UNIFIED DEVELOPMENT CODE

TOWN OF BETHLEHEM, GEORGIA

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Chapter 89 UNIFIED DEVELOPMENT CODE

ARTICLE I. IN GENERAL

Sec. 89-1. Purpose of article.

This article sets out the legal basis for the Unified Development Code and its broad purposes, describes the lands to which and circumstances under which the Code applies, and describes how the Code is to be interpreted when certain words or phrases are used or uncertainty of meaning may exist.

Sec. 89-2. Title and authority.

(a) *Title*. This Development Code regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land. This Development Code shall be known as and may be cited as "The Unified Development Code of the Town of Bethlehem, Georgia" and is referred to herein for brevity as the "The Development Code" or “this Code”.

(b) *Authority.* This Development Code is adopted under authority of Article 9, Section 2, Paragraph 3 and 4 of the Constitution of the State of Georgia, and pursuant to the zoning procedures law (O.C.G.A. §§ 36-66-1 et seq.) and other applicable laws enacted by the general assembly.

Sec. 89-3. Adoption.

(a) *Adoption of the Unified Development Code*. Under the authority and for the purposes stated herein, the Town of Bethlehem does hereby enact as law, the articles, chapters, and sections contained in this Development Code.

(b) *Conflict with other regulations*.

(1) All regulations or parts of regulations of the Code of Laws of the Town of Bethlehem, Georgia, in conflict with these regulations shall be and the same are hereby repealed in their portions so in conflict.

(2) Where this Development Code overlaps with other requirements adopted by the Town of Bethlehem, the more restrictive regulation shall govern.

(3) It is not the intent of these regulations to repeal or affect any law of the State of Georgia, or any code, or ordinance of the Town of Bethlehem, adopted as a requirement of a state law, in which case the most restrictive requirement shall control.

(4) In no case shall the Town of Bethlehem be required to enforce private easements, covenants, or other private agreements or legal relationships, whether they are more restrictive than the requirements of the Development Code or they apply a standard that is not addressed in this Code. See also section 89-4(c).

(5) Nothing in these regulations shall be construed to affect the validity of any building permit lawfully issued prior to the effective date of these regulations.

(c) *Amendments*.

(1) These regulations may be amended from time to time by ordinance of the Town Council of the Town of Bethlehem. Such amendments shall be effective as of their date of adoption unless otherwise stated in the adopting resolution.

(2) No amendment to these regulations shall be construed to affect the validity of any other.

(d) *Severability*. If any action, section, subsection, sentence, clause, or phrase of these regulations is for any reason held unconstitutional, void, or invalid, the validity of the remaining portions of these regulations shall not be affected thereby, it being the intent of the Town Council of the Town of Bethlehem in adopting these regulations that no portion thereof or provision of the regulations contained herein, shall become inoperative or failed by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase

or provisions of this Development Code.

Sec. 89-4. Purpose and intent.

(a) *Purpose*. This Development Code is made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout the Town of Bethlehem.

This Development Code is made and designed to:

(1) Lessen congestion in the streets;

(2) Secure safety from fire, panic, and other dangers;

(3) Prevent flooding of improved property;

(4) Provide adequate light and air;

(5) Prevent the overcrowding of land;

(6) Avoid undue concentration of population;

(7) Facilitate the adequate provision of transportation, water, sanitation, schools, parks, housing, communications, health care and other public requirements;

(8) Promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the town; and

(9) Improve the quality of life through protection of the town's total environment including, but not limited to, the prevention of air, water and noise pollution.

(b) *Intent in interpretation*. In the interpretation and application of this Development Code all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the property owner; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(c) *Intent relative to private property agreements.* This Development Code is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the clerk of the superior court, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this Development Code. However, when this Development Code imposes a greater restriction upon the use or development of buildings or land than are imposed by such easements, covenants, agreements, or deed restrictions, the provisions of this Development Code shall govern.

Sec. 89-5. General applicability.

(a) *Lands to which this Development Code applies*. This Development Code shall apply only in the incorporated areas of the Town of Bethlehem, Georgia.

(b) *Use of land or structures*.

(1) No structure or land shall hereafter be used or occupied, located, extended, moved, converted or structurally altered except in full compliance with the provisions of this Development Code.

(2) No part of a yard, buffer or off-street parking spaces required in connection with any use or structure for the purpose of complying with this Development Code shall be included as part of a yard, buffer or off-street parking space required for any other use or structure, unless specifically allowed under the provisions of this Development Code.

(3) Street rights-of-way shall not be considered a part of a lot or front yard setback for the purpose of meeting the minimum requirements of this Development Code.

(c) *Street frontage required*. No building permit shall be issued on any lot unless the street giving access to the lot shall be accepted and opened as a public street prior to that time, or shall be a recorded private street

approved by the Town Council, or shall otherwise have achieved the status of a public street.

(d) *One principal house on a lot*. With respect to single-family detached dwellings, only one principal building and its customary accessory uses, buildings and structures may be erected on any one lot.

(e) *Lot reduction prohibited*. No yard or lot existing prior to the effective date of this Development Code or any subsequent amendment to it shall be reduced in dimension or area below the minimum requirements set forth in this Development Code. Yards or lots created after the effective date of this Development Code shall meet at least the minimum requirements established by this Development Code.

(f) *Dedication of public lands and facilities*. No land dedicated as a public street or other public purpose shall be opened or accepted as a public street or for any other public purpose, and no subdivision of land shall be made, nor subdivision plat thereof shall be recorded before obtaining final approval from the Town Council. Said approval shall be entered in writing on the final plat by the Mayor of the Town of Bethlehem, or his or her designee. Said Mayor after approval by the Town Council is hereby authorized to accept such dedications of lands and public facilities on behalf of the Town of Bethlehem and to cause such dedications to be recorded by the Clerk of Superior Court of Barrow County.

(g) *Requirements for moving a building*. No dwelling unit or other permanent structure shall be moved within or into the town unless, when relocated, it meets all requirements of the Development Code and other town code requirements and is first approved by the Mayor.

Sec. 89-6. Conformance with comprehensive plan.

The arrangement, character, extent, width, grade, and location of all streets shall conform to these regulations and the comprehensive plan of the Town of Bethlehem and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Sec. 89-7. Grandfathered development.

(a) *Nonconformities in general.*

(1) This section sets out the provisions that protect uses, structures, lots and signs that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the new regulations. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable.

(2) Nothing in this Development Code shall prevent the strengthening, repair or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Mayor, Town Marshal or any other duly authorized town official.

(3) The lawful use of any nonconforming uses, structures, lots and signs may be continued, even though such use does not conform to the provisions of this Development Code under the circumstances presented in this section for each type of development.

(b) *Nonconforming uses.*

(1) *Nonconforming uses; defined.* A nonconforming use is a use or activity that was lawfully established prior to the adoption, revision or amendment of this Development Code, but which, by reason of such adoption, revision or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Development Code.

(2) *Grandfathered nonconforming uses.* To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Development Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Development Code, except that the nonconforming use:

a. Shall not be changed to another nonconforming use.

b. Shall not be re-established after its removal from the property for more than 15 days in the case of a nonconforming manufactured home, or its discontinuance for six months or more for all other uses, unless the premises are under a continuing lease but are unoccupied by the nonconforming

use, regardless of the intent of the owner or occupier to resume the nonconforming use.

c. Shall not be extended to occupy a greater area of land.

d. Shall not be extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Development Code and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.

e. If an existing use was lawfully established in a zoning district that is subsequently amended to require special use approval for such use, the existing use shall not be subject to the provisions of this subsection.

f. Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of this Development Code or the adoption of an amendment to it shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one year of the adoption of this Development Code or the adoption of an amendment to it regardless of the intent or expectation to commence or abandon such nonconforming use.

(c) *Nonconforming structures.*

(1) *Nonconforming structures; defined.* A nonconforming structure is a structure or building whose size, dimensions or location on a property were lawful prior to the adoption, revision or amendment of this Development Code, but which, by reason of such adoption, revision or amendment, no longer meets or conforms to one or more such requirements of this Development Code.

(2) *Grandfathered nonconforming structures.* A nonconforming structure may continue to be occupied and used, provided that the nonconforming structure:

a. Shall not be enlarged or altered in any way that increases its nonconformity.

b. Shall not be replaced after removal except in conformance with this Development Code.

c. Shall not be occupied by a use for which off-street parking requirements cannot be met.

(3) Grandfathered nonconforming structures may be routinely repaired and maintained, provided that:

a. Repairs are as necessary to maintain a structure in a safe and sanitary condition and do not exceed 50 percent of the current replacement cost of the structure, during any period of 12 consecutive months.

b. A structure damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction shall be reconstructed only in conformance with this Development Code. Nonconforming structures that are damaged 50 percent or less must begin reconstruction or repair within six months after the damage is incurred in order to maintain the structure's grandfathered status.

(4) A nonconforming structure that is declared by the administrator to be physically unsafe or unlawful due to lack of repairs and maintenance shall not thereafter be restored, repaired, or rebuilt except in conformity with this Development Code.

(d) *Nonconforming lots.*

(1) *Nonconforming lots; defined*. A nonconforming lot is a lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption, revision or amendment of this Development Code, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

(2) *Grandfathered nonconforming lots.*

a. Where the owner of a legal lot of record at the time of the adoption of this Development Code does not own sufficient land to conform to the minimum lot size or lot width requirement of this Development Code, such lot may nonetheless be used as a building site provided that:

1. No further subdivision of the lot is allowed;

2. The building setback and other lot dimensions conform as closely as possible, given the size

and shape of the lot, to the required dimensions of the zoning district; and

3. Access to a public street is provided directly or through an easement recorded prior to adoption of this Development Code.

b. On a legal nonconforming flag lot, landlocked lot or other lot where the minimum lot width cannot be achieved at the minimum front building setback line, the principal building shall be moved back to a location on the lot where the minimum lot width can be achieved.

(3) *Unbuildable lots.* If a legal nonconforming lot has inadequate area or an unusual shape such that an adequate buildable area cannot be established under the setback requirements of the zoning district, a building permit may be issued under the following circumstances:

a. Administrative approval as a special exception may be granted for reductions in setback or lot width of up to 20 percent of the requirement; or

b. Approval for construction is granted as a hardship variance by the board of appeals.

(4) *Combination of nonconforming lots; where required.* If the owner of two or more adjoining lots, at least one of which is a nonconforming lot, decides to build on or sell off these lots, he must first combine said lots to comply with the dimensional requirements of this Development Code.

(e) *Nonconforming signs*.

(1) *Nonconforming signs; defined.* A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption of this article, and which by reason of such adoption fails to conform to all applicable regulations and restrictions of this article.

(2) *Grandfathered nonconforming signs.* A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:

a. Shall not be moved or replaced except in conformity with the provisions of this Development Code.

b. Shall not be repaired, rebuilt, or altered after damage exceeding 60 percent of its replacement cost at the time of destruction except in conformance with this Development Code; provided that reconstruction begins within six months after damage of 60 percent or less is incurred.

c. Shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and well-maintained condition.

d. These provisions shall not have the effect of excusing any violation of any other ordinance. Nor shall these provisions have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.

(3) *Temporary signs to be removed.*

a. Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as a streamer or pennant, shall be removed within 30 days of becoming a nonconforming sign.

b. Failure to remove such illegal sign or bring it into conformance following 30 days' notice to the owner or occupant of the property by an authorized Town official shall authorize the town to institute enforcement procedures pursuant to this Development Code.

(4) *Treatment of illegal signs.*

a. Illegal signs located within a public right-of-way or on public lands:

1. Signs located illegally within any public right-of-way or other public lands shall be removed immediately upon adoption of this Development Code.

2. The Town Marshal, other town employee(s), (and/or private individuals, corporations and entities, if so authorized by the Town Council), shall be authorized to remove and dispose of nonconforming signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.

b. Illegal signs not located within a public right-of-way or on public lands:

1. A sign that was not lawfully existing under the town's regulations prior to adoption of this article shall, within 30 days of adoption of this article, either: a) be removed, or b) be brought into conformance with all provisions of this article.

2. Failure to remove such illegal sign or bring it into conformance following 30 days' notice to the owner or occupant of the property by the code enforcement officer shall authorize the town to institute enforcement procedures pursuant to this Development Code.

(5) *Removal due to road improvements.* If a nonconforming sign must be removed due to a town, county or state road improvement project, the Town Council may authorize the relocation of said sign even though the new location may not meet the setbacks, location and/or spacing or other provisions of this Development Code.

(6) *Continuing maintenance of nonconforming signs.*

a. Nothing in this section shall be deemed to prevent keeping in good repair nonconforming signs.

b. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this Development Code.

c. A nonconforming sign that has been declared by the town to be unsafe because of its physical condition shall not be repaired, rebuilt, or restored unless such repair or restoration will result in a sign that conforms to all applicable provisions of this article.

Sec. 89-8. Exemptions.

(a) *Previously issued permits*. The provisions of the Unified Development Code shall not affect the validity of any lawfully issued and previously effective preliminary plat approval, site development plan approval, building permit or development permit if:

(1) The development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of the Unified Development Code, or will be commenced after such effective date but within six months of issuance of the permit; and

(2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Development Code in effect on the date of the permit expiration.

(b) *Governmental bodies*. It is recognized that as a matter of law, all governmental bodies and authorities legally exempt from regulation under the police power of the Town of Bethlehem are exempt from the regulations contained in this Development Code.

(c) *Validity*. The provisions of any amendment of the development standards contained in the Unified Development Code shall not affect the validity of any lawfully issued and previously effective preliminary plat approval, site development plan approval, building permit or development permit if the development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of such amendment, or will be commenced after such effective date but within 12 months from the date of such amendment. In the event that the development activity is not commenced within the 12-month period immediately following the effective date of the amendment, unless otherwise required by law, the development activity shall comply with those development standards in effect at the time of the commencement of such development activity.

Sec. 89-9. Interpretation.

(a) *Responsibility for interpretation.*

(1) The Town Council of the Town of Bethlehem shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Development Code.

(2) Interpretations of the Town Council of the Town of Bethlehem may be appealed under the provisions of this Development Code relating to appeals.

(b) *Use of figures and examples for illustration.*

(1) Figures associated with defined terms or regulatory paragraphs in this Development Code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

(2) When an example of the application of a specific provision is given, or other explanatory text is provided, such example or text is identified by placement in a shaded box separate from the regulatory paragraphs in this Development Code. Such examples or explanatory text are provided for illustration only and do not limit or change the meaning of the provision or the requirements of this Development Code as written.

(c) *Use of words and phrases.* For the purpose of this Development Code, the following shall apply to the use of words and phrases:

(1) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "he" or "his" also means "her" or "hers".

(2) References to the "town" and to the Town Council and any public officials of the town not otherwise named by political jurisdiction or defined in this Development Code shall always mean the Town of Bethlehem, Georgia, and its governing body, and appointed or employed officials as named. These include:

a. The town marshal, appointed as such by the Town Council, or the town marshal’s designee.

b. The town attorney, appointed as such by the Town Council, or the town attorney's designee.

(3) References to an administrative department of the Town of Bethlehem may mean the department created by the Town of Bethlehem as such, or an official or department of Barrow County designated to administer or enforce this Development Code. These include:

(4) References to public officials or departments of jurisdictions other than the Town of Bethlehem shall always mean such persons or bodies having jurisdiction over or relative to the Town of Bethlehem, Georgia. These include:

a. The Clerk of the Superior Court of Barrow County, Georgia;

b. The Barrow County Health Department;

c. The Oconee Natural Resources Conservation Service;

d. The Northeast Georgia Regional Commission (the NEGRC);

e. The Georgia Departments of Natural Resources (DNR) and Transportation (GDOT); and

f. The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA) and the Federal Environmental Protection Agency (EPA).

(5) The word "person" is intended to include 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 this state, any interstate body or any other legal entity.

(6) The words "shall", "will", "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.

(7) The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.

(8) The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including but not limited to the following".

(9) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the official zoning map through the process established by this Development Code.

(10) The nouns "zone", "zoning district" and "district" have the same meaning and refer to the zoning districts established under this Development Code.

(11) The word "day" means a calendar day unless otherwise specified as a work day, which means Monday

through Friday excluding official town holidays.

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

(13) The term "zoning map" means the Official Zoning Map of the Town of Bethlehem, Georgia, and may include a single map or a series of maps in sections.

(d) *Interpretation of words and phrases.*

(1) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and article in which they occur.

(2) Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce.

(3) Other words and phrases defined in this Development Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.

Sec. 89-10. Glossary of defined terms.

(a) *Purpose*. This section is a glossary of all definitions specifically used in the text of this Development Code. Refer also to section 89-4 regarding the interpretation of figures, words and phrases as used in this Development Code. All definitions, regardless of location within an article of this Development Code, apply equally to the use of such terms throughout the Code.

(b) *Definitions*.

Access: A way or means of approach to provide physical entrance to a property.

Accessory structure setback line: A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and an accessory structure.

Accessory use or structure: A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

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 independent perimeter, load-bearing walls is new construction.

Adult bookstore: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such materials or five percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult cabaret: An adult entertainment facility, or that part of an adult entertainment facility, which regularly features or otherwise offers to the public, customers or members, in a viewing area which is designed for occupancy by more than five persons, any live exhibition, performance or dance by a person whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appears unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

Adult dancing establishment: A business that features dancers displaying or exposing specified anatomical areas.

Adult hotel or motel: A hotel wherein material is presented which is distinguished or characterized by an

emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult massage parlor: A sexually oriented commercial enterprise whose major business is the offering, for any form of consideration, of a service of rubbing, kneading or striking the customer's body in a way which is intended to provide sexual stimulation or sexual gratification to the customer.

Adult mini-motion-picture theater: An enclosed building with a capacity of less than 50 persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patron therein.

Adult video store: An establishment having, as a substantial or significant portion of its stock in trade, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Agricultural: A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose. Agricultural uses are all uses listed on Table 2.3 under the category "Agricultural, forestry, fishing and hunting".

