the Zoning Administrator shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Land Use Management Code, notwithstanding any provisions in any City charter with jurisdiction to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of city ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Land Use Management Code shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 24.2.2. Enforcement and Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Land Use Management Code, the Zoning Administrator or any other appropriate authority of the city with jurisdiction may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this Land Use Management Code or city code requiring the presence of the violator in the municipal court; institute injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the occupancy of such building, structure, or land.

Where a violation of this ordinance is deemed to exist by the Zoning Administrator with respect to a structure, building, or land, the Zoning Administrator may, in addition to other remedies, notify the building inspector of such violation and direct, require, or encourage that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

Where a violation of this ordinance exists with respect to the use of any building, structure, or land, the Zoning Administrator may:

- (a) If the violation is by a tenant, person, corporation, firm, or other entity who is not the owner of record of the building, structure, or land, issue a citation for the violation of this Land Use Management Code or the city code of the Municipality with jurisdiction to such person or entity. In addition, the Zoning Administrator or designee may provide written notice, either personally or by mail, to the owner of record of such building, structure, or land. Notice shall contain a description of said violation and a thirty day period for which to abate or correct such violation. If the owner of record does not bring the use of the building, structure, or land into compliance within thirty (30) days, the owner shall be cited for violation of this Land Use Management Code or city code of the Municipality with jurisdiction. Each day any violation continues shall constitute a separate offense;
- (b) If the violation is by the owner of record of the building, structure, or land, or his agent, assign, employee, or representative, in addition to other remedies available, the Zoning Administrator and the city with jurisdiction may refuse or deny all city permits, licenses, certificates, or applications to said owner or his agents until such violation is abated or corrected.

The Building Inspector may revoke a permit upon a finding that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of a building, structure, electrical, gas, mechanical, or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of the building code, this Land Use Management Code, or city codes of the municipality with jurisdiction. The Building Inspector may upon notice order work immediately ceased on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner.

Section 24.2.3. Relationship to Soil Erosion Violations.

When the provisions of Article 13 of this Land Use Management Code are violated, the Zoning Administrator shall apply the enforcement provisions included in Chapter 13.5 of this Land Use Management Code, but may in addition seek remedies provided in this Chapter.

**ARTICLE 25
TRAFFIC IMPACTS
(City of Jefferson Only)**

[Ordinance LUMC 18-06 Adopted 10-22-18]

CHAPTER 25.1	GENERAL PROVISIONS
CHAPTER 25.2	SPECIFICATIONS AND REQUIRED CONTENTS FOR TRAFFIC STUDIES
CHAPTER 25.3	REVIEW PROCEDURES

**CHAPTER 25.1
GENERAL PROVISIONS**

Section 25.1.1.	Purpose and Intent.
Section 25.1.2.	Objectives.
Section 25.1.3.	Applicability.
Section 25.1.4.	Definitions.
Section 25.1.5.	Traffic Impact Study Required.
Section 25.1.6.	Exemptions.

Section 25.1.1. Purpose and Intent.

Understanding the demands placed on the city's transportation network by development is an important dimension of assessing the overall impacts of development. All development generates traffic, and it may generate enough traffic to create congestion and thus require the city to invest more capital funds for the transportation network in the form of new roads, traffic signals, and intersection improvements. Traffic congestion results in a number of problems, including economic costs due to delayed travel times, air pollution, and accidents. By requiring traffic impact studies for proposed developments meeting certain thresholds, the city will be better able to determine the transportation demands of development proposals and provide for reduction of adverse impacts on the transportation system. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.1.2. Objectives.

The city finds that requiring a traffic impact study for proposed developments that meet certain thresholds will help to achieve the following objectives:

- (a) Forecast additional traffic associated with new development, based on accepted practices.
- (b) Determine the improvements that are necessary to accommodate the new development.
- (c) Allow the city to assess the impacts that a proposed development may have and assist the city in making decisions regarding development proposals.

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Jefferson-Talmo Land Use Management Code

- (d) Help to ensure safe and reasonable traffic conditions on streets after the development is complete.
- (e) Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.
- (f) Protect the substantial public investment in the street system.
- (g) Provide information relevant to comprehensive planning, transportation planning, and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access and other transportation system considerations. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.1.3. Applicability.

- (a) This article shall apply within the city limits of Jefferson.
- (b) Any land development proposal or action that triggers and is subject to a development of regional impact review, as required by “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, effective March 1, 2014, as may be amended from time to time, shall be required to comply with this article.
- (c) Any land development proposal or action that would generate more than one hundred (100) new trips during an a.m. or p.m. peak hour or more than seven hundred and fifty (750) new trips in an average day, as determined in accordance with this article, shall be required to comply with this article, whether or not a development of regional impact review is required. For purposes of determining whether a development proposal meets a threshold requiring a traffic study, the Zoning Administrator may utilize trip generation data, or appropriate combination thereof for a mixed-use development, unless more specific information is submitted by the development applicant and accepted by the Zoning Administrator. Without limiting the generality of this threshold, any development meeting or exceeding the following land use thresholds shall specifically require a traffic study (based on analysis of trip generation rates):

Nonresidential Land Use	Land Use Code (ITE)	Development Threshold Requiring Traffic Study (Sq. Ft. Gross Floor Area)
Industrial (all types)	--	400,000
Building Materials and Lumber Store	812	16,500
Free-Standing Discount Superstore	813	14,000
Free-Standing Discount Store	815	13,000
Supermarket	850	7,250
Convenience Market (open 24 hours)	851	1,000
Convenience Market with Gasoline Pumps	853	875
Home Improvement Superstore	862	25,000
Drive-In Bank	912	3,700
High-Turnover (Sit-Down) Restaurant	932	5,800
Fast-Food Restaurant with Drive-Through	934	1,500
Day Care Center	565	7,100
Medical-Dental Office Building	720	20,000
General Office Building	710	64,500
Residential		Dwelling Unit Threshold

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Single-family detached housing	210	75
Apartment	220	110
Apartment, low rise	221	110
Residential Condominium/ Townhouse	230	125
Senior Adult Housing - Detached	251	200

- (d) The requirements of this article shall be applied to the first development application encountered by the city, for instance, rezoning or conditional use, development permit, or building permit, whichever occurs first. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.1.4. Definitions.

Horizon Year: Unless otherwise specified or approved by the Zoning Administrator, the horizon year shall be twenty years into the future from the year during which a traffic impact study is being prepared.

Internal trips: Trips that are made within a multi-use or mixed-use development, by vehicle or by an alternate mode, such as walking.

Level of Service (LOS): A quantitative and qualitative measure of how well traffic flows on a given street or highway. Level of Service relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed and other factors which affect the quality of flow. Level of Service is typically summarized by letter grades described as follows:

Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions.

Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow.

Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.

Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur. This is the level of service standard adopted by the city.

Level "E" is a condition of very heavy flow and relatively low speeds. Under Level "E" the traffic is unstable and short stoppage may occur.

Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.

New trips: Total vehicle trips, minus pass-by trips, minus internal trips, if applicable.

Pass-by trips: Vehicle trips which are made by traffic already using the adjacent roadway and entering the site as an intermediate stop on the way to another destination.

Peak hour: 7:00 a.m. to 8:00 a.m., or 8:00 a.m. to 9:00 a.m. or the highest four fifteen minute increments within such time period for the a.m. peak hour; 4:00 p.m. to 5:00 p.m., 5:00 p.m. to 6:00 p.m. or the highest four fifteen-minute increments within such a time period for the p.m. peak hour.

Peak-hour trip generation study: A study by a qualified professional of one or more actual developments of similar land use and development characteristics which provides empirical data on the actual number of trips entering and exiting said development(s) during the a.m. and p.m. peak hour. A peak-hour trip generation study shall consist of a.m. and p.m. peak hour traffic counts by direction (entering and exiting) on at least three separate weekdays if the study is based on only one similar development, or at least one a.m. and p.m. traffic count for three different actual developments. The results of actual traffic counts from peak-hour trip generation studies may be adjusted to discount pass-by trips as provided in this Article.

Professionally accepted: Published by the Institute of Transportation Engineers, or prepared by a qualified professional under work supervised by the city, or prepared by a qualified professional and accepted by the Zoning Administrator.

Qualified professional: For purposes of conducting traffic impact studies as may be required by this article, a qualified professional shall mean a registered professional engineer with experience in traffic engineering. For purposes of conducting peak hour trip generation studies, a qualified professional shall mean a registered professional engineer with experience in traffic engineering, or another professional approved by the Zoning Administrator based on education and experience to conduct such trip generation studies.

Traffic impact study: An analysis and assessment, conducted by a qualified professional, that assesses the effects that a development proposal's traffic will have on the transportation network in the city, or portion thereof, or impact area. Traffic impact studies vary in their range of detail and complexity depending on the type, size and location of the proposed development.

Trip: A single or one-directional travel movement with either the origin or destination of the trip inside the study site.

Trip generation: An estimate of the number of vehicle trips that will be generated due to the new development, which is calculated based on the type and amount of land uses in the proposed development and professionally accepted trip generation rates for each such land use. Trip generation may be expressed on an average daily basis or average peak hour (a.m., p.m. or both). *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.1.5. Traffic Impact Study Required.

A traffic impact study, as defined in this chapter, shall be required for any development that is subject to the requirements of this article, unless specifically exempted from the requirement by this chapter. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.1.6. Exemptions.

- (a) A traffic impact study is not required if development proposal is initiated by the city or Jackson County.
- (b) A development proposal may be exempted from the traffic impact study requirement by the Zoning Administrator if a prior traffic impact study for the subject property has been submitted to city and the proposed development is substantially similar to that for which the prior traffic impact study was conducted. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

CHAPTER 25.2 SPECIFICATIONS AND REQUIRED CONTENTS FOR TRAFFIC STUDIES

- Section 25.2.1. Data for Determination.
Section 25.2.2. Specifications for Trip Generation Studies.
Section 25.2.3. Required Contents of Traffic Impact Studies.
Section 25.2.4. Additional Technical Specifications.

Section 25.2.1. Data for Determination.

The source for trip generation rates shall be *Trip Generation*, published by the Institute of Transportation Engineers (ITE), most recent edition, unless otherwise approved by the Zoning Administrator. Determinations of whether this article applies shall be made based on application of data from *Trip Generation*, which may change from time to time, or as otherwise approved by the Zoning Administrator. [*Ordinance LUMC 18-06 Adopted 10-22-18*]

Section 25.2.2. Specifications for Trip Generation Studies.

- (a) Discounting of pass-by trips. The peak-hour trip generation study may subtract from the empirical data on actual vehicle trips those trips that are reasonably considered to be “pass-by” trips as defined by this article, using professionally accepted assumptions about the percent of pass-by trips approved by the Zoning Administrator.
- (b) Reduction for internal trips in multi-use or mixed use developments. In calculating the new trips generated from a proposed development containing multiple uses or mixed uses, a qualified professional with the approval of the Zoning Administrator may apply a percentage reduction to the total vehicle trips shown in any peak hour trip generation study to account for internal trips, as defined in this Resolution [Ordinance], so as to account for (discount) the number of internal trips reasonably expected to occur in such multi-use or mixed use development. Said reduction shall not exceed twenty-four percent (24%) of total trips generated. [*Ordinance LUMC 18-06 Adopted 10-22-18*]

Section 25.2.3. Required Contents of Traffic Impact Studies.

A traffic impact study must evaluate the adequacy of the existing transportation system to serve the proposed development and determine the expected effects of the proposed development on the transportation system. The traffic impact study must provide adequate information for city staff to evaluate the development proposal and, when appropriate, recommend conditions of approval. The qualified professional preparing the traffic impact study is encouraged to coordinate preparation with local staff and staff from other jurisdictions, as appropriate, to ensure that all necessary components are included in the traffic impact study and to reduce revision and review time.

In order to be reviewed, the traffic impact study shall include at least the following minimum components:

- (a) Title Page. A title page listing the name of the proposed development and its location.
- (b) Table of Contents. A table of contents outlining the study shall be provided.

- (c) Certification. The study shall be signed and stamped by a qualified professional.
- (d) Executive Summary. An executive summary, discussing the development, the major findings of the analysis and any recommendations made by the qualified professional.
- (e) Vicinity Map. A vicinity map showing the location of the proposed project in relation to the transportation system of the area.
- (f) Study Area Map. A map of the traffic impact study area. For purposes of this article, the traffic impact study area shall be determined according to trip generation rates as follows. In the event there is a difference as a result of applying peak and total trips, the more restrictive requirement (larger study area) shall apply.

Study Area Size Requirements

Peak Hour Trips Generated	Daily Trips Generated	Distance From Perimeter of Proposed Development Along Roads
100 - 150	750 – 1,500	½ mile
151 - 500	1,501 – 5,000	1 mile
501 – 1,000	5,001 – 10,000	2 miles
1001 or more	10,001 or more	3 miles

- (a) Inventory of Transportation Facilities in the Study Area. A description of transportation facilities in the study area, including roadway names, locations and functional classifications, intersection lane configurations and traffic control (including signal timing), existing rights-of-way, transit routes and stops (if any), pedestrian and bicycle facilities and planned transportation system improvements. An existing lane configuration sketch shall be submitted for all roadways and intersections within the study area.
- (b) Site Plan and Development Data. A complete description of the proposed development, including a site plan, with the best available information as to the nature and size of each proposed use and the proposed location and traffic control of all proposed access points, including the distance from all proposed access points to adjacent accesses and/or streets, including those across a street right-of-way from the subject development.
- (c) Existing Traffic Volumes. Peak and total daily traffic volumes on all arterial, collector and local streets within the study area. Traffic counts should, as a rule, not be more than one-year old when the report is prepared. Traffic counts between one and three years old may be used if factored to the current year. Traffic counts older than three years will not be accepted.
- (d) Facility Performance. Existing performance of the transportation system, including Levels of Service (LOS) and Volume/Capacity ratios (V/C) for all intersections and road segments, as appropriate, within the study area.
- (e) Trip Generation. Complete trip generation figures for all aspects of the proposed development. The source for trip generation rates shall be "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition,

unless otherwise approved by the Zoning Administrator. For developments expected to generate more than thirty (30) trucks per day, the trip generation data shall include separate figures for trucks. If phased development is proposed, the study shall include projections for the year that each phase of the development is planned to be complete. The traffic impact study shall also include trip generation data for any pending and approved developments that would affect the study area. The city shall facilitate the review of applicable files by a qualified professional to determine the names and development characteristics of pending and approved developments in the study area.

- (f) Trip Distribution and Assignment. Trip distribution for the proposed development. For developments expected to generate more than thirty (30) truck trips per day, the study shall include separate trip distribution figures for trucks.
- (g) Forecast Traffic Volumes Without the Development. Forecast traffic volumes without the development, on all arterial, collector and local roads within the study area, in the year that the proposed development is planned to commence, and in the horizon year. Qualified professionals should consult city planning and public works staff for information to determine the most appropriate sources or methods of determining future traffic volumes. If phased development is proposed, the traffic impact study shall include projections for the year that each phase of the development is planned to be complete.
- (h) Forecast Performance Without the Development. Forecast performance, including Levels of Service (LOS) and Volume/Capacity (V/C) ratios of the transportation system without the development in the year that each phase is planned to be complete and in the horizon year.
- (i) Forecast Traffic Volumes With the Development. Forecast traffic volumes with the development, on all arterial, collector and local roads within the study area, in the year that the proposed development is planned to commence and in the horizon year.
- (j) Forecast Performance With the Development. Forecast performance, including Levels of Service (LOS) and Volume/Capacity (V/C) ratios of the transportation system with the development in the year that each phase is planned to be complete and in the horizon year.
- (k) Sight Distance. A safety analysis of the site accesses and an assessment whether adequate sight distances are provided at driveways and streets abutting the development.
- (l) Operational Characteristics. Analysis of prevailing operating speeds, if significantly different than speed limits, right and left turn lane warrants, queue lengths, acceleration and deceleration lanes including lengths and tapers, throat lengths, channelization, and other characteristics of the site accesses, which exist and may be needed, as appropriate. The traffic impact study shall address whether driveways and intersections are located and spaced safely and designed to accommodate expected traffic volumes and maneuvers. The operational characteristics analysis shall also evaluate the turning and traveling characteristics of the vehicles that will be using the proposed development and the adequacy of the geometrics of the existing

and proposed roadway (public and/or private) configurations to accommodate these characteristics.

- (m) On-site Circulation. The traffic impact study shall address whether on-site vehicular and pedestrian circulation and parking layouts are safe and efficient.
- (n) Significant Impacts. Analysis as appropriate of any potential adverse or controversial effects of the proposed development on the transportation system in the area. Examples of possible effects include, but are not limited to, infiltration of non-residential traffic into residential neighborhoods, traffic noise, creation of potential for traffic violations, conflicting turning movements with other driveways, any new pedestrian or bicycle transportation needs arising from the development, etc.
- (o) Mitigation Measures and Costs. Listing of all intersections and road segments that are forecasted to be Level of Service "E" and "F" in the horizon year, or if phased, in the years that each phase is planned to be complete, and an identification and description of specific mitigation measures including signal, turn lane, or other warrant analyses as appropriate and necessary to bring these intersections and road segments into compliance with a Level of Service "D" for said road segment or intersection.

If roadway improvements are needed, the study shall show a drawing at an engineering scale of one inch equals twenty feet (1" = 20') for all recommended lane configurations.

If signalization is warranted by the traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD), a warrant analysis shall also be conducted as a part of the traffic impact study. If a traffic signal is warranted, the warrant package in the study shall show a drawing at an engineering scale of one inch equals twenty feet (1" = 20') detailing the signal design and phasing plans.

The estimated cost associated with implementing all such mitigation measures shall be provided in the traffic impact study. The traffic impact study may take into account any city/county/state approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.

- (p) Alternative transportation. Alternative transportation (sidewalk, bicycle, transit) needed as a result of the study.
- (q) References. A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
- (r) Technical Appendix. Relevant technical information, including but not limited to: copies of raw traffic count data used in the analysis, calculation sheets and/or computer software output for all LOS and V/C calculations in the analysis, and warrant worksheets for signals, turn lanes, signal phasing, etc. used in the analysis.

[Ordinance LUMC 18-06 Adopted 10-22-18]

Section 25.2.4. Additional Technical Specifications.

The Zoning Administrator is further authorized to promulgate and require the use of additional technical specifications for conducting traffic impact studies, which shall be consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, and/or Traffic Access and Impact Studies for Site Development: A Recommended Practice (Washington, DC: Institute of Transportation Engineers, 1991), as may be amended or republished from time to time. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

CHAPTER 25.3 PROCEDURES

Section 25.3.1.	Determination of Applicability.
Section 25.3.2.	Cases Where Data Are Not Available.
Section 25.3.3.	Scoping Meeting.
Section 25.3.4.	Costs and Fees.
Section 25.3.5.	Submittal and Review of Study.
Section 25.3.6.	Mitigation of Impacts.
Section 25.3.7.	Determination of Project and System Improvements.
Section 25.3.8.	Conditions of Development Approval for Project Improvements.
Section 25.3.9.	System Improvements.
Section 25.3.10.	Appeal.

Section 25.3.1. Determination of Applicability.

At the time a development proposal is filed, or during any pre-application meeting if possible, the Zoning Administrator shall determine whether a traffic impact study shall be required according to this article. The Zoning Administrator shall calculate the expected trip generation of the proposed development using professionally accepted trip generation rates or other data and compare it to the thresholds specified in this article to determine whether a traffic impact study is required.

Applicants for development proposals shall provide sufficient information about the development proposal (e.g., number of dwelling units, square footage of buildings, number of employees, land area of the development, etc.) for the Zoning Administrator to apply professionally accepted trip generation rates to the proposed development. The Zoning Administrator shall not accept a development proposal for processing unless it contains the data on the proposed development necessary to apply available trip generation rates. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.2. Cases Where Data Are Not Available.

In the event that information submitted by the applicant of the development proposal is sufficient to calculate the trip generation that would be expected to result from the proposed development, but trip generation rates or other data are not available or in sufficient quantity of studies to make a determination of applicability under the terms of this article, this section shall apply.

- (a) The Zoning Administrator shall first determine if: (1) professionally acceptable trip generation rates applicable to the subject development exist from other reputable sources, such as the Journal of the Institute of Transportation Engineers; (2) other trip generation studies of similar developments are available; or (3) professionally acceptable trip generation rates for one or more similar land uses can be used in making the determination of applicability. If the Zoning Administrator is able to provide such information and determines it is professionally reputable, then the Zoning Administrator shall use said data to make the determination of applicability. The Zoning Administrator shall have no more than five (5) working days to comply with the provisions of this paragraph, when it applies.

- (b) In the event the Zoning Administrator is unable to make a determination of applicability, the Zoning Administrator shall notify the proposed applicant in writing that professionally accepted trip generation rates are not available for purposes of making a determination of applicability.
- (c) Upon receipt of notice described in paragraph (b) of this section, the applicant for a development proposal shall have thirty (30) days to have a qualified professional prepare and submit a peak-hour trip generation study as defined by this article.

[Ordinance LUMC 18-06 Adopted 10-22-18]

Section 25.3.3. Scoping Meeting.

Once it is determined that a traffic impact study is required, a scoping meeting may be held with the developer or his or her consultant and the appropriate representatives of the city. It will be the responsibility of the developer or his or her consultant to initiate this meeting. The purpose of this meeting is to discuss the availability of site-specific information concerning the development, available forecasts of traffic volumes, and to ensure the applicant understands the content requirements for traffic impact studies. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.4. Costs and Fees.

The city assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of traffic impact studies. There shall be an application review fee of \$100.00 for a traffic impact study. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.5. Submittal and Review of Study.

- (a) The applicant for the proposed development or the qualified professional shall submit one electronic copy of the traffic impact study and technical appendix, and two (2) paper copies of the traffic impact study including the technical appendix to the Zoning Administrator.
- (b) The Zoning Administrator may at his or her discretion submit copies of the report to applicable review agencies which may include the Georgia Department of Transportation, an adjacent local jurisdiction and/or metropolitan planning organization or regional commission.
- (c) Within ten (10) working days of receipt of a traffic impact study, the Zoning Administrator shall review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent and fully explained. The conclusions presented in the traffic impact study shall be consistent with and supported by the data, calculations and analyses in the report. Calculations, graphs, tables, data and/or analysis results that are contrary to good common sense or not consistent with and supported by the data will not be accepted. In such events, the Zoning Administrator shall return the traffic impact study to the development applicant for correction.

[Ordinance LUMC 18-06 Adopted 10-22-18]

Section 25.3.6. Mitigation of Impacts.

Within ten (10) working days of receipt of a completed traffic impact study, the Zoning Administrator shall complete his or her review the study and submit to the applicant all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of or requirements for approving the development proposal that will mitigate traffic impacts of the proposed development. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.7. Determination of Project and System Improvements.

The Zoning Administrator shall determine which mitigation measures constitute “project” improvements and which mitigation measures constitute “system” improvements within the context of the Georgia Development Impact Fee Act of 1990.

In the event that a particular improvement is called for in the traffic impact study or recommended or required by the Zoning Administrator, and the Zoning Administrator is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristics of both a project improvement and a system improvement, the Zoning Administrator shall determine the proportion of the cost of such improvement that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.8. Conditions of Development Approval for Project Improvements.

Upon the determination of project improvements needed to mitigate the traffic impacts of the development proposal as provided in this article, the Zoning Administrator shall recommend that the project improvements be completed by the developer as conditions of approval if a rezoning application is involved, or require such improvements if it is a development proposal not requiring rezoning. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.9. System Improvements.