Agricultural activities:

(1) Good-faith commercial production from the land or on the land of agricultural products, including horticultural, floricultural, dairy, livestock, poultry, and apiarian products, but not including forestry products (see "tree harvesting" below).

(2) Clearing trees for the purpose of planting crops, providing pasture for livestock, or constructing buildings accessory to production of agricultural products.

Agritourism: Any activity carried out on a working farm that produces an agricultural commodity that allows members of the public, for recreational, entertainment, or educational purposes, to view, experience, or enjoy rural activities, including farming, ranching, historic, cultural, or harvest-your-own activities, and excluding any competitions utilizing motorized vehicles. An activity may constitute agritourism whether or not a fee is collected to participate.

Antenna: Any device or combination of devices, whether rods, panels or dishes, designed to receive and/or transmit radio frequency signals for amateur radio or personal wireless services, including but not limited to cellular telephone, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), private mobile radio (PMR) and paging.

Appeal: A request for a review of the Town Council's interpretation of any provision of this ordinance.

Applicant: A property owner or their authorized representative who has petitioned the town for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of their property under the requirements of this Development Code.

Application: A petition for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of a property under the requirements of this Development Code.

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

Area of shallow flooding: A designated AO or AH zone on the Town'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 town.

As-built survey drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.

Awning sign: See "building sign".

Banner: A sign other than an official flag, made of paper, cloth, thin plastic, or similar lightweight material, and usually containing a message or logo.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (100-year flood).

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.

Base zone: The primary zoning designation of a property that confers restrictions on buildings and land uses. All property in Town has one base zone (such as R-1 low density single-family residential or C-2 community commercial), but properties may be further regulated by one or more overlay zoning districts.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Bed and breakfast inn: A business establishment operated within a dwelling by the owner or occupant, offering temporary lodging not to exceed 14 consecutive days and offering one or more meals to guests while away from their normal places of residence. In contrast, see "short term rental" and "rooming or boarding house."

Berm: A mound of earth, or the act of pushing earth into a mound.

Best management practices (BMP's): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event. 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.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buildable area of lot: That portion of a lot bounded by and interior to the required rear, side and front building setback lines for a principal building.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. For flood management purposes, refer to "structure" hereinbelow.

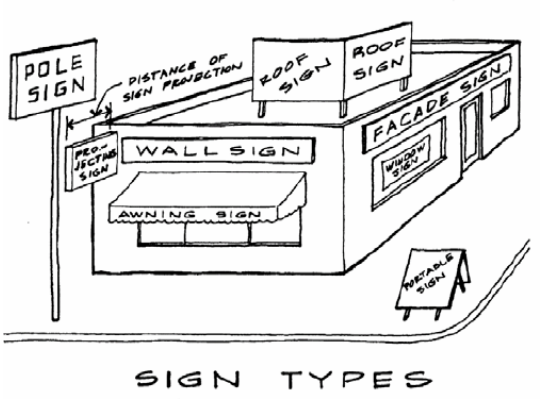
Building code: The technical codes approved for enforcement or otherwise adopted or adopted as amended by the town under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

Building floor area: The total floor area of all heated spaces within a building. Heated floor area does not include garages, unheated basements, attic storage areas and partially unenclosed decks, patios or lanais. Gross floor area comprises the area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. See also "gross floor area".

Building height: The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

Building sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

Figure 1.1 - Sign Types



(1) *Awning sign*: A sign imposed, mounted or painted upon an awning.

(2) *Canopy sign*. A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.

(3) *Mansard sign:* A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.

(4) *Marquee sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.

(5) *Parapet sign:* A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.

(6) *Projecting sign:* A sign affixed to a wall and extending more than 18 inches from the surface of such wall, usually perpendicular to the wall surface.

(g) *Roof sign:* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.

(h) *Under-canopy sign:* A display attached to the underside of a marquee or canopy and protruding over private sidewalks.

(i) *Wall (or fascia) sign:* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 18 inches.

(j) *Window sign:* A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

Caliper: The diameter of a proposed tree (usually nursery stock) measured at a point six inches above the ground or top of root ball for up to and including four-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

(1) *Changeable copy sign*: A type of animated sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Changeable copy signs include the following types: *Electronic changeable copy sign*: A sign whose alphabetic, pictographic or symbolic informational content can be changed and is displayed

electrically or electronically. See also, LED Sign.

(2) *Manual changeable copy sign*: A sign whose alphabetic, pictographic or symbolic informational content can be changed or altered manually by placing such letters or other message elements directly on the sign face by hand, e.g., reader boards with changeable letters.

Channeled letters (internally illuminated letters):

(1) *Internally channeled letters:* Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.

(2) *Reverse channeled letters:* Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

Commercial: A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes. Commercial uses are all uses listed on Table 2.3 under the categories "Administrative and professional offices," "Commercial services," "Arts, entertainment and recreation" and "Retail trade." In addition, conducting yard sales more than three times in any consecutive 12-month period shall constitute a commercial (retail) use.

Commercial vehicle: A commercial vehicle means any vehicle bearing a United States Department of Transportation registration number, whether issued pursuant to federal law (also known as a U.S. DOT Number) or state law (also known as a Georgia U.S. DOT Number). Without limiting the foregoing, a school bus shall be considered a commercial vehicle for purposes of this Code.

Commission: The state soil and water conservation commission.

Common open space: See "open space".

Comprehensive plan: The comprehensive plan for the town, prepared, adopted and as amended from time to time in accordance with the Georgia Comprehensive Planning Law.

Concealed support structure: Any freestanding structure constructed for the primary purpose of supporting one or more antennae but designed to resemble an architectural or natural feature of the specific environment, concealing or camouflaging the presence of the antennae. The term includes but is not limited to clock towers, campaniles, water towers, silos, light poles, flagpoles, and artificial trees.

Condition of zoning approval: A requirement adopted by the town council at the time of approval of a rezoning or special use, placing greater or additional requirements or restrictions on the property than provided in this Development Code in order to reduce an adverse impact of the rezoning or special use and to further the protection of the public health, safety, or general welfare.

Conservation easement: A portion of land set aside in its natural state and preserved as open space in perpetuity.

Containment: Any regulated substance, as defined by the Federal Resource Conservation and Recovery Act, as in effect on the date of passage of the ordinance codified in this article and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils and other fuels, as well as their hazardous constituents.

Copy: See "sign copy".

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.

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 centering on the tree's trunk with a radius equal in feet to one times the number of inches of the trunk diameter. Example: The CRZ radius of a 20-inch diameter tree is 20 feet.

Creek: See "stream".

Cul-de-sac length: For the purposes of this Development Code, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

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 excavated surface. Also known as "excavation."

Cutting: The removal of any soil or other solid material from a natural ground surface.

Day care facility: The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

(1) *Family day care home:* An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, five or fewer children or elderly adults with no overnight stays, or no more than six children or elderly adults if the structure meets the building code requirements for institutional uses.

(2) *Group day care home:* A day care facility that enrolls for pay, supervision and non-medical care, up to 18 children or elderly adults with no overnight stays.

(3) *Day care center:* A day care facility that enrolls for pay, supervision and non-medical care, 19 or more children or elderly adults.

Dead plant or tree: Any living plant material that has lost 33 percent or more of its branches or leaves, as determined by the town, shall be considered dead.

Decorative wall: A wall constructed of or faced with stone or brick, and which may incorporate decorative wrought iron or other architectural metal elements.

Developer: The person, corporation or other legal entity that undertakes the subdivision of property, the alteration of land or vegetation in preparation for construction activity, or the construction of streets, utilities, buildings or other improvements required for the habitation or use of property.

Development:

(1) A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center.

(2) Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

(3) The act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Development permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Development site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

DHR: The Georgia Department of Human Resources.

Diameter breast height (DBH): The diameter of an existing tree trunk measured at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

District: The Oconee Soil and Water Conservation District.

DNR: The Georgia Department of Natural Resources.

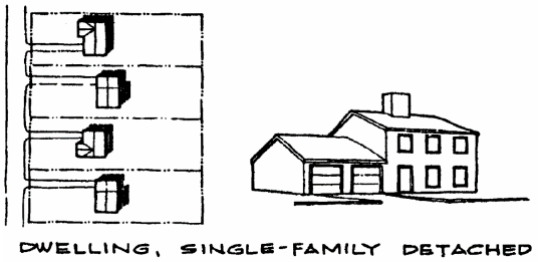
Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle

to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

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 stormwater management, drainage control or flood control purposes.

Drip line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

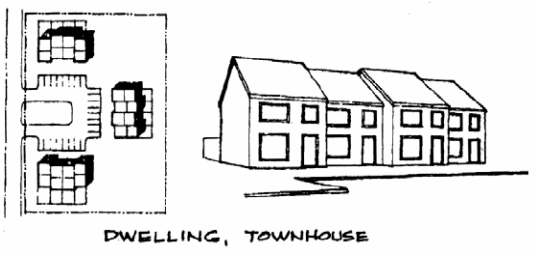
Figure 1.2 - Dwelling, Single-Family Detached



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

(a) *Single-family detached residence:* A residential building, whether site-built or a manufactured home or an industrialized building, designed for occupancy by one family.

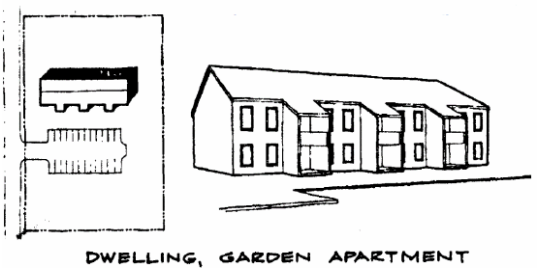
Figure 1.3 - Dwelling, Townhouse



(b) *Single-family attached—Duplex:* A residential building designed exclusively for occupancy by two families in separate dwelling units living independently of each other.

(c) *Single-family attached—Townhome:* A residential building in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another.

Figure 1.4 - Dwelling, Garden Apartment



(d) *Multi-family:* A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other, such as in a garden apartment building.

Dwelling unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure.

Elevated building: A non-basement building built to have the lowest floor of the lowest elevated area elevated above the ground level by means of solid foundation perimeter walls; pilings, columns (posts and piers), shear walls; or breakaway walls.

Encounter center: Any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

EPD: The Georgia Environmental Protection Division of the Department of Natural Resources.

EPD director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

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 protection at least as stringent as the state general permit, best management practices, and requirements in section 89-1254.7(c) of this ordinance.

Erotic dance establishment: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Escort bureau and/or *introduction service:* Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offer to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Event venue: See under "special event venue."

Existing construction: For the purposes of determining rates, structures for which the "start of construction" commenced before August 9, 1988, the date of adoption of the first flood damage prevention ordinance or regulation in the county.

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) is completed before April 7, 1988.

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.

Family: An individual or two or more persons living together as a household.

Family day care home: See under "day care facility".

Family personal care home: See under "personal care home".

Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces: The regulated airspace surfaces promulgated in 14 Code of Federal Regulations (CFR) Part 77, Objects Affecting Navigable Airspace.

Fence: An artificially constructed barrier of wood, wire, wire mesh, or decorative metal erected to enclose, screen or separate portions of a lot.

Festoon: Strings or ribbon, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabrics, plastic, or other pliable material designed to move in the wind.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Filling: The placement of any soil or other solid material, either organic or inorganic, on a natural ground

surface or excavation.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flood and flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the:

(1) Overflow of inland or tidal waters; or

(2) 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 Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

Flood insurance rate map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard or the risk premium zones applicable to the town.

Flood insurance study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

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.

Floodplain: Any land area susceptible to flooding.

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 one foot.

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

Floor area, building: See "building floor area".

Floor area, gross: See "gross floor area".

Flowering trees: See under "tree".

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.

Free-flowing creek, stream, or river: See "regulated stream".

Freestanding sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

(1) *Pole sign*: A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.

(2) *Ground sign*: A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign".

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

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-

term storage or related manufacturing facilities.

Good moral character: A person is of good moral character according to this article 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 years. The town 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 or bond forfeiture when charged with such crime.

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.

Gross floor area: The total area of all floors of a building, measured from the outside planes of the exterior walls.

Ground cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Group day care home: See under "day care facility".

Group home for the elderly: See "retirement community".

Group personal care home: See under "personal care home".

Guest house: An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration, and meeting or exceeding the standards for single-family and two-family dwellings under this Development Code.

Heavily landscaped area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25 percent of its area covered in turf (seed or sod). The remaining 75 percent shall contain shade trees (two-inch caliper minimum), flowering trees (one-inch caliper minimum), evergreen shrubs (three-gallon minimum), deciduous shrubs (three-gallon minimum), and perennials or non-turf groundcovers (2½-inch pot minimum). All plant materials shall be mulched.

Hardwood tree: Any tree that is not coniferous (not cone bearing or a needle leaf evergreen).

Hazardous material: Any contaminant, as defined within the Environmental Protection Article, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.

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 according to federal act, which are in force and effect on February 1988, codified as 40 CFR 261.3.

Hazard to air navigation: An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

Heated floor area: All floor area internal to a principal structure as those phrases are used herein, which actually is served by natural gas or an electric heating system.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic structure: Any structure that is:

(1) 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;

(2) 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;

(3) 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

(4) 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.

Holiday: An official day of festivity or recreation when the offices of the town government are closed for business (other than a Saturday or Sunday).

Home occupation: Types of commercial uses (for profit) that are customarily performed in a small area of a residence that are of a low intensity nature and clearly incidental to the use of a residence.

(1) *Home office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.

(2) *Home business:* A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

Household: An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long-term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.

Human directional sign: A promotional sign held or worn by a human outside of a business to attract customers and promote the business. These signs are also referred to as human billboards, living signs, sign spinners, sign holders, human arrows.

Illuminated signs:

(1) *Internally illuminated sign*: Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.

(2) *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.

Impermeable: Something that water cannot pass through or be absorbed by, such as a layer of rock.

Impervious surface: A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface, such as a building, paved road or driveway, parking lot, deck, swimming pool or patio.

Incidental sign: A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Industrial: A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned or offered for sale or lease for such purpose. Industrial uses are all uses listed on Table 2.3 under the categories "Manufacturing, wholesaling and warehousing" and "Transportation, communications and utilities".

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

Institutional use: A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution. Public or community uses are all uses listed on Table 2.3 under the category "Public and institutional uses".

Junked vehicle: Any vehicle, which is non-operable due to its having been wrecked or vandalized, having had parts removed, or age, which is not intended to be restored to operating condition.

Jurisdiction: That area over which the governing body has authority for planning, zoning and development permitting under the Constitution of the State of Georgia.

Lake: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

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 section 89-1254.5 (e) of this Development Code.

Landscape materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, sand, mulch, pavers, berms, fencing, walls, fountains and other decorative materials.

Landscaping: Landscaping shall consist of shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Land use plan: An element of the comprehensive plan, which includes a future land use map.

Larger common plan of development or sale: A contiguous area where multiple, separate and distinct construction activities are or may be occurring at different times on different schedules under on plan of development or sale.

LED Sign: Any sign or portion thereof that uses light-emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface-mounted (otherwise known as individually mounted LEDs), transmissive, organic light-emitting diodes (OLED), light-emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. An LED sign is considered to be a form of electronic changeable copy sign (see under "Sign, Changeable Copy").

Local issuing authority: Barrow County or its assigned or designated representative, which shall be responsible for administering this article and has been certified by the director of the environmental protection division of the department of natural resources as the issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended. The planning and community development director is hereby designated the responsibility for administering this article.

Lot: A parcel or tract of land held in single ownership.

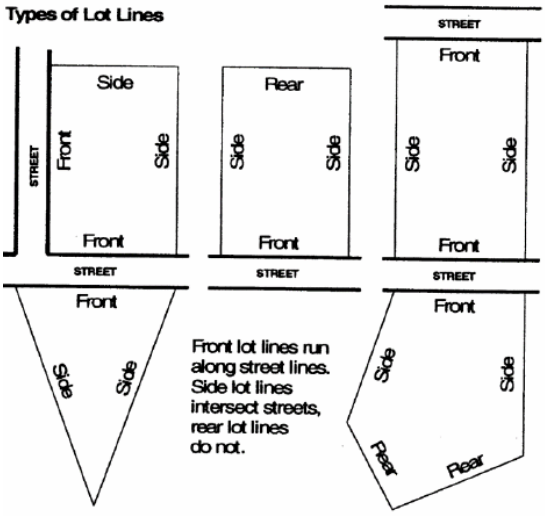
(1) *Corner lot:* Any lot bounded by two streets at their intersection.

(2) *Double-frontage lot (through lot):* A lot bounding on two or more streets, but not at their intersection, so that it is not a corner lot unless said corner lot has frontage on three or more sides.

(3) *Interior lot:* A lot having frontage on only one street.

Lot area: The total horizontal area included within lot lines.

Figure 1.6 Types of Lot Lines



Lot line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

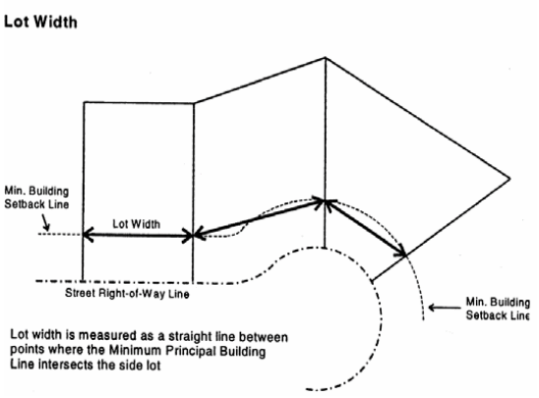
(a) *Front lot line:* Any boundary line of a lot that abuts a public street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.

(b) *Rear lot line:* Any boundary line of a lot that does not intersect with a public street right-of-way line and is not a front lot line.

(c) *Side lot line:* Any boundary line of a lot that intersects with a public street right-of-way line and is not a front lot line.

Lot of record: A lot which is part of a subdivision recorded in the office of the clerk to the superior court, or a lot described by metes and bounds, the description of which has been so recorded.

Figure 1.7 - Lot Width



Lot width: The distance measured along the front principal building setback line between intersecting lot lines. The lot width shall be measured along a straight line between such points of intersection.

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 Code.

Major subdivision: Any subdivision that does not qualify as a "minor subdivision" under section 89-462, or any subdivision of fewer than six lots that involves the construction of a new public or private street. A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has six or more lots (not in a large lot minor subdivision), building sites or other divisions.

Manual for Erosion and Sediment Control in Georgia: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time. For the purposes of administration of this chapter, the applicable manual shall be that published as of January 1 of the year in which the land-disturbing activity is permitted.

Manufactured home: A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 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; except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park or subdivision for the purpose of flood damage: 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 on or after adoption of the first flood damage prevention ordinance or regulation in the county (April 7, 1988).

Manufactured home park: Any lot or parcel under single ownership on which two or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

Mansard: A steeply sloped, roof-like facade architecturally similar to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Marquee sign: See under "building sign".

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 this Development Code, the term "mean sea level" is synonymous with North American Vertical Datum (NAVD) (formerly known as National Geodetic Vertical Datum (NGVD).

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. §§ 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minimum front setback: The minimum distance required by the zoning on a property between an adjoining street and the facade of a principal building on the property.

Minor: Any person who has not attained the age of 18 years.

Minor subdivision: A subdivision of five or fewer lots in which each lot has frontage on an existing town street or road, and which does not involve the construction of a new street or the widening of an existing roadway, the provision of stormwater drainage facilities (other than driveway culverts), or the construction or improvement of any public utilities.

Mobile home: A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 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.

Monument sign: See "ground sign" under "freestanding sign".

Multi-faced sign: A single sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Multi-family residential: A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a mobile home park, or a vacant property zoned or offered for sale or lease for such purposes. Multi-family residential uses are all uses listed on Table 2.3 under the category "residential uses" other than "single-family detached" and "single-family attached: duplex".

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain. See "North American Vertical Datum (NAVD)."

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Natural vegetated area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. 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. Activities specifically allowed in such an area include:

(a) Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;

(b) Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing and skeet and trap shooting;

(c) Education, scientific research and nature trails;

(d) Maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the pervious nature of the land shall be minimized; and

(e) Limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the permissible uses.

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.

New construction: Any structure for which the start of construction commenced after adoption of the first flood damage prevention ordinance or regulation in the county (June 19, 1986), and includes any subsequent improvements to the structure.

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 April 7, 1988.

North American Vertical Datum (NAVD): Replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Obstruction: Any structure, tree, or other object, including a mobile object, which exceeds a limiting height based on FAA airport airspace analysis.

Office park: A development on a tract of land in single ownership that contains a number of separate office buildings, as well as accessory and supporting uses, that is designed, planned, constructed, and managed on an integrated and coordinated bases.

One hundred-year floodplain: A land area subject to a one percent or greater statistical occurrence probability of flooding in any given year.

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment.

(1) *Common open space:* Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected floodplains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property.

(2) *Public open space:* Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.

Operator: The party or parties that have operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention 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 stormwater pollution prevention plan or to comply with other permit conditions.

Outparcel: A lot deeded separately from a larger tract for individual development, but generally sharing access with the larger tract. Outparcels are most generally associated with shopping centers.

Overlay district: A zoning district that may be placed on property in addition to its base zoning. Property may be regulated by a single or by multiple overlay zones. Also referred to as "overlay zone."

Overstory tree: See under "tree".

Owner: The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of the site; A person having or controlling a majority fee simple interest in a property, or their authorized representative.

Parking bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Pennant: Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated within the sign article.

Perennial river: A river or section of a river that flows continuously throughout the year.

Perennial stream: A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad Map.

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, any interstate body or other legal entity.

Personal care home: A dwelling, whether operated for profit or not, which is required to be approved and licensed by the State of Georgia or any agency through which it acts, including but not limited to the department of human services ("DHS"), either as a personal care home or a community living arrangement, and which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and 24 hours per day assistance with one or more personal care services for persons who are not related to the owner or administrator of the dwelling by blood or marriage.

(1) *Small personal care home*: A personal care home in a family-type residence, non-institutional in character, that offers personal care services for up to three ambulatory persons, without providing medical or nursing care.

(2) Group personal care home: A personal care home in a residence or other type of building that is non-institutional in character and offers personal care services for up to 15 persons, without providing medical or nursing care.

(3) *Congregate personal care home:* A personal care home that offers care to 16 or more persons or provides medical or nursing care for any number of residents.

Personal care services: Individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing and toileting.

Place of public assembly: A structure which is designed to accommodate more than 50 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment, or amusement.

Planned center: A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by two or more principal businesses that are separately owned and have no corporate relationship, such as a shopping center or office complex.

Plant materials: Living plants, such as trees, shrubs, ground cover, grasses and perennial flowering plants, turf, and vines that are suitable for ornamental and/or functional use.

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 a recharge area.

Pollution susceptibility map: Maps prepared by the state department of natural resources that show the relative susceptibility of groundwater recharge areas to pollution, the pollution susceptibility map categorizes the land areas of the state into areas of high, medium, and low groundwater pollution potential.

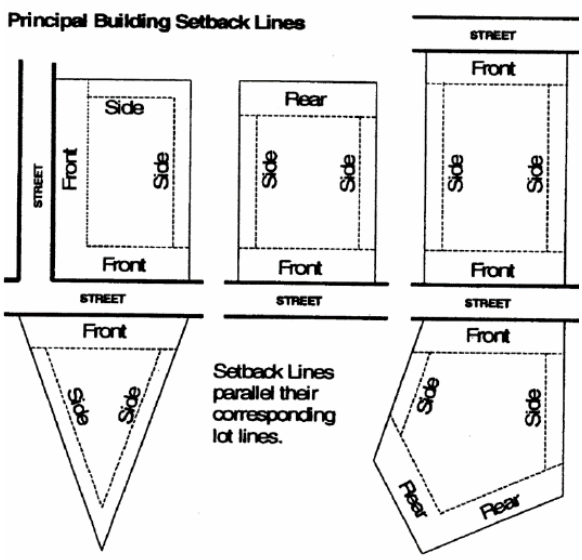
Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

Portable sign: Any sign that is not permanently affixed to a building or other structure including but not limited to, signs mounted or painted on vehicles not used primarily for other purposes. (See also "vehicular sign", below.)

Principal building: A building in which is conducted a principal use.

Principal building setback line: A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and a principal building on a lot.

Figure 1.8 - Principal Building Setback Line



(1) *Front building setback:* The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it.

(2) *Rear building setback:* The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and parallel to the full length of the rear lot line.

(3) *Side building setback:* The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and parallel to the side lot line between the front building setback and a rear building setback (if any).

Principal freestanding sign: The main or largest freestanding sign or signs on a property.

Principal use: The specific, primary purpose for which land or a building is used.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Project entrance sign: A permanent freestanding sign located at a discernible entrance into a multi-family development; or at a discernible entrance into a development containing more than one principal building, such as a business center or office park; or into a development containing multiple lots, such as a particular residential, office, commercial or industrial subdivision.

Projecting sign: See under "building sign".

Property or parcel of land: See "lot".

Protected state 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. In the county, the protected state rivers are the Middle Oconee River, the Mulberry River and the Apalachee River.

Protected zone: All lands that fall outside the buildable area of a parcel, all areas of the parcel required to remain in open space, and all designated buffers or tree save areas, and other areas as may be established by conditions of zoning approval.

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection;

domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

Public open space: See under "open space".

Public utility: A service provided by a public utility company or private entity that provides such service, including all equipment and structures necessary to provide such services.

Qualified personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Recharge area: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Recreational vehicle: A motorized camper, converted bus, tent trailer, motor home, or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations. A recreational vehicle is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulated stream: A natural, free-flowing watercourse that meets certain criteria as established within the environmental protection article of this Development Code.

Replacement tree: See "tree, replacement".

Residential business: See "home business" under "home occupation".

Restaurant, custom service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast-food restaurant.

Restaurant, family: A custom service restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Restaurant, fast food: Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a custom service restaurant.

Restaurant, quality: A custom service restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

Retirement community: An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents. At least 80 percent of the units must be occupied by residents 62 years old or older, and the remaining units must be occupied by at least one resident 55 years old or older.

River: A natural, free-flowing watercourse that is typically of greater volume than a stream or creek. See also "state protected river."

River bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River corridor: All land, including islands, not regulated under the Metropolitan River Protection Act, O.C.G.A. §§ 12-5-440 et seq., or the Coastal Marshland Protection Act, O.C.G.A. §§ 12-5-280—12-5-293, in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. 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 treated by the county in the same manner as the river corridor. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this article, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the state department of community affairs. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the department of community affairs.

River corridor protection plan: That part of the comprehensive plan that deals with river corridor protection as required by the Georgia Planning Act of 1989, O.C.G.A. §§ 36-70-1 et seq.

Roadway drainage structure: A device such as a bridge, culvert or ditch, composed of a virtually non-erodible 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 way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rooming and boarding house: A dwelling within which a resident family or manager offers lodging (rooming) and meals (boarding) to up to 15 persons not under the resident's parental or protective care, in exchange for monetary compensation or other consideration, as a place of residence on a permanent or long term (more than 30 days) basis. In contrast, see "Bed and Breakfast Inn" and "Short Term Rental."

Roof sign: See under "building sign".

Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the planning and community development director:

(1) Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.

(2) Masonry walls.

(3) Plant materials or natural vegetation.

(4) Earthen berms.

For the purpose of this chapter, a screen is opaque to a height of six feet above the ground surface or, for a screen of plant materials, has the maximum opacity obtainable with the approved arrangement and species of plant materials, to a height of six feet.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, 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.

Sensitive natural area: Any area, as identified now or hereafter by DNR, 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 DNR; and which is sensitive or vulnerable to physical or biological alteration.

Setback: The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less), measured at 90 degrees to the street or lot line. See also "*principal building setback line.*"

Setback, minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line. See also "*principal building setback line.*"

Sexually oriented establishment: Any establishment that, as a regular and substantial business purpose, offers services, live performances or materials in print or in any photographic or recorded media that depicts specified anatomical areas specified below or involves specified sexual activities described below, with the intent of providing sexual stimulation or gratification to the customer. Such uses include but are not limited to: an adult bookstore, adult cabaret, adult dancing establishment, adult hotel or motel, adult massage parlor, adult mini-motion-picture theater, adult motion picture arcade, adult motion picture theater, adult video store, encounter center, erotic dancing establishment, escort bureau or introduction service.

Shade tree: See under "tree".

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Shopping center: See "planned center".

Short term rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than 30 consecutive nights. For the purposes of this definition, a short-term rental shall include only single-family housing types, and shall exclude bed and breakfast inns and rooming and boarding houses as they are defined by this Code.

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign copy: The words, letters, numbers, figures, symbols, logos, fixtures, colors, or other design elements presented by a sign to convey its message or meaning.

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign module: Each portion or unit of a sign face that is clearly separable from other such units by virtue.

Sign structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Significant recharge area: Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 Edition).

Soil and water conservation district approved plan: An erosion and sedimentation control plan approved in writing by the Oconee Soil and Water Conservation District.

Special event venue: A structure or space being leased for receptions, events, or similar functions as described in section 89-186.

*Special flood hazard areas: S*pecial flood hazard areas as designated on National Flood Insurance Program maps.

Specified anatomical areas: Any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Any of the following:

(1) Actual or simulated sexual intercourse, oral 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, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty,

pedophilia, picquerism, sapphism or zooerasty;

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;

(3) Use of human or animal ejaculation, sodomy or copulation, coitus or masturbation;

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

(6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or

(7) Human excretion, urination, menstruation or vaginal or anal irrigation.

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.

Standard informational sign: A sign with an area of not greater than 18 square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Start of construction: The initiation of new construction or a substantial improvement, as follows:

(1) *For new 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 of construction means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.)

(2) *For a substantial improvement:* The date the building permit was issued provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

State general permit: The National Pollution Discharge Elimination System general permit or permits for stormwater 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 O.C.G.A. § 12-5-30(f).

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 the state which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Stream: A natural, free-flowing watercourse with either constant or intermittent flow of moderate volume typically less than that of a river.

Stream bank: The point where vegetation has been wrested by normal stream flows or wave action. For non-trout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.

Stream buffer:

(a) 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.

(b) An area along the course of any river, stream, creek, branch, lake reservoir, pond, drainage system, spring, well or other body of surface or subsurface water, whether natural or artificial to be maintained

in an undisturbed and natural condition. Stream buffers are established pursuant to the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. §§ 12-701 et seq., as amended.

Stream, regulated: See "regulated stream".

Street, half: A street having one-half of the minimum required right-of-way or pavement width.

Structure:

(1) Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to buildings, driveways, parking lots, walls, fences, signs, and swimming pools.

(2) A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

(3) An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Structural erosion and sedimentation control measures: Measures 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 sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Structure height: For all structures other than buildings, the vertical distance to the highest point of a structure, as measured from the average grade at the base of the structure or directly below a projecting structure. See also "building height."

Subdivision:

(1) The division of a property or tract of land into two or more tracts or lots.

(2) A land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots.

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 50 percent of the market value of the structure before damage occurred.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement.

The market value of the building should be:

(1) The appraised value of the building prior to the start of the initial repair or improvement.

(2) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage" regardless of the actual amount of the actual 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 those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of this Development Code and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home parks or *subdivisions*: *W*here 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.

Temporary event: An event or activity open to the public having a specific duration or the end of which is related to a specific action, usually lasting at most for only a few days at a time, which occurs upon private property in a manner of use that will significantly affect the ordinary use of the property in such a way as to constitute a public nuisance. The term "temporary event" may include but is not limited to such activities as:

(1) Special business promotions, such as, but not limited to, grand openings, close-out sales, carnivals and seasonal sales events;

(2) A carnival or fair;

(3) A horse show;

(4) A rodeo;

(5) Shooting or athletic events;

(6) Flea markets;

(7) Festivals.

The term "temporary event" does not include events or activities on government property. The term "temporary event" also does not include garage sales, yard sales, or similar casual sales of tangible personal property, but such sales may be regulated pursuant to other Town regulations.

Temporary sign: A sign that is short-term in nature which is affixed to or placed on the ground or a building and is not intended for permanent installation.

Temporary wireless communication facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a cell-on-wheels (COW).

Tenant: A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Telecommunications tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telecommunications towers, alternative tower structures, and other similar structures.

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

(1) *Tree, deciduous*: A tree that sheds its leaves annually.

(2) *Tree, evergreen*: A tree that has live foliage throughout the year, the leaves of the past season not being shed until after the new foliage has been completely formed.

(3) *Tree, flowering*: An ornamental tree that is known for its blooms and generally matures at a height of less than 40 feet. Flowering trees approved for use include dogwood, redbud, crape myrtle, and ornamental cherry. Flowering trees not approved for use include Bradford Pear.

(4) *Tree, shade*: A broadleaf deciduous tree having an average height at maturity of a least 40 feet and having a broad spread relative to its height (excluding trees with columnar crowns) and a dense canopy, so as to provide shade to structures of parking areas in the summer months.

(5) *Tree, overstory*: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more (Reference: Landscape Plant Materials for Georgia, cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publications.) Reference may also be made to the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

(6) *Tree, understory*: Any deciduous or evergreen tree that has the potential to grow to a mature height of less than 40 feet (Reference: Landscape Plant Materials for Georgia, cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publications.) Reference may also be made to the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, replacement: A replacement tree is a new tree planted on a site to meet minimum site tree unit per acre requirements regardless of whether tree existed prior to any development).

Tree harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree save area: All areas designated for the purpose of meeting tree density requirements or preserving

natural zoning buffers.

Tree unit value: A unit of measure used to prescribe the calculated tree coverage on a site. Tree unit values relate to the size of the tree trunk (diameter or caliper). One tree unit is not equivalent to one tree.

Trout streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Under-canopy sign: See under "building sign".

Understory tree: See under "tree".

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied. See also "principal use" and "accessory use or structure".

Vape shop: Establishment selling any vapor product(s).

Vapor: Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from nicotine or other substances in a solution or other form. Such term shall include, but shall not be limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor or aerosol cartridge or other container of nicotine or other substance in a solution or other form, including, but not limited to, a device component, part, or accessory of the device, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Such term shall not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

(2) Temporary seeding, producing short-term vegetative cover; or

(3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia".

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 as to be viewed or intended to be viewed from the public right(s)-of-way except 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;

(2) When such conveyances are parked in an inconspicuous area; or

(3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

*Violation: T*he failure of a structure or other development to be fully compliant with the applicable floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Wall sign: See under "building sign".

Water quality critical area: The water quality critical area for each water supply watershed shall comprise all lands within the respective water supply watershed districts within seven miles upstream from the public water

supply intakes or the boundary of a public water supply reservoir.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned drinking water systems. This definition specifically excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area upstream of a governmentally owned public drinking water supply intake or reservoir boundary.

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.

Watershed: The total area of land that is drained by a river or stream and its tributaries.

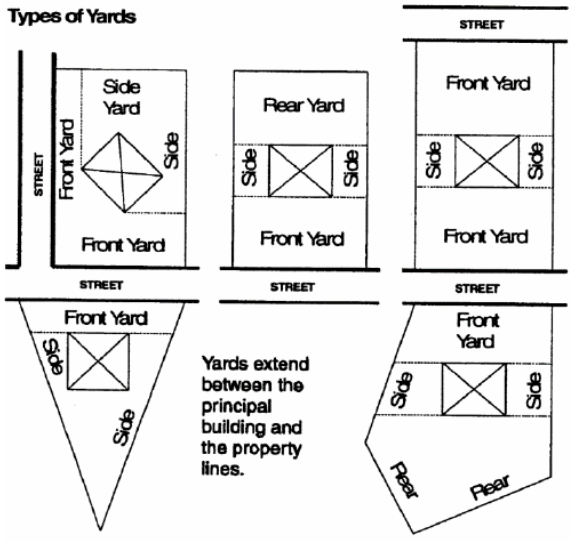
Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

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

Window sign: See under "building sign".