When the Zoning Administrator recommends improvements as a condition of a development proposal that the Zoning Administrator determines are wholly or partially “system” improvements, the Zoning Administrator may include such recommendations in the recommended conditions of approval for a rezoning application. The development applicant and the city in the case of system improvements shall have the following options:

- (a) The applicant for a development proposal may voluntarily agree to pay for the cost of providing the system improvements, or a pro-rated share of the cost of said system improvements that are reasonably attributed to the subject development, as determined by the city.
- (b) In the case of an application for rezoning before the Mayor and City Council, the city may find that the proposed development will provide substantial adverse impacts on the transportation system. The city may find further that the existing transportation system is insufficient to serve the proposed development and that the city is unable to provide adequate transportation facilities within a reasonable amount of time after the impacts of said development would occur. Given such findings, Mayor and City Council (in case of

rezoning) may reduce the development density or intensity to the degree that the impacts of the development proposal do not degrade transportation facilities below the adopted level of service standard, require a phasing of the development in a manner that adequate public facilities will be provided publicly or privately, or in cases where such other alternatives do not address the adverse impacts, deny an application for a development proposal. The Zoning Administrator may deny a development proposal upon a finding that transportation facilities will be degraded below the adopted level of service standard. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

Section 25.3.10. Appeal.

An applicant for a development proposal may appeal a decision of the Zoning Administrator in the administration and interpretation of this article in accordance with Article 22 of this Land Use Management Code. *[Ordinance LUMC 18-06 Adopted 10-22-18]*

**ARTICLE 26
SUBDIVISIONS AND LAND DEVELOPMENT**

CHAPTER 26.1	PURPOSE AND INTENT
CHAPTER 26.2	DEFINITIONS
CHAPTER 26.3	GENERAL PROVISIONS
CHAPTER 26.4	PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL
CHAPTER 26.5	CORRIDOR MAP

**CHAPTER 26.1
PURPOSE AND INTENT**

This Article is adopted with the following purposes:

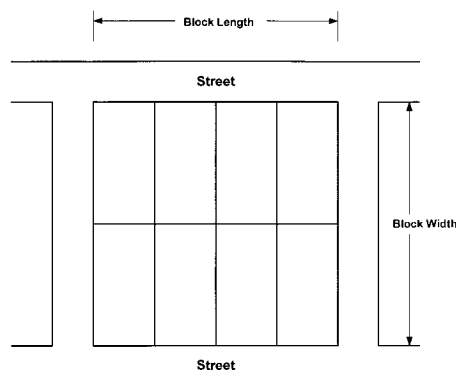
- (a) To promote orderly, planned, efficient, and economic development and to guide future growth in accordance with the Comprehensive Plan of a participating municipality.
- (b) To ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents, and to secure safety from fire, flood, or other menace.
- (c) To prevent the pollution of air, land, streams, and ponds; to encourage the wise use and management of natural resources, and to preserve the topography and beauty of the community and the value of land.
- (d) To insure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (e) To provide for open spaces through the most efficient design and layout of the land.
- (f) To establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (g) To provide for the proper monumenting of subdivided land and proper legal descriptions.
- (h) To help eliminate the costly maintenance problems which develop when streets and lots are established without proper consideration given to various public purposes.
- (i) To facilitate and inform lot purchasers who generally lack the specialized knowledge needed to evaluate subdivision improvements and design.

CHAPTER 26.2 DEFINITIONS

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public or private road or street.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Comprehensive plan: Any plan adopted by the Governing Body of any participating municipality, or any plan adopted by a regional development center 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 governing body of a participating municipality.



Block, Block Length, and Block Width

Condominium plan: A drawing that is required to be recorded prior to the first conveyance of a condominium unit pursuant to subsection (b) of Code Section 44-3-83, including, but not limited to, a condominium floor plan, condominium plot plan, or condominium site plan. *[Added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the City Attorney of a participating municipality with jurisdiction and recorded in the office of the Clerk of Superior Court of Jackson County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Governing Body of a participating municipality with jurisdiction and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other

provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

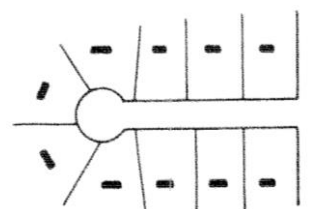
Conservation (open space) subdivision: A subdivision, as defined by this Article, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Contiguous common parcels: Parcels adjoining or touching each other at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, temporary: A non-permanent vehicular turnaround located at the termination of a street or alley.

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



Cul-de-sac

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

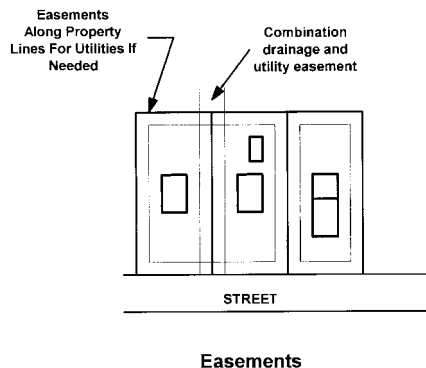
Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Zoning Administrator, or his/her designee.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City Engineer or designated official of a participating municipality to cover the costs of required improvements.



Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the Jackson County Superior Court, and containing all elements and requirements set forth in this Article.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as 1) actually containing naturally occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Article.

Half street: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community-wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the Governing Body of any participating municipality. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

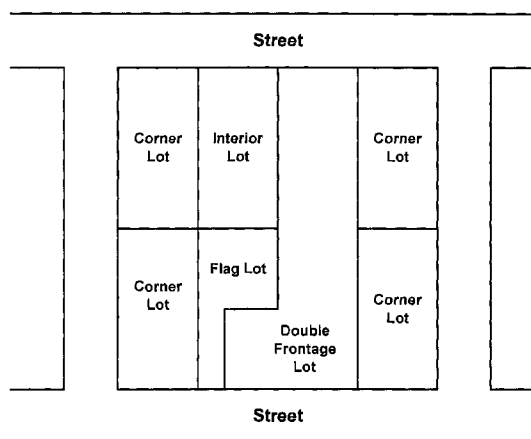
Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way.

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

Lot, depth: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on



TYPES OF LOTS

a street is less than the required minimum width required for construction of a building or structure on that lot.

Lot, through: See "Lot, double frontage."

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

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Jackson County Superior Court on the effective date of this Article; or a parcel of land, the deed of which was lawfully recorded in the same office prior to adoption of subdivision regulations by the municipality with jurisdiction.

Lot width: The shortest distance between side lot lines measured at the regulatory/required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot.

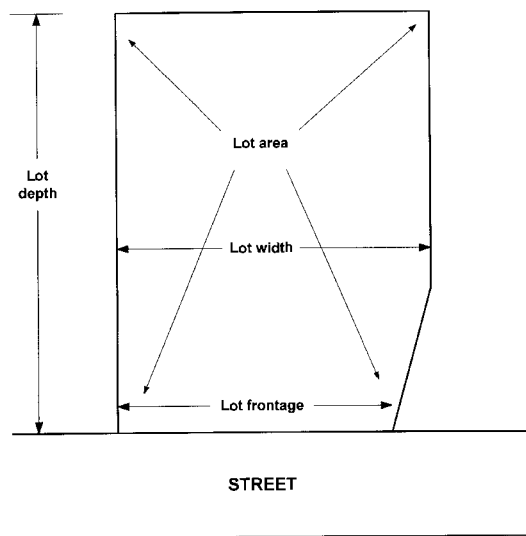
Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as twenty five percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space except as may be otherwise provided by this Article. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Zoning Administrator, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.



Lot Definitions

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Article, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Package treatment plant: A sewage treatment facility, usually privately operated, typically having a treatment capacity of less than one million gallons per day. In most cases, a package treatment plant is considered a temporary means of wastewater treatment until connection to a public sanitary sewerage system is available.

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Engineer or designated official of a participating municipality to cover the costs of required improvements, and payable to the Governing Body of a participating municipality. The Governing Body may call in the performance bond in the event the subdivider defaults on required improvements.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Professional architect: An architect duly registered or otherwise authorized by the State of Georgia to practice in the field of architecture.

Professional landscape architect: A landscape architect duly registered or otherwise authorized by the State of Georgia to practice in the field of landscape architecture.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Reservation: A method of holding land for future public use or dedication to the public by showing proposed public areas on a subdivision plat.

Retracement: A survey, not required to be reviewed and approved by the local jurisdiction prior to filing or recording in the clerk's office, but drawn to specifications required by this Article. *[Added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Right-of-way: (1) A strip of land acquired by dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use; (2) generally, the right of one to pass over the property of another.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in a Comprehensive Plan of a participating municipality, or by other reasonable means.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

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

Site plan: A drawing of a residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including, among other features, the location of buildings, parking areas, buffers, and landscaping. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Steep slopes: Lands with slopes of at least thirty-five (35) percent, as indicated in the Comprehensive Plan of a participating municipality, or which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that: (1) is an existing federal, state, county or municipal roadway; (2) is constructed as shown upon a plat approved pursuant to law and is open

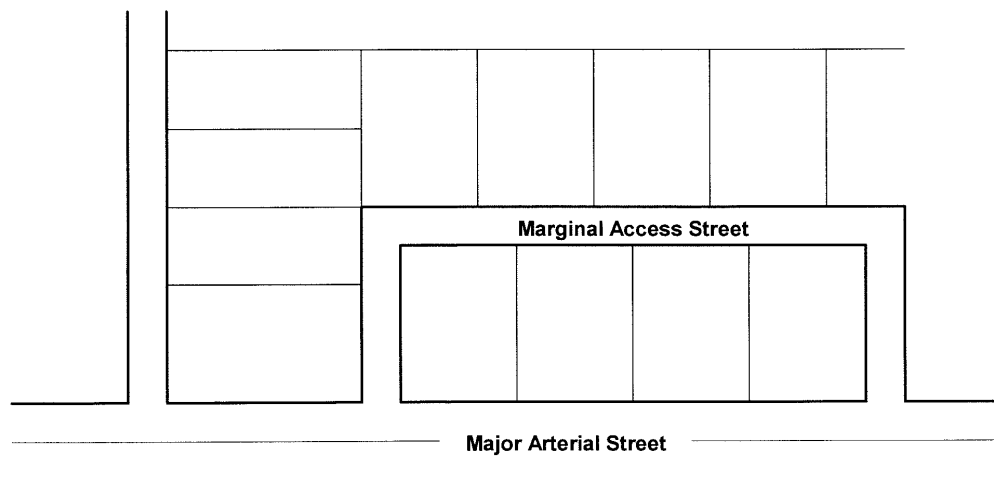
to vehicle travel; (3) is constructed and open to vehicle travel as approved by other official action of the Governing Body of a participating municipality with jurisdiction; or (4) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office of the Jackson County Superior Court prior the effective date of this Article. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, collector: Unless otherwise defined by the Comprehensive Plan of a participating municipality, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, local: Unless otherwise defined in the Comprehensive Plan of a participating municipality, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, major arterial: Unless otherwise defined by the Comprehensive Plan of a participating municipality, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, marginal access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.



Marginal Access Street

Street, private: A road or street that has not been accepted for maintenance by the Governing Body of a participating municipality and that is not owned and maintained by a state, county, city, or another public entity.

Subdivider: Any person, as defined by this Article, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Article, or the authorized agent of such person.

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

Subdivision, minor: A subdivision of five (5) or fewer lots that does not involve the construction of a new public or private street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Zoning Administrator as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road as may be required to comply with this Article, shall be done according to plans and permit requirements of this Article, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Article.

Subdivision, major: The division of a tract or parcel of land into six (6) or more lots which may or may not involve the construction of a new public or private street; or any subdivision that involves the construction of a new public or private street. Because major subdivisions involve construction of a new public or private street or the upgrade of an existing private access way to the standards of this Article, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, and final plat approval.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by the Governing Body of a participating municipality. As appropriate to the context the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief from the strict requirements of this Article, or Articles 27 or 28 of this Land Use Management Code, whichever pertains, which permits construction in a manner that would otherwise be prohibited by Articles 26, 27, or 28 of this code; a minimal relaxation or modification of the strict terms of Articles 26, 27, or 28 of this code as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty; or a grant of relief from the strict requirements of said Articles because a proposed project is unable to meet policies and objectives specifically identified in the Comprehensive Plan of a participating municipality.

CHAPTER 26.3 GENERAL PROVISIONS

Section 26.3.1.	Land is One Tract Until Subdivided.
Section 26.3.2.	Compliance and Exemptions.
Section 26.3.3.	Preliminary Plat and Plans Required Prior to Construction.
Section 26.3.4.	Building and Other Permits.
Section 26.3.5.	Public Streets and Lands.
Section 26.3.6.	Variances.
Section 26.3.7.	Appeals.
Section 26.3.8.	Review of Subdivisions along State Routes.
Section 26.3.9.	Creation of Homeowners Association.
Section 26.3.10.	Retracement Surveys.
Section 26.3.11.	Surveyor Certification Box for Retracement Surveys.

Section 26.3.1. Land is One Tract Until Subdivided.

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

Section 26.3.2. Compliance and Exemptions.

No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided pursuant to the requirements of this Article. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this Article, except as specifically exempted in this section. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Jackson County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Article, except as specifically exempted in this section.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this Article; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this Article or compliance with other applicable requirements of this land use management code:

- (a) Retracement surveys and easement surveys, as specifically authorized in this Article;
- (b) The creation and sale of cemetery plots;
- (c) The sale of lots consistent with previously approved and recorded plats or deeds;
- (d) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use;

- (e) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.

Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the Zoning Administrator to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements. *[Section retitled and amended, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Section 26.3.3. Preliminary Plat and Plans Required Prior to Construction.

No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this Article, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this Article, and Article 27 or 28 of this Land Use Management Code, whichever applies.

Section 26.3.4. Building and Other Permits.

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Article that has not been approved in accordance with the provisions of this Article.

Section 26.3.5. Public Streets and Lands.

No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Article and Articles 27 or 28 of this Land Use Management Code, whichever applies, and unless said land and/or improvements are formally approved and accepted as public improvements by the Governing Body of a participating municipality with jurisdiction in accordance with procedures established in this Article.

Section 26.3.6. Variances.

The Planning Commission shall be authorized to grant a variance or variances upon application of the subdivider or land developer upon a showing that each of the following criteria have been met which support the granting of a variance to the requirements of this Article and Article 27 or 28, whichever applies. The process of varying this Article and Article 27 or 28, whichever applies, is distinguished from concurrent variances to zoning provisions as authorized by Chapter 21.2 of this Land Use Management Code, and stand-alone variances to zoning provisions as authorized by Chapter 22.2 of this Land Use Management Code.

- (a) There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.

- (b) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulties that render it difficult to carry out the provisions of this Article, or Article 27 or 28, whichever applies.
- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this Land Use Management Code.
- (d) The variance approved is the minimum variance that will make possible the legal use of the lots, land, building or structure.

Section 26.3.7. Appeals.

Any person aggrieved by an interpretation or decision of an official responsible for the administration of this Article may file an appeal in accordance with Chapter 22.2 of this Land Use Management Code.

Section 26.3.8. Review of Subdivisions along State Routes.

- (a) No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151.
- (b) When the city receives such a plat, it shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the Zoning Administrator or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30-day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the Zoning Administrator in writing; but such recommendation shall be advisory only and shall not be binding. *[Section added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Section 26.3.9. Creation of Homeowners Association.

For any major subdivision involving common areas or a stormwater detention facility on a separate tract within the subdivision, a homeowners or property owners association shall be required to be created which shall be responsible for the ownership and maintenance of common areas and stormwater detention facilities within the subdivision. The instruments of such creation and financial endowment shall be submitted to the Zoning Administrator for review and approval; said instruments shall also be recorded at the time of final plat recording with cross-references to recording information on both the instruments and the final plat. A copy of the recorded instruments shall be filed with the Zoning Administrator following recording. *[Section added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Section 26.3.10. Retracement Surveys.

Pursuant to O.C.G.A. 44-2-26, the owner of real property, or of any interest therein or any holder of a lien thereon may file a plat of the property in the office of the clerk of superior court

of the county in which the property or any part thereof is located. Said plat shall be considered a retracement survey, provided that it contains the surveyor certification box for retracement surveys as required by this article. Such retracement survey shall not require local approval and shall be entitled to be filed and recorded. *[Section added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Section 26.3.11. Surveyor Certification Box for Retracement Surveys.

- (a) Each plat of a retracement survey shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

- (b) The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.
- (c) In the case of a plat that is a retracement survey, the land surveyor shall state clearly the recording information of any document, map, plat, or other instrument which created any of the parcels depicted. The depiction of gores, overlaps, or other parcel delineation as may be necessary to remedy or address title issues or deficiencies shall be allowed as part of the retracement function.
- (d) Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval. *[Section added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

Section 26.3.12. Easement Surveys.

Plats that depict existing or proposed easements for utilities or for conservation purposes may be recorded using the certification for retracement surveys, provided that there are no changes to any real property boundaries, and provided that the plat includes information required by this Article for recordation. Easement surveys bearing the certification required for retracement surveys shall be entitled to plat recordation without further review or local approval. *[Section added by amendment, Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].*

CHAPTER 26.4
PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL

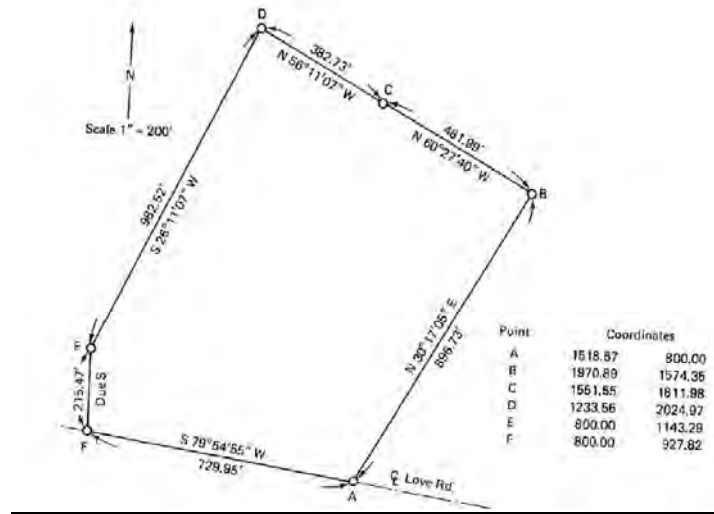
Section 26.4.1.	Preliminary Plat.
Section 26.4.2.	Land Disturbance and Development Plans.
Section 26.4.3.	Application for Final Plat.
Section 26.4.4.	Format for Final Plats and Condominium Plans.
Section 26.4.5.	Data for Final Plats Required per State Law.
Section 26.4.6.	Data Required for Final Plats per State Rules and Regulations.
Section 26.4.7.	Additional Final Plat Data Required Locally.
Section 24.4.8.	Locally Required Final Plat Certifications.
Section 26.4.9.	Final Plat Procedures.
Section 26.4.10.	Combination Plat.
Section 26.4.11.	Boundary Line Adjustment.
Section 26.4.12.	Recording of Final Plat.
Section 26.4.13.	Revision of Final Plat.
Section 26.4.14.	Limitations on Minor Subdivisions.
Section 26.4.15.	Subdivision Improvement Guarantee.
Section 26.4.16.	Warranty Deed and Resolution of Acceptance.
Section 26.4.17.	Release of Improvement Guarantee.

[Chapter revised and readopted per Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.1. Preliminary Plat.

- (a) When Required. All major subdivisions, and any subdivision involving the dedication of a public street, shall require the submission of a preliminary plat to the Zoning Administrator for review and approval by the Jefferson-Talmo Planning Commission. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Planning Commission must approve the preliminary plat, if required.
- (b) Preliminary Plat Application. The following are required for a complete preliminary plat application: Application form, fee as established by the Governing Body with jurisdiction, and a number of copies of the preliminary plat and electronic file copy as specified by the Zoning Administrator.
- (c) Preliminary Plat Specifications. Preliminary plats shall at minimum include the following information:
1. Proposed name of subdivision. The proposed name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the city or county. If shown to the contrary, the Zoning Administrator may refuse to accept such subdivision name.
 2. Plat scale and sheet size. The preliminary plat shall be clearly and legibly drawn at a scale and sheet size approved by the Zoning Administrator.

3. Owner and professional contact information. Name, mailing address, telephone and fax numbers and e-mail address of the property owner and the professional preparing the preliminary plat.
4. Miscellaneous. Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

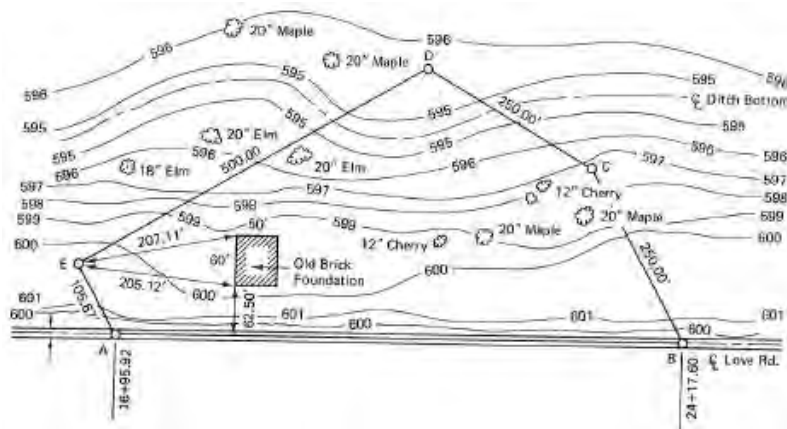
Illustrative Boundary Survey

5. Location and tract boundaries. Location (including Militia District) and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances. The preliminary plat must reference and be based on a boundary survey of the exterior boundaries of the proposed subdivision, prepared by a registered land surveyor.
6. Vicinity map. A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses.



7. Abutting property information. Names of adjoining property owners per recorded deeds, zoning district of all adjoining properties, and if applicable overlay district designations of all adjoining properties.

8. Prior subdivision. Name of former approved subdivision, if any, for all of the land in the preliminary plat that has been previously subdivided, showing boundaries of same.
9. Zoning. Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay district boundaries.
10. Application number and conditions. Rezoning, special use, and variance application number, date of approval, and conditions of approval, if applicable.
11. Natural features and flood plains. Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Topography and Existing Conditions

12. Streets, easements, political boundaries and built features. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, existing buildings to remain, and other features.
13. Subdivision block and lot layout. The proposed subdivision layout including lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the approximate dimensions of the length and width of each lot. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the approximate land area of each lot shall be indicated for each lot. The proposed phasing of the subdivision shall be indicated, if it is proposed to be platted in phases.

14. Water and sewage disposal. A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of soil tests or percolation tests as required and approved by the Jackson County Environmental Health Department.
 15. Stormwater management. The approximate location of proposed storm water detention facilities.
 16. Public land reservations. In addition to public streets, the preliminary plat shall indicate land if any to be dedicated for public use.
 17. Additional information. Additional information as may be required by the Zoning Administrator to ensure compliance with this Land Use Management Code.
- (d) Procedures. Upon receipt of a completed preliminary plat application, the Zoning Administrator shall schedule the application for the next public meeting before the Planning Commission and forward all pertinent materials in the application to the Planning Commission for review. An application for preliminary plat approval must be submitted at least thirty (30) days before the regular meeting date of the Planning Commission to be considered on that agenda. The Planning Commission shall have thirty (30) days from the date it is first considered at a public meeting of the commission to approve, conditionally approve, or deny the preliminary plat application. The basis of the Planning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Article and the Land Use Management Code generally.
 - (e) Disposition. Approval of a preliminary plat shall be valid for a period of one (1) year, after which time a complete application for construction plan approval must be submitted. If a completed application for construction plan approval is not submitted during that time, preliminary plat approval shall expire and be null and void.
 - (f) Appeal. Denial of preliminary plat approval may be appealed to the Governing Body of the participating municipality with jurisdiction, following procedures for appeals specified in Chapter 22.2 of this Land Use Management Code.
 - (g) Amendments to Approved Preliminary Plats. The Zoning Administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Planning Commission approval shall be required. The Planning Commission shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval as specified in this Section.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.2. Land Disturbance and Development Plans.