Wireless telecommunications facility. The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunication services. This definition shall not include those facilities commonly known as "small cell communications equipment" or "small wireless facilities" which shall be governed by the Town's Small Wireless Facilities and Antennas Ordinance.

Figure 1.9 - Types of Yard



Yard: An area that lies between the principal building on a lot and the nearest lot line.

(1) *Front yard:* A yard situated along any public street right-of-way or private street easement.

(2) *Rear yard:* A yard situated along a rear lot line.

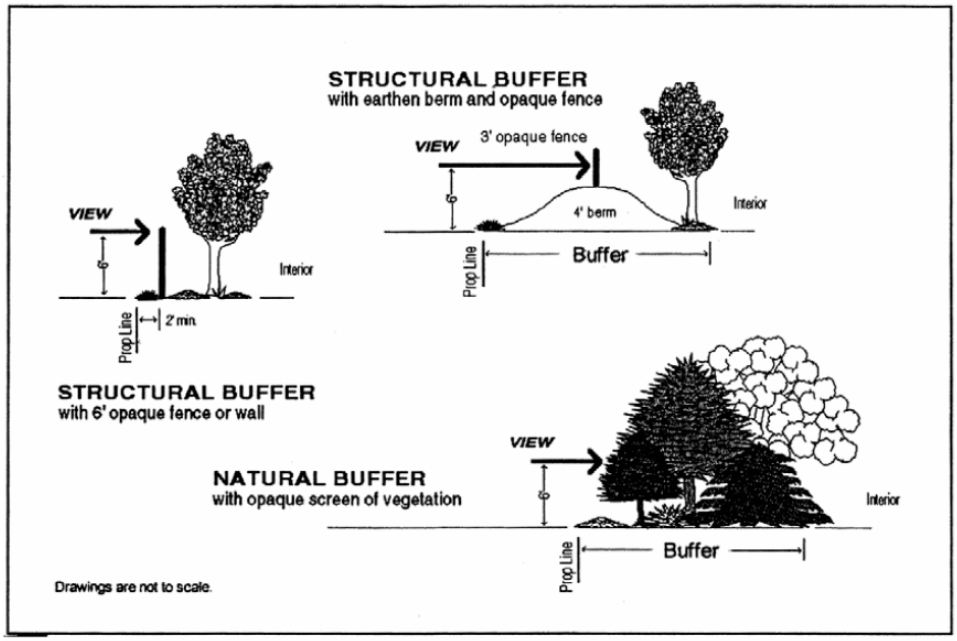
(3) *Side yard:* A yard situated along a side lot line, but not extending into a front or rear yard.

Yard sale: An infrequent event lasting no more than three calendar days conducted on residentially zoned or used property where used or previously purchased household goods and personal items are offered for sale to the general public by the owner or tenant of the property or by a group of owners or tenants. Pursuant to the definition

of commercial above, yard sales will amount to a commercial use of property if conducted more than three times in any consecutive 12-month period. A yard sale lasting over the course of a maximum of three consecutive calendar days shall constitute a single yard sale event for purposes of calculating the number of yard sales that occur in any consecutive 12-month period.

Zoning buffer: An area of natural vegetation or man-made construction, which is intended to provide a visual and dimensional separation between dissimilar land use.

Figure 1.10 - Buffers



(1) *Natural zoning buffer:* A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.

(2) *Structural buffer:* A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Zoning change: An amendment to the zoning map (rezoning), approval of a special use, or approval of a change in the conditions of approval associated with a rezoning or special use.

Secs. 89-11—89-60. Reserved.

ARTICLE II. USE OF LAND AND STRUCTURES

Sec. 89-61. Purpose of article.

This article defines the zoning districts in the town and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this article identifies specific uses within each zoning district to which restrictions may apply. Restrictions on particular uses are presented in Article III of this Development Code.

Sec. 89-62. Zoning map.

The boundaries of the various zoning districts are shown on a map entitled "The Official Zoning Map of the Town of Bethlehem, Georgia", adopted on the date of adoption of this Development Code, and as amended thereafter from time to time.

(a) *Official map adopted*.

(1) The "Official Zoning Map of Town of Bethlehem, Georgia" (referred to in this Development Code as the "zoning map") is adopted as the official zoning map and is hereby made a part of this Development Code, and all notations, references and other information shown on it shall be a part of this Development Code.

(2) The official zoning map as adopted at the time of adoption of this Development Code or as subsequently readopted in its entirety shall be identified as that map or series of maps signed by the Mayor in office at the time of adoption, and attested by the clerk of the Town of Bethlehem. A certified copy of the zoning map as originally adopted shall be kept on record in the town clerk's office.

(3) The zoning map as adopted and as may be amended by the Town Council from time to time sets forth the location of all zoning districts in the town.

(b) *Amendments.*

(1) The zoning map, as adopted by the Town Council and amended from time to time by its action, shall be maintained and available in the office of the Town Clerk and a copy may be maintained in the office of the Barrow County Planning and Community Development Department. The map as amended from time to time by the Town Council may be kept in an electronic format from which printed copies can be produced.

(2) No changes of any nature shall be made to the official zoning map except in conformity with amendments to the map approved by the Town Council or by adoption of a new official zoning map of Town of Bethlehem. Such amendments shall be spread upon the minutes of Town Council and shall be available for public inspection.

(3) All zoning district boundary changes and amendments to the zoning map shall be noted on the map maintained in the Barrow County Planning Department with the date of the zoning change or amendment and reference to the implementing ordinance.

Sec. 89-63. Determination of zoning district boundaries.

(a) *Zoning district boundaries; general.*

(1) The boundaries of the districts as shown on the zoning map shall be determined on the basis of the legal descriptions or boundary surveys associated with approved zoning petitions, or, lacking such legal descriptions or surveys, on the basis of the location of the boundary as depicted on the zoning map along with any dimensions shown.

(2) All property in the town is placed in the zoning districts as indicated on the zoning map and no property shall be used except in accordance with its zoning designation on the zoning map, conditions of zoning approval and provisions of this Development Code.

(b) *Zoning district boundaries; delineation.* Where uncertainty exists as to the boundaries of any district shown on

the official zoning maps the following rules shall apply:

(1) Where boundaries are indicated as approximately following the centerline or right-of-way line of streets and alleys, land lot lines, militia district lines or lot lines, these lines shall be construed to be these boundaries.

(2) In unsubdivided property or tracts, where a district boundary divides a lot, the location of these boundaries shall be scaled distance from lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies may be extended to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.

(3) In the case of a through lot (a "double-frontage" lot) fronting on two separate streets that is divided by a zoning district boundary line approximately paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the lot.

(4) Where boundaries are so indicated that they are approximately parallel to the centerline or right-of-way line of streets, alleys or highways, these boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning maps. If no distance is given, this dimension shall be determined by the use of the scale shown on the maps.

(5) In case any further uncertainty exists, the Town Council shall determine the location of boundaries.

(6) Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

Sec. 89-64. Implementation and adoption of a comprehensive plan.

Contemporaneously with the adoption of this Development Code, the Town Council implements and adopts the "Future Land Use Map" of the Town of Bethlehem comprehensive plan, as subsequently amended from time to time.

Sec. 89-65. Zoning districts; established.

(a) *Districts established*.

(1) For purposes of this Development Code, the following zoning districts are established as listed in Table 2.1 along with the zoning map symbol and the comprehensive plan future land use map designation that is being implemented by the zoning district.

(2) The zoning districts shown on Table 2.1 are listed in order of restrictiveness from most to least, with the AG agricultural district the most restrictive and the M-1 light industrial district the least restrictive.

Table 2.1: Zoning Districts

Zoning District	Symbol	Comprehensive Plan Future Land Use Map Category*
Agricultural Districts		
Agricultural District	AG	Rural Reserve; Rural Neighborhood
Residential Districts		
Agricultural Residential	AR	Rural Reserve; Rural Neighborhood; Community Crossroads
Low Density Single-Family Residential	R-1	Rural Reserve; Rural Neighborhood; Suburban Neighborhood; Community Crossroads
Medium Density Residential District	R-2	Suburban Neighborhood; Traditional Neighborhood; Mixed Use Neighborhood
High Density Residential District	R-3	Traditional Neighborhood; 316 Innovation Corridor; Mixed Use Neighborhood
Commercial Districts		
Agricultural-Commercial	AC	N/A**
Office-Institutional	O-I	316 Innovation Corridor

Neighborhood Commercial District	C-1	Community Crossroads; Commercial Corridor, Mixed Use Neighborhood
Community Commercial District	C-2	Commercial Corridor; Mixed Use Neighborhood
Intensive Commercial District	C-3	Employment/Industrial Center; Commercial Corridor***; 316 Innovation Corridor
Industrial Districts		
Light Industrial District	M-1	Employment/Industrial Center; 316 Innovation Corridor
Overlay Districts		

* Refers to Future Land Use Map categories, as set forth in the Comprehensive Plan.

** The AC district is grandfathered; no new rezonings to AC will be approved under this Development Code.

*** Secondary consideration only: C-3 zoning in areas designated as "Commercial Corridor" on the Town of Bethlehem Future Development Map is only appropriate where higher intensity uses exist, industrial uses are adjacent, or rail access is present.

(b) *Special conditions of previous zoning approvals retained.* All special conditions and special stipulations imposed as conditions of rezoning of property prior to adoption of the zoning map are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Town Council is amended through the rezoning process established by this Development Code.

Table 2.2: Reserved.

Sec. 89-66. Zoning districts; relationship to comprehensive plan.

Application of the comprehensive plan: The Town of Bethlehem Comprehensive Plan in combination with its future land use map establishes appropriate land use categories and a range of development intensities, composed of densities, floor area ratios, or similar measures, for each land area in the town. This Unified Development Code and the town's individual project approvals provide development standards, plan requirements and other factors that shall determine the development intensity of each project within the comprehensive plan range. The town reserves the right to limit projects to intensities below the comprehensive plan's upper limits. The zoning districts and the corresponding comprehensive plan future land use map designations are listed in Table 2.1.

Sec. 89-67. Zoning districts; purpose of each.

(a) *Agricultural district (AG).* The AG agricultural district is composed chiefly of open land, small agricultural uses and very low-density single-family residential uses. This district preserves rural character, supports agricultural operations, and maintains large-lot single-family homes. The regulations for this district are designed to encourage compatibility between existing agricultural uses and the development of limited low-density residential development while maintaining the rural character of the district. This district is characterized by large acreage residential lots and farms of at least five acres. Institutional uses (such as churches) that are compatible with the rural environment and compatible commercial farm uses, such as commercial greenhouses and riding stables are allowed.

(b) *Agricultural-residential district (AR)*. The AR agricultural-residential district is established to provide a transition between agricultural uses and residential uses. This district provides a location for light agriculture, single-family residential, residentially compatible institutional and recreational uses, and selected agricultural related commercial, such as produce stands, within a rural setting. When residentially compatible institutional, recreational and commercial uses are developed within the AR district, they are to be designed and built to ensure density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this Development Code. Minimum lot size within the district is two acres.

(c) *Low density single-family residential district (R-1)*. The R-1 low density single-family residential district is established to provide locations for single-family detached residential uses on individual lots or in

conventional subdivisions with a density of 1 dwelling unit per acre, and residentially compatible institutional and recreational uses. When residentially compatible institutional and recreational uses are developed within the R-1 district, they are to be designed and built to ensure density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this Development Code.

(d) *Medium density residential district (R-2)*. The R-2 medium density residential district is established to provide locations for smaller lot single-family, fee simple duplexes, fee simple townhouses (single-family attached) and residentially compatible institutional and recreational uses. When residentially compatible institutional and recreational uses are developed within the R-2 district, they are to be designed and built to ensure density compatibility with adjacent residential dwellings and otherwise to implement the stated purpose and in Code.

(e) *High density residential district (R-3)*. The R-3 high density residential district is established to provide locations for a mix of housing types, including single-family detached residential, attached single-family residential uses, duplexes, triplexes, quadraplexes and townhouses, and condominiums. The intention of this district is to incorporate multi-family residential within small complexes that will not create a large impact on services within the community. When residentially compatible institutional and recreational uses are developed within the medium density residential district, they are to be designed and built to ensure density compatibility with adjacent residences and otherwise to implement the stated purpose and intent of this Development Code.

(f) *Reserved*.

(g) *Agricultural-commercial district (AC)*. A district of at least one acre in size intended to preserve and promote agriculture-related businesses and activities. Properties previously zoned AC may continue to be used or developed under their zoning approval, but no new AC zoning requests will be approved under this Development Code.

(h) *Office and institutional (O-I).* The O-I office and institutional district is established to provide locations for business service, administrative and professional offices; semi-public and nonprofit institutions such as private schools, churches and other places of worship, and medical centers; and limited commercial activities generally not involving personal services or retail sales, or the storage or processing of merchandise. Developments should provide pedestrian connections to adjacent properties and buffer adjacent residential areas.

(i) *Neighborhood commercial district (C-1)*. The C-1 neighborhood commercial district is established to provide locations for individual businesses that reflect a neighborhood level of intensity and serve a small geographic area, that are compatible with the surrounding residential neighborhoods, and that are not traffic intense. Uses are to consist primarily of convenience shopping facilities, small offices and services that serve a neighborhood-oriented market and which supply necessities and/or services that usually require frequent purchasing with a minimum of consumer travel. When located within any type of master planned development, the NC district should provide for uses that are lower intensity in nature, or design features implemented in order to ensure compatibility with adjacent dwellings.

(j) *Community commercial district (C-2)*. The C-2 community commercial district is established to provide locations for office, commercial and service uses that serve several neighborhoods or a portion of the town. Uses within this district are more impact-intensive than neighborhood commercial uses and should be located at the perimeter of residential areas and along major thoroughfares. This district is intended to accommodate a range of commercial, retail, service and office uses, from a more community serving level including medical office developments, banking and financial institutions, professional offices, community retail and services, and shopping centers anchored by grocery or drug stores.

(k) *Intensive commercial district (C-3)*. Within the C-3 intensive commercial district, land uses are oriented to those, which are designated to serve the automotive traveling public. This district provides locations for retail commercial, storage, limited light industrial uses and service uses that are land intensive and have a need for major road access and visibility. The district is intended to serve the automobile, its passengers and highway users rather than individuals who use an automobile as convenience to perform necessary daily and weekly personal needs. The district is intended to be restricted to major arterials and collectors which may also have other businesses located on them. Major planned shopping centers, specialty shopping centers, big box commercial centers and villages incorporating shared access, parking and design are encouraged.

(l) *Light industrial district (M-1)*. The M-1 light industrial district is established to provide locations for office, churches and other places of worship, business park, light manufacturing and distribution/service facilities developed as planned industrial developments that are located on or have ready access to a major collector

or arterial street. Light manufacturing facilities shall not involve heavy manufacturing or the conversion of raw materials into finished products. Light manufacturing uses shall generally consist of establishments for processing, assembling, fabricating, preparing, cleaning, servicing, testing, or repairing of materials, goods or products. Such uses should be encouraged near existing like uses, in accordance with policies outlined in the Town of Bethlehem Comprehensive Land Use Plan.

(m) *Reserved*.

Sec. 89-68. Uses allowed in each zoning district.

(a) *Allowed principal and accessory uses*.

(1) Principal use: The specific, primary purpose for which land or a building is used.

(2) Accessory use: A use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would generally not exist independent of the principal use.

(3) Principal uses that are allowed by right or allowed only by special use approval in each zoning district are shown on the following Table 2.3. Accessory uses that are allowed in conjunction with a principal use are shown on Table 2.1.

(b) *Restrictions on particular uses*.

(1) Requirements that apply to specific uses are listed in the Article III of this Development Code. For convenience, those uses are identified by a separate symbol on the following Table 2.3 and Table 2.4 for uses that would otherwise be allowed by right. The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval. For those uses that have specific restrictions associated with them, a reference is given on the two tables to the pertinent section in Article III.

(2) The following sections of Article III apply to all or a variety of individual uses, however, and are not generally indicated on either of the two tables:

a. Section 89-122, Agricultural separation requirements.

b. Section 89-123, Environmentally hazardous uses.

c. Section 89-124, Outdoor display areas.

d. Section 89-125, Outdoor storage.

e. Section 89-134, Restrictions on uses in commercial and industrial districts.

f. Section 89-135, Sexually oriented businesses.

g. Section 89-136, Timber harvesting notice.

h. Division 4, Airport hazard zone restrictions.

i. Division 5, Prohibited uses.

(c) *Special uses.* Principal uses that are special uses may be allowed subject to special use approval procedures as set forth in the procedures and permits article (Article XII) of this Development Code.

(d) *Prohibited uses*.

(1) Any principal use not shown on the following Table 2.3 as allowed in a zoning district, whether by right or with approval as a special use or as a use permitted with restrictions, is specifically prohibited.

(2) Any accessory use not shown on the following Table 2.4 as allowed in a zoning district, whether by right or with approval as a special use or as a use permitted with restrictions, is specifically prohibited.

(3) In addition, uses, products and manufacturing processes that are specifically prohibited in all zoning districts are listed in the prohibited uses division of the restrictions on particular uses article of this Development Code.

(e) *Interpretation of principal and accessory land uses*.

(1) In addition to other generally accepted references and resources, the "North American Industrial Classification System" (NAICS), published by the U.S. Department of Commerce (2002 Edition), may be

referred to in order to interpret the definition of uses listed on Table 2.3 and Table 2.4 and to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use category for reference and interpretation only; the NAICS is not adopted as part of this Development Code.

a. The NAICS industrial classification system includes two to six-digit codes, with longer codes representing more detailed subsets of the shorter codes.

b. In order to provide a concise list of uses, the shortest group category is provided for uses where all of the more detailed NAICS sub-categories are also included.

(2) The NAICS assigns classification numbers to businesses and industries based on the primary business activity in which the company is engaged. While business activity usually corresponds to land use type, and therefore can be easily assigned to appropriate zoning districts, there are exceptions. Some businesses may be primarily engaged in a certain industry—such as telecommunications, for instance, like BellSouth—but individual locations host notably different activities. For a company like BellSouth, for instance, different facilities may include retail stores for telephones, offices for administrative functions, satellite and exchange switching stations, and repair and installation staging lots where heavy equipment vehicles, telephone poles, wire spools and materials are stored. As a result, interpretation is occasionally needed for an individual use, regardless of the business activity in which the parent company is engaged.

a. If no NAICS classification number is shown on the table, there is no corresponding category to the land use listed. The use may be residential in nature (there are no NAICS categories for residences) or may be a land use activity not generally recognized as an individual business activity or industry type.

b. In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this article, both the common and dictionary definitions of the use, and similarity to the array of listed uses that are allowed in the district as to their character and intensity.

Sec. 89-69. Definitions of land use categories.

Land use categories referred to in this Development Code have the following meanings. The use of the term "property" relative to a land use category includes both developed and undeveloped properties, while the term "use" means a property that is developed, occupied or otherwise in operation under the land use category.

(1) *Agricultural*: A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose. Agricultural uses are all uses listed on Table 2.3 under the category "Agriculture, Forestry, Fishing and Hunting".

(2) *Single- and two-family residential*: A property occupied primarily by one or more single-family dwellings or duplex dwellings, or a vacant property zoned or offered for sale or lease for such purpose. Single- and two-family residential uses are listed as "Single-Family Detached" and "Single-Family Attached: Duplex" on Table 2.3 under the category "Residential Uses".

(3) *Multi-family residential*: A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a mobile home park, or a vacant property zoned or offered for sale or lease for such purposes. Multi-family residential uses are all uses listed on Table 2.3 under the category "Residential Uses" other than "Single-Family Detached" and "Single-Family Attached: Duplex".

(4) *Commercial*: A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes. Commercial uses are all uses listed on Table 2.3 under the categories "Administrative and Professional Offices", "Commercial Services", "Arts, Entertainment and Recreation", and "Retail Trade".

(5) *Industrial*: A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned or offered for sale or lease for such purpose. Industrial uses are all uses listed on Table 2.3 under the categories "Manufacturing, Wholesaling and Warehousing" and "Transportation, Communications and

Utilities".

(6) *Institutional use*: A property occupied by a private, nonprofit religious, recreational, educational or philanthropic organization, club or semi-public institution. Institutional uses are all uses listed on Table 2.3 under the category "Public and Institutional Uses".

Table 2.3: Principal Use Table

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	AGRICULTURAL USES												
11	**Agriculture, Forestry, Fishing and Hunting**												
111	Crop Production, except Greenhouse, Nursery, and Floriculture Production	P	P	P	P		P					P	
1114	Crop Production: Greenhouse, Nursery, and Floriculture Production	PR	PR				PR		PR	PR	PR	PR	89-122
112	Animal Production:												
1121	Cattle Ranching and Farming, except Feedlots	PR					PR						89-157(b)
112112	Cattle Feedlots	PR					PR						89-157(b)
112120	Dairy Cattle Farming	PR					PR						89-157(b)
1122	Hog and Pig Farming	PR					PR						89-157(b)
1123	Poultry and Egg Production	PR	PR	PR	PR		PR						89-157(b)
1124	Sheep and Goat Farming	PR	PR				PR						89-157(b)
1125	Animal Aquaculture	PR	PR				PR						89-157(b)
1129	Other Animal Production	PR	PR	PR			PR		PR				89-157(b)

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
113	Forestry and Logging	PR	SU	SU									89-136
114	Commercial Fishing, Hunting and Trapping	PR					PR						89-122(a)
1151	Support Activities for Crop Production	PR					PR						89-122(a)
1152	Support Activities for Animal Production	PR					PR						89-122(a)
1153	Support Activities for Forestry	PR					PR						89-122(a)
424590	Livestock Sale Pavilion and Auction Facility	SU					SU						89-157(b)
	RESIDENTIAL USES												
	Single-Family Detached: Site-Built or Modular Home	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		89-127
	Single-Family Detached: Manufactured Home	PR	PR	PR	PR	SU	PR						89-127; 89-130; 89-131
	Single-Family Attached: Duplex				SU	PR	SU	SU	SU	SU	SU		89-127
	Single-Family Attached: Townhomes				SU	PR		SU	SU	SU	SU		89-128
	Multi-Family					PR				SU	SU		89-128

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	Fraternity and Sorority Houses					SU		SU	SU	SU	SU		89-173; 89-179(1)
7213	Rooming and Boarding Houses					SU				SU	SU		89-166; 89-179(1)
	Mixed-Use Dwelling, including Lofts							SU	SU	SU	SU		
623	**Nursing and Residential Care Facilities:**												
6233	Retirement Community					SU		SU	SU	SU	SU		89-179(1)
6239	Small Personal Care Homes (up to 3 under care)	PR	PR	PR	PR	PR	SU	PR	PR	PR	PR		89-179
6239	Group Personal Care Homes (up to 15 under care)	SU				SU	SU	PR	PR	PR	PR		89-179
6239	Congregate Personal Care Homes (more than 15 under care)	SU	SU			SU	SU	PR	PR	PR	PR	PR	89-179
	Manufactured Home Park (not currently allowed)												89-129; 89-130; 89-131
	Residential Subdivisions:												
	Minor Subdivision: 5-Lot Split	PR	PR	PR	PR	PR							89-462
	Minor Subdivision: Estate (minimum 10 acre lots)	PR											89-462(b)

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	Conventional Subdivision with Public Streets	PR				PR							89-464
	Private Street Subdivision	SU	SU	SU	SU	SU							
	Open Space Subdivision	PR	PR	PR	PR	PR							89-465
	Mixed Use Master Planned Development	SU	SU	SU	SU	SU			SU	SU	SU		89-466
	Traditional Neighborhood Development	SU	SU	SU	SU	SU			SU	SU	SU		89-467
	Senior Housing Developments	SU	SU	SU	SU	SU			SU	SU	SU		89-468
	COMMERCIAL USES												89-133; 89-134
	Administrative and Professional Offices:												
55	Corporate Management Offices							P	P	P	P	P	
5111	Newspaper, Periodical, Book, and Database Publishers							P	P	P	P	P	
5112	Software Publishers							P	P	P	P	P	
51223	Music Publishers							P	P	P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
514191	On-Line Information Services							P	P	P	P	P	
5222	Credit Card Issuing and Sales Financing, except Pawnshops							P	P	P	P	P	
52231	Mortgage and Nonmortgage Loan Brokers (except payday loans)							P	P	P	P	P	
52232	Financial Transactions Processing, Reserve, and Clearinghouse Activities							P	P	P	P	P	
52239	Mortgage Servicing and Other Activities Related to Credit Intermediation							P	P	P	P	P	
523	Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commody Brokerages.							P	P	P	P	P	
5241	Insurance Carriers							P	P	P	P	P	
525	Funds, Trusts, and Other Financial Vehicles							P	P	P	P	P	
4541	Electronic Shopping and Mail-Order Houses									P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
4543	Direct Selling Establishments, except Fuel Dealers							P	P	P	P	P	
5411	Lawyers, Notaries and Other Legal Services							P	P	P	P	P	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services							P	P	P	P	P	
5413	Architectural, Engineering, Surveying and Related Services							P	P	P	P	P	
5414	Interior Design, Graphic Design and other Specialized Design Services							P	P	P	P	P	
54143	Art Studio							P	P	P	P	P	
5416	Management, Scientific, and Technical Consulting Services, including Executive Search and Management Consulting							P	P	P	P	P	
54171	Research and Development in the Physical, Engineering, and Life Sciences							P	P	P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
54172	Research and Development in the Social Sciences and Humanities							P	P	P	P	P	
6211	Medical Offices of Physicians							P	P	P	P	P	
6212	Medical Offices of Dentists							P	P	P	P	P	
6213	Medical Offices of Health Specialists							P	P	P	P	P	
621498	Clinic							P		P	P	P	
6215	Medical and Diagnostic Laboratories							P		P	P	P	
54194	Veterinary Services, including Animal Hospitals	PR					PR		PR	PR	PR	PR	89-159
7113	Promoters of Performing Arts, Sports, and Similar Events							P	P	P	P	P	
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures							P	P	P	P	P	
	Finance, Insurance and Real Estate Services:												
5221	Banks, Credit Unions and Savings Institutions							P	P	P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
5242	Insurance Agencies, Brokerages, and Other Insurance Related Activities							P	P	P	P	P	
531	Real Estate Office							P	P	P	P	P	
	Temporary Office for a Development	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-188
	Day care Services:												
6244	Day care Center (more than 18 persons in care)		PR			SU	SU	PR	PR	PR	PR	PR	89-172
6244	Group Day care Home (18 or fewer persons in care)	SU	SU			SU	SU	PR	PR	PR	PR		89-172
	Transient Lodging:												
7211	Hotels and Motels						SU	SU	SU	P	P	SU	
721191	Bed-and-Breakfast Inns	SU	SU				SU	SU	PR	PR			89-166
7212	RV (Recreational Vehicle) Parks and Recreational Camps	SU					SU						89-189
8111	**Automotive Repair and Maintenance:**												89-164, 89-165
811111	General Automotive Repair									SU	SU	PR	89-164, 89-165

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
811112	Automotive Exhaust System Repair									SU	SU	PR	89-165
811113	Automotive Transmission Repair									SU	SU	PR	89-165
811121	Automotive Body, Paint, and Interior Repair and Maintenance									SU	SU	PR	89-165
811122	Automotive Glass Replacement Shops									SU	SU	PR	89-165
811191	Automotive Oil Change and Lubrication Shops									SU	SU	PR	89-164
811192	Car Washes									SU	SU	PR	89-163
	Other Repair and Maintenance Services:												
8112	Electronic and Precision Equipment Repair and Maintenance						SU		P	P	P	P	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic, and Welding Shops) Repair and Maintenance						SU				SU	P	
811310	Welding Shop						SU				SU	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
811411	Home and Garden Equipment Repair and Maintenance						SU			P	P	P	
811412	Home Appliance Repair and Maintenance						SU			P	P	P	
81142	Reupholstery and Furniture Repair and Maintenance						SU			P	P	P	
81143	Shoes and Leather Goods Repair and Maintenance						SU		P	P	P	P	
81149	Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance						SU		P	P	P	P	
8121	**Personal Care Services:**												
812111	Barber Shops								P	P	P		
812112	Beauty Salons								P	P	P		
812113	Nail Salons								P	P	P		
812191	Diet and Weight Reducing Centers								P	P	P		
812199	Personal Care Services not listed above								SU	P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
8123	**Dry-cleaning and Laundry Services:**												
81231	Coin-Operated Laundries and Drycleaners								P	P	P		
81232	Dry-cleaning and Laundry Drop-Off Station								P	P	P		
81232	Dry-cleaning and Laundry Services (except Coin-Operated)									P	P	P	
812331	Linen and Uniform Supply									SU	SU	P	
812332	Industrial Launderers											P	
	Health Related Services:												
6216	Home Health Care Services							P	P	P	P	P	
621910	Ambulance Services									PR	PR	PR	89-180
621991	Blood and Organ Banks									P	P	P	
	Other Personal Services:												
7223	Caterers and Other Special Food Services									P	P	P	
81221	Funeral Homes and Funeral Services									P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
81291	Pet Care, Grooming, Training, Pet Sitting, and Boarding (except Veterinary Services and Dog Kennels)	PR	PR						PR	PR	PR	PR	89-122(a)
812910	Dog Kennel	PR	PR				PR			PR	PR		89-157(b)
812921	Photofinishing Laboratories (except One-Hour)									P	P	P	
812922	Photofinishing, One-Hour								P	P	P	P	
81293	Automobile Parking Lots and Garages						SU	SU	SU	SU	SU	P	
81299	Personal Services not listed above								SU	P	P	P	
532	**Rental and Leasing Services:**												
53211	Passenger Car Rental and Leasing										PR	PR	89-162
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing											PR	89-162
53221	Consumer Electronics and Appliances Rental									P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
53222	Formal Wear and Costume Rental												
53223	Video Tape and Disc Rental								P	P	P		
532291	Home Health Equipment Rental									P	P		
532292	Recreational Goods Rental									P	P		
532299	All Other Consumer Goods Rental										P		
5323	General Rental Centers									P	P		
53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing											P	
53242	Office Machinery and Equipment Rental and Leasing									P	P	P	
53249	Computers, Medical and Other Commercial and Industrial Machinery and Equipment Rental and Leasing									P	P	P	
5614	**Business Support Services:**												
56141	Document Preparation Services							P		P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
561421	Telephone Answering Services							P			P	P	
561422	Telemarketing Bureaus							P			P	P	
56143	Business Service Centers							P		P	P	P	
56144	Collection Agencies										P	P	
56145	Credit Bureaus							P		P	P	P	
561491	Repossession Services										P	P	
561492	Court Reporting and Stenotype Services							P		P	P	P	
561499	All Other Business Support Services							P		P	P	P	
	Other Business Services:												
323114	Photocopying and Duplicating Services (instant printing)								P	P	P	P	
492	Couriers and Messengers, Local Delivery									P	P	P	
51911	News Syndicates							P		P	P	P	
5142	Data Processing Services							P		P	P	P	
53111	Real Estate Rental or Leasing Office (Residential)							P		P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
5415	Computer Systems Design and Related Services							P		P	P	P	
5418	Advertising, Public Relations and Related Services							P		P	P	P	
54191	Marketing Research and Public Opinion Polling							P		P	P	P	
54192	Photographic Studios and Commercial Photography									P	P	P	
54193	Translation and Interpretation Services							P		P	P	P	
5611	Office Administrative Services							P		P	P	P	
5612	Office Facilities Support Services							P		P	P	P	
5613	Employment Placement and Temporary Help Services							P		P	P	P	
5615	Travel Agencies, Tour Operators, and Convention and Visitors Bureaus									P	P	P	
56191	Packaging and Labeling Services									P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
5616	**Investigation and Security Services:**												
561611	Investigation Services							P		P	P	P	
561612	Security Guards and Patrol Services									P	P	P	
561613	Armored Car Services									SU	SU	P	
56162	Security Systems Services									P	P	P	
561622	Locksmith Shops									P	P	P	
5617	**Services to Buildings and Dwellings:**												
56171	Exterminating and Pest Control Services										P	P	
56172	Janitorial Services										P	P	
56173	Landscaping Services									P	P	P	
56174	Carpet and Upholstery Cleaning Services									P	P	P	
56179	Swimming Pool, Duct, Gutter and Drain Cleaning, and Other Services to Buildings and Dwellings									P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	Construction Services:												
236	Building Construction & General Contracting									P	P	P	
237	Heavy Construction & Land Development									P	P	P	
238	Specialty Trade Contractors, except Grading & Site Preparation									P	P	P	
23891	Grading & Site Preparation											P	
	Institutional:												89-176
6111	Private Schools: Elementary and Secondary	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		89-176
61111	Parochial Schools: Elementary and Secondary	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		89-176
6112	Private Schools: Junior Colleges	PR						PR		SU	SU	PR	89-176
6113	Private Schools: Colleges and Universities	PR						PR		SU	SU	PR	89-176
61131	Parochial Schools: College Level	PR						PR		SU	SU	PR	89-176

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
6114	Private Schools: Business Schools and Computer and Management Training						PR	PR		PR	PR	PR	89-176
6115	Private Schools: Technical and Trade Schools	SU	SU				PR	PR		PR	PR	PR	89-176
6116	Private Schools: Personal Enrichment:												
61161	Fine Arts Schools (Art, Drama, Music and Dance Studios)		SU				P	P	P	P	P		
61162	Sports and Recreation Instruction	SU	SU					P		P	P	P	
61163	Language Schools							P		P	P	P	
611691	Exam Preparation and Tutoring							P	P	P	P	P	
611692	Automobile Driving Schools							P		P	P	P	
6117	Educational Support Services							P		P	P	P	
6243	Job Training and Vocational Rehabilitation Services							PR		PR	PR	PR	89-176
71	**Arts, Entertainment and Recreation:**												
51912	Libraries and Archives							P		P		P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	Special Events Venue	SU	SU						SU	SU		SU	89-186; 89-178
7111	Performing Arts Theaters: Drama, Dance, Music									P		P	
7115	Artist's Studios, except Taxidermists							P		P		P	
711510	Taxidermists										P	P	
512131	Motion Picture Theaters (except Drive- Ins)									P	P		
512132	Motion Picture Theaters, Drive-In											PR	89-178
7112	**Spectator Sports:**												
711211	Stadiums, Coliseums, Arenas, Amphitheaters											PR	89-185
711219	Other Spectator Sport Facilities											PR	89-178
712	**Museums, Historical Sites, and Similar Institutions:**												
71211	Museums							P	P	P	P		
71212	Historical Sites	P	P	P	P	P	P	P	P	P	P	P	
71213	Zoos and Botanical Gardens	SU								PR	PR		89-176
71219	Nature Parks and Other Similar Institutions	SU						PR	PR	PR	PR		89-176

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
71311	Amusement and Theme Parks											PR	89-176
71312	Amusement Arcades									P	P		
	Recreation Centers:												
71399	Community Recreation Center							PR	PR	PR	PR		89-170(a)
71399	Neighborhood Recreation Center	PR	PR	PR	PR	PR							89-170(b)
7139	**Amusement and Recreation Uses, Other:**												
71391	Golf Courses and Country Clubs	PR	PR	PR	PR	PR							89-175
71393	Marinas	PR											89-178
71394	Fitness and Recreational Sports Centers, Health Clubs									P	P		
71394	Ice or Roller Skating Rink									P	P		
71394	Tennis Courts	PR	PR	PR	PR	PR				PR	PR		89-178
71394	Swimming Pool	PR	PR	PR	PR	PR				PR	PR		89-178
71395	Bowling Centers									P	P		
71399	Billiard and Pool Halls									P	P		
71399	Miniature Golf									PR	PR		89-178