- (a) Overview. There are two permits referenced in this Land Use Management Code which are required to proceed with land development (unless exempted from such requirements): a land disturbance permit (for purposes of soil erosion compliance), and a development permit. The land disturbance permit is issued by the Zoning Administrator for the city as a “local issuing authority” pursuant to and in compliance with state law to enforce the soil erosion, sedimentation, and pollution control requirements of Article 13 of this land use management code. A land disturbance permit requires a development permit. The development permit is a city requirement issued by the Zoning Administrator to ensure that land development activities comply with the city’s zoning, overlay, and other provisions of this land use management code. Application and procedural requirements for both land disturbance and development are consolidated under this Section.
- (b) Exemption from Development Plan Approval. A development permit shall not be required for any of the following activities; provided, however, that such exemption from a development permit does not necessarily imply exemption from obtaining a land disturbance permit (see Article 13 of this land use management code).
1. Work authorized by or conducted pursuant to the requirements or directives of local, state, and federal departments, agencies and authorities.
 2. Emergency work authorized by the Zoning Administrator, where a bona fide emergency exists as determined by the Zoning Administrator.
 3. Timber harvesting, consistent with applicable state law requirements.
 4. Agricultural activities not involving construction of a building or structure.
 5. Construction of a single, detached, single-family dwelling unit or manufactured home, including accessory structures and uses.
 6. Development within a city right of way (other than work within a right of way associated with approved development plans) but only if a driveway permit or utility encroachment permit has been issued as required by this land use management code.
- (c) Application. Applications for land disturbance and development plan approval shall be made in accordance with requirements of this Chapter. The following are required for a complete land disturbance and development plan application:
1. Application form;
 2. Fees as established by the Governing Body with jurisdiction and pursuant to the state soil erosion law (paragraph (5) subsection (a) of O.C.G.A. 12-5-23).
 3. Plans and hydrology report. Applications for a land disturbance and development permit will not be accepted unless accompanied by eight (8) copies of the applicant’s

erosion, sedimentation and pollution control plans and two (2) copies of a hydrology report. The application must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that all applicable requirements of this land use management code will be met. Plans must be prepared to meet the applicable minimum requirements of this Article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

4. Checklist(s). The application shall include an erosion, sedimentation and pollution control plan checklist as required by the Oconee River Soil and Water Conservation District.

No application for land disturbance and development plan approval shall be accepted for processing nor approved by the Zoning Administrator until a preliminary plat, if required, has been approved by the Planning Commission and the proposed land disturbance and development plans are found by the Zoning Administrator to be in substantial conformity with the approved preliminary plat, any conditions of such approval, and applicable provisions of this Land Use Management Code. Upon approval of a preliminary plat, the subdivider or land developer may apply for land disturbance and development plan approval.

In the case of a minor subdivision, or in cases where a preliminary plat is not required by this Article, the subdivider or land developer may apply for approval of land disturbance and development plans; provided, however, that in the case of a minor subdivision or land development the applicant for land disturbance and development plan approval should hold a pre-application conference with the Zoning Administrator to ensure that plans meet the intent and specific provisions of this Article and other applicable regulations in this Land Use Management Code.

- (d) Required contents of land disturbance and development plans. In addition to meeting the minimum requirements for development plan approval specified by Chapters 13.4 and 23.1 of this Land Use Management Code, land disturbance and development plans shall be submitted in hard copy in a number of copies as required by the Zoning Administrator including the following contents:
 1. Plat. A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record or part of a lot of record. If land subdivision is proposed or implied in the development proposal, the approved preliminary plat shall be submitted with the development permit application.
 2. Site plan. A site plan, including at minimum the project location, total project area natural features of the site and proposed development features as required by this UDC, including easements.
 3. Phases. Proposed phasing of the development, if it is proposed to be built in phases or sections.

4. Grading plan. A plan showing proposed contours in relation to existing topography.
 5. Soil erosion plans. Soil erosion plans are submitted as part of the land disturbance permit application. If a project is exempt from the requirement to obtain a land disturbance permit, the development permit application shall provide soil erosion plans sufficient to demonstrate compliance with best management practices and stream buffers (see Article 13 of this land use management code).
 6. Stormwater management plan. Stormwater management plans are submitted as a part of the land-disturbance permit application. If the project is exempt from the requirement to obtain a land-disturbance permit, the development permit application shall show information and plans required by this land use management code as may be applicable.
 7. Tree protection and landscaping plan. All information and plans required by Article 16 of this land use management code, as may be applicable.
 8. Utilities plan. Plans for water, sanitary sewer, and other utilities as may be required by the City Engineer and other utility providers.
 9. Street improvement plan. If the development proposes new streets, the development permit application shall include information demonstrating compliance with the requirements of this land use management code for public streets. Said plans must be in substantial accordance with the approved preliminary plat.
 10. Land disturbance bond and landscape bond, or other surety. A land disturbance bond and landscape bond, if applicable, shall be submitted prior to approval of development plans and issuance of a development permit. No development permit will be issued without the applicant's submission and Zoning Administrator's acceptance of the required development bonds or sureties.
- (e) Specific data requirements for development plans. Development plans shall contain the following (on one or more sheets):
1. Scale. Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 36 inches by 42 inches. Plan and profile sheets, if any, shall have a horizontal scale of no less than 1 inch to 100 feet and a vertical scale of no less than 1 inch to 10 feet. The Zoning Administrator may approve deviations from these required scales when appropriate.
 2. Project boundary. Plans shall be based on the boundaries of a lot as shown on a recorded plat, or if not yet subdivided and recorded, on a boundary survey delineating the entirety of the property contained within the project. Boundary lines of the perimeter of the tract shall be indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second.
 3. Adjoining property information. Provide all adjoining property owners, subdivision names, lot numbers, lot lines, and block letters, and zoning.

4. Project name and phase. The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown. If the development project is part of a phased development or master-planned development, identify the unit number, division, phase, or stage of development.
5. Zoning and prior approvals. The existing zoning of the project site, and reference if applicable to conditions of zoning, variance, special use, or other permissions including case numbers and dates of approval.
6. Owner and developer. Name, address, telephone number, and e-mail address of the owner of record, and of the developer (if not the owner).
7. Professional contacts. Name, address, and telephone number of each professional firm associated with the site development plans (engineer, landscape architect, etc.).
8. Map requisites. Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.
9. Use. Proposed use of the site, including gross square footage for each different use type or building.
10. Location references. Location, district, and parcel(s) acreage or area in square feet.
11. Location sketch. A location sketch locating the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey quadrangle maps may be used as a reference guide for the location sketch.
12. Buildings, access, and parking. Size, location, and elevation of all proposed buildings and existing buildings to remain or to be demolished, and minimum required building setback lines, the location parking and loading areas, driveways, curb cuts and where required designated fire lanes. Each building shall be identified with a number or letter.
13. Topography and grading. Existing contour lines based on sea level datum shall be drawn at intervals of not more than two (2) feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated. Grading plans shall show proposed contours. Grading shall be performed in accordance with the lines and grades indicated on the approved grading plan.
14. Natural features within the proposed development. These include drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses the direction of flow shall be indicated. The 100-year floodplain shall be delineated and the source of the depicted floodplain information shall be indicated (i.e., reference to map panel numbers and dates). The acreage or

area in square feet within the floodplain shall be indicated. See Article 14 of this land use management code for additional requirements when development is proposed to be located in a floodplain or flood hazard area. The development plan shall also specify whether the property is located within an overlay district (see Article 10 of this land use management code).

15. Man-made features. These include those features existing within and adjacent to the proposed development including existing right-of-way width and pavement widths of adjoining streets, street names, the location and dimensions of existing bridges, easements (all purposes), culverts and other drainage facilities (see Articles 27 and 28 of this land use management code for requirements, whichever is applicable), water, sewer, and other existing utility lines and structures, the names of jurisdiction lines; existing structures on the site and their disposition, and other appropriate built-environment information.
16. Trees, buffers, landscaping. If buffers or other landscaping or screening treatments are required, show the location, size, and type (natural or planted) on the plans conforming to the requirements of Article 16 of this land use management code, as applicable.
17. Standard drawings. The Zoning Administrator may require that the development plans include standard drawings adopted by the city, or a standard drawing of any utility provider with jurisdiction over the development project. Where no standard drawing is available but is needed as determined by the Zoning Administrator, the applicant's engineer or designer shall provide any such standard drawing requested.
18. Engineer's certification. A block on the cover page of the development plans shall be provided as follows:

"Engineer's Certification

It is hereby certified that these development plans were prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed development meets the requirements of the Jefferson-Talmo land use management code as applicable to this property.

By (name): _____
Signed: _____
Professional Engineer No. _____
Address: _____
Telephone No. _____
Date: _____"

19. Signature blocks for plan approvals. Signature blocks for development plan approval, as follows (as applicable to be determined by the Zoning Administrator; separate approvals in the file may substitute for any such signature block):

“Water and Sewer Provider Certification (repeat if different water and sewer providers)

This development, as shown on these plans, has been reviewed and is approved for construction activity only in that it has been designed to meet the requirements of the _____ Standard Drawings and Specification with regard to:

WATER SUPPLY (Strike through if not applicable)

SEWAGE DISPOSAL (Strike through if not applicable)

And that all of the proposed utility easements to be dedicated to _____ are shown on the construction drawings.

The _____ [insert name of water/sewer provider] _____ is not responsible for the adequacy of the design, which is the sole responsibility of the engineer of record who stamped and sealed the plans.

Dated this _____ Day of _____, 20__.

By: _____
Title: _____
Organization: _____”

“Environmental Health Department Certification (for lots with on-site sewage management systems only)

The lots shown on these plans have been reviewed by the Jackson County Environmental Health Department and are approved for preliminary subdivision site work only.

Dated this _____ Day of _____, 20__.

By: _____
Title: _____”

“Certificate of Project Approval

All applicable requirements of the land use management code having been fulfilled, approval of these development plans is hereby granted by Zoning Administrator, subject to further compliance with all provisions of said land use management code.

Land disturbance and development plan approval shall expire and be null and void after a period of two years, unless activity toward improvements on the land have been initiated, or unless an extension of time is approved by the Zoning Administrator.

Dated this _____ Day of _____, 20__.

By: _____
Title: Zoning Administrator

NOT FOR RECORDING”

20. Additional information. Such additional information as specified by this land use management code or as may be reasonably required by the Zoning Administrator to allow an adequate evaluation of the development proposal.
- (f) Procedures. The land disturbance and development plan approval process is administrative, including the following:
1. District action on land disturbance permit application. Upon receipt of a completed application and plans for a land-disturbance permit, the Zoning Administrator (Local Issuing Authority) shall refer the application and plan to the Oconee River Soil and Water Conservation District (District) for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the applicant and Zoning Administrator. No land disturbance permit will be issued unless the plan has been approved by the District, all fees have been paid, soil erosion bond or other financial surety has been obtained. and any variances required have been obtained.
 2. If plans are approved by the District, or upon no action by the District and the expiration of the thirty-five (35) days allowed for District review, applications for land-disturbance permits shall be issued or denied by the Zoning Administrator (as soon as practicable but in any event not later than forty-five (45) days after receipt by the Zoning Administrator of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance.
 3. Other agencies review. The owner shall be responsible for obtaining approval from all other agencies affected by the project. The applicant may be required by the Zoning Administrator to secure development approval from other agencies if they are affected by the development. Applicants are responsible for initiating and receiving approval if required of development plans by agencies in addition to the Zoning Administrator, including the Jackson County Environmental Health Department, the Jackson County Water and Sewerage Authority (if applicable), State Fire Marshal, and the Georgia Department of Transportation, if applicable. Plans are submitted to these external agencies by the applicant, for comments and approvals. Approval by the external agency is then communicated to the Zoning Administrator. The Zoning Administrator shall provide all comments to the applicant for resolution, and the applicant shall work directly with each external agency as necessary to resolve all issues. The Zoning Administrator and the city are not responsible for delays in approval of development plans when a development permit applicant is required to be approved by an external agency but has not obtained approval from that external agency with jurisdiction over the development proposal.
 4. When consistent with said provisions, approval of land disturbance and development plans pursuant to this Article shall constitute approval of development permit required by Chapter 23.1 of this Land Use Management Code and approval of soil erosion and sedimentation control plans and authorization to engage in land-disturbing activities as required by Article 13 of this Land Use Management Code.

When land-disturbance plan sets have been approved by the Oconee River Soil and Water Conservation District, at least one (1) copy of said plans will be made available to the applicant. Land developers are required to maintain a copy of approved plan sets on the project site. The Department shall file at least one (1) printed or electronic set of approved land-disturbance plans.

- (g) Zoning Administrator's Decision Criteria. The only basis upon which the Zoning Administrator may deny a land disturbance and development plan is the failure of the application to meet the requirements of this Article or the Land Use Management Code generally, or any other applicable local regulations or the failure of the land disturbance and development plans and application to meet the requirements of preliminary plat approval specified by the Planning Commission. If the development permit application and plans are found to not comply with the requirements of this land use management code, the Zoning Administrator shall indicate on the drawing or in writing all comments related to lack of compliance with this land use management code. The Zoning Administrator shall deny or withhold approval of the development permit application in cases where the proposed development does not meet the requirements of this land use management code or the comments of any other internal or external agency with jurisdiction to review the development permit application. No land-disturbance or development permit shall be issued by the Zoning Administrator unless the erosion, sedimentation and pollution control plan if required has been approved by the Oconee River Soil and Water Conservation District and the Zoning Administrator has affirmatively determined that the plans comply with the requirements of this land use management code.
- (h) Issuance. When a development permit is issued, it shall be assigned a number by the Zoning Administrator and the applicant shall be supplied a development permit which must be posted on the development site prior to commencement of any land disturbing activity along with a copy of the approved development plans.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.3. Application for Final Plat.

Applications for final plat approval shall include the following:

- (a) Application form. Completion of an application form with information specified by the Zoning Administrator, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.
- (b) Copies of plat. Copies of the final subdivision plat in a number as established by the Zoning Administrator, showing the entire ownership and drawn to the specifications required by this Article.
- (c) Fee. Payment of the applicable application and review fees as established by the Governing Body from time to time for a final plat.
- (d) Payment for signs and striping. Payment for materials and installation of traffic signs and street name signs in an amount determined by the City Engineer. Payment of the cost of

street striping or signalization, if required and not completed by the owner, shall also be included with the application.

- (e) Financial guarantee of improvements. For major subdivisions involving public improvements, a subdivision improvement guarantee as specified in this Article.
- (f) Protective covenants and homeowner's association documents. If required by the provisions of this Article, a homeowners' association or property owners association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the Zoning Administrator.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.4. Format for Final Plats and Condominium Plans.

All images of a plat or condominium plan submitted for filing in the office of the clerk of superior court shall:

- (a) Be at full size of the drawing scale stated thereon;
- (b) Be an electronic image of a plat or condominium plan presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;
- (c) Comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors; and
- (d) Provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.5. Data for Final Plats Required per State Law.

This section enumerates data required to be shown on plats per the Georgia Plat and Condominium Plan Recording Act of 2017.

- (a) County. The county where the property lies.
- (b) City. Any municipality wherein the property lies.
- (c) Owner. The name of the property owner or owners of the subject property as stated on the most current or applicable title instrument.
- (d) Plat type. The type of plat (final subdivision, boundary line adjustment, lot combination, retracement survey, easement survey, dedication plat, etc.)

- (e) Name. The name of any subdivision if the property lies within a named subdivision or if the plat is creating a new subdivision; or the name of any condominium if the property is within a condominium development.
- (f) Division designations. The applicable units, pods, blocks, lots, or other subdesignations of any named subdivision or condominium.
- (g) Developer. The name or names of the developer or developers of any named new subdivision or condominium.
- (h) Land lots and districts. All applicable land lots, land districts, sections, reserves, or militia districts wherein the platted property lies.
- (i) Date and revision dates. The date of initial preparation and issuance and any revision dates, including a brief explanation of each revision.
- (j) Surveyor. The name, address, and telephone number of the land surveyor who prepared and sealed the plat and, if working for or through a firm, corporation, partnership, association, limited liability company, or other entity, then also the certificate of authorization number of that entity, in which case the address and telephone number of such entity are acceptable in lieu of the individual surveyor's address and telephone number.
- (k) Surveyor registration. The registration number of the land surveyor or a statement that he or she is the county surveyor and is not required by law to be a registered surveyor
- (l) Surveyor seal. The seal of the land surveyor who has prepared the plat and is signing the surveyor certification, which shall be placed within or next to the surveyor certification box.
- (m) Page numbers. If the plat has multiple pages the page number for each applicable page and the total number of sheets in the set shall be placed on each sheet in the same or similar location. The information required by this paragraph may be placed on all sheets or on different sheets within the set submitted for filing; and
- (n) Scale. The scale of the plat stated and shown graphically
- (o) Surveyor certification box for subdivision plats. Each plat involving a subdivision shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”

The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

- (p) Additional certifications. Additional dates, certifications, and signatures, which may be electronically created signatures, may be placed on plats. Such certifications may include, but are not limited to, those that may be required by local jurisdictions or agencies, the United States Small Business Administration, the United States Department of Housing and Urban Development, and the American Land Title Association.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.6. Data Required for Final Plats per State Rules and Regulations.

This section enumerates selected data required to be on plats per Rules and Regulations of the State of Georgia, Department 180, "State Board of Registration for Professional Engineers and Land Surveyors," Chapter 180-7, "Technical Standards for Property Surveys, and local requirements. It is the land surveyor's responsibility to provide all data required by said rules, and the lack of inclusion of said rule requirements in this section shall not relieve a land surveyor from complying with said requirements:

- (a) Point of beginning and point of reference. There shall be a point of commencement and/or a point of beginning that can be readily re-established. The direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats or other documents on public record, including state plane coordinates when applicable. The point of reference may lie on or within the boundary of the survey.
- (b) Names of adjoining subdivisions and property owners and documents reviewed. The names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records, along with a notation as to what documents were reviewed for each adjacent property.
- (c) Roads. Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property.
- (d) Water. All water boundaries.
- (e) Easements. The width and the former widths, if pertinent, of easements adjacent to or crossing the property.

- (f) Encroachments and cemeteries. Apparent encroachments and observed evidence of human burials or cemeteries.
- (g) North arrow. An arrow to indicate the principal meridian and a notation as to the reference of bearings to magnetic north, astronomic north, record or grid north. A grid north reference shall indicate the zone. Record north shall reference the document or survey to which the meridian is oriented and the line of the survey to which the "record bearing" was applied to.
- (h) Metes and bounds bearings and distances and areas. Bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet. The total acreage of the subdivision shall be shown. All bearings, distances, and areas shown on the survey shall be based upon the measurements of the surveyor, except that both the measured and the record measurements may be shown if the surveyor feels that such comparison is necessary or otherwise required, in which case a clear distinction shall be made as to which are measured and which are record. All angular directions shall be represented in degrees, minutes, and seconds. Distances that are shown for proximity purposes only and have not been measured shall be clearly labeled as "approximate"; A metes and bounds description shall describe all courses in logical sequence around a lot or tract in a clockwise direction such that the ending point is the beginning point. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance of regular curves. Chord distances and directions shall be given for irregular curves.
- (i) Equipment reference. A statement to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the plat, or the proper notations required by Rule 180-7-.09 when GPS equipment is used in performing the survey.
- (j) Closure precision. The closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in ____ feet."
- (k) Monuments. Monuments shall be set at all boundary corners. All monuments found, placed or replaced shall be described on the survey plat. The land surveyor shall set monuments, unless monuments already exist or cannot be set due to physical obstructions. Those monuments that cannot be set due to physical obstructions shall have a reference monument set. Said reference monument shall be referenced on the plat by bearing and distance from the true position of said monument. Also, said reference monument shall be set far enough away from the true corner so as not to be confused with the position of the true corner. Corner descriptions shall state the size, material and cap identification of the monument as well as whether the monument was set or found. In the case of badly disturbed or deteriorated monuments that are replaced for the purpose of position preservation, the survey shall indicate the size, type, and material of both the found monument and the monument with which it was replaced.
- (l) Monument specifications. All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by magnetic locators. Said monuments shall have a minimum length of 18 inches. Monuments placed at land lot

corners, district corners or county corners shall if a rod have a minimum diameter of 5/8 inches, a pipe of 1 inch diameter or a concrete or stone monument of not less than 4 inches square. Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the land surveyor in responsible charge or the name of the business entity and/or Certification of Authorization number (COA #).

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.7. Additional Final Plat Data Required Locally.

In addition to the requirements of state law and state rules and regulations, all plats shall include the following additional information:

- (a) Street names. Street names including both the name and the suffix, such as “street,” “avenue,” etc.
- (b) Location sketch or vicinity map. A hand-drawn or map reproduction, whether or not to an engineering scale, showing the subject property in context of a larger area. Typical scale when a scale is used, is 1 inch equals 2,000 feet.
- (c) Road centerlines, pavement widths and radii. The centerline of all roads within or adjacent to the subdivision, and the exact pavement width of the road or roads abutting the subject property and within the subdivision. For cul-de-sacs, both the right of way radius and the pavement radius shall be shown. In addition, the right of way and pavement radii of all street intersections shall be shown.
- (d) Lot and block identifiers. Lots numbered in numerical order and blocks lettered alphabetically.
- (e) Addresses. Prior to recording, the street address number shall be shown on each lot as assigned by the Jackson County Department of Emergency Services.
- (f) Building setbacks. Front building setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- (g) Flood hazard area note. A note indicating whether or not the property is located within a 100-year flood plain, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps, along with the community map panel number and effective date.
- (h) Dedications and common areas. Any areas to be reserved, donated, or dedicated to public use and common use shall be shown along with their acreage. If streets are to be dedicated, the total linear distance of streets to be dedicated shall be indicated on the plat.

- (i) Private covenants. Statement of and reference to private covenants, conditions and restrictions, if any.
- (j) Other data. The Zoning Administrator may require that additional information be shown on the final plat, including but not limited to the existing zoning district and if applicable zoning conditions, zoning overlay, if applicable, variances if applicable, required stream buffers and zoning buffers, and wetlands.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 24.4.8. Locally Required Final Plat Certifications.

The following certifications shall be required for final plats, as applicable:

- (a) Owner's certification. A certificate signed by the owner directly on the final plat, as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat and that all state, city and county taxes or other assessments now due on this land have been paid.

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (b) Certificate of approval and signature block. The following certification of approval and signature block shall be provided on the plat:

"Pursuant to the land use management code and all requirements of approval having been fulfilled, this final plat was given final approval by the Zoning Administrator and it is entitled to be recorded in the Clerk's Office, Jackson County Superior Court."

Signature, Zoning Administrator" [insert date signed]

- (c) Certificate of dedication. If the subdivision involves the dedication of land or streets to the public, the following certification shall be provided on the plat:

The owner dedicates to the public for use forever the street right of way(s) and/or other public dedications shown on this plat, as follows:

Street right of way(s): ___ linear feet and ___ acres.

Other: ___ acres.

**Article 26, Subdivisions and Land Development
Jefferson-Talmo Land Use Management Code**

Official acceptance of this dedication is not fully accomplished until Sections 26.4.15 and 26.4.16 are complied with.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (d) Health department certificate. If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

"This final plat has been approved by the Jackson County Health Department as being consistent with applicable state and local environmental health requirements.

Signature, Director, Jackson County Health Department Date"

For a minor subdivision, the Zoning Administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lot(s) included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note: "Each lot must be reviewed and approved by the Jackson County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit."

- (e) Engineer's utility certificate. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

"The civil engineer responsible for the design and oversight of construction of water and/or sewer lines within this subdivision to be dedicated, hereby certifies that said water and sewer lines have been constructed and inspected as being in accordance with the standard specifications of the utility provider(s) and the requirements of this land use management code:

Signature, Name of Professional Engineer Date"
(affix seal)

- (f) Utility dedication certificate. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

**Article 26, Subdivisions and Land Development
Jefferson-Talmo Land Use Management Code**

"The owner hereby dedicates to the Jackson County Water and Sewerage Authority [or City of Jefferson] forever the water and sanitary sewer lines within easements or within street rights of ways shown on this plat, as follows:

Water lines: ___ linear feet.
Sanitary sewer lines: ___ linear feet.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (g) Utility acceptance of dedication. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

The Jackson County Water and Sewerage Authority [or the City of Jefferson, whichever has jurisdiction] hereby accepts the water and/or sanitary sewer lines within easements or within street rights of ways shown on this plat

Signature, Jackson County Water and Sewerage Authority [or City Engineer] Date"

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.9. Final Plat Procedures.