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
71399	Golf or Baseball Driving Range	SU								PR	PR		89-178
71399	Riding Stables	SU					PR			SU	SU		89-157(c)
71399	Recreation Grounds or Facility	SU								PR	PR		89-178
71399	Go-cart Facility	SU								PR	PR	PR	89-178
71399	Amusement and Recreation Uses not listed above	SU								PR	PR		89-178
721211	Campground	SU											
	Temporary Event	PR					PR	PR	PR	PR	PR	PR	89-187
44-45	**Retail Trade:**												
4413	Automotive Parts, Accessories, and Tire Stores									PR	PR		89-164
442	Furniture and Home Furnishings Stores								SU	P	P		
443	**Electronics and Appliance Stores:**												
443111	Household Appliance Stores								P	P	P		
443112	Radio, Television, and Other Electronics Stores								P	P	P		
44312	Computer and Software Stores								P	P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
44313	Camera and Photographic Supplies Stores								P	P	P		
4441	**Building Material and Supplies Dealers:**												
44411	Home Centers									SU	SU		
44412	Paint and Wallpaper Stores						SU		P	P	P		
44413	Hardware Stores						SU		P	P	P		
44419	Lumber Yards						SU						
44419	Heating and Plumbing Equipment						SU			P	P	P	
44419	Electrical Supply						SU			P	P	P	
44419	Glass Stores						SU			P	P	P	
44419	Other Building Material Dealers									P	P	P	
4442	**Lawn and Garden Equipment and Supplies Stores:**												
44421	Outdoor Power Equipment Stores						SU			PR	PR	PR	89-134; 89-124
44422	Nursery and Garden Centers						SU		PR	PR	PR	PR	89-134; 89-124

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
445	**Food and Beverage Stores:**						SU						
44511	Supermarkets and Other Grocery (except Convenience) Stores								PR	PR	PR		89-408(b)
44512	Convenience Food Stores with Fuel Pumps									SU	SU		89-174
44512	Convenience Food Stores without Fuel Pumps												
4452	Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores						SU		P	P	P		89-187
445230	Produce Market/Produce Stand						SU		PR	PR	PR		89-228
445291	Bakery						SU		P	P	P		
4453	Beer, Wine, and Liquor Stores								PR	PR	PR		89-408(b)
311811	Retail Bakeries						SU		P	P	P		
446	**Health and Personal Care Stores:**												
44611	Pharmacies and Drug Stores								PR	PR	PR		89-408(b)
44612	Cosmetics, Beauty Supplies, and Perfume Stores								P	P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
44613	Optical Goods Stores								P	P	P		
446191	Food (Health) Supplement Stores								P	P	P		
446199	All Other Health and Personal Care Stores								P	P	P		
447	**Gasoline Stations:**												
4471	Gasoline Stations, Full Service									SU	SU		89-174
44711	Gasoline Stations with Convenience Stores, no repairs									SU	SU		89-174
448	**Clothing and Clothing Accessories Stores:**												
4481	Clothing Stores								P	P	P		
4482	Shoe Stores								P	P	P		
44831	Jewelry Stores								P	P	P		
44832	Luggage and Leather Goods Stores								P	P	P		
451	**Sporting Goods, Hobby, Book, and Music Stores:**								P	P	P		
45111	Sporting Goods Stores and Bicycle Shops								P	P	P		
45112	Hobby, Toy, and Game Stores								P	P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
45113	Sewing, Needlework, and Piece Goods Stores								P	P	P		
45114	Musical Instrument and Supplies Stores								P	P	P		
451211	Book Stores								P	P	P		
451212	News Dealers and Newsstands								P	P	P		
45122	Prerecorded Tape, Compact Disc, and Record Stores								P	P	P		
452	General Merchandise and Department Stores									P	P		
453	**Miscellaneous Retailers:**												
4531	Florists						SU		P	P	P		
45321	Office Supplies and Stationery Stores									P	P		
45322	Gift, Novelty, and Souvenir Stores								P	P	P		
4533	Used Merchandise Stores									P	P		
45331	Antique Shop								P	P	P		
45391	Pet and Pet Supplies Stores									P	P		
45392	Art Dealers								P	P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
45393	Manufactured (Mobile) Home Dealers											P	
453991	Tobacco Stores (except vape shops)								P	P	P		
459991	Vape Shops									SU	SU		Sec. 89-191
453998	Accessory Utility Structures, Prefabricated Sheds and Gazebo Dealers											P	
453998	Farm Equipment and Implements						SU					P	
453998	Auction House											P	
	Transient or Temporary Retail of Goods not Produced or Processed on the Premises.									SU			
454390	Christmas Trees						SU		P	P	P		
7221	Restaurants, Full-Service						SU		P	P	P	SU	
7222	Restaurants, Limited-Service, including						SU		P	P	P	SU	
7224	Bars, Taverns and Other Drinking Places (Alcoholic Beverages)								P	P	P		

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	Planned Shopping Development and Centers									SU	SU		89-408(b)
	Manufacturing, Wholesaling and Warehousing												89-134
311	Food Manufacturing, except Animal Slaughtering and Retail Bakeries						SU						
3116	Food Manufacturing: Animal Slaughtering and Processing						SU						89-157(a)
312	Beverage and Tobacco Product Manufacturing						SU						89-123
312113	Ice (except dry ice) Manufacturing						SU						
31521	Dressmakers and Tailors	SU	SU						P	P	P	P	
321	Wood Product Manufacturing, except Sawmills and Wood Preservation	SU											89-123
321113	Sawmill	SU					SU					PR	89-229

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
32223	**Paper Manufacturing: Finished Stationery Product Manufacturing**												89-123
323	Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)											P	89-123
327	**Concrete, Clay, Stone, Glass and other Nonmetallic Mineral Product Manufacturing:**												
3271	Brick and Other Clay Product Manufacturing	SU											89-123
332	**Fabricated Metal Products Manufacturing:**												
3322	Cutlery and Handtool Manufacturing	SU	SU										89-302
334	**Computer and Electronic Product Manufacturing:**												
3341	Computer and Peripheral Equipment Manufacturing											PR	89-123

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
3342	Communications Equipment Manufacturing											PR	89-123
3343	Audio and Video Equipment Manufacturing											PR	89-123
3344	Semiconductor and Other Electronic Component Manufacturing											PR	89-123
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing											PR	89-123
3346	Reproducing Software, Compact Disks and Other Magnetic and Optical Media									P	P	P	
335	Electrical Equipment, Appliance, and Component Manufacturing											PR	89-123
336	Motor Vehicle and Other Transportation Equipment Manufacturing												89-123

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
337	Furniture and Related Product Manufacturing	SU										PR	89-123
339	**Miscellaneous Manufacturing:**												
33911	Medical Equipment and Supplies Manufacturing											PR	89-123
339116	Dental Laboratories											PR	89-123
33991	Jewelry and Silverware Manufacturing											PR	89-123
33992	Sporting and Athletic Goods Manufacturing											PR	89-123
33993	Doll, Toy, and Game Manufacturing											PR	89-123
33994	Office Supplies (except Paper) Manufacturing											PR	89-123
33995	Sign Manufacturing											PR	89-123
339991	Gasket, Packing, and Sealing Device Manufacturing											PR	89-123
339992	Musical Instrument Manufacturing											PR	89-123
339993	Fastener, Button, Needle, and Pin Manufacturing											PR	89-123

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
339994	Broom, Brush, and Mop Manufacturing											PR	89-123
339995	Burial Casket Manufacturing											PR	89-123
339999	All Other Miscellaneous Manufacturing											PR	89-123
42	**Wholesale Trade:**												
42	Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions						SU					P	
42	Wholesale Trade with Outside Storage, except Junk and Scrap Yards						SU					PR	89-125
42314	Junk Yards	SU					SU					SU	89-183
42393	Scrap Yards	SU										SU	89-183
42	Wholesale Trade, no Showrooms or Outdoor Storage						SU					P	
424990	Ice (except dry ice) Wholesaling						SU					P	
4542	Vending Machine Operators											P	
45431	**Fuel Dealers:**												
454311	Heating Oil Dealers						SU						

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers						SU						
454319	Other Fuel Dealers						SU						
493	**Warehousing and Storage:**												
4931	Bulk Warehousing and Storage, except Petroleum Storage						SU					P	
493190	Bulk Petroleum Storage												89-167
	Food Locker	SU					SU					P	
53113	Mini-warehouses and Self-Storage Units						SU					PR	89-184
51211	Motion Picture and Video Production											P	
51212	Motion Picture and Video Distribution											P	
51219	Postproduction Services and Other Motion Picture and Video Industries											P	
5122	**Sound Recording Industries:**												
51221	Record Production											P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
51222	Integrated Record Production/Distribution											P	
51224	Sound Recording Studios									P	P	P	
51229	Other Sound Recording Industries											P	
562	**Waste Management and Remediation Services:**												
562212	Inert Landfill	SU										SU	89-190
562219	Composting Facility	SU											89-190
56292	Recycling and Materials Recovery Facilities	SU										SU	89-190
21	Mining, except Stone Mining and Quarrying	SU											89-177
21231	Mining: Stone Mining and Quarrying	SU											89-177
	Transportation, Communications and Utilities:												
481219	Helicopter Landing Pad	SU						SU		SU	SU	SU	89-158
484	**Truck Transportation:**												
48411	General Freight Trucking, Local											P	
48412	General Freight Trucking, Long- Distance											P	
48421	Used Household and Office Goods Moving											P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
485	**Transit and Ground Passenger Transportation:**												
485111	Mixed Mode Transit Systems											P	
485112	Commuter Rail Systems	P	P	P	P	P	P	P	P	P	P	P	
485113	Bus and Other Motor Vehicle Transit Systems											P	
485119	Other Urban Transit Systems											P	
4852	Interurban Bus Transportation and Bus Stations											P	
4853	Taxi and Limousine Service										P	P	
4854	School and Employee Bus Transportation											P	
4855	Charter Bus Industry											P	
485991	Special Needs Transportation											P	
485999	All Other Transit and Ground Passenger Transportation											P	
487	Scenic and Sightseeing Transportation											SU	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
488	**Support Activities for Transportation:**												
48841	Motor Vehicle Towing											PR	89-183(b)
4885	Freight Transportation Arrangement											P	
488991	Packing and Crating											P	
488999	Emissions Inspection									SU	SU	P	
	Broadcasting and Telecommunications:*												
5151	Radio and Television Broadcasting Stations						SU					SU	
5152	Cable and Other Subscription Programming											P	
516	Internet Publishing & Broadcasting							SU		SU		P	
5171	Telephone and Other Wired Telecommunications Carriers							P		P	P	P	
5172	Cellular and Other Wireless Telecommunications Carriers (except Satellite)							P		P	P	P	
5173	Telecommunications Resellers							P		P	P	P	
5174	Satellite Telecommunications											P	
5175	Cable Networks and Program Distribution											P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
51739	Radio, Television and Telecommunications Antennae and Towers*	SU	SU				SU	SU	SU	SU	SU	SU	89-182
518	Internet Service Providers							SU		SU	SU	P	
22	**Utilities:**												
22111	Electric Power Generation		P									P	
22112	Electric Power Transmission, Control, and Distribution	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
2212	Natural Gas Distribution	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
22131	Water Supply and Irrigation Systems	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
22132	Sewage Treatment Facilities	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
	Public and Institutional Uses:												
8131	Churches and Other Places of Worship	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	SU	89-169
8132	Charitable Organization Offices							P		P	P	P	
8133	Social Advocacy Organizations							P		P	P	P	
8134	Club or Lodge (noncommercial)	SU	SU	SU	SU	SU	SU	P	P	P	P	P	

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
	Assembly Hall	SU	SU	SU	SU	SU	SU	P	P	P	P	P	
8139	Business, Professional, Labor, Political, and Similar Organizations							P		P			
6214	Outpatient Medical Care Centers							P		P			
622	**Hospitals:**												
6221	General Medical and Surgical Hospitals							PR		PR			89-176
6222	Psychiatric and Substance Abuse Hospitals							SU		SU			89-176
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals							PR		PR			89-176
6241	Social Services Assistance, including Individual and Family Services							P		P			
6242	Community Food and Housing, and Emergency and Other Relief Services							PR		PR			89-171
81222	Cemeteries and Mausoleums	SU										SU	89-168

NAICS Code:	Principal Uses	AG	AR	R- 1	R-2	R-3	AC	O- 1	C-1	C-2	C-3	M-1	For Restrictions, See Sections:
81222	Crematories	SU										SU	89-168

Key
P Use is allowed by right in the district indicated
PR Use is allowed with restrictions (see section indicated)
SU Use requires special use approval
Use is not allowed

*Notwithstanding any other provision of this Code, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment or small wireless facilities, shall be governed by the Town's Small Wireless Facilities and Antennas Ordinance, unless otherwise required by law.

Table 2.4: Accessory Use Table

NAICS Code:	Accessory Uses	AG	AR	R- 1	R-2	R- 3	AC	O- 1	C- 1	C- 2	C-3	M- 1	For Restrictions, See Sections:
	Accessory Uses Customary to Principal Use	PR	PR	PR	PR	PR		PR	PR	PR	PR	PR	89-217
	Accessory Uses Customary to a Dwelling	PR	PR	PR	PR	PR							89-217; 89-218
	Accessory Uses Customary to a Church or Other Place of Worship	PR	PR	PR	PR	PR						SU	89-224
	Accessory Uses Customary to a Commercial or Industrial Use, except manufacturing or fabrication uses accessory to retail						PR	PR	PR	PR	PR	PR	89-225
	Manufacturing or Fabrication Uses Accessory to Retail								PR	PR	PR		89-225
	Accessory Uses Customary to a Golf Course	PR	PR	PR		PR							89-175
	Accessory Retail Uses within an Office, Hotel/Motel or Multi-Family Building, except restaurants and liquor stores					SU		PR		PR	PR	PR	89-226
	Accessory Fuel Pumps to Specialty Food Stores								SU				89-231
	Agritourism	SU	SU									PR	89-230

NAICS Code:	Accessory Uses	AG	AR	R- 1	R-2	R- 3	AC	O- 1	C- 1	C- 2	C-3	M- 1	For Restrictions, See Sections:
	Restaurant (accessory to Hotel/Motel)										PR	PR	89-226
	Retail Liquor Store (accessory to Hotel/Motel)									PR	PR	PR	89-226
6244	Group Day Care Facility operated as an accessory use							PR	PR	PR	PR	PR	89-172(a)
6244	Day Care Center operated as an accessory use							SU	SU	PR	PR	PR	89-172(b)
	Home Occupations:												
	Home Occupation - Home Office	PR	PR	PR	PR	PR							89-219
	Home Occupation - Home Business	SU	SU	SU	SU	SU							89-219
6244	Family Day Care Home	PR	PR	PR	PR	PR							89-219
	Guest House	PR	PR	PR	PR								89-220; 89-179(1)
	Relative Residence	PR	PR	PR	PR								89-221
	Horse Stables, Personal	PR	PR	PR									89-223
	Night Watchman Residence									PR	PR	PR	89-227
	Single-Family Residence							SU	SU	SU	SU		89-127
	Outdoor Sign Area	P	P	pi		P	P	P	P	P	P	P	

NAICS Code:	Accessory Uses	AG	AR	R- 1	R-2	R- 3	AC	O- 1	C- 1	C- 2	C-3
	Outdoor Storage Area						PR				PR
	Produce Stand, Agricultural	PR	PR								
321113	Sawmill, Permanent, Temporary, or Portable.	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
	Temporary Events—Yard Sale	P	P	P	P	P					

Key
P Use is allowed by right in the district indicated
PR Use is allowed with restrictions (see section indicated)
SU Use requires special use approval
Use is not allowed

Secs. 89-70—89-120. Reserved.

ARTICLE III. RESTRICTIONS ON PARTICULAR USES

DIVISION 1. RESTRICTIONS THAT APPLY IN GENERAL

Sec. 89-121. Purpose of article.

The purpose of this article is to provide land use and development regulations for specific uses that will then be applicable to sites throughout the Town of Bethlehem. This section includes provisions for site and architectural design standards applicable to residential and non-residential uses, as specified in the sections below. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through special use approval.

Sec. 89-122. Agricultural separation requirements.

(a) *Distancing requirements for agricultural uses*.

(1) The following agricultural structures or operations, when constructed or established must be at least 200 feet from any property line adjacent to a residential structure or zoning district:

a. Any active poultry house or other structure housing livestock of any type other than kennels and horse stables containing fewer than four stalls.

b. Any structure used for processing, distilling, bottling or sale for on-site production of wine.

c. A horse stable containing more than four stalls, and any corral, pen or designated riding area.

d. Feedlots and hog parlors.

e. Manure and other waste storage containers or pits and agricultural waste impoundment sites.

(2) The following structures or operations when constructed or established must be at least 100 feet from any property line adjacent to a residential structure or zoning district:

a. Accessory agricultural buildings for storage or operations not involving the housing of animals.

b. Commercial greenhouses and nurseries.

c. Kennels.

d. Horse stables with four or fewer stalls.

(b) *Separation from existing agricultural uses.* When a new residence is to be constructed on a neighboring property in proximity to any existing agricultural structure or operation for which separation is required by this Development Code, but the existing structure or operation does not comply with such required distance, the new residence shall be separated from such structure or operation as follows:

(1) Increase principle building setback one foot for each one foot as described above.

(2) Setback increase waived if natural or structural buffer is provided for one-half foot of each one foot of required distancing as described above.

Sec. 89-123. Environmentally hazardous uses.

(a) *Special use approval required.* Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, if otherwise allowed in a zoning district, must obtain approval as a special use from the Town Council. The special use application shall include a copy of the application for the federal or state permit.

(1) *Section 313 businesses.* Any business that is required to file a toxic chemical release inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to special use approval in order to operate in the Town of Bethlehem. An initial Form R or Form A must be included in the application for special use approval.