- (a) When Required. All major subdivisions, minor subdivisions, boundary line adjustments, lot combinations, and dedications shall require final plat approval. The final plat approval process is administrative.
- (b) Completeness check. The Zoning Administrator shall review the final plat application for completeness within no more than ten calendar work days from the time of submission. Incomplete applications will not be processed and will be returned to the applicant.
- (c) Distribution and agency review of final plat. The Zoning Administrator may forward a copy of the final plat application to other city departments as may be appropriate, the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road, or others as appropriate, for their review and comment. Agency review shall specifically include the approval from the Jackson County Environmental Health Department if septic tanks are proposed within a major subdivision, and public utility providers in cases where connection to public water and/or sewer is proposed or required.
- (d) Time period for completion of review. Except for final plats that have frontage on or propose access to a state or federal road which require review by the Georgia Department of Transportation (which require a 30 day review period), within no more

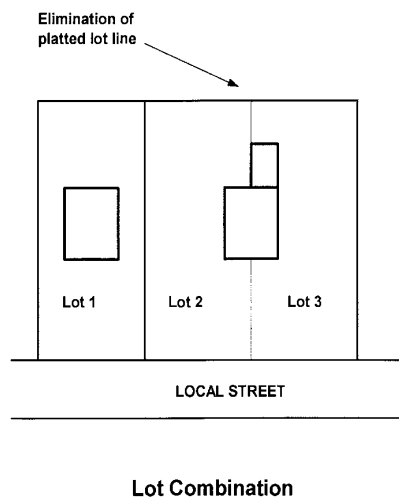
than 25 calendar work days following receipt of a complete final plat application, during which agency review shall be completed, the Zoning Administrator shall indicate on the final plat or in writing all comments related to compliance with this Article and the land use management code. The Zoning Administrator shall provide all comments to the applicant for resolution, who shall work with each department as necessary to resolve all issues.

- (e) Criteria for Approval. The Zoning Administrator shall grant final plat approval if: (a) a preliminary plat of the proposed subdivision, if required, has been previously approved by the Planning Commission (not required for minor subdivision); all external agencies as may be required have approved the final plat; where new improvements are involved in the subdivision, land disturbance and development plans have been approved by the Zoning Administrator, all improvements have been installed, improvements have been inspected, and subdivision improvement guarantees as required by this Article have been submitted; the final plat meets all applicable requirements of this Article; and a complete final plat application has been submitted, including all supporting materials required by this chapter for final plats.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.10. Combination Plat.

- (a) An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the final plat requirements of this Article.

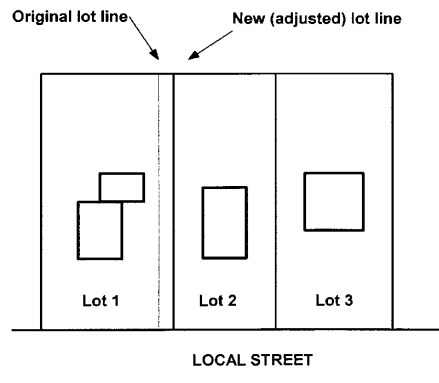


- (b) Where separate lots of land are proposed to be combined, they shall be submitted to the Zoning Administrator as a final plat for review and approval. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Zoning Administrator as a final plat.
- (c) Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.11. Boundary Line Adjustment.

- (a) One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Zoning Administrator and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Zoning Administrator.



Boundary Line Adjustment

- (b) Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.12. Recording of Final Plat.

- (a) Once the final subdivision plat has received approval as evidenced by signature of the Zoning Administrator, the applicant shall record the plat electronically with the Jackson County Clerk of Superior Court.
- (b) The applicant is responsible for paying any required recording fees.
- (c) The applicant for final plat approval shall be responsible for forwarding an electronic copy of the final plat as recorded, along with recording information, to the Zoning Administrator. Building permits may be withheld pending receipt of the electronic copy of the recorded final plat.
- (d) Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.13. Revision of Final Plat.

The application requirements and procedures for amending final plats shall be the same as for final plat applications.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.14. Limitations on Minor Subdivisions.

- (a) Purpose. Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Governing Bodies of the participating municipalities to prohibit the practice of “chain” subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than five (5) lots. It is also the intent of the Governing Bodies of the participating municipalities to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.
- (b) Contiguous Common Parcels Shown on Minor Subdivision Plats. Contiguous common parcels, as defined by this Article, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Contiguous common parcels shall not be counted as lots in the case of a minor subdivision.
- (c) Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this Article. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.15. Subdivision Improvement Guarantee.

- (a) Improvements. All public improvements required for subdivisions shall have been properly installed and completed in accordance with all requirements and standards of this land use management code (other than traffic signs, street name signs, street striping, and signalization) prior to final plat approval.
- (b) Types of acceptable guarantees. The financial guarantee of the subdivider or developer may be any of the following: an escrow of funds with the Governing Body with jurisdiction; an escrow with a bank or savings and loan association upon which the Governing Body with jurisdiction can draw; an irrevocable letter of commitment or credit

upon which the Governing Body with jurisdiction can draw; a performance bond for the benefit of the city upon which the Governing Body with jurisdiction can collect; a certificate of deposit with assignment letter; or any other form of guarantee approved by the Governing Body of the participating municipality that will satisfy the objectives of this section.

- (c) Submission. Prior to approval of a final subdivision plat, a subdivision improvement guarantee in a form acceptable to the Zoning Administrator is required for all completed improvements shown on the as-built surveys required by this land use management code. Prior to final plat approval, the owner of a subdivision involving public improvements shall submit a subdivision improvement guarantee.
- (d) Maintenance period and duration of guarantee. The subdivider shall maintain any public improvements in the subdivision, for a period of two years or until certificates of occupancy have been issued for 75% or more of the principal buildings on the lots shown on the final subdivision plat, whichever occurs later. The two-year maintenance period shall begin upon recordation of the final subdivision plat. If the two-year term expires before the issuance of certificates of occupancy for 75% or more of the principal buildings on the lots shown on the final subdivision plat, the improvement guarantee shall be renewed or extended, until Certificates of Occupancy have been issued on 75% of the principal buildings on the lots shown on the final subdivision plat. The subdivider shall not assign this responsibility to another entity without permission of the Zoning Administrator.
- (e) Amount of guarantee. The value of the improvement guarantee shall be equal to 20 percent of the actual cost of construction of the improvements shown on the as-built surveys or final plat. The cost of construction shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined or accepted by the Zoning Administrator.
- (f) Inspection. Prior to the end of the maintenance period, the subdivider shall request an inspection of the subdivision's public improvements. The Zoning Administrator or designee shall perform the inspection. The subdivider shall be notified of the inspection results in writing at least 30 days prior to receipt of a request from the subdivider to the county to initiate an inspection.
- (g) Repairs. If repairs are needed for the public improvements to meet county specifications during the two-year maintenance period, the subdivider shall be required to make such repairs within 30 days, after written notification by the Zoning Administrator. The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. When the subdivider completes the necessary maintenance repairs, he or she shall request in writing that the Zoning Administrator or designee inspect the repairs. The Zoning Administrator or designee shall inspect the repairs and notify the developer of the inspection results.
- (h) Remedy. If the repairs are not completed, the subdivision improvement guarantee shall be called to pay for the repairs. Should the amount of the subdivision improvement guarantee be inadequate to pay for the repairs, the developer shall pay the remaining amount.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.16. Warranty Deed and Resolution of Acceptance.

Subdivision streets and right of ways and other lands to be dedicated to the public shall be accepted by the city with jurisdiction only upon the approval by the Governing Body of a general warranty deed conveying fee simple title of such right of ways and lands. The warranty deed shall be accompanied by a certificate of title and a tax transfer form addressed to the Governing Body, certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. The subdivider shall forward executed deeds for the streets, and dedication of other public properties if applicable, to the Zoning Administrator who will schedule the matters for the next available meeting of the Governing Body for consideration, and if approved, recording, along with a resolution accepting the public improvements for perpetual maintenance.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

Section 26.4.17. Release of Improvement Guarantee.

Upon adoption by the Governing Body of a resolution accepting the public improvements within the subdivision for perpetual maintenance, the improvement guarantee shall be released by the Zoning Administrator.

[Ord. LUMC 17-03, City of Jefferson adopted 7-24-17, City of Talmo adopted 9-5-17].

CHAPTER 26.5 CORRIDOR MAP

Section 26.5.1.	Purpose and Intent.
Section 26.5.2.	Definitions.
Section 26.5.3.	Findings and Corridor Map Adoption.
Section 26.5.4.	General Provisions.
Section 26.5.5.	Development Permit Required to Develop Reserved Land.
Section 26.5.6.	Public Hearing and Notice on Development Permit.
Section 26.5.7.	Action.
Section 26.5.8.	Authority to Acquire Reserved Land for Public Use.
Section 26.5.9.	Final Action on the Development Permit.

Section 26.5.1. Purpose and Intent.

The purposes of a corridor map are to implement local Comprehensive Plans, especially transportation and thoroughfare plans, by reserving land needed for future transportation facilities designated by a plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors where the construction and improvement of transportation facilities is expected, to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, and to protect the rights of landowners whose land is reserved on a corridor map.

Section 26.5.2. Definitions.

Corridor map: A map adopted by a Governing Body of the participating municipalities which designates land to be reserved for the construction of future or improvement of existing transportation facilities. The corridor map establishes the width and termini of corridors as necessary to allow flexibility in planning the design of a transportation facility.

Reserved land: Land shown on the corridor map as “reserved.”

Transportation facilities: Streets, highways, bikeways, sidewalks, and trails.

Section 26.5.3. Findings and Corridor Map Adoption.

The Governing Bodies of the participating municipalities reserve the right individually or collectively to adopt a corridor map that is consistent in all respects with the Comprehensive Plan or plans of participating municipalities. Prior to adoption of a corridor map, the following actions shall be taken to ensure procedural due process:

- (a) Prior to public hearing, if the proposed corridor map includes land intended for transportation facilities to be constructed or improved by governmental units other than the participating municipalities, a copy of the proposed corridor map shall be submitted to the chief executive officer of each such governmental unit who shall be allowed thirty (30) days to indicate in writing any reserved land for transportation

- facilities for which they are responsible that they want removed from the corridor map, in which case such reserved land shall be removed from the corridor map.
- (b) At least fifteen (15) days before the public hearing, the Zoning Administrator shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territory of the local government or governments with jurisdiction.
 - (c) The Zoning Administrator shall notify all owners of parcels of land that include proposed reserved land of the date, time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.
 - (d) Each Governing Body with jurisdiction shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed corridor map.

Section 26.5.4. General Provisions.

The Zoning Administrator shall not issue any permit pertaining to land use, zoning or development on land regulated by this Chapter except pursuant to the procedures and in compliance with this Chapter. This Chapter does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this Chapter forbid or restrict development on the unreserved portion of any reserved land.

Section 26.5.5. Development Permit Required to Develop Reserved Land.

An owner of reserved land who proposes to develop reserved land shall apply to the Zoning Administrator for a Development Permit. It shall be unlawful to carry out development upon land shown as reserved on the corridor map without securing a Development Permit as required by this Chapter and the Land Use Management Code generally.

Section 26.5.6. Public Hearing and Notice on Development Permit.

Upon receiving an application for a development permit involving reserved land as shown on an adopted corridor map, the Zoning Administrator shall arrange for the application to be scheduled for public hearing before the Governing Body of the participating municipality with jurisdiction. The applicant (and the governmental unit, if land is reserved for a public use by a governmental unit other than the local government) shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or facsimile, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the territory of the local government with jurisdiction at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application, as shall any governmental unit or interested individual that has an interest in the application.

Section 26.5.7. Action.

Following the public hearing, the Governing Body with jurisdiction may take one of the following actions:

- (a) Approve the development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the development permit authorizing development on the land removed from the mapped corridor.
- (b) Modify the proposed development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.
- (c) Delay action on the development permit for a defined period of time not to exceed three (3) months for the purpose of any of the following: negotiating with the property owner for the purchase of all or a part of the reserved land by the governmental agency responsible for the transportation facilities; acquiring the reserved land voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; taking the reserved land through eminent domain and the payment of just compensation.

Section 26.5.8. Authority to Acquire Reserved Land for Public Use.

After considering the development permit by the Governing Body of the participating municipality pursuant to this Chapter, the local government or other governmental unit responsible for the transportation facilities may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain.

Section 26.5.9. Final Action on the Development Permit.

If the Governing Body of the participating municipality with jurisdiction delays action on the development permit as provided by this Chapter. and the governmental agency responsible for transportation facilities on the reserved land fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed three (3) months, then the Governing Body of the participating municipality shall approve the development permit, with or without conditions, or in the absence of such approval, the development permit shall be deemed approved as submitted.

**ARTICLE 27
EXURBAN/RURAL DESIGN AND IMPROVEMENT REQUIREMENTS**

CHAPTER 27.1	GENERAL PROVISIONS
CHAPTER 27.2	DESIGN REQUIREMENT FOR STREETS
CHAPTER 27.3	PRIVATE STREETS
CHAPTER 27.4	DESIGN REQUIREMENTS FOR LOTS AND BLOCKS
CHAPTER 27.5	STORM DRAINAGE AND UTILITIES

**CHAPTER 27.1
GENERAL PROVISIONS**

Section 27.1.1.	Purpose.
Section 27.1.2.	Definitions.
Section 27.1.3.	Authority.
Section 27.1.4.	Applicability and Exemption.
Section 27.1.5.	Engineered Drawings
Section 27.1.6.	<i>[Deleted per amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 27.1.7.	Improvements to Abutting Land

Section 27.1.1. Purpose.

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code.

Section 27.1.2. Definitions.

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 27.1.3. Authority.

The Quad Cities Planning Commission is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in Article 26 of this Land Use Management Code. The Quad Cities Planning Commission is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator, as staff to the Quad Cities Planning Commission, is hereby authorized to review and approve certain subdivision specified in Article 26 of this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 27.1.4. Applicability and Exemption.

This Article shall apply in all Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by Article 26 of this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Quad Cities Planning Commission. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Quad Cities Planning Commission pursuant to this Article.

Section 27.1.5. Engineered Drawings.

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 27.1.6. *[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

Section 27.1.7. Improvements to Abutting Land.

For subdivisions and land developments that access an abutting public street, the subdivider or land developer may be required by the Quad Cities Planning Commission or Zoning Administrator to make certain improvements according to standards and specifications in this Article or adopted pursuant thereto, along all abutting public streets accessed. Determination of necessary improvements to an abutting public street shall be based on the capacity of the street to accommodate the increased level of traffic due to the development of land. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road design standards

Article 27 Exurban/Rural Design and Improvement Requirements
Jefferson-Talmo Land Use Management Code

specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

CHAPTER 27.2 DESIGN REQUIREMENTS FOR STREETS

Section 27.2.1.	Standards for Configuring New Streets.
Section 27.2.2.	Requirements for Streets.
Section 27.2.3.	<i>[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 27.2.4.	Street Lighting.
Section 27.2.5.	Street Signs.
Section 27.2.6.	Curbs and Gutters.
Section 27.2.7.	Sidewalks.

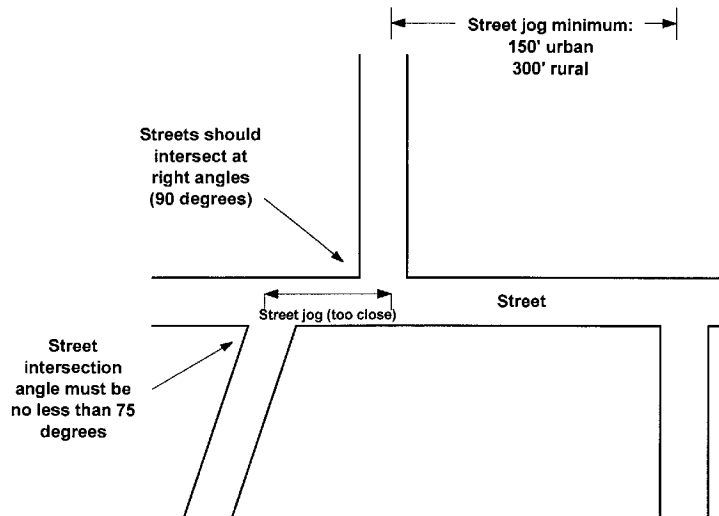
Section 27.2.1. Standards for Configuring New Streets.

1. Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 300 feet (exurban/rural areas).

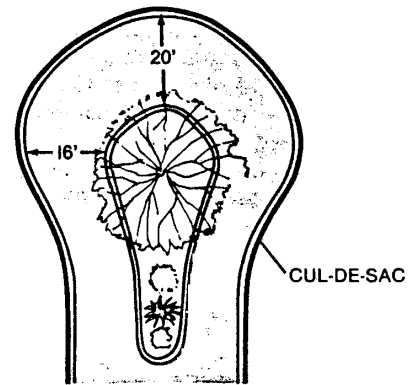
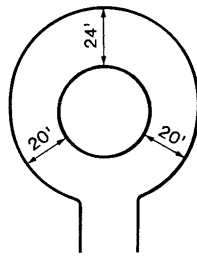
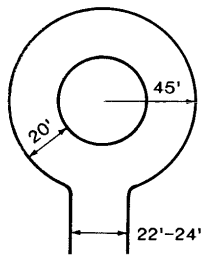
2. Continuation of Existing Streets and Connections. Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Planning Commission may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

3. Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.

4. Dead-end Streets and Cul-de-sacs. Streets that dead-end shall terminate in a cul-de-sac or acceptable alternative street ending such as a center island cul-de-sac or hammerhead "T" turnaround. The maximum length of such streets shall be 1200 feet (exurban/rural areas).



Intersection Angles and Street Jogs



Source: Kulash, Walter M. 2001. *Residential Streets*, 3rd Ed. Washington, DC: Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers, and Institute of Transportation Engineers. p. 35.

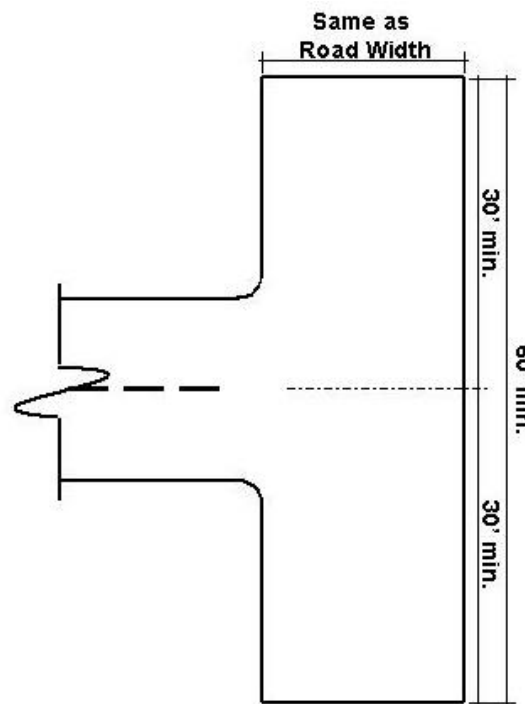
Illustrative Cul-de-sacs With Islands

Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 4.43, p. 355. New York: McGraw-Hill.

Center-island cul-de-sacs shall minimum radii approved by the Planning Commission, which may approve alternative, flexible center-island cul-de-sac designs (for instance, see figures) as a part of preliminary plat approval.

Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Quad Cities Planning Commission.

A hammer-head turnaround shall have a minimum pavement width the same as the road width (or not less than 15 feet), and shall extend a minimum of 30 feet to either side of the centerline of the dead-end street (60 feet total). The cross piece of the "T" shall be located within a 50 feet wide right-of-way that shall extend at least 10 feet beyond the ends of the pavement.



Hammerhead/T Detail

5. Alleys and Service Access. Alleys may be permitted in exurban/rural areas. If alleys are provided, they must be paved with asphalt or concrete or finished with gravel. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).

6. Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Planning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Planning Commission may also require a 20 foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

Section 27.2.2. Requirements For Streets.

1. Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO) standards, unless it can be shown that alternative specifications are equivalent to said standards and are more in keeping with exurban/rural character, in which case modifications to said standards may be made by the Planning Commission.

2. Grading and Stabilization of Street Rights-of-way. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Quad Cities Planning Commission. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.

3. Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Quad Cities Planning Commission.

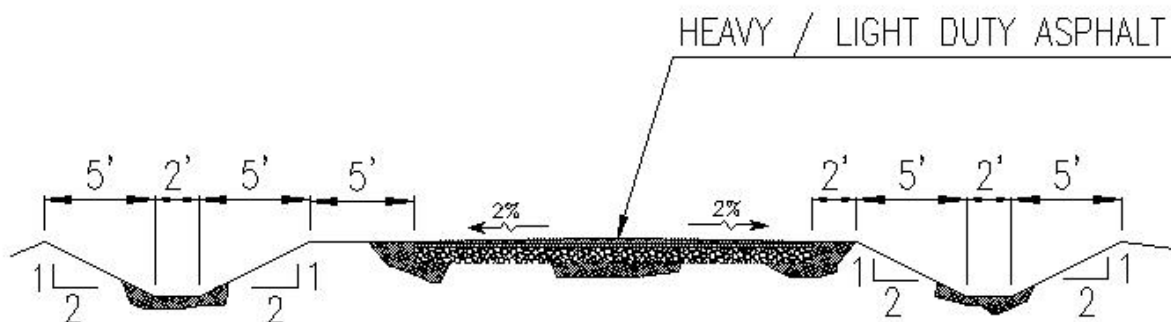
4. Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Quad Cities Planning Commission finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.

5. Minimum Street Right-of-way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following (also see cross-section figure):

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	80	30*
Local street with curb and gutter	50	26 (back of curb to back of curb)
Local street without curb and gutter	60	22
Cul-de-sac turn around radius	50	40
One-way Lane or Alley	30	10

* Width may vary based on proposed design of collector road, subject to approval of the Planning Commission.

[Amended by Ord. LUMC 17-07, City of Jefferson adopted 1-22-18; City of Talmo adopted _____]



6. Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1250	250
Collector street	500	100
Local street with curb and gutter	100	100
Local street without curb and gutter	100	100
Dead-end street	100	100

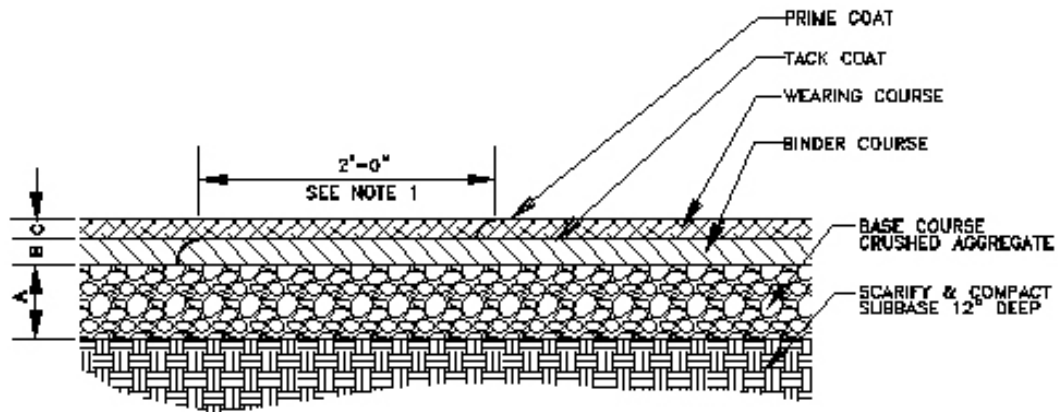
7. Street Paving Standards. All new streets shall be paved; provided, however, that a variance from this paving requirement may be granted by the Quad Cities Planning Commission in cases where the lots in a planned subdivision are five acres or greater in size and/or in areas designated as water supply watersheds. In the case of such a variance, the standard for a gravel road shall be followed.

Street paving must at minimum meet the following:

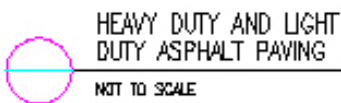
Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

Base Compaction: Before paving is commenced, the subdivider shall provide two copies of a certificate from an engineer or certified private testing laboratory of the compaction test on the graded aggregate base course.

PAVEMENT COMPONENTS	HEAVY DUTY PAVING	LIGHT DUTY PAVING
GRADED AGGREGATE BASE, (A)	8"	5"
ASPHALTIC CONCRETE BINDER, TYPE B, (B)	2"	2"
ASPHALTIC CONCRETE WEARING SURFACE TYPE F, (C)	1 1/2"	1 1/2"



NOTE:
 1. PROVIDE 2'-0" MINIMUM OVERLAP OF LONGITUDINAL AND TRANSVERSE JOINTS IN ASPHALT PAVEMENT.



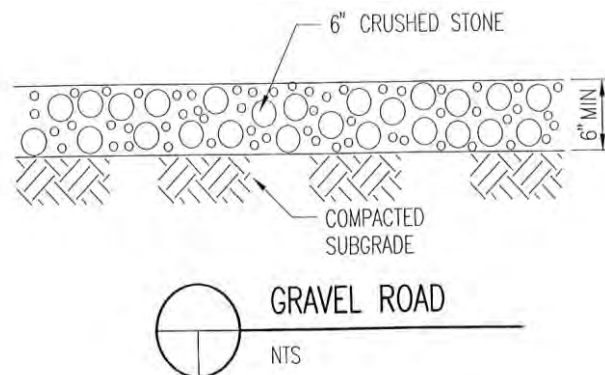
Commercial/Heavy Roads

- A. 10.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Residential/Subdivision Streets

- D. 6.0 inches of graded aggregate base course compacted to 95%.
- E. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- F. 1.5 inches of asphaltic concrete wearing surface type "F".

Gravel Roads/Alleys: Gravel roads shall consist of a subgrade that is proofrolled consistent with standard paving practices and a six (6) inch base of crushed stone compacted to 95%.



Section 27.2.3 *[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

Section 27.2.4. Street Lighting.

In the interest of preserving the rural atmosphere of the night sky in exurban and rural areas, street lighting along streets in new subdivisions or land developments is discouraged. If desired by a developer, streetlights must be installed in accordance with local utility company standards and should additionally be designed and detailed so as to be compatible with the rural environment (i.e., post-top lights, not cobra-head lights). Installation of the streetlights shall be the responsibility of the developer.

If street lights are installed along private streets, it shall be the responsibility of the developer and then the homeowner's association, upon its activation, to maintain the street lights and pay electric bills for street lighting operations.

If street lights are installed along streets to be dedicated to the public, it shall be the responsibility of the developer and then the homeowner's association, upon its activation, to maintain the street lights and pay electric bills until the first day of the month following the governing body's acceptance by warranty deed of the streets and street right of ways containing the street lights, as specified in Section 26.4.16 of this land use management code, at which time the city will assume responsibility for street light maintenance and the payment of electric bills for streets lights in said dedicated right of ways.

[Amended, City of Jefferson Ordinance LUMC 18-01 adopted May 21, 2018]

Section 27.2.5. Street Signs.

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Quad Cities Planning Commission. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Quad Cities Planning Commission and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Quad Cities Planning Commission.

Unless otherwise adopted by the Quad Cities Planning Commission, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 27.2.6. Curbs and Gutters.

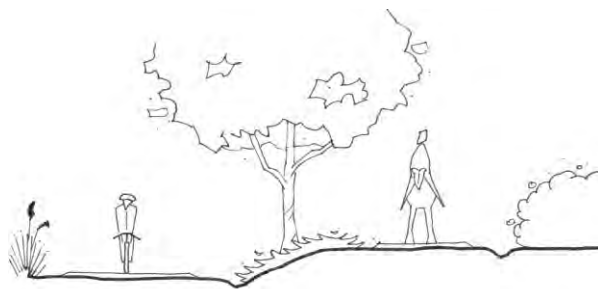
- (a) Curbs and gutters shall not be required for roads in exurban and rural area developments. Should a subdivider or developer desire to construct curbs and gutters for streets in a subdivision, such curbs and gutters shall be constructed in accordance with the standards and specifications of Section 28.2.6 of this code.

- (b) The cut subgrade under all curbs and gutters (if provided) for streets shall be prepared simultaneously with the street subgrade, compacted to 95%, proofrolled and proofroll-tested as required by Section 27.2.2(7) of this article.
- (c) Under all curbs and gutters for streets (if provided), there shall be a graded aggregate base course of a depth specified by Section 27.2.2(7) of this article for the type of street (10" depth for a commercial street and 6" depth for a residential subdivision street), installed simultaneously with the street graded aggregate base course, compacted to 95%, proofrolled and proofroll-tested as required by Section 27.2.2(7) of this article.
- (d) Evidence of satisfactory completion of the required compaction test shall be submitted as specified by Section 27.2.2(7).

[City of Jefferson Amended via Ord. LUMC 19-02 adopted 8-26-2019]

Section 27.2.7. Sidewalks.

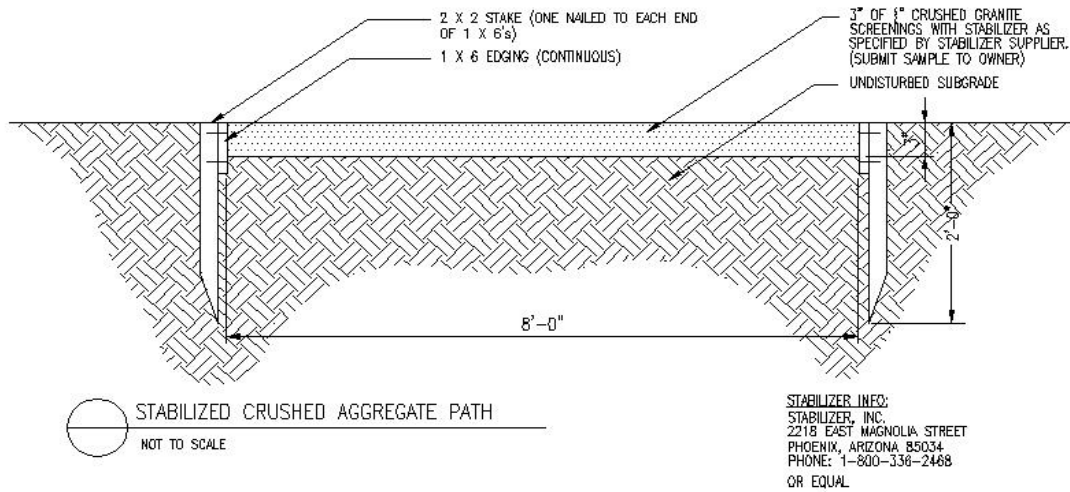
- (a) Sidewalks shall not be required in exurban and rural area developments unless sidewalks are determined to be required in the Comprehensive Plan of the participating municipality with jurisdiction, unless the Zoning Administrator determines that a public need exists for sidewalks in a certain location. If required, sidewalks shall be designed in accordance with Article 28 of this Land Use Management Code.



- (b) As an alternative to sidewalks, developments in exurban and rural areas are encouraged to include common pedestrian paths constructed of pervious surfacing materials such as gravel, brick dust, mulch or other similar surface. Such paths should follow routes that are desirable and appropriate for the individual landscape and an easement should be established, where feasible, in order to ensure the long-term accessibility of the path.
- (c) The cut subgrade under all sidewalks (if provided) along streets shall be prepared simultaneously with the street subgrade, compacted to 95%, proofrolled and proofroll-tested as required by Section 27.2.2(7) of this chapter.
- (d) Under all sidewalks along streets (if provided), there shall be a graded aggregate base course of a depth specified by Section 27.2.2(7) of this article for the type of street (10" depth for a commercial street and 6" depth for a residential subdivision street), installed simultaneously with the street graded aggregate base course, compacted to 95%, proofrolled and proofroll-tested as required by Section 27.2.2(7) of this chapter.

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Evidence of satisfactory completion of the required compaction test shall be submitted as specified by Section 27.2.2.(7).



Pedestrian Path Typical Detail

[City of Jefferson Amended via Ord. LUMC 19-02 adopted 8-26-2019]

CHAPTER 27.3 PRIVATE STREETS

Section 27.3.1.	Private Street Approval Process.
Section 27.3.2.	Engineering Plans Required.
Section 27.3.3.	Standards.
Section 27.3.4.	Street Names and Signs.
Section 27.3.5.	Easements.
Section 27.3.6.	Maintenance.
Section 27.3.7.	Specifications for Final Plats Involving Private Streets.
Section 27.3.8.	Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Section 27.3.1. Private Street Approval Process.

Private streets may, upon application, be permitted by the Governing Body of the participating municipality with jurisdiction, within major subdivisions, subject to the requirements of this Chapter. Applications for approval of private streets shall be considered by the Governing Body of the participating municipality with jurisdiction prior to preliminary plat approval. Following a recommendation by the Planning Commission to authorize private streets in a major subdivision, the Governing Body of the participating municipality with jurisdiction shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this Chapter.

Section 27.3.2. Engineering Plans Required.

It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of engineering and construction plans from the Zoning Administrator and Planning Commission in accordance with the requirements of this Chapter and Article 26 of this Land Use Management Code.

Section 27.3.3. Standards.

All private streets shall be constructed to all standards for public streets as required by Chapter 27.2 of this Code, any additional construction specifications of the Quad Cities Planning Commission, and as approved by the Quad Cities Planning Commission.

Section 27.3.4. Street Names and Signs.

Private streets shall be named, subject to the approval of the Zoning Administrator. The subdivider of land involving a private street shall install street signs with content containing the street name and the designation "private," as approved by the Quad Cities Planning Commission. The sign signifying the private street may be required by the Quad Cities Planning Commission to be a different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

Section 27.3.5. Easements.

Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the Quad Cities Planning Commission for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by this Land Use Management Code. In the cases of private streets, the general purpose public access and utility easement for the private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners association and which shall not shown to be a part of any lot or allow any lot to be divided.

Section 27.3.6. Maintenance.

The participating municipality with jurisdiction shall not maintain, repair, resurface, rebuild, or otherwise improve private streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of the Jackson County Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- (a) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven (7) or more lots fronting on a private street.
- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The Covenant shall run with the land.
- (f) The Governing Body of the participating municipality with jurisdiction may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Governing Body may require that the subdivider pay an amount of money as recommended by the Quad Cities Planning Commission into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

Section 27.3.7. Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Zoning Administrator for recording unless and until it shall contain the following items of information on the face of the plat:

- (a) Deed book and page reference to the recorded covenant required by this section.
- (b) “WARNING, _____ City of _____ has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat.”
- (c) “Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner”

- (d) The following certificate of dedication shall be required, unless the Governing Body of the participating municipality waives the dedication requirement.

“Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to the City of _____.

Signature of Property Owner”

Section 27.3.8. Requirement for Purchaser’s Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in a participating municipality with jurisdiction, the subdivider or seller of said lot shall execute a notarized purchaser’s acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser’s acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

“Purchaser’s Acknowledgement of Private Street and Drainage Maintenance Responsibility.

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (we) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the

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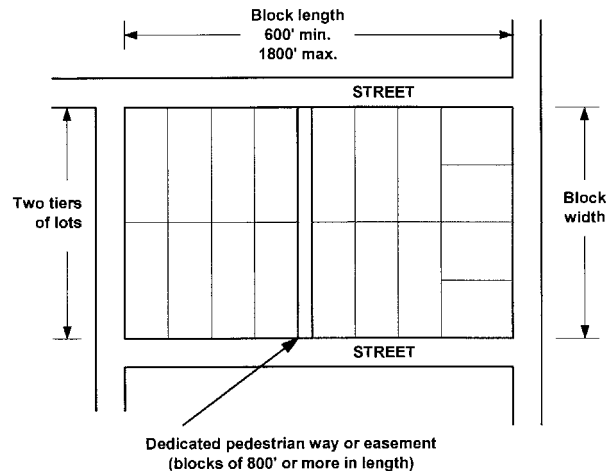
general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

CHAPTER 27.4 DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 27.4.1. Design Requirements for Blocks.
Section 27.4.2. Design Requirements for Lots.

Section 27.4.1. Design Requirements for Blocks.

1. **Block Length.** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of blocks.

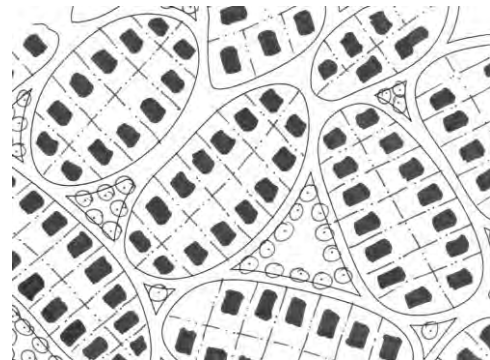


Block Length, Block Width, and Pedestrian Way

2. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

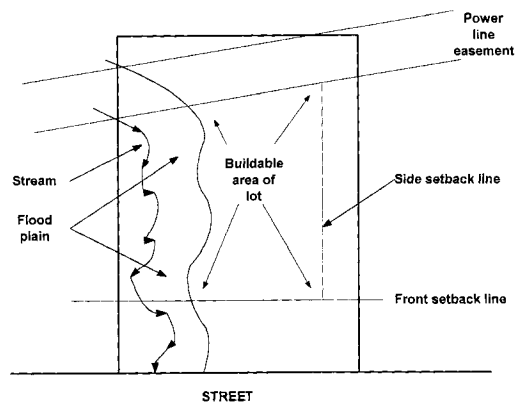
Section 27.4.2. Design Requirements for Lots.

1 **Natural Features and Assets.** In the subdividing of land, due regard shall be shown watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards (see figure).



2 **Access and Minimum Lot Frontage.** Each lot shall have access to a public or private street with the minimum lot frontage on a public or private street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.



Adequate Building Area Required

4. Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Director may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

5. Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code)..

6. Lot Area. The minimum lot area shall not be less than that established by the dimensional requirements of zoning districts in this Code (Tables 6.2, 7.2, 8.2).

7. Lot Width. No portion of a lot, with the exception of cul-de-sac lots and approved flag lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.

8. Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

9. Flag Lots. In exurban and rural areas, flag lots may be allowed under special approval from the Planning Commission due to demonstrated need related to the accessibility of property. Flag lots shall not constitute more than twenty percent (20%) of the lots in a major subdivision. Under no circumstances may more than two adjacent flag lots be permitted.

10. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

11. Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

12. Double Frontage Lots. Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 27.5 STORM DRAINAGE AND UTILITIES

Section 27.5.1.	Drainage and Stormwater Management.
Section 27.5.2.	Water.
Section 27.5.3.	Sewer.
Section 27.5.4.	Utilities.
Section 27.5.5.	Oversizing of Improvements and Utilities.
Section 27.5.6.	Procedure for Administrative Inspection and Acceptance of Public Improvements.

Section 27.5.1. Drainage and Stormwater Management.

1. General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition). The Quad Cities Planning Commission may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning Commission shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.

2. Method of Design and Capacity. Use of conventional storm sewers is discouraged in exurban and rural areas. If unavoidable, stormwater pipes and sewers shall be designed in accordance with Section 28.5.1 of this Code. Drainage swales are preferred in lieu of stormwater piping, and techniques such as pervious paving, infiltration recharge basins, vegetative filter strips and sand filter strips (see details in Section 12.3.13 of this Code) are encouraged to minimize the need for detention/retention basins. Capacity for a 25-year frequency storm event shall be provided for in all circumstances.

3. Location. Drainage facilities such as swales and ditches shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of a participating municipality. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

4. Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed

toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management Practices (BMPs) that meet the approval of the Quad Cities Planning Commission. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

5. Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and paved areas shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

6. Cross-drain Pipes. Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of a participating municipality. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition).

7. Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 27.5.2. Water.

1. Generally. All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

2. Water Main Requirements. When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition) and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/envirn/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. Wells. If a County and/or municipal public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Quad Cities Planning Commission, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to Director prior to final subdivision plat approval.

4. Community Water System. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the Jackson County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Fire Department serving the participating municipality. Location and construction of fire hydrants shall be in accordance with the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition) and shall meet the current AWWA Standard C502. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 27.5.3. Sewer.

1. General. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

2. Connection to Public Sewerage System. In exurban and rural areas, it is generally anticipated that a public sewerage system will not be reasonably accessible to serve new development. In the

case that connection to a public sewerage system is proposed by a developer, the specifications of Section 28.5.3 of this Code shall be followed regarding connection to the public sewerage system.

3. Alternative Provision. In exurban and rural areas, on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the Jackson County Health Department and according to specifications adopted by the Quad Cities Planning Commission.

4. Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Jackson County Health Department.

Section 27.5.4. Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition).

Section 27.5.5. Oversizing of Improvements and Utilities.

The subdivider or land developer shall construct such oversized improvements and utilities that the Quad Cities Planning Commission (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Quad Cities Planning Commission or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 27.5.6. Procedure for Administrative Inspection and Acceptance of Public Improvements.

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be

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outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be approved by the local governing body with jurisdiction shall be forwarded to the governing body with jurisdiction by the Zoning Administrator.

**ARTICLE 28
SUBURBAN/URBAN DESIGN AND IMPROVEMENT REQUIREMENTS**

CHAPTER 28.1	GENERAL PROVISIONS
CHAPTER 28.2	DESIGN REQUIREMENT FOR STREETS
CHAPTER 28.3	PRIVATE STREETS
CHAPTER 28.4	DESIGN REQUIREMENTS FOR LOTS AND BLOCKS
CHAPTER 28.5	STORM DRAINAGE AND UTILITIES

**CHAPTER 28.1
GENERAL PROVISIONS**

Section 28.1.1.	Purpose.
Section 28.1.2.	Definitions.
Section 28.1.3.	Authority.
Section 28.1.4.	Applicability and Exemption.
Section 28.1.5.	Engineered Drawings.
Section 28.1.6.	<i>[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 28.1.7.	Improvements to Abutting Land.

Section 28.1.1. Purpose.

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Residential Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code.

Section 28.1.2. Definitions.

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 28.1.3. Authority.

The Quad Cities Planning Commission is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in Article 26 of this Land Use Management Code. The Quad Cities Planning Commission is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator, as staff to the Quad Cities Planning Commission, is hereby authorized to review and approve certain subdivision specified in Article 26 of this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 28.1.4. Applicability and Exemption.

This Article shall apply in all Residential (R) Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by Article 26 of this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Quad Cities Planning Commission. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Quad Cities Planning Commission pursuant to this Article.

Section 28.1.5. Engineered Drawings.

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 28.1.6. *[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

Section 28.1.7. Improvements To Abutting Land.

For subdivisions and land developments that access an abutting public street, the subdivider or land developer may be required by the Quad Cities Planning Commission or Zoning Administrator to make certain improvements according to standards and specifications in this Article or adopted pursuant thereto, along all abutting public streets accessed. Determination of necessary improvements to an abutting public street shall be based on the capacity of the street to accommodate the increased level of traffic due to the development of land. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road

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Jefferson-Talmo Land Use Management Code

design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

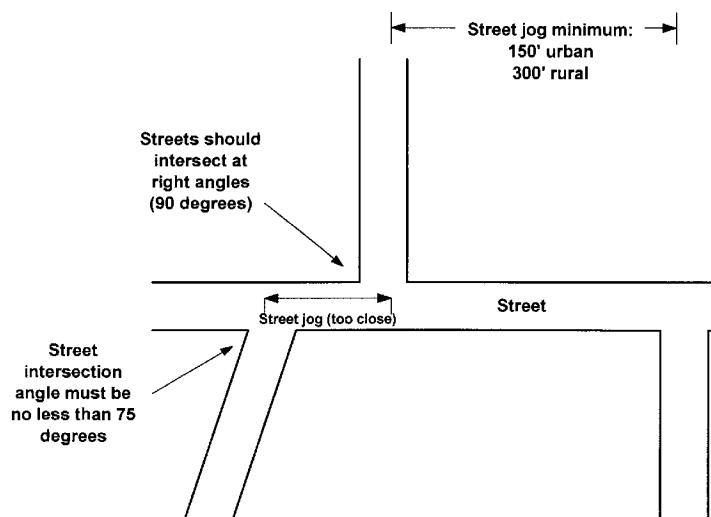
CHAPTER 28.2 DESIGN REQUIREMENTS FOR STREETS

Section 28.2.1.	Standards for Configuring New Streets.
Section 28.2.2.	Requirements for Streets.
Section 28.2.3	<i>[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]</i>
Section 28.2.4.	Street Lighting.
Section 28.2.5.	Street Signs.
Section 28.2.6.	Curbs and Gutters.
Section 28.2.7.	Sidewalks.
Section 28.2.8.	Bicycle Facility Standards.
Section 28.2.9.	Greenway Multi-Use Trails.

Section 28.2.1. Standards For Configuring New Streets.

1. Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet (urban areas).

2. Continuation of Existing Streets and connections. Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Planning Commission may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.



Intersection Angles and Street Jogs

3. Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.

4. Dead-end Streets and Cul-de-sacs. Streets that dead-end shall terminate in a cul-de-sac meeting the requirements of this Article. The maximum length of such streets shall be 600 feet in suburban/urban areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Quad Cities Planning Commission.

5. Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Planning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Planning Commission may also require a 20 foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

6. Alleys and Service Access. Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).

Section 28.2.2. Requirements for Streets.

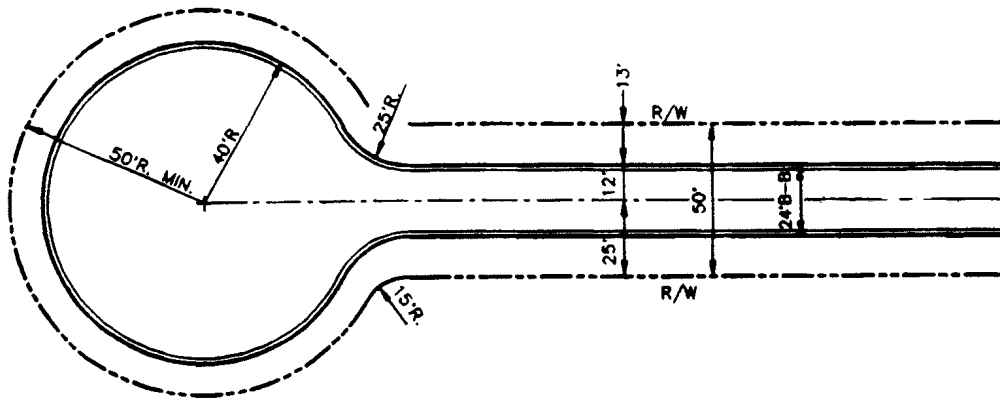
1. Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, as determined by the Quad Cities Planning Commission.

2. Grading and Stabilization of Street Rights-of-Way. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Quad Cities Planning Commission. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.

3. Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Quad Cities Planning Commission. The minimum pavement (curb) radius at street intersections shall be twenty-five (25) feet.

4. Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Quad Cities Planning Commission finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.