(2) *Annual reporting required.* A Section 313 toxic chemical release inventory report (Form R or Form A) shall

be filed with the application for an occupational tax certificate annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report annually may be grounds to void town approval through re-initiation of the special use approval.

(b) *EPCRA Section 313 businesses.* Businesses that may be subject to EPCRA Section 313 are those businesses with ten or more full-time employees that manufacture, process or use any EPCRA Section 313 toxic chemical and that may be classified under any one of the following categories. Specific determinations are made under EPA rules on a business-by-business basis.

(1) *Mining or manufacturing facilities.* Businesses involved with toxic chemicals and engaged generally in any of the following industrial classifications:

a. Metal mining;

b. Coal mining;

c. Food and kindred products;

d. Tobacco products;

e. Textile mill products;

f. Apparel and other finished products made from fabrics and other similar materials;

g. Lumber and wood products (except furniture);

h. Furniture and fixtures;

i. Paper and allied products;

j. Printing, publishing and allied industries;

k. Chemicals and allied products;

l. Petroleum refining and related industries;

m. Rubber and miscellaneous plastics products;

n. Leather and leather products;

o. Stone, clay, glass and concrete products;

p. Primary metal industries;

q. Fabricated metal products, except machinery and transportation equipment;

r. Industrial and commercial machinery and computer equipment;

s. Electronic and other electrical equipment and components, except computer equipment;

t. Transportation equipment;

u. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks; and

v. Miscellaneous manufacturing industries.

(2) Any facility that combusts coal or oil for the purpose of generating electricity for distribution in commerce.

(3) Any refuse system regulated under federal law.

(4) Wholesale establishments engaged in storing chemical or allied products, or petroleum terminals or bulk storage.

(5) Businesses primarily engaged in solvents recovery services on a contract or fee basis.

Sec. 89-124. Outdoor display areas.

Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

(a) *Types of merchandise on permanent display.* The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):

(1) New or used motorized vehicles that are in operable and running condition.

(2) Plant nursery items.

(3) Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.

(4) Daily outdoor display. Retail goods such as books, antiques, furniture and produce may be displayed outdoors or on a daily basis, provided it is brought inside at the end of each business day.

(b) *Temporary events.* All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special sales promotions or events in accordance with section 89-187.

(c) *Restrictions.*

(1) Merchandise or goods on display outdoors must be located at least 20 feet from any property line.

(2) Any area outside of a building where merchandise or goods are displayed for customer selection or direct sale but which is permanently screened by an opaque fence or freestanding wall at least six feet in height or a buffer meeting the standards of the buffers and tree conservation article (Article VIII) of this Development Code shall not be considered an outdoor display area, but as outdoor storage.

Sec. 89-125. Outdoor storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

(a) *Outdoor storage in commercial zoning districts*.

(1) The outdoor storage of goods, material, merchandise or vehicles not otherwise on display for customer selection or direct sale or lease to customers in any of the commercial zoning districts is prohibited, except in the C-3 intensive commercial zoning district and in the industrial zoning districts.

(2) In the C-3 intensive commercial zoning district, outside storage of materials is only permitted as an accessory use and subject to the following:

a. Outdoor storage must be located in the rear yard and not abutting any residential district; or

b. Outdoor storage must be located 50 feet from any property line and future right-of-way line; and

c. The outdoor storage area must be screened from view by an opaque fence or freestanding wall no less than eight feet in height or a buffer meeting the standards of the buffers, landscaping and tree conservation article (Article VIII) of this Development Code.

(b) *Outdoor storage in the industrial zoning districts*.

(1) Any storage use operated as a principle use or accessory use on a property zoned M-1 shall be:

a. Contained entirely within a building; or

b. Screened from view by an opaque fence or freestanding wall no less than eight feet in height and appropriately landscaped and maintained in accordance with buffer and landscaping requirements in Article VIII;

c. Located in rear yard; and

d. Setback at least 50 feet from any property line and any future right-of-way line.

(2) Additional restrictions apply to salvage, junk and wrecking yards (see section 89-183).

(c) Outdoor storage in agricultural zoning districts.

(1) All outdoor storage shall be setback at least 20 feet from any adjacent property line; and

(2) All outdoor storage shall not be visible from any right-of-way through the use of opaque screening techniques; and

(3) Outdoor storage areas shall be kept clean, neat, and organized; and

(4) Outdoor storage shall be stored in a way that does not attract or shelter rodents or other pests.

Sec. 89-126. Walls and fences.

(a) Walls and fences shall not be located within a utility or drainage easement unless specified otherwise in this Development Code.

(b) Walls and fences shall meet all height, location, material and other applicable requirements established in this Development Code.

Sec. 89-127. Standards for single-family and two-family dwellings.

All single-family and two-family dwellings, including on-site built and industrialized housing, and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into, or relocated within the Town of Bethlehem:

(a) *Foundation*.

(1) The structure shall be attached to a permanent foundation constructed in accordance with the building code or state regulations, as applicable.

(2) Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.

(3) The area beneath the ground floor of the structure shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a non-load-bearing curtain wall constructed of masonry (stone or brick) poured in place concrete, or concrete block finished with stucco or similar material, at least four inches thick, penetrated by openings only for installed vents and access doors.

(4) 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 installation of manufactured homes and mobile homes rules and regulations established under Georgia Law (O.C.G.A. §§ 8-2-160 et seq.)

(5) A polyethylene liner must be installed under homes as per FHA or southern building code requirements for single-family housing.

(b) *Landings*.

(1) At each exterior door there must be a landing that is a minimum of 36 inches by 36 inches level with the doorway threshold or as required by the building code.

(2) All homes shall be landscaped with trees and shrubs in a manner consistent with the buffers, landscaping and tree conservation article (article VIII) of this Development Code.

(c) *Exterior siding*.

(1) Exterior siding materials shall consist of any combination of wood, brick, stone, authentic stucco, or similar materials; high-quality vinyl that meets standards of the vinyl siding institute, wood or fiber cement lap siding, or similar materials as approved by the Town Council.

(2) Metal siding, corrugated metal, and vinyl-covered metal siding are prohibited with the exception of manufactured homes and industrialized homes as defined in this Development Code.

(d) *Landscaping*.

(1) Landscaping for single and two-family dwellings, including those located within major subdivisions, shall meet the requirements of article VIII, Buffers, Landscaping, and Tree Protection.

(2) All exposed ground surfaces on any lot shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.

(3) Adequate screening shall be provided in accordance with article VIII to minimize the impact of rear-facing residential developments when the rear yard is visible from a major public street (arterial or collector) or abutting property.

(e) *Roofs.*

(1) All roof surfaces shall have a minimum pitch of 4:12 (four inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.

(2) All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (noncorrugated) metal, clay tiles, slate, or similar materials as approved by the Town Council.

(3) Minimum roof overhang shall be six inches, excluding gutters, along all sides of the structure.

(4) All dwelling units shall conform to maximum building height requirements defined in article IV, Lot and Building Standards.

(f) *Minimum square footage*.

(1) Every dwelling unit shall provide a heated gross floor area in accordance with the floor area provisions set forth in section 89-408.

(g) *Minimum structure width*. The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than four feet for other architectural elements of the structure's design.

(h) *Deviations from standards; where allowed.* The Town Council, or their designee, may approve deviations from the standards contained in this section for a single-family or two-family dwelling or a manufactured home on a case-by-case basis upon a finding that all of the following are met:

(1) Such deviation shall provide an adequate balance between the protection of the health, safety and welfare of the general public and the right to unfettered use of private property; and,

(2) Such deviation shall foster beneficial development of the town in the public interest.

(i) *Compliance with codes.* The dwelling shall be constructed in accordance with all applicable requirements of the development and building codes as adopted by the town, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with state law and regulations for industrialized buildings, whichever apply.

Sec. 89-128. Standards for multi-family projects (including townhouses).

All multi-family dwellings located in any zoning district must comply with the requirements of this section unless specified otherwise. Multi-family developments within the Highway Corridor Overlay District must also meet requirements of article XVI.

(a) *General requirements*.

(1) Recreation amenities must comply with article V, Subdivisions and Master Planned Developments. Every townhouse or multi-family development must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, tennis courts, playground, basketball courts, sidewalks, or bike trails.

(2) Off-street parking facilities shall be grouped in bays, either adjacent to streets or at the rear of dwellings; and no off-street parking space shall be more than 100 feet distance by the most direct pedestrian route from a door of the dwelling unit it intends to serve.

(3) Curb and gutter is required on all internal public streets.

(4) All common areas not included within lots or occupied by dwelling units must be set aside for community open space or recreational amenities.

(5) All primary resource conservation areas, as defined in this Development Code, must be set aside under a conservation easement drawn in accordance with the environmental protection article

(article IX) of this Development Code.

(6) In addition to the customary accessory uses to a dwelling the following shall apply:

a. A manufactured home may not be used as an accessory building in the manufactured home park.

b. Convenience retail sales space may be provided within a building in the park, limited to no more than 25 square feet (or ten percent) of gross floor area per manufactured home space. Outdoor display or storage of merchandise and gasoline pumps are specifically prohibited.

(b) *Building orientation*.

(1) The principal building shall be oriented towards the street.

(2) Buildings that are front face to front face or back face to back face or front face to back face shall not be less than 75 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation or vegetation would provide effective visual separation.

(c) *Dwelling units per building*.

(1) *Townhouses:* No more than ten nor fewer than three continuous townhouses can constitute a building.

(2) *Other multi-family buildings:* No more than eight dwelling units per floor can be included within a building used exclusively as a multi-family dwelling.

(3) *Lofts and mixed-use buildings:* Within a mixed-use master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.

(d) *Minimum floor area*. Refer to floor area provisions set forth in section 89-408.

(e) *Maximum height*.

(1) All multi-family buildings shall be a maximum height of three stories unless adequate fire protection services and facilities are available and shall not exceed maximum height standards in section 89-406 and Table 4.1.

(2) Special use approval by the Town Council may be granted for buildings over four stories.

(f) *Townhouse developments.*

(1) Staggered front facades: Dwelling units in a building shall be staggered and of varied design, singly or in pairs, by at least three feet.

(2) Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for firefighting purposes.

(3) In a townhouse development, each townhouse shall be provided with at least 400 square feet of personal outdoor space immediately adjacent to and accessible from the unit. Such space shall be screened from view from adjacent properties with a decorative fence, trellis or lattice, wall, hedge or other landscape treatment at least six feet high.

(g) *Exterior siding materials.* Exterior siding materials for multi-family projects, including townhomes, shall consist of any combination of brick, stone, authentic stucco, and/or natural wood or cement-based artificial wood siding (Hardi-plank/board) siding, or similar material as approved by the Mayor and Council.

Sec. 89-129. Standards for manufactured home parks.

(a) *Manufactured home park permit required.* A plan drawn to a scale of not more than 200 feet per inch submitted to the planning and community development department for approval in order to obtain a manufactured home park permit.

(b) *Restrictions*.

(1) The minimum lot area for a park is five acres.

(2) The minimum road frontage is 50 feet.

(3) All access within the park shall have a minimum easement width of 36 feet and a pavement width of 20 feet and are required to be built to the Town of Bethlehem's local residential street construction standards. All manufactured home spaces must have direct access to streets within the park. No direct driveway access shall be permitted between manufactured home spaces and any exterior street.

(4) No space or manufactured home shall be rented for a period of less than 30 days.

(5) At least 20 percent of the park must be set aside as open space or for recreation purposes.

(6) All primary conservation resource areas, as defined in this Development Code, shall be set aside under a conservation easement drawn in accordance with the environmental protection article (article IX) of this Development Code.

(7) All streets within the park shall be lighted with a minimum spacing of 200 feet each.

(8) All off-street parking areas or spaces and driveways shall be paved. Minimum driveway width is ten feet.

(9) Connection to a town-approved water supply and sanitary sewer system is required for all manufactured home parks.

(10) The maximum number of manufactured home spaces allowed per acre is seven. Manufactured homes may be placed in a clustered manner with excess area used for recreation or open space.

(11) All manufactured home spaces shall have a minimum area of 5,000 square feet, a lot width of 50 feet, and a minimum of 70 feet in one direction.

(12) A copy of the park management rules and regulations must be submitted to the Town Council for approval. The park operator will be responsible for compliance with these regulations by all tenants. Failure to abide by these regulations or any of the Town of Bethlehem's Manufactured Home Park Requirements will be considered a valid reason for revoking the manufactured home park permit required to operate a manufactured home park in the Town of Bethlehem.

(13) Manufactured housing placed within the park must meet all requirements regarding manufactured housing as outlined within this Development Code. All homes shall bear a HUD sticker containing the manufacturer's certification that the home has been constructed in accordance with the federal manufactured home construction and safety standards in effect on the date of manufacture.

(14) All exposed ground surfaces in all parts of the manufactured home park shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.

Sec. 89-130. Standards for pre-owned manufactured homes.

These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the town. Mobile homes, which are defined as manufactured homes that do not conform to the Federal Manufactured Housing Construction and Safety Standards Act (the HUD Code), are not allowed to be moved into or relocated within the town.

(a) *Pre-owned manufactured home; defined.* A pre-owned manufactured home is a manufactured home, as defined in this Development Code, which has been placed, used or occupied as a residence subsequent to its original purchase as a new unit from a manufacturer or dealer.

(b) *Required certification.* All pre-owned manufactured homes moved into or relocated within the Town of Bethlehem must bear an approval seal (label) of either HUD or the Georgia Department of Community Affairs and shall not have been altered in such a way that the home no longer meets the HUD code.

(c) *Reserved*.

(d) *Required inspection.* Any pre-owned manufactured home being moved into or relocated within the town must pass inspection by a qualified HUD-certified inspector acceptable to the Town Council.

(1) This inspection will cover, but not be limited to:

a. *Sanitary facilities.*

1. Every plumbing fixture, water, and waste pipe shall be in a sanitary working condition free from leaks or obstructions.

2. Both cold and hot water must be supplied.

3. Water heating facilities must be in safe working condition.

b. *Exterior condition.*

1. Every habitable room shall have at least one window that can be opened facing directly to the outdoors.

2. The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moister to the interior portions of the walls or to the occupied spaces.

3. The exterior siding shall be free of rot and rust and must be uniform in appearance.

4. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

c. *Safety of operating systems (electrical, heating, etc.)*, including:

1. Heating facilities must operate in a safe working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby a heating appliance may be connected.

2. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per house per cubic foot of room content.

3. Unvented fuel burning heaters shall be prohibited in bedrooms.

4. Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.

5. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in working condition. The home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.

d. *The presence of operable smoke detectors.*

e. *Interior condition.*

1. Every floor, interior wall and ceiling shall be in sound condition.

2. Doors and windows shall be operable, watertight and in good working condition.

3. The floor system shall be in sound condition and free of warping, holes, extensive water damage or deterioration.

f. *Timing of inspection.*

1. For a manufactured home to be relocated within the town, the inspection shall be conducted prior to moving the home from the original site.

2. For a manufactured home being moved into the town, either:

i. The inspection shall be conducted prior to moving the home from the original site; or

ii. With the owner's written approval and acceptance of all liability, the inspection may be conducted at the new home site prior to connecting the manufactured home to a water supply, to a sanitary waste disposal system, and to permanent power.

Sec. 89-131. Restrictions on all manufactured homes.

(a) The following restrictions are placed on all manufactured homes:

(1) No manufactured home designed as a single-family dwelling may be connected to a stick-built home, another manufactured home, or to any industrialized home to create a larger home or multi-family dwelling, unless the units were specifically designed and manufactured for that purpose.

(2) Any additions or accessory structures should be self-supporting without adding any live or dead loads to the manufactured home, with the following exceptions:

a. The loads have been considered by the home manufacturer and the attachment to the manufactured home is specifically included in the home manufacturer's installation instructions;

b. The connection and transfer loads are design by a registered professional engineer or architect; or

c. Manufactured homes designed as a single-family dwelling may not be converted or modified for use as a multi-family dwelling, storage building, or for a commercial use, unless the unit was specifically designed and manufactured for that purpose such as classroom trailers, construction storage trailers and office trailers.

Sec. 89-132. Standards for shipping container-based structures and industrialized buildings.

These standards are applicable to buildings or structures constructed from retrofitted metal shipping containers. The intent of this section is to ensure that structures utilizing metal shipping containers are in compliance with the Georgia Industrialized Buildings Act. [(O.C.G.A.) Title 8, Chapter 2, Article 2, Part 1]. The Georgia legislature has provided rules and regulations for the inspection and safety of industrialized buildings and structures constructed from shipping containers which are not covered by US Department of Housing and Urban Development (HUD) standards for manufactured housing.

(a) Industrialized building; defined. Any structure or component which is designed in accordance with the Georgia Industrialized Buildings Act and manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly or damage.

(b) Building permits are required prior to the installation of shipping container-based structures and industrialized buildings, and must include:

(1) Plans and specifications for installation of industrialized building systems and component modules.

(2) Evidence of compliance with the Georgia Industrialized Buildings Act, such as an inspection seal or insignia issued by the Commissioner of the Georgia Department of Community Affairs.

Sec. 89-133. Standards for non-residential buildings.

The following standards apply to all new construction and alternations within commercial zoning districts. Commercial buildings, including office buildings, retail buildings, shopping centers, institutional buildings, and similar non-residential buildings shall adhere to the requirements in this section. However, these standards are not applicable to farm structures in agricultural zoning districts, industrial development, and buildings or other structures within the Highway Corridor Overlay District.

(a) *Intent*. The purpose of these standards is to promote high quality non-residential development that utilizes a common element of attractive, durable building materials in order to enhance the visual appeal of the community as a whole. Overtime, these standards are meant to establish a unique environment that is aesthetically pleasing, reflects a community identify, and enhances the overall quality of life in the Town of Bethlehem.

(b) *Alternate standards*.

(1) These standards are intended to be followed as outlined below. However, in the event the intent of these standards can be achieved with minor deviations that do not substantially affect the purpose and intent of this Section, the Town council, or his or her designee, has the authority to modify the specific provisions on a case-by-case basis.