5. Minimum Street Right-of-Way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following:



**Residential Street With Curb and Gutter Cross Section Detail
 Cul-de-sac Detail**

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	100	(see standards below)
Collector street	80	(see standards below)
Local street with curb and gutter	50	26 (back of curb to back of curb)
Cul-de-sac turn around radius	50	40 (back of curb)
Cul-de-sac turn around radius, local commercial/ industrial	60	50
Alley	30	16

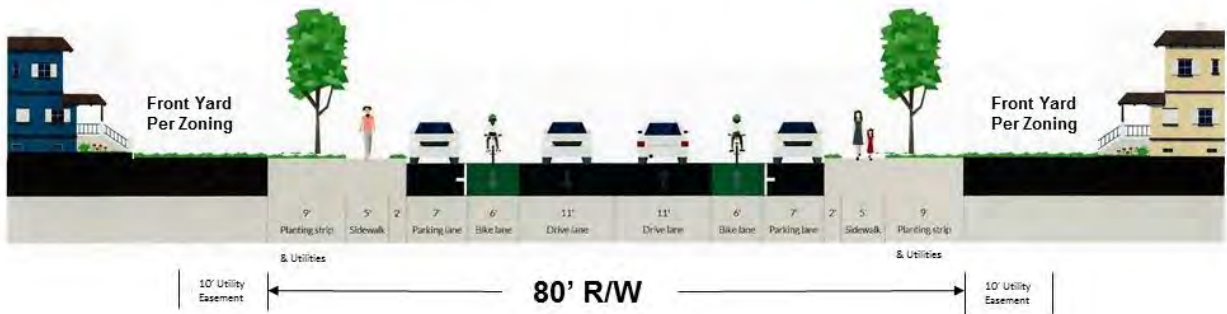
[Amended via Ordinance LUMC 16-6, City of Talmo approved 8-2-16; City of Jefferson approved 7-25-16; Amended by Ord. LUMC 17-07, City of Jefferson adopted 1-22-18]

**Collector Street Standards
 (see also standard drawings below)**

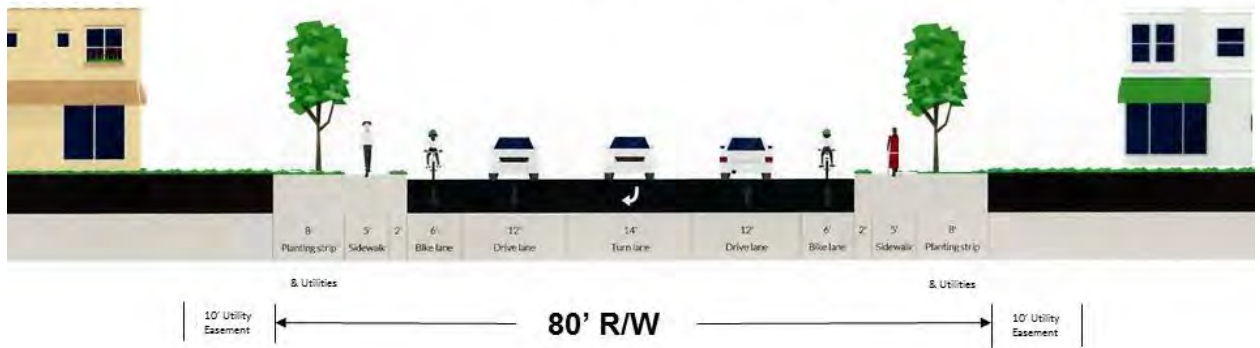
Function (as approved by Zoning Administrator)	Right of Way Width (Feet)	Travel Lanes	Parking Lane	Bicycle Lane	Center Island Median	Sidewalk	Planting, Shoulder, Utilities
Commercial (2 lanes with center turn lane)	80'	2 lanes, 12' each, 14' center turn lane	None	6' both sides	None	5' both sides	10' both sides
Commercial (2 lanes with median)	80'	2 lanes 12' each	None	6' both sides	14'	5' both sides	10' both sides
Residential	80'	2 lanes 11' each	7' both sides	6' both sides	None	5' both sides	11' both sides

(Added via Ordinance LUMC 16-6, City of Talmo approved 8-2-16; City of Jefferson approved 7-25-16)

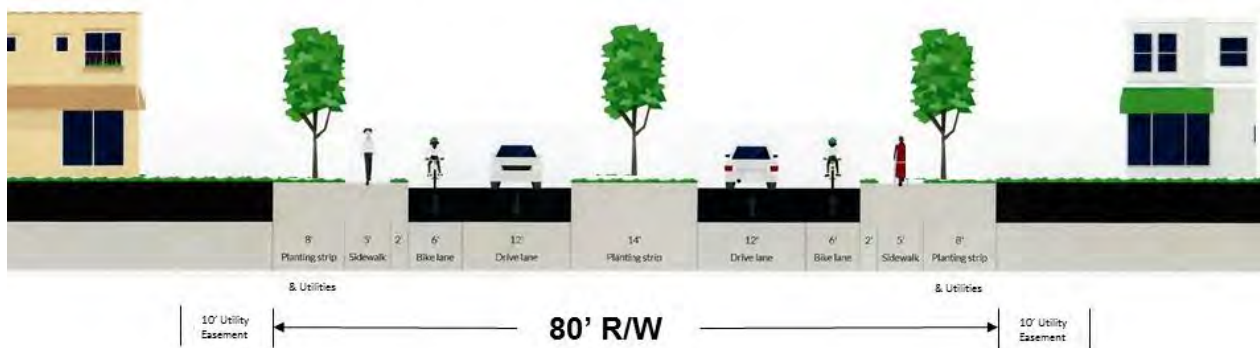
Residential Collector Street (80' R/W)



Commercial Collector Street With Center Turn Lane (80' R/W)



Commercial Collector Street With Median (80' R/W)

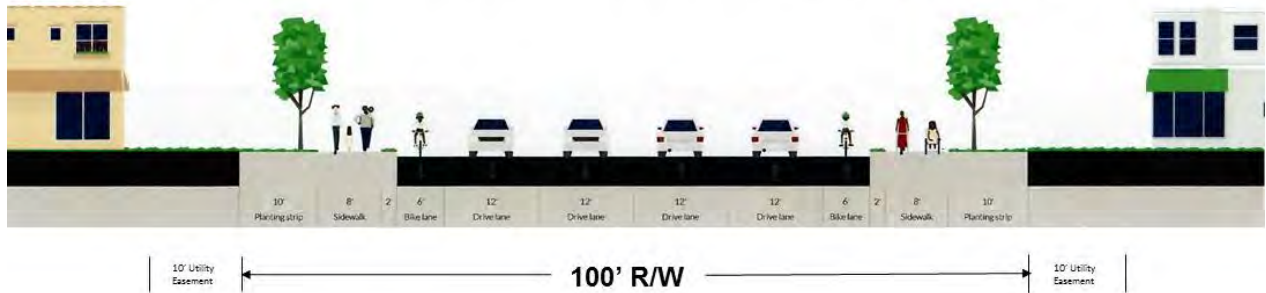


Arterial Street Standards
 (see also standard drawings below)

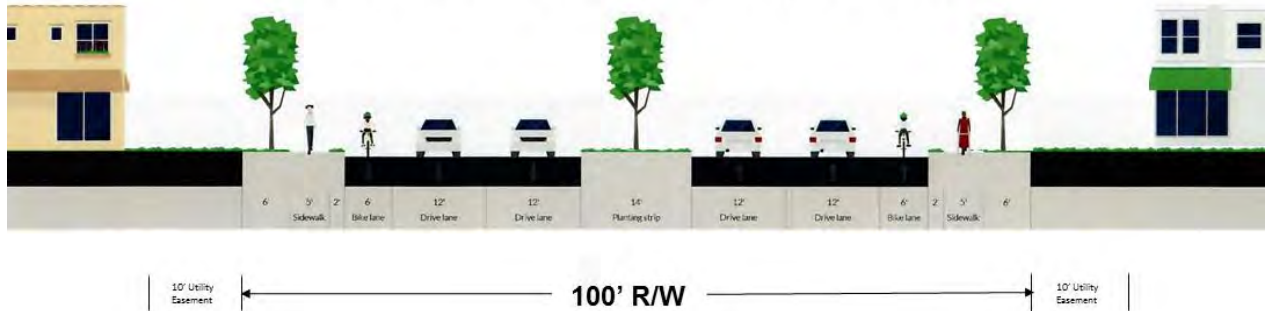
Function (as approved by Zoning Administrator)	Right of Way Width (Feet)	Travel Lanes	Parking Lane	Bicycle Lane	Center Island Median	Sidewalk	Planting, Shoulder, Utilities
Conventional 4 Lane	100'	4 lanes 12' each	None	6' both sides	None	8' both sides	12' both sides
4 lane with center turn lane	100'	5 lanes 12' each	None	5' both sides	None	5' both sides	10' both sides
4 lane with median	100'	4 lanes 12' each	None	5' both sides	12'	5' both sides	10' both sides
4 lane with multi-use paths and median	100'	4 lanes 12' each	None	None	12'	10' multi-use path on both sides	10' both sides

(Added via Ordinance LUMC 16-6, City of Talmo approved 8-2-16; City of Jefferson approved 7-25-16)

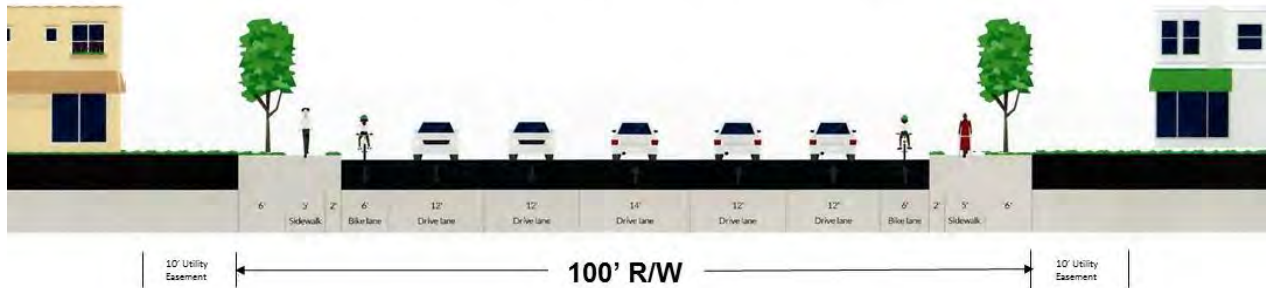
Arterial Street, Conventional Four-Lane (100' R/W)



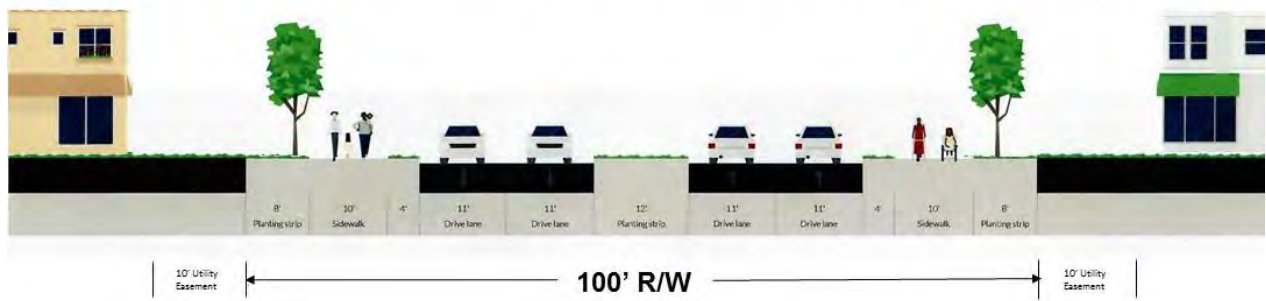
Arterial Street With Median (100' R/W)



Arterial Street With Center Turn Lane (100' R/W)



Arterial Street With Multi-Use Paths and Median (100' R/W)



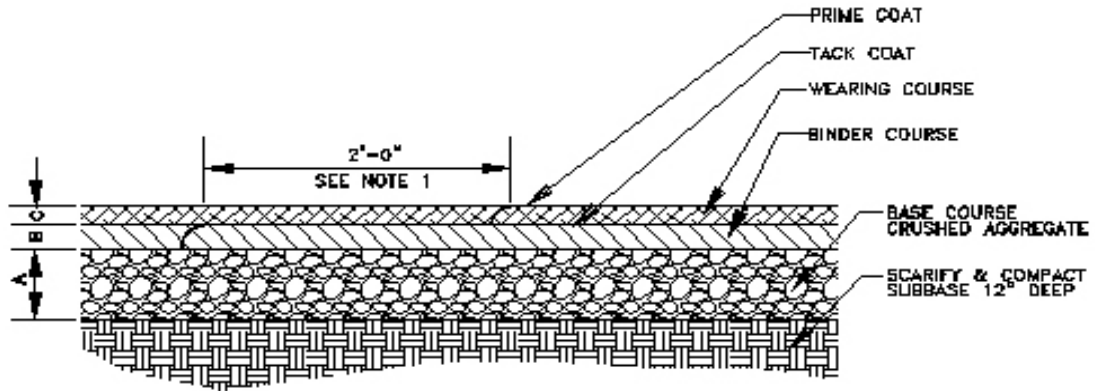
6. Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1250	250
Collector street	500	100
Local street with curb and gutter	100	100
Dead-end street	100	100

7. Street Paving Standards. All new streets shall be paved. Street paving must at minimum meet the following:

Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

PAVEMENT COMPONENTS	HEAVY DUTY PAVING	LIGHT DUTY PAVING
GRADED AGGREGATE BASE, (A)	8"	5"
ASPHALTIC CONCRETE BINDER, TYPE B, (B)	2"	2"
ASPHALTIC CONCRETE WEARING SURFACE TYPE F, (C)	1 1/2"	1 1/2"



NOTE:
 1. PROVIDE 2'-0" MINIMUM OVERLAP OF LONGITUDINAL AND TRANSVERSE JOINTS IN ASPHALT PAVEMENT.

HEAVY DUTY AND LIGHT DUTY ASPHALT PAVING
 NOT TO SCALE

C. 1.5 inches of asphaltic concrete wearing surface type "F".

Residential/Subdivision Streets

- A. 6.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "F".

Section 28.2.3. *[Deleted by amendment, City of Jefferson 8-23-10; City of Talmo 9-7-10]*

Section 28.2.4. Street Lighting.

Streetlights shall be required and must be installed in accordance with local utility company standards in all subdivision developments. Installation of the streetlights shall be the responsibility of the developer.

If street lights are installed along private streets, it shall be the responsibility of the developer and then the homeowner's association, upon its activation, to maintain the street lights and pay electric bills for street lighting operations.

If street lights are installed along streets to be dedicated to the public, it shall be the responsibility of the developer and then the homeowner's association, upon its activation, to maintain the street lights and pay electric bills until the first day of the month following the governing body's acceptance by warranty deed of the streets and street right of ways containing the street lights, as specified in Section 26.4.16 of this land use management code, at which time the city will assume responsibility for street light maintenance and the payment of electric bills for streets lights in said dedicated right of ways.

[Amended, City of Jefferson Ordinance LUMC 18-01 adopted May 21, 2018]

Section 28.2.5. Street Signs.

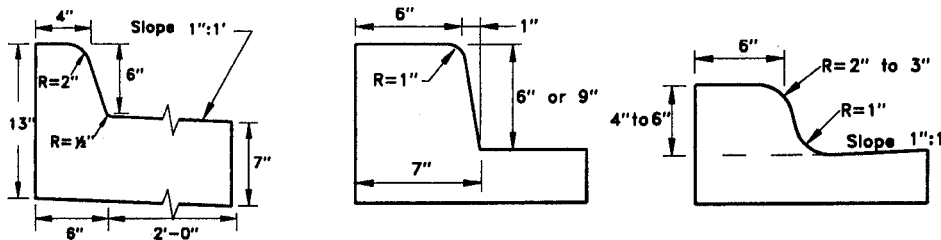
Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Quad Cities Planning Commission. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Quad Cities Planning Commission and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Quad Cities Planning Commission.

Unless otherwise adopted by the Quad Cities Planning Commission, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 28.2.6. Curbs and Gutters.

- (a) Curbs and gutters shall be installed in accordance with standards and specifications of this chapter.
- (b) Subdivisions consisting totally of lots intended for single-family residential use containing a minimum of two (2) acres shall not require curbs and gutters. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots.
- (c) When property fronting on an existing county or city street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.
- (d) Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by twenty-four inches by twelve inches (also see figure).
- (e) The cut subgrade under all curbs and gutters for streets shall be prepared simultaneously with the street subgrade, compacted to 95%, proofrolled and proofroll-tested as required by Section 28.2.2(7) of this chapter.

- (f) Under all curbs and gutters for streets, there shall be a graded aggregate base course of a depth specified by Section 28.2.2(7) of this article for the type of street (10" depth for a commercial street and 6" depth for a residential subdivision street), installed simultaneously with the street graded aggregate base course, compacted to 95%, proofrolled and proofroll-tested as required by Section 28.2.2(7) of this chapter.
- (g) Evidence of satisfactory completion of the required compaction test shall be submitted as specified by Section 28.2.2.(7).



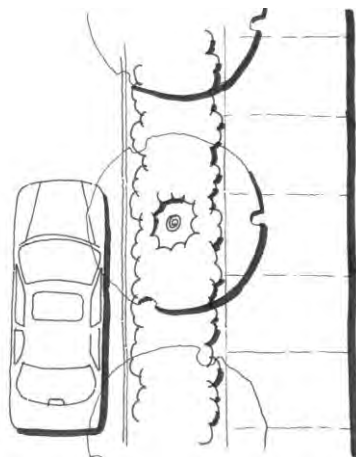
Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 20.10, p. 370. New York: McGraw-Hill.

Vertical Curb Details

[City of Jefferson Amended via Ord. LUMC 19-02 adopted 8-26-2019]

Section 28.2.7. Sidewalks.

- (a) Sidewalks shall be provided in accordance with the Comprehensive Plan of a participating municipality, unless the Zoning Administrator determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along both sides of the street internal to a major subdivision, except in cases where the average lot size of the major subdivision is two (2) acres or more or in cases where the subdivision is located within the designated Curry Creek watershed area, where a sidewalk on only one side of the street shall be required.



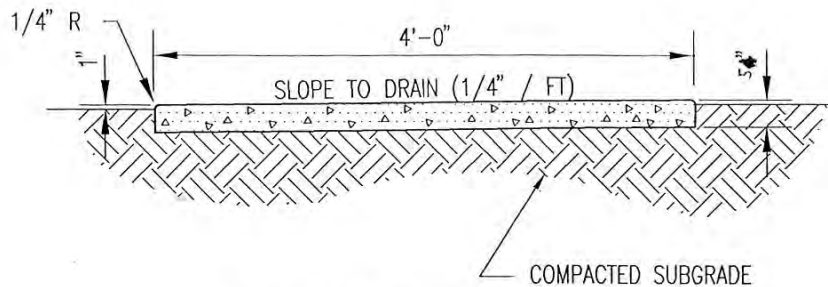
- (b) Sidewalks shall be included within the dedicated nonpavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Zoning

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Administrator may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

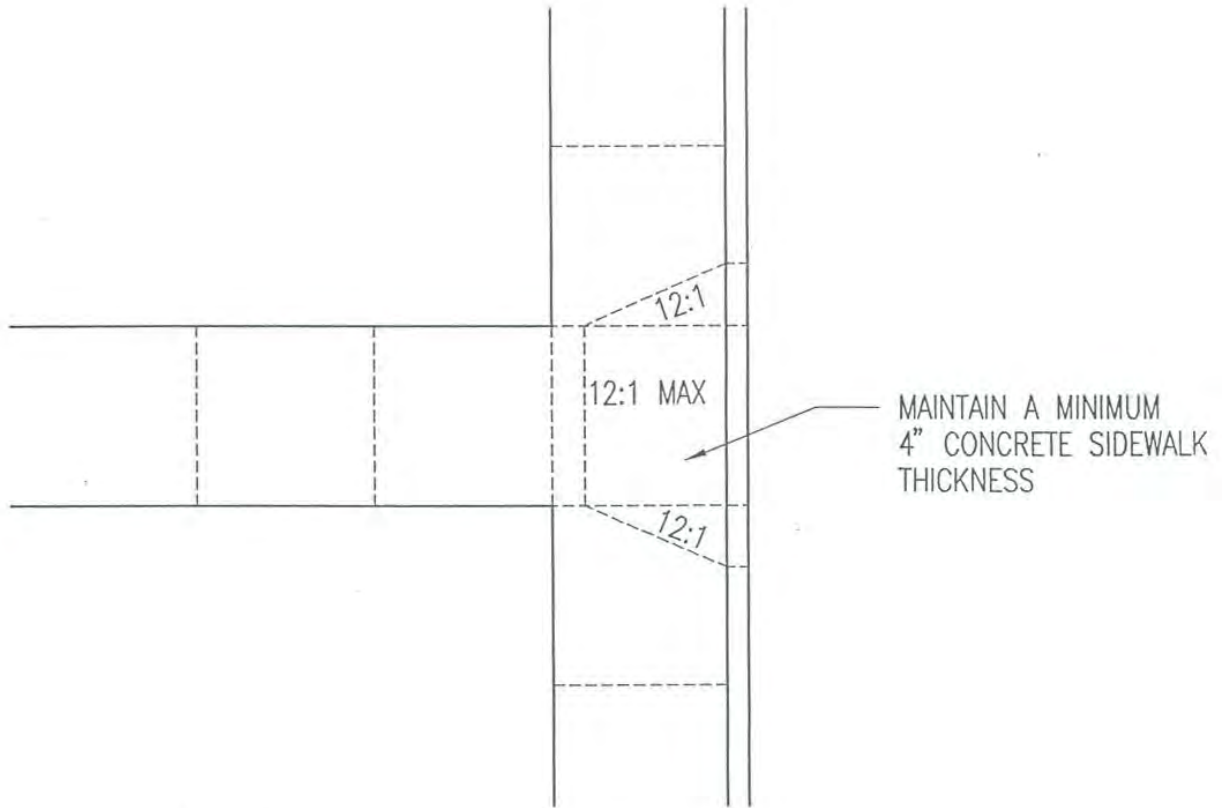
- (c) Sidewalks shall be a minimum of five (5) feet wide. A median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs in residential areas, except as may be otherwise approved pursuant to this Section. Pavement shall be per specifications in this Subsection. Sidewalks shall be also constructed to meet applicable requirements of the Americans with Disabilities Act relative to curb ramp access.
- (d) The cut subgrade under all sidewalks along streets shall be prepared simultaneously with the street subgrade, compacted to 95%, proofrolled and proofroll-tested as required by Section 28.2.2(7) of this chapter.
- (e) Under all sidewalks along streets, there shall be a graded aggregate base course of a depth specified by Section 28.2.2(7) of this article for the type of street (10" depth for a commercial street and 6" depth for a residential subdivision street), installed simultaneously with the street graded aggregate base course, compacted to 95%, proofrolled and proofroll-tested as required by Section 28.2.2(7) of this chapter.
- (f) Evidence of satisfactory completion of the required compaction test shall be submitted as specified by Section 28.2.2(7).

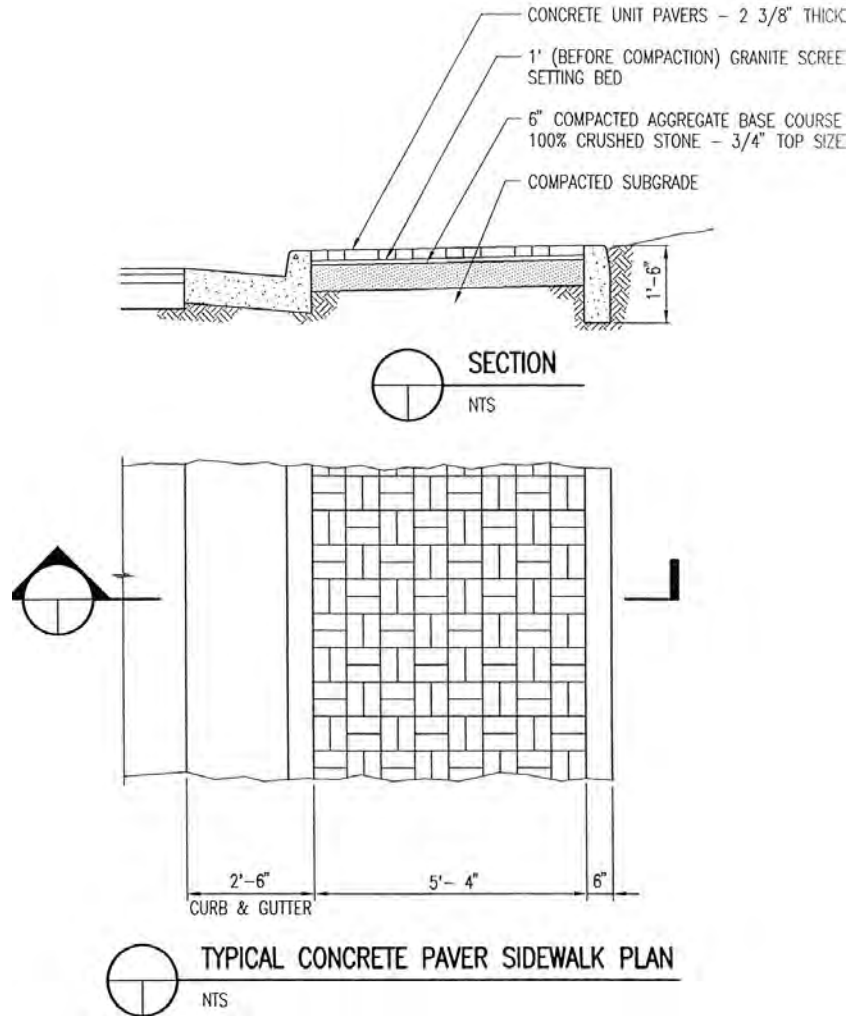
[Amended, Ordinance LUMC 16-6, City of Talmo approved 8-2-16; City of Jefferson approved 7-25-16]
[City of Jefferson amended via Ord. LUMC 19-02 adopted 8-26-19]



1. PROVIDE CONTROL JOINTS SPACED AT A MINIMUM OF 6 FEET.
2. PROVIDE EXPANSION JOINTS WHERE SIDEWALK MEETS ENTRANCE PADS OR ADJACENT TO BUILDING FLOOR SLAB.

 **TYPICAL SIDEWALK**
NTS





Section 28.2.8. Bicycle Facility Standards.

1. Definitions. The following terms are defined:

Bicycle lane: A portion of the roadway that has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle path: A bikeway physically separated from motor vehicle traffic by an open space or barrier and within the highway or road right-of-way or within an independent right-of-way.

Pavement markings: Painted or applied lines or legends placed on a roadway surface for regulating, guiding or warning traffic.

Shared roadway facilities: Streets and highways where bicycle use is legally permitted along with vehicular use, but where there are no special provisions (signs, striping, etc.) for bicycle travel.

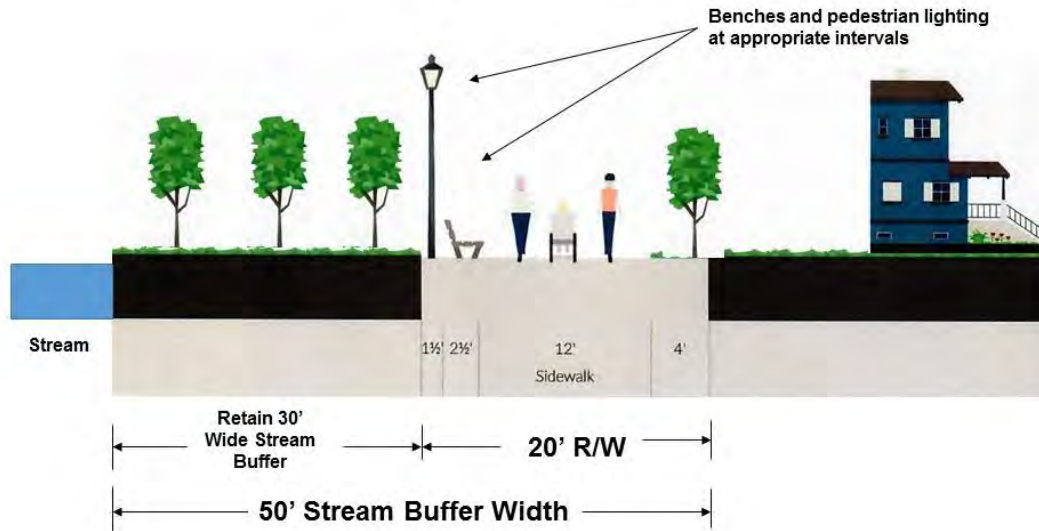
2. Provision of Bicycle Facilities. Bike paths are required for new collector or arterial streets as provided in Section 28.2.2. "Requirements for Streets," of this Land Use Management Code. Shared roadway facilities (vehicles and bicyclists) and the retrofitting of existing city streets for bicycle travel may be authorized only by the City Engineer. Bicycle facilities may also be provided via bicycle lanes internal to a land development, and via an off-site greenway multi-use trail (see Section 28.2.9 of this Land Use Management Code), subject to compliance with applicable standards.
3. Markers and Signage. Pavement markings shall be provided for all bicycle lanes, and said pavement markings shall contain word symbols and messages as appropriate and consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways. Bicycle routes shall be equipped with bicycle route markers, mile markers (for routes more than two miles) and other appropriate signs and markers as determined by the City Engineer and consistent with the Manual on Uniform Traffic Control Devices or other specifications accepted by the City Engineer.
4. Barriers to Unauthorized Motor Vehicle Traffic. Entrances to off-road bicycle paths shall provide a physical barrier as approved by the City Engineer to prevent unauthorized motor vehicles from using the facility. A removable post or other removable barrier may be provided to allow entrance by authorized emergency and maintenance vehicles.
5. Drainage Grates. Grates comprised of bars running parallel to the direction of travel shall not be used.

(Added via Ordinance LUMC 16-6, City of Talmo approved 8-2-16; City of Jefferson approved 7-25-16)

Section 28.2.9. Greenway Multi-Use Trails.

A "multi-use trail" is a path that does not permit motorized vehicles (except for publicly authorized emergency and service vehicles) and which may accommodate multiple nonmotorized uses, including bicyclists, pedestrians, wheelchair users, joggers, pet owners, roller bladers, skateboarders, etc.). Notwithstanding the requirement of Section 13.4.3(15) of this Land Use Management Code, when a greenway is called for in a corridor map adopted pursuant to this Land Use Management Code, or in other cases where a multi-use trail is proposed or required to be constructed along a stream for which a stream buffer is required, the following standard drawing shall apply:

Greenway Multi-Use Path (20' R/W)



(Added via Ordinance LUMC 16-6, City of Talmo approved 8-2-16; City of Jefferson approved 7-25-16)

CHAPTER 28.3 PRIVATE STREETS

Section 28.3.1.	Private Street Approval Process.
Section 28.3.2.	Engineering Plans Required.
Section 28.3.3.	Standards.
Section 28.3.4.	Street Names and Signs.
Section 28.3.5.	Easements.
Section 28.3.6.	Maintenance.
Section 28.3.7.	Specifications for Final Plats Involving Private Streets.
Section 28.3.8.	Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Section 28.3.1. Private Street Approval Process.

Private streets may, upon application, be permitted by the Governing Body of the participating municipality with jurisdiction, within major subdivisions, subject to the requirements of this Chapter. Applications for approval of private streets shall be considered by the Governing Body of the participating municipality with jurisdiction prior to preliminary plat approval. Following a recommendation by the Planning Commission to authorize private streets in a major subdivision, the Governing Body of the participating municipality with jurisdiction shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this Chapter.

Section 28.3.2. Engineering Plans Required.

It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of engineering and construction plans from the Zoning Administrator and Planning Commission in accordance with the requirements of this Chapter and Article 26 of this Land Use Management Code.

Section 28.3.3. Standards.

All private streets shall be constructed to all standards for public streets as required by Chapter 28.2 of this Code, any additional construction specifications of the Quad Cities Planning Commission, and as approved by the Quad Cities Planning Commission.

Section 28.3.4. Street Names and Signs.

Private streets shall be named, subject to the approval of the Zoning Administrator. The subdivider of land involving a private street shall install street signs with content containing the street name and the designation "private," as approved by the Quad Cities Planning Commission. The sign signifying the private street may be required by the Quad Cities Planning Commission to be a different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

Section 28.3.5. Easements.

Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the Quad Cities Planning Commission for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by this Land Use Management Code. In the cases of private streets, the general purpose public access and utility easement for the private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners association and which shall not shown to be a part of any lot or allow any lot to be divided.

Section 28.3.6. Maintenance.

The participating municipality with jurisdiction shall not maintain, repair, resurface, rebuild, or otherwise improve private streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of the Jackson County Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- (a) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven (7) or more lots fronting on a private street.
- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The Covenant shall run with the land.
- (f) The Governing Body of the participating municipality with jurisdiction may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Governing Body may require that the subdivider pay an amount of money as recommended by the Quad Cities Planning Commission into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

Section 28.3.7. Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Zoning Administrator for recording unless and until it shall contain the following items of information on the face of the plat:

- (a) Deed book and page reference to the recorded covenant required by this section.
- (b) "WARNING, _____ City of _____ has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
- (c) "Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner"

- (d) The following certificate of dedication shall be required, unless the Governing Body of the participating municipality waives the dedication requirement.

"Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to the City of _____.

Signature of Property Owner"

Section 28.3.8. Requirement for Purchaser's Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in a participating municipality with jurisdiction, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

“Purchaser’s Acknowledgement of Private Street and Drainage Maintenance Responsibility.

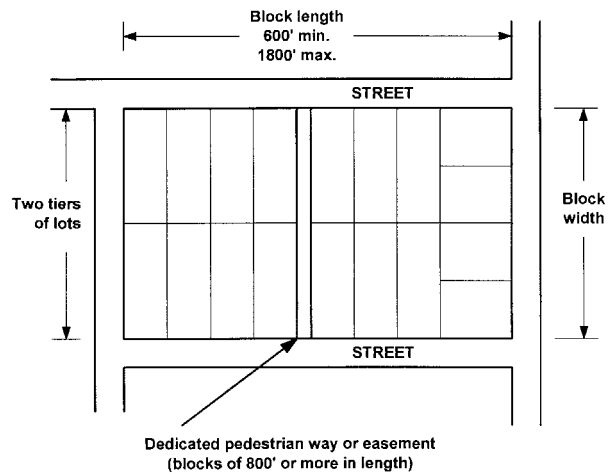
(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (we) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser’s acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

CHAPTER 28.4 DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 28.4.1. Design Requirements for Blocks.
Section 28.4.2. Design Requirements for Lots.

Section 28.4.1. Design Requirements for Blocks.

1. **Block Length.** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand two hundred (1200) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of blocks.



Block Length, Block Width, and Pedestrian Way

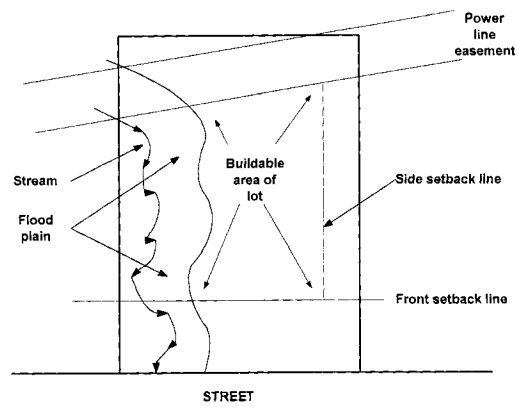
2. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

Section 28.4.2. Design Requirements for Lots.

1 **Natural Features and Assets.** In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

2 **Access and Minimum Lot Frontage.** Each lot shall have access to a public or private street with the minimum lot frontage on a public or private street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.



Adequate Building Area Required

4. Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Director may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

5. Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code).

6. Lot Area. The minimum lot area shall not be less than that established by the dimensional requirements of the zoning district in which the property is located (Tables 6.2, 7.2, 8.2).

7. Lot Width. No portion of a lot, with the exception of cul-de-sac lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.

8. Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

9. Flag Lots. No lot shall be approved which constitutes a flag lot except with special approval from the Planning Commission due to extreme topographic circumstances.

10. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

11. Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

12. Double Frontage Lots. Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 28.5 STORM DRAINAGE AND UTILITIES

Section 28.5.1.	Drainage and Stormwater Management.
Section 28.5.2.	Water.
Section 28.5.3.	Sewer.
Section 28.5.4.	Utilities.
Section 28.5.5.	Oversizing of Improvements and Utilities.
Section 28.5.6.	Procedure for Administrative Inspection and Acceptance of Public Improvements.

Section 28.5.1. Drainage and Stormwater Management.

1. General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition). The Quad Cities Planning Commission may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning Commission shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.

2. Method of Design and Capacity. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Quad Cities Planning Commission, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 25-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.

3. Location. Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of a participating municipality. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

4. Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management Practices (BMPs) that meet the approval of the Quad Cities Planning Commission. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

5. Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

6. Cross-drain Pipes. Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of a participating municipality. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition).

7. Drop Inlets. Drop inlets shall be generally three foot by three foot boxes with two foot by three foot grates and shall be constructed in accordance with the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition).

8. Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 28.5.2. Water.

1. Generally. All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

2. Water Main Requirements. When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the

specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition) and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/environ/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. Wells. If a County and/or municipal public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Quad Cities Planning Commission, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to Director prior to final subdivision plat approval.

4. Community Water System. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the Jackson County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Fire Department serving the participating municipality. Location and construction of fire hydrants shall be in accordance with the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition) and shall meet the current AWWA Standard C502. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 28.5.3. Sewer.

1. General. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.
2. Connection to Public Sewerage System. When a public sanitary sewerage system is reasonably accessible, as determined by the Quad Cities Planning Commission, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful for any to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated to be available within a period of three (3) years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The Quad Cities Planning Commission may condition the approval of a subdivision or the Zoning Administrator may require as a condition of land development approval on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. Design and engineering of sanitary sewers shall be in accordance with the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition).
3. Alternative Provision. If sanitary sewer is not available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three (3) years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the County Health Department and according to specifications adopted by the Quad Cities Planning Commission.
4. Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Jackson County Health Department.

Section 28.5.4. Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be

provided along side lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the City of Jefferson Water and Sewer Departments Standard Specifications for Construction of Water & Sewer Mains (February 2003 Edition).

Section 28.5.5. Oversizing of Improvements and Utilities.

The subdivider or land developer shall construct such oversized improvements and utilities that the Quad Cities Planning Commission (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Quad Cities Planning Commission or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 28.5.6. Procedure for Administrative Inspection and Acceptance of Public Improvements.

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be approved by the local governing body with jurisdiction shall be forwarded to the governing body with jurisdiction by the Zoning Administrator.

**ARTICLE 29
OPEN SPACE CONSERVATION SUBDIVISIONS**

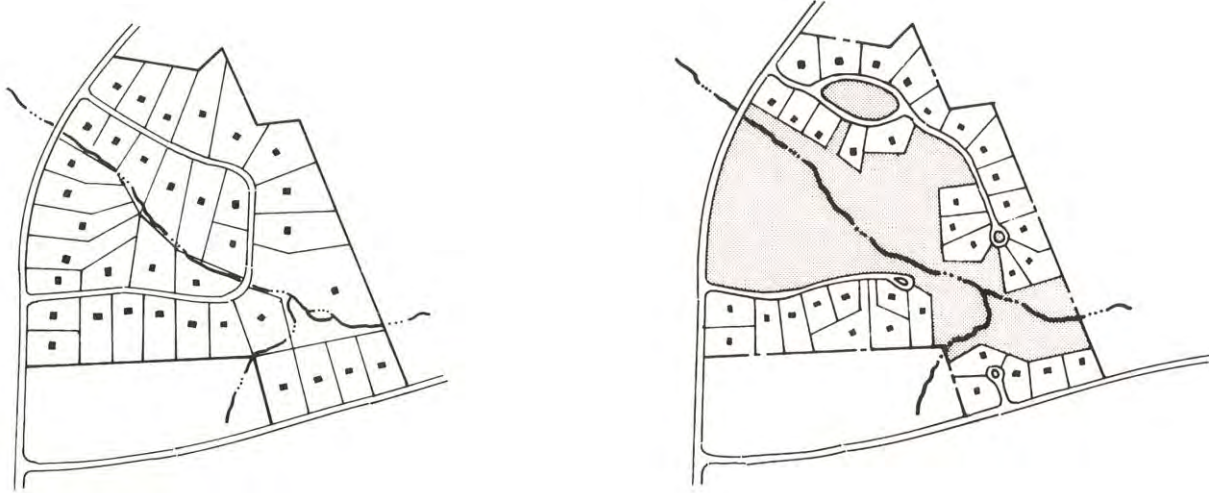
CHAPTER 29.1	PURPOSE AND INTENT
CHAPTER 29.2	APPLICABILITY AND GENERAL PROVISIONS
CHAPTER 29.3	CONSERVATION AREAS AND OPEN SPACES
CHAPTER 29.4	DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS
CHAPTER 29.5	DESIGN GUIDELINES FOR STREETS
CHAPTER 29.6	PROCEDURES AND CRITERIA

**CHAPTER 29.1
PURPOSE AND INTENT**

This Article is intended to provide for residential subdivisions that are designed based first and foremost on the preservation of open space, but that accommodate the full extent of development that would otherwise be legally possible under conventional subdivision designs, and that:

- (a) Minimize the environmental and visual impacts of new development on critical resources and historically and culturally significant sites and structures.
- (b) Contribute to an interconnected network of permanent open space in the community and provide for undivided or relatively undivided open spaces within new developments.
- (c) Create a greater diversity of living environments than is possible with conventional residential subdivision developments.
- (d) Foster informal social interaction among neighborhood residents in common open spaces.
- (e) Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation.
- (f) Encourage compact patterns that reduce capital costs by requiring less linear footage distances of roads and utilities than conventional subdivision development.
- (g) Offer greater opportunities to implement environmentally sensitive sewage treatment and disposal systems.
- (h) Meet design requirements and guidelines established in this Article for the protection of conservation areas, the subdivision of land, the location and orientation of homes and structures, and the installation of improvements.
- (i) Permit open space conservation subdivisions "by right" so that they are no more difficult to gain approval from the governing body with jurisdiction than are conventional subdivisions.

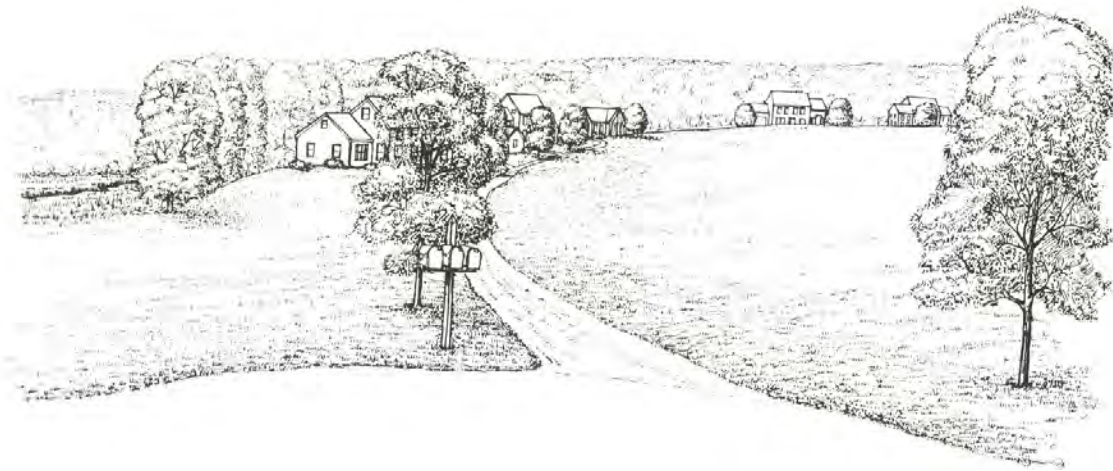
Article 29, Open Space Conservation Subdivisions
Jefferson-Talmo Land Use Management Code



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 128.

Conventional Subdivision

Open Space Conservation Subdivision



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 32.

Rural Character of a Conservation Subdivision Development

CHAPTER 29.2
APPLICABILITY AND GENERAL PROVISIONS

- Section 29.2.1. Relationship to Other Regulations.
Section 29.2.2. Applicability in the City of Talmo.
Section 29.2.3. Sewage Treatment and Disposal Systems.

Section 29.2.1. Relationship to Other Regulations.

- (a) Zoning Districts and Permitted Uses. Open space conservation subdivisions as described and regulated in this Article are permitted as a “by right” permitted use in RR-1, RR-2, RR-3, R-1, R-2, R-3, and R-4 zoning districts. They are considered appropriate in exurban, rural, suburban, and urban areas. Use restrictions of the zoning district shall continue to apply.
- (b) Curry Creek Watershed. Open space conservation subdivisions are especially encouraged within the Curry Creek Reservoir Protection District (see Chapter 10.4 of this Land Use Management Code).
- (c) Zoning District Densities. Open space conservation subdivisions shall not exceed the residential density in units per acre as established for the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code.
- (d) Lot Size and Width. Minimum lot sizes, minimum lot widths, and building setbacks of the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code, shall not apply to open space conservation subdivisions, except that no lot shall be platted in a conservation subdivision that is less than fifty percent (50%) of the required lot size or lot width for the zoning district in which it is located.
- (e) Building Setbacks. Building setbacks shall be proposed on the preliminary plat and shall be subject to the approval of the Planning Commission.
- (f) Minimum Floor Areas. Minimum floor areas per dwelling unit as established in Table 7.2 for the zoning district in which the open space conservation subdivision is located shall apply.
- (g) Subdivision Regulations. Open space conservation subdivisions shall be considered and processed in accordance with preliminary and final plats requirements for major subdivisions as specified in Article 26 of this Land Use Management Code, except that in addition the criteria for approval and grounds for disapproval as provided in Chapter 29.7 of this Article shall also apply to decisions on preliminary plats.
- (h) Improvement Requirements. Open space conservation subdivisions shall meet the improvement requirements of Article 27 (exurban/ rural) or Article 28 (suburban/ urban) of this Land Use Management Code. Where design considerations for lots and blocks as more specifically recommended in this Article, they shall be considered applicable recommendations in lieu of those found in Articles 27 and 28 as would otherwise be applied.
- (i) Other Design Principles. The exurban/rural development principles specified in Section 7.8.10 of this Land Use Management Code for PUD zoning districts shall be considered applicable and strongly recommended for open space conservation subdivisions, except that nonresidential land uses shall not be permitted.

Section 29.2.2. Applicability in the City of Talmo.

In the City of Talmo, this Article shall apply except that no open space conservation subdivision shall be permitted that results in a minimum lot size of less than three-quarter (3/4) acre. Furthermore, open space conservation subdivisions in the City of Talmo shall only be required to maintain and provide ten percent (10%) of the total subdivided area as open space.

Section 29.2.3. Sewage Treatment and Disposal Systems.

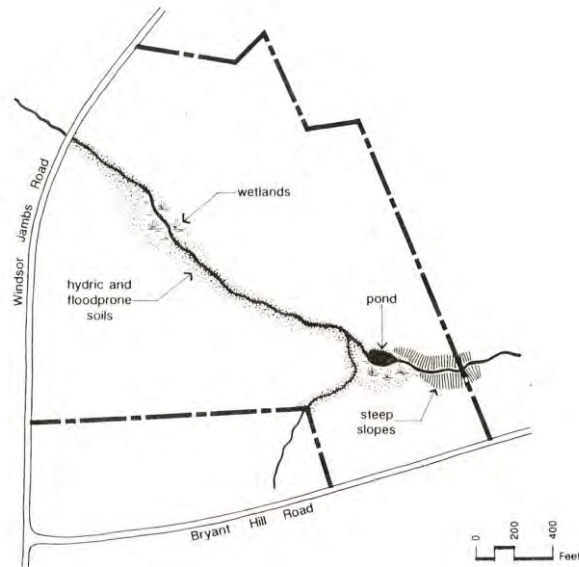
Subject to approval of the Health Department in areas where public sanitary sewer service is not reasonably available, open space conservation subdivisions may, upon demonstration of feasibility, employ an alternative method of sewage treatment and disposal to the conventional method of providing individual septic tanks and drainfields on individual lots per the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems. Alternatives to this conventional method which may be considered include in-ground community sewage plants, community septic systems, individual on-site septic tanks connected to shared drainfields within community open spaces, land treatment, spray irrigation, and wastewater reclamation and reuse facilities.

CHAPTER 29.3 CONSERVATION AREAS AND OPEN SPACES

Section 29.3.1.	Primary Conservation Areas.
Section 29.3.2.	Secondary Conservation Areas.
Section 29.3.3.	Recommendations for Secondary Conservation Areas.
Section 29.3.4.	Required Open Space Specifications.
Section 29.3.5.	Recommendations for Designing Open Space Networks.
Section 29.3.6.	Conservation Easement Required.
Section 29.3.7.	Guidelines for Drafting Conservation Easements.
Section 29.3.8.	Homeowners Association.
Section 29.3.9.	Fee Simple Dedication to the City.

Section 29.3.1. Primary Conservation Areas.

Primary conservation areas on lands in conventional subdivisions are permitted to be platted and included in adjacent residential lots. In contrast, an open space conservation subdivision incorporates, and shall include, all primary conservation areas into undivided or relatively undivided, permanent, open spaces. Primary conservation areas, as defined by this code, include the following: habitats for endangered or threatened species, wetlands, aquifer recharge areas, flood plains, water bodies, shorelines, and adjacent riparian zones or upland buffers, historic, cultural, and archaeological sites, and steep slopes.



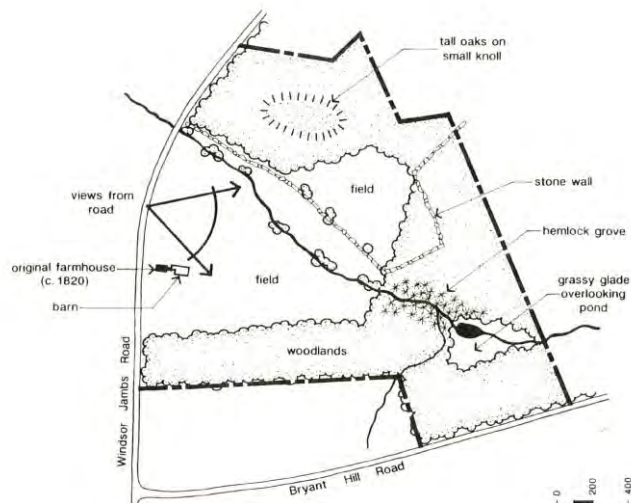
Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. pp. 72.

Primary Conservation Areas

Section 29.3.2. Secondary Conservation Areas.

(Revised: Talmo, 10-04-05; Jefferson, 10-10-05)

Secondary conservation areas on lands in conventional subdivisions are rarely identified and conserved. In contrast, an Open Space Conservation Subdivision identifies, and shall identify, secondary conservation areas and shall integrate all or a portion of them into undivided or relatively undivided, permanent, open spaces.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. pp. 72.

Secondary Conservation Areas

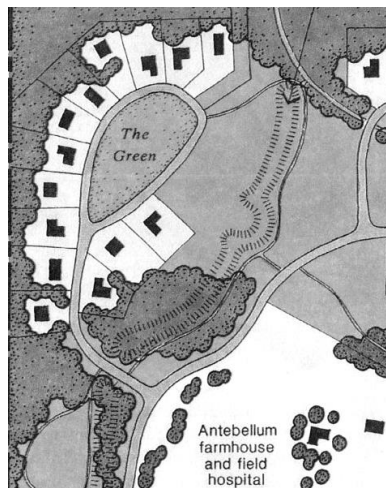
Secondary conservation areas include prime farmlands or open meadows; tree coverage areas and mature woodlands; significant trees including specimen trees, existing trails that connect the tract with neighboring areas, aquifer recharge areas; steep slopes, and scenic views and sites. Secondary conservation areas can also include newly designed and created open spaces such as neighborhood commons and village greens.

Section 29.3.3. Recommendations for Secondary Conservation Areas.

This Section provides recommendations for establishing and protecting secondary conservation areas. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

- (a) Site Values. Priorities for conserving or developing secondary conservation areas should be based on an understanding of what features of the given property are more special, unique, irreplaceable, environmentally valuable, historic, scenic, or otherwise significant when compared with other similar features and in relationship to neighboring parcels.
- (b) Site Homes at Edges of Fields. Open Space Conservation Subdivisions should minimize the number of homes sited in open fields, if farmland protection and meadow preservation are principal objectives. Residences should be located adjacent to tree lines and wooded field edges. Maintain irregular field edges when they occur.

- (c) Preserve Agricultural Structures. Existing agricultural structures such as barns should be preserved where possible.
- (d) Soils. Development of soils with high erosion susceptibility is discouraged. Hydric soils should be identified and should not be developed unless it can be shown they are not wetlands. House lots should be located on the deepest, driest, or best-drained soils available on the parcel.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 102.

- (e) Buffers Along Scenic Corridors. Buffers of at least 100 feet in width should be provided along exterior roadways to provide an undisturbed view from such roadways. The 100-foot wide buffer is strongly encouraged and may be required along all roadways designated as scenic corridors. Buffers may incorporate hedgerows, stands of trees, rock formations, stone walls and wildflower planting to provide variety to the visual landscape. Open space conservation subdivisions should be screened from exterior principal roadways.
- (f) Scenic Views, Sites, and Vistas. Scenic views, sites and vistas should be unblocked and uninterrupted. Views can be created or opened up further by pruning limbs and selectively removing trees as opposed to clear-cutting.
- (g) Active Recreational Facilities. Active recreational facilities should not be located within primary conservation areas. No more than twenty five percent (25%) of the open space required for Open Space Conservation Subdivisions should be devoted to active recreational facilities.

Section 29.3.4. Required Open Space Specifications.

- (a) Minimum Percent of Site Area. Each open space conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this code. Areas of above ground utility right-of-way and impervious surfaces must be excluded from the minimum 40%.
- (b) Minimum Size. The minimum amount of open space required to qualify for an open space conservation subdivision shall be one and one-half (1.5) contiguous acres. The purpose of this minimum open space acreage is to avoid development proposals where minor subdivisions are used simply to reduce lot sizes and development costs or that provide only small, scattered open spaces that would not functionally contribute to the overall open space network of the surrounding area. At least 25% of the area set aside for open space (i.e., 10% of the total site area) must be suitable for building. Additionally, at least 60% of the open space must be in one contiguous tract.
- (c) Permitted Uses. In the case of farmland conversion, part of the open space within a open space conservation subdivision may be permitted to be retained in the hands of

the original farmer/landowner or leased to a farmer for agricultural, pasture, or horticulture uses, so long as the activity is undertaken using best management practices to reduce environmental impacts to the extent possible. Open space may not be used for golf courses, roadways, or water impoundments. No more than 25% of the open space may be used for active recreation spaces. Uses not expressly authorized via the preliminary plat process are prohibited.

- (d) Open Spaces Shall Be Named. Each open space shall be given a name appropriate to its purpose and design. Acceptable identifying types of names for open spaces include but are not limited to “Common,” “Park,” “Green,” “Meadow,” “Woods,” “Farm,” and “Historic Site.”

Section 29.3.5. Recommendations for Designing Open Space Networks.

The following section provides recommendations for establishing open space networks. These are not requirements, but are merely intended to provide guidance in the Open Space Conservation Subdivision design process.

- (a) Minimum Width. The width of any open space tract should be, at minimum, sufficient to accommodate a path, given the existing terrain, the center of which is at least twenty-five (25) feet from any property line. In cases other than where the open space serves exclusively to provide a buffer or trail, open space tracts should not have a length-to-width ratio in excess of 4:1.
- (b) Buffers. When an open space conservation subdivision abuts an existing conventional subdivision, a buffer of 100 feet or more of open space should be provided between the subdivisions.
- (c) Location. When an open space conservation subdivision site abuts an existing conservation area, park, nature preserve, or public undeveloped land, the length of the common boundary between the abutting conservation area and open space on site should be maximized to the greatest extent possible.
- (d) Pedestrian and Multi-purpose Paths. Open spaces should provide for pedestrian and/or multi-use paths, not more than eight (8) feet wide. Motorized vehicles should not be permitted on trail systems except for maintenance, construction, or public safety purposes. Where appropriate and feasible, such pedestrian and multi-purpose paths should be made handicapped accessible. Pedestrian and multi-use paths should be constructed with porous paving materials.
- (e) Path/Street Crossings. Where path systems cross an internal subdivision street, the access points should be directly across from each other, clearly identified both to the motorist and pedestrian, and located with appropriate sight distance as determined by the Zoning Administrator, subject to the approval of the Quad Cities Planning Commission. Where a path crosses any public road, the path should be grade separated (i.e., by a tunnel or bridge), located at a traffic control device approved by the City Engineer, or properly marked as a mid-block crossing subject to the approval of the Zoning Administrator and Quad Cities Planning Commission.

Section 29.3.6. Conservation Easement Required.

All primary conservation areas, and all secondary conservation areas shown on the preliminary plat and required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by the city with jurisdiction and 1) co-signed by the city with jurisdiction and donated to a conservation organization or land trust; or 2) co-signed by the

city, donated to a homeowners association and co-signed by a conservation organization or land trust; or 3) donated to the city with jurisdiction if accepted by the city and co-signed by a conservation organization or land trust. In the case of farmland conversion, part of the open space within an Open Space Conservation Subdivision may be permitted to be retained in the hands of the original farmer/landowner if subject to a conservation easement meeting the requirements of this Chapter.

Section 29.3.7. Guidelines for Drafting Conservation Easements.

The following guidelines are offered for drafting conservation easements and may be required by the Quad Cities Planning Commission:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. The easement must include a map of the tract noting all significant features within the area. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
- (b) The easement specifically and clearly identifies the boundaries of the property subject to the easement, preferably by metes and bounds legal description and survey plat.
- (c) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- (d) The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- (e) The easement provides for the maintenance of property.
- (f) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

Section 29.3.8. Homeowners Association.

Open spaces may be owned and managed in common by a homeowners association, subject to compliance with the provisions of this Chapter and the following requirements:

- (a) The developer of the open space conservation subdivision shall provide to the Zoning Administrator for approval, prior to the approval of a preliminary plat, a description of the homeowners association, including bylaws and methods for maintaining open space. The developer of the open space conservation subdivision shall provide a property management plan or an estimate of the costs and staff requirements for the maintenance, operation, and insurance of the open space and any facilities it includes in the description of methods for maintaining the subdivision's open space.
- (b) The homeowners association shall be established by the open space conservation subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property involving an open space conservation subdivision.

- (c) Homeowners association membership of each non-open space lot owner in the open space conservation subdivision shall be mandatory (required) and automatic.
- (d) Unless maintenance is assigned to a conservation organization or land trust, the homeowners association shall be responsible for maintenance, insurance, and taxes on the open space within the open space conservation subdivision. In such cases, the association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space maintenance as indicated in bylaws. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.
- (e) Said homeowners association shall not be dissolved without the consent of the Quad Cities Planning Commission and Governing Body of the participating municipality with jurisdiction. If common ownership of open spaces by a homeowners association is proposed and approved, then open spaces shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of open spaces, in addition to the requirement of a conservation easement.
- (f) The Quad Cities Planning Commission and Governing Body of the participating municipality may, upon recommendation of staff, require that the homeowners association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.

Section 29.3.9. Fee Simple Dedication to the City.

Dedication in fee-simple ownership to the public for recreational and/or open space use is a possible mechanism for the permanent retention and maintenance of open spaces within the open space conservation subdivision, at the sole discretion of the Governing Body of the participating municipality with jurisdiction, and subject to the following in addition to other applicable provisions of this Chapter:

- (a) Dedication to the city with jurisdiction shall only be approved if the Governing Body with jurisdiction finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary.
- (b) The decision to accept open spaces for fee simple public ownership shall be at the sole discretion of the Governing Body of the participating municipality with jurisdiction but guided by recommendations of the Zoning Administrator, Quad Cities Planning Commission, and the comprehensive plan as it pertains to open space acquisition.
- (c) Said Governing Body generally will require dedication of all open space or park and recreation areas indicated for acquisition in the comprehensive plan or capital improvement program.

The Governing Body with jurisdiction may require a maintenance bond or other financial security with duration of twelve (12) months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Governing Body with jurisdiction shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one-year period following public dedication, with satisfactory performance, the Governing Body with jurisdiction shall return the performance bond to the subdivider.

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In addition to the required conservation easement, a deed for open space lands in a form acceptable to the City Attorney in favor of the city with jurisdiction shall be signed and recorded prior to the approval of any final plat pertaining to land within the open space conservation subdivision.

CHAPTER 29.4 DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS

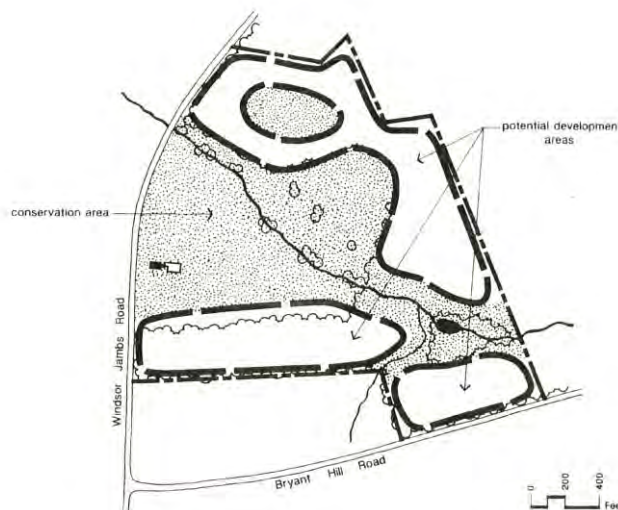
- Section 29.4.1. Generally.
Section 29.4.2. Comparison with Conventional Subdivisions.
Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries.

Section 29.4.1. Generally.

This Chapter provides recommendations for designing lots in open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

Section 29.4.2. Comparison with Conventional Subdivisions.

In conventional subdivisions drawing lot lines to meet zoning requirements is one of the first steps in the design process. Identifying lot and house locations should be the third step in the open space conservation subdivision design process, after determining primary and secondary conservation areas. This Chapter provides recommendations for designing open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 73.

Identifying Potential Development Areas

Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries.

- (a) Homes should not front directly on off-site streets. No more than two (2) homes should front directly on off-site streets, except in cases where the off-site street is designated a scenic road, collector street, or arterial street, in which cases no homes in a Open Space Conservation Subdivision should be permitted to front directly on said off-site streets unless extensively screened.
- (b) The number of lots that abut or face onto conservation areas should be maximized, which is likely to increase the values of the lots.
- (c) Each lot should be abutted on at least one side by open space. Lots abutted by yards of other lots on all sides should be avoided and are highly discouraged. In

- cases where this is not feasible, every house should at least have a view of a minor open space like a small neighborhood common or village green.
- (d) Flag lots and wedge-shaped or “pie” lots with frontages as narrow as thirty (30) feet wide may be utilized to maximize individual lot frontages on open spaces, although the number of flag shaped or wedge shaped lots should not exceed twenty five percent (25%) of the total lots in the open space conservation subdivision.
 - (e) Zero lot line configurations are encouraged on lots less than sixty (60) feet in width, because two narrow side yards do not provide as much functionally usable space as does one wider side yard.
 - (f) Lots that back up onto permanent open space can be shallower in depth because the existence of open space extends the perceived depths of such lots.
 - (g) The minimum building setback for buildings and structures on lots abutting primary conservation areas to the rear or side yard should be 100 feet from the identified edge of the primary conservation area.
 - (h) Homes within village areas should have front porches within conversational distance of the sidewalk or road.
 - (i) Fencing should not be permitted on the perimeter of open space conservation subdivisions or abutting conservation areas, except in cases where it is demonstrated that such fencing serves an overriding public purpose.
 - (j) Setbacks and proposed front, side and rear yards should be determined as appropriate for the subdivision and are subject to approval of the Planning Commission through the preliminary platting process.

CHAPTER 29.5 DESIGN GUIDELINES FOR STREETS

Section 29.5.1	Introduction.
Section 29.5.2	Location and Alignment.
Section 29.5.3	Lengths and Curves.
Section 29.5.4	Separate Travel Lanes.
Section 29.5.5	Right-of-Way and Clearance.
Section 29.5.6	Connections.
Section 29.5.7	Cul-de-Sacs.
Section 29.5.8	Reverse Curves.
Section 29.5.9	Single-Loading Streets.
Section 29.5.10	Curbs and Drainage.
Section 29.5.11	Street Trees.
Section 29.5.12	Sidewalks.
Section 29.5.13	Signage.

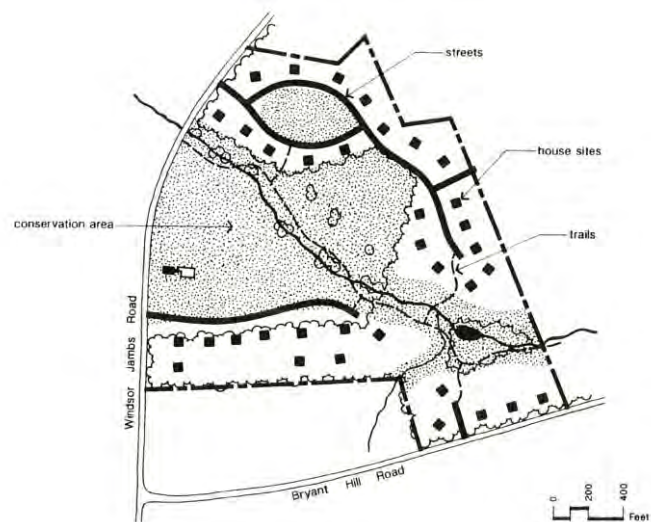
Section 29.5.1. Introduction.

This article provides recommendations for designing streets serving open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

After identifying all primary conservation areas, secondary conservation areas, potential development areas, and house sites, the fifth step in the open space conservation subdivision design process is to design the street alignments. Lot lines are drawn as a final step, after the open spaces, house sites, and road network have been determined.

Section 29.5.2. Location and Alignment.

Designers should avoid crossing wetlands with streets. Existing farm roads should be incorporated into open space conservation subdivision designs.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 75.

Designing Road Alignments and Trails

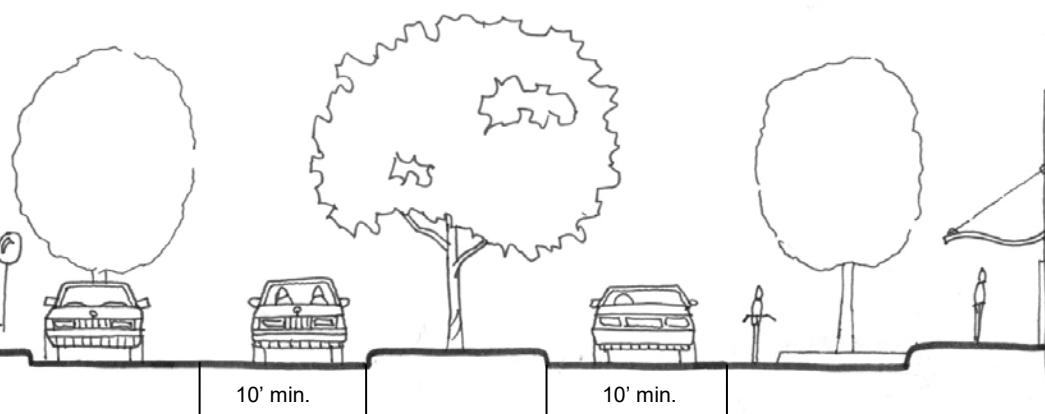
Roads should follow existing contours with a minimum of cut and fill and disturbance for construction. In cases where agricultural protection or meadow preservation is a primary objective, new roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.

Section 29.5.3. Lengths and Curves.

The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural open space conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible. Short, straight, interconnected streets (i.e., grid patterns) are appropriate for village areas when included in open space conservation subdivisions.

Section 29.5.4. Separate Travel Lanes.

Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.



Section 29.5.5. Right-of-Way and Clearance.

Rights-of-way should be only wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the Quad Cities Planning Commission. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the Planning Commission that remaining trees or other features do not pose a traffic safety hazard.

Section 29.5.6. Connections.

Streets should be connected with one another where possible, preferably in three-way intersections, so that the number of dead ends is minimized. Whenever possible, streets should be designed to connect with adjoining properties.

Section 29.5.7. Cul-de-Sacs.

Cul-de-sacs are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be provided with pedestrian and bike linkages to other nearby streets or trail systems. Stub-street extensions should be incorporated at the end of cul-de-sacs for future connections. Cul-de-sac streets should serve no more than twenty dwellings, and their length should not exceed 1,200 feet. Cul-de-sac radii should not exceed forty (40) feet.

Section 29.5.8. Reverse Curves.

For roads serving less than 2,000 average daily traffic and where speed limits are controlled to prevent high-speed traffic, reverse curves (e.g., consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the Quad Cities Planning Commission.

Section 29.5.9. Single-Loading Streets.

“Single-loading streets” (i.e., having houses only on one side) are considered appropriate and encouraged, particularly around village greens or neighborhood commons.

Section 29.5.10. Curbs and Drainage.

Because curbs detract from rural character of open space conservation subdivisions, natural drainage systems are encouraged in lieu of curbs in open space conservation subdivisions located in exurban and rural areas. Existing natural drainage ways should be retained where possible. In cases where curbing is required, mountable curbs are favored over vertical curbs except in negative grade cul-de-sacs, where they are highly discouraged.

Section 29.5.11. Street Trees.

Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the Quad Cities Planning Commission.

Section 29.5.12. Sidewalks.

Concrete or asphalt sidewalks are required in suburban/urban areas but they may detract from the character of open space conservation subdivisions in exurban/rural areas. Safe access for pedestrians and bicyclists should be provided via a trail system in the open spaces and where needed along the improved or semi-improved shoulders of roads.

Section 29.5.13. Signage.

In cases where it is determined that signs are permitted (see Article 17 of this Land Use Management Code), signs should be constructed of materials compatible with open space conservation subdivision design.

CHAPTER 29.6 PROCEDURES AND CRITERIA

Section 29.6.1	Pre-application Conference.
Section 29.6.2	Existing Features and Site Analysis.
Section 29.6.3.	Justifiable Grounds for Denial.
Section 29.6.4.	Evaluation Criteria for Approval.

In addition to the application procedures for preliminary, and final plats, as specified in Chapter 26.4 of this Land Use Management Code, open space conservation subdivisions and subdividers thereof shall comply with the following procedures.

Section 29.6.1. Pre-application Conference.

A pre-application conference with the Zoning Administrator is required prior to the submission of a preliminary plat application for an open space conservation subdivision. At the time of a pre-application conference, the Zoning Administrator shall make available all relevant information about primary and secondary conservation areas, including soil survey, natural resource maps, and geographic information. The Zoning Administrator may charge reasonable reproduction costs for the provision of such information. Ideally, the pre-application conference will be preceded by the submittal of a boundary survey of the property to be subdivided with sufficient time for the Zoning Administrator to collect applicable information.

Section 29.6.2. Existing Features and Site Analysis.

(Revised: Arcade, 10-10-05; Talmo, 10-04-05; Jefferson, 10-10-05)

As a part of the preliminary plat application, the applicant for an open space conservation subdivision shall submit an analysis of existing features on the site, which shall minimum include the following:

- (a) Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be identified and examined.
- (b) Soils, including analysis of suitability for septic tanks, erosion potential, prime farmland, and identification of hydric soils.
- (c) Wetlands.
- (d) Floodplains. Areas of 100-year flood plains as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
- (e) Steep mountain slopes and steep slopes, as defined by this code.
- (f) Historic, archaeological, and cultural features.
- (g) Tree cover/woodlands, substantiated by submittal of a Tree Survey (see Section 16.3.5).
- (h) Views into and out from the site, and any scenic qualities.
- (i) Aquifer recharge areas.
- (j) Property boundaries.
- (k) Existing roads and structures.
- (l) Greenspaces and trails traversing or adjacent to the site.
- (m) Planned boundaries of open space.

Section 29.6.3. Evaluation Criteria for Approval.

Approval or denial of a preliminary plat for an open space conservation subdivision shall be based on the extent to which the plat meets the following criteria:

- (a) All primary conservation areas are protected as permanent open space.
- (b) A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.
- (c) The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
- (d) The open space conservation subdivision meets the regulations specified in this Article and is reasonably consistent with the recommended design guidelines established by this Article.

Section 29.6.4. Justifiable Grounds for Denial.

Reasons for the denial of a preliminary plat of an open space conservation subdivision include but are not limited to the following:

- (a) The application fails to fully identify primary and secondary conservation areas.
- (b) The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
- (c) One or more of the lots within the open space conservation subdivision are too small to meet the minimum lot size established by this Article or even if compliant are out of character with residences on adjoining or nearby properties.
- (d) One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
- (e) The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
- (f) The proposed open space network is divided, not functional, inconsistent with open space plans of the city with jurisdiction, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.
- (g) The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the open space conservation subdivision site.
- (h) The preliminary plat appears to be submitted for the major purpose of circumventing minimum lot size or minimum lot width requirements or improvement requirements that would otherwise be required for conventional subdivisions pursuant this Land Use Management Code.