(2) If substantial modifications or changes are desired for a particular property or project, the property owner may present proposed modifications to the Town Council, or their designee, for review. Any application for alternate architectural design standards shall be accompanied with proposed elevations, building material descriptions and renderings that provide sufficient information for the Town Council to make a determination whether the alternate proposal meets the intent of

these standards. As part of the approval process, the Town Council, or their designee, may include conditions, modifications, or requirements deemed necessary to maintain the high level of development quality intended by this Code Section.

(c) *Exemptions.*

(1) Farm structures in agricultural zoning districts;

(2) Buildings or other structures within the Highway Corridor Overlay District; and

(3) Industrial development shall be exempt from design standards in subsection (e) of this section.

(d) *Building orientation*.

(1) Principal buildings shall be oriented towards the street.

(e) *Exterior building materials.* All non-residential principal buildings that are not exempt under this section meet the following requirements unless greater restrictions in this Code apply.

(1) Building facades facing a street (other than an alley) shall have exterior material consisting of the following: Brick, natural or manufactured stone, authentic stucco, glass, architectural/precast concrete, block/CMU, natural wood and/or cement-base artificial wood siding, metal panels (plain, painted, baked, or acrylic finish), high-quality vinyl siding that conforms to standards of the Vinyl Siding Institute, and/or Exterior Insulating Finish System (EIFS), if installed in accordance with the EIFS manufacturer's specifications and by a contractor who is authorized by the EIFS manufacturer to install the product. Similar materials may be incorporated upon approval.

(2) Building facades located at the rear of the building that are not facing towards, or visible from, a public street or adjacent development can be simplified, but must be compatible in color and material to the other facades.

(3) Large, monolithic structures should have a change in plane every 500 feet articulated by slight offsets, vertical banding or similar architectural features that reduce visual impact of such structures.

(e) *Landscaping and buffers.* Landscaping and buffers shall meet the requirements set forth in article VIII, Buffers, Landscaping, and Tree Protection.

(1) Sufficient buffers and screening are required between residential and nonresidential uses and must meet the requirements of article VIII.

(f) *Exterior mechanical equipment*. Exterior equipment located on the ground or roof are subject to the standards below. Additional standards in this Code may also apply.

(1) Rooftop equipment shall be screened by building elements or otherwise integrated into the building design, so that it is not visible from the roof.

(2) Ground mounted mechanical, HVAC, and similar equipment shall not be visible from a public street and shall be screened on all sides by dense landscaping or walls constructed of similar material to the principal building.

(g) *Dumpster enclosures*.

(1) Dumpsters and similar receptacles shall not be located at the rear or side of buildings where they are not visible from the street or adjacent residential property.

(2) Dumpsters and similar receptacles shall be screened on all sides by opaque materials, including an access gate, that are compatible with the principal building.

(3) Dumpsters and similar receptacles shall be placed on a concrete pad or similar, of sufficient size and strength to support the weight of service vehicles.

(4) Dumpsters and similar receptacles shall not be located within a buffer zone.

Sec. 89-134. Restrictions on uses in commercial and industrial districts.

(a) *Neighborhood commercial district (C-1).* The following restrictions apply to all uses in the C-1 neighborhood retail commercial district:

(1) Overnight parking of commercial vehicles (except for cars and vans used for a permitted use) is prohibited.

(2) Outside storage of any vehicles or automobiles that are being repaired or serviced in conjunction with a permitted use is prohibited in the C-1 district.

(3) No light automotive repair establishment or full-service gasoline station shall provide outside repair of vehicles except for replacing taillights, wiper blades, batteries and tires, and routine inspections.

(4) Any veterinary office use permitted within this district shall not have outside runs or dog kennels.

(b) *Community commercial district (C-2).* The following restrictions apply to all uses in the C-2 community commercial district:

(1) C-2 uses are intended to be developed as planned shopping centers or other coordinated development or villages that will incorporate a higher level of design and land use relationships along with greater flexibility in site planning and minimum property restrictions. Strip commercial patterns of development are discouraged.

(2) Overnight parking of commercial vehicles (except for cars and vans) is prohibited.

(3) All business, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible.

(4) Any accessory use involving the storage of equipment, refuse, or spare parts, or motorized vehicles under repair, shall be kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence at least six feet high kept in good repair.

(5) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities that screens the trash receptacles from view, such as a fence or wall and opaque gate six feet high or higher.

(c) *Intensive commercial district (C-3).* The following restrictions apply to all uses in the C-3 intensive commercial district:

(1) All business, servicing, storage and processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible. For example: Off-street loading, automobile parking for customers while on the premises and the sales of automobile fuel at service stations.

(2) All vehicles in outside storage at auto repair shops, garages, or service stations awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.

(3) Land uses, processes, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, lights (which are bright), smoke, noise or vibration.

(4) Truck terminals and truck stops must provide acceleration and deceleration lanes of at least 200 feet, plus a 50-foot taper, for trucks entering and leaving the site, and provide that truck traffic generated will not create a safety hazard or unduly impeded traffic movement.

(5) Automobile laundry or car wash areas are provided on a paved area, along with sufficient area to contain a number of vehicles (at 200 per vehicle) equals to one third of the practical hourly capacity of the washing machines.

(d) *Light industrial district (M-1).* The following restrictions apply to all uses in the M-1 light industrial district:

(1) Lands zoned M-1 are required to be developed as planned industrial developments, except as specified below:

Individual industrial uses are allowed under the following conditions:

a. Such proposed use will not substantially affect or alter nearby property values.

b. Such proposed use is not inconsistent with the goals and policies of the Town of Bethlehem's Comprehensive Plan.

c. The site plan for such uses provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic problems in the area.

d. The proposed use is justified based on facts presented to indicate the need for such use.

(2) A business requiring a permit from the Georgia Department of Natural Resources for the handling or storage of hazardous materials is not allowed in the M-1 district.

(e) *More intense industrial uses.* The following use restrictions apply to all uses in any industrial district:

(1) A heavy manufacturing use shall not be located closer than 500 feet from any residential property line.

(2) The subject use shall be carried on entirely within an enclosed building, with no outside storage except for vehicles used for the operation, unless the storage is screened from view by an opaque fence or freestanding wall no less than eight feet in height. See additional requirements within the restrictions chapter.

(3) Where liquid waste is generated from the manufacturing process or air pollutants emitted, compliance with all applicable anti-pollution federal and state laws must be demonstrated.

(4) Only incidental on-site sale of manufactured materials shall be permitted.

(5) A business requiring a permit from the Georgia Department of Natural Resources for the handling or storage of hazardous materials is not allowed in any industrial zoning district unless approved as a special use by the Town Council.

Sec. 89-135. Sexually oriented businesses.

[Note: Sexually oriented businesses are prohibited in the Town of Bethlehem as there is sufficient opportunity for such expression outside the Town's limits. The provisions below shall apply if, and only if, a court of competent jurisdiction rules that the Town is required to allow such businesses]

Based on the experiences of other cities and counties, including, but not limited to, Austin, Texas and Garden Grove, California, which experiences are found to be relevant to the problems faced in Bethlehem, Georgia, and based on documentary evidence submitted to the Town Council, the Town Council takes note of the well-known and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the various communities within the United States of America.

The city council also relies on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the city council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); City of Erie v. Pap's A.M., 529 U.S. 277 (2000); City of Los Angeles, v. Alameda Books, Inc., 535 U.S. 425 (2002); and, Daytona Grand, Inc. v. City of Daytona Beach, Florida, 490 F.3d 860 (2007), including but not limited to the following:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is no mechanism than the regulations in this ordinance to make the owners of these establishments responsible for the activities that occur on their premises.

(2) Certain employees of adult entertainment establishments engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at adult entertainment establishments, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult entertainment establishments for the purpose of engaging in sex within the premises of such adult entertainment establishments.

(6) At least 50 communicable diseases may be spread by activities occurring in adult entertainment establishments, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

It is the finding of the Town Council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or "adult entertainment," (whether such alcoholic beverages are sold on the premises or not) begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community.

Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking. Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general and cinematographic or videographic adult entertainment are the depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of an expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior hereinabove described. The Town Council finds it is reasonable to believe that some or all of these undesirable community conditions will result in the Town, as well.

Furthermore, the Town Council finds that other forms of sexually oriented businesses, including but not limited to adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities.

The Town Council finds that the negative secondary effects of adult entertainment establishments on the Town are similar whether the sexually oriented business features live nude dancing or sells video tapes depicting sexual activities.

The Town, therefore finds that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's daycare facilities to prevent or reduce the adverse impacts of sexually oriented businesses. Therefore, the Town Council finds that it is in the best interest of the Town to prohibit sexually oriented businesses within the Town, particularly in light of the available locations for such businesses within Barrow County. The Town Council finds that these regulations promote the public welfare by furthering legitimate public and governmental interests, including but not limited to, reducing criminal activity and protecting against or eliminating undesirable community conditions and further find that such will not infringe upon the protected constitutional rights of freedom of speech or expression, which rights are expressly acknowledged herein. To that end, Sec. 311 "Sexually oriented businesses" is hereby adopted.

Each sexually oriented business defined in this section shall be prohibited uses within all zoning districts of the Town of Bethlehem.

(a) *Purpose and intent of section*. The purpose of this section is to regulate certain types of businesses, including but not limited to adult entertainment establishments, to the end that the many types of criminal activities frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult dance establishments, this section represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments versus the protected rights of adult entertainment establishments and patrons.

(b) *Permits and approvals required*.

(1) Sexually oriented establishment permit required.

a. It shall be unlawful for any person to engage in, conduct or carry on in or upon any premises within the town any of the sexually oriented establishments defined in this section without a sexually oriented establishment permit so to do. No permit so issued shall condone or make legal any activity thereunder if the activity is deemed illegal or unlawful under the laws of the state or the United States.

b. It shall be unlawful for any person to operate an adult bookstore, adult cabaret, adult dancing establishment, adult hotel or motel, adult massage parlor, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, adult video store, encounter center, erotic dancing establishment, escort bureau or introduction service unless such business shall have a currently valid sexually oriented establishment permit or shall have made proper application for renewal within the time required therefor under this

article, which permit shall not be under suspension or permanently or conditionally revoked.

c. No person shall advertise or cause to be advertised an erotic dance establishment without a valid sexually oriented establishment permit issued pursuant to this Development Code.

(2) *Special use approval required.* Prior to using the premises as a sexually oriented establishment, any person, association, partnership, corporation, or other business entity must first have applied for and received special use approval for the operation of such establishment.

(c) *Use limitations*.

(1) No person shall publicly display or expose or suffer the public display or exposure of, with less than a full opaque covering, any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.

(2) It shall be unlawful for a permittee under this article to admit or permit the admission of minors within the permitted premises.

(3) An adult entertainment establishment permittee shall conspicuously display all permits and licenses required by this article.

(4) It shall be unlawful for any person to sell, barter or give or offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult massage parlor or adult dancing establishment or other adult entertainment facility.

(5) No adult entertainment establishment shall employ or contract with as an employee or dancer a person under the age of 18 years or a person not licensed pursuant to this Development Code.

(6) The following provisions, in addition to all others, shall apply to erotic dance and entertainment establishments:

a.No later than March 1 of each year, an erotic dance establishment permittee shall file a verified report with the licensing officer showing the permittee's gross receipts and amounts paid to dancers for the preceding calendar year.

b. An erotic dance establishment permittee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as dancers.

c. An erotic dance establishment may be open only between the hours of 8:00 a.m. and 1:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. through 12:00 a.m. on Sunday. No permittee shall permit his place of business to be open on December 25.

d. No erotic dance establishment permittee shall serve, sell, distribute or suffer the consumption or possession of any malt or vinous beverages, intoxicating liquor or other alcoholic beverage or controlled substance upon the premises of the permittee.

e. All dancing in an erotic dance establishment shall occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.

f. No dancing shall occur closer than ten feet to any patron.

g. No dancer in an erotic dance establishment shall fondle or caress any patron, and no patron shall fondle or caress any dancer.

h. No patron shall directly pay or give any gratuity to any dancer.

i. No dancer shall solicit any pay or gratuity from any patron.

j. All areas of an establishment for which a permit has been issued under this Development Code shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to

k. 3.5 footcandles per square foot.

(d) *Distancing and location requirements.* No sexually oriented establishment, business or use restricted under this section shall be located within the following distances as defined and measured as stated herein:

(1) Within 1,000 feet of any parcel of land which is either zoned or used for residential uses or purposes.

(2) Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground, community club, or prison is located.

(3) Within 1,000 feet of any parcel or land upon which another establishment regulated or defined under this section is located.

(4) Within 1,000 feet of any parcel of land upon which any other establishment selling alcoholic beverages is located.

(5) After issuance of any license, no change in the location of the building on the premises or customer entry locations shall be made which would affect compliance with any distance requirements of this section.

(6) On less than three acres of land containing at least 100 feet of road frontage.

For the purpose of this subsection, distance shall be by airline measurement from the property line, using the closest property lines of the parcels of land involved. For purposes of this section, the term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

(f) *Unlawful operation declared nuisance.* Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this section is hereby declared to be unlawful and a public nuisance. The town may, in addition to or in lieu of prosecuting a criminal action under this section, commence an action or proceeding for abatement, removal or enjoinment thereof in the manner provided by law. It shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this section. In addition, violation of the provisions of this section shall be per se grounds for suspension or revocation of a permit granted under this section.

(g) *Cleanliness of premises.* Each premises for which a permit has been issued under this section shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the premises. There shall be provided adequate facilities, equipment and supplies on the premises to meet this requirement and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the premises but shall be disposed of daily or as often as collections permit.

(h) *Self-inspection of premises.* The permittee of premises for which a permit has been issued under this section, or his designated representative, shall make sanitary inspections of the premises at least once a month and shall record his findings on a form supplied by the planning and community development department. Each premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

(i) *Authority to seal premises for unsanitary or unsafe conditions.* Premises for which a permit has been issued under this section, or any part thereof, may be sealed by order of the planning and community development department on finding of a violation of this section resulting in an unsanitary or unsafe condition. Prior to sealing, the planning and community development department shall serve on the permittee, by personal service or by posting in a conspicuous place on the premises, a notice of the violation and an order to correct it within 24 hours after service. If the violation is not so corrected, the planning and community development department may physically seal that portion of the premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed planning and community development department. The planning and community development department shall affix to the sealed premises a conspicuous sign labeled "unclean" or "unsafe", as the case may be.

(j) *Abatement as sanitary nuisance.* Premises for which a permit has been issued under this section, or any part thereof, may be abated as a sanitary nuisance.

Sec. 89-136. Timber harvesting notice.

(a) *Notice.* Pursuant to and in compliance with O.C.G.A. § 12-6-24, all persons or firms harvesting standing timber in any incorporated area of the town for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant shall provide notice of such harvesting operations to the Town Clerk 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. Such notice shall be provided for each separate tract to be harvested and shall be on and comply with the form provided by the Georgia Forestry Commission at Section 224-2-.01 of the Rules of the Georgia Forestry Commission, as

such form and Rule may be amended from time to time. Such notice may be submitted in person, by mail, by facsimile transmission, or by e-mail transmission. Any subsequent change in the facts provided in the notice shall be reported to the Town Clerk within three business days after such change. A copy of all timber harvest notices received by the Town Clerk shall be provided to the county tax assessor and the county tax commissioner.

(b) *Fees.* There is no fee required for submitting a notice of timber harvest.

(c) *Penalty.* Violation of the notice requirements of this subsection shall be punishable by a fine not exceeding $500.00.

Secs. 89-137—89-155. Reserved.

DIVISION 2. RESTRICTIONS ON CERTAIN PRINCIPAL USES

Sec. 89-156. Application.

The following provisions apply to principal uses or structures in all zoning districts where the use is otherwise allowed, whether by right or through special use approval.

Sec. 89-157. Agricultural uses.

(a) *Livestock sales pavilion or farmers' market, including abattoirs*.

(1) Shall be operated in accordance with state and county health department regulations.

(2) Any buildings or structures housing or holding livestock shall be located at least 100 feet from any property line and 300 feet from any property zoned or used for residential purposes.

(b) *Raising and breeding of animals*.

(1) Acreage restrictions.

a. The keeping of cattle, poultry and other non-domestic animals other than feedlots and hog parlors shall require not less than five acres in area.

b. Feedlots and hog parlors shall be conducted on tracts of land not less than ten acres in area.

c. Commercial and noncommercial kennels (shelters) shall be located on a site of not less than one acre, and shall be enclosed by a six-foot fence.

(2) All new structures shall be located in accordance with the agricultural distancing requirements of section 89-122 of this Development Code.

(3) Except in the agricultural zoning district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm. All agricultural distancing requirements of section 89-122 of this Development Code must be met.

(c) *Riding stables*.

(1) Horse stables with five or more stalls are allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision.

(2) Riding stables must have an area of not less than four acres for one horse, and an additional two full acres for each additional horse kept on the property.

(3) Riding stables must meet the separation requirements of section 89-122 of this Development Code.

Sec. 89-158. Aircraft landing area.

All private aircraft landing facilities are subject to special use approval.

(a) *Private landing strips*.

(1) For fixed-wing aircraft, a 1,000-foot clear zone extending from the end of all runways shall be secured through ownership or easement, but in no case shall the end of a runway be closer than 200 feet from any property line.

(2) For both fixed- and rotary-wing aircraft, neither the landing area nor any building, structure or navigational aid shall be located within 400 feet of any property line adjacent to a residential district or use.

(3) If located within or adjacent to a residential district or use, the hours of operation shall be limited to daylight hours.

(b) *Heliports, private use*.

(1) Private use heliports shall, as a minimum, have a takeoff and landing area 1½ times the overall length of the largest helicopter expected to use the facility. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.

(2) The owner of a private use heliport shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.

(3) If located within or adjacent to a residential district or use, the hours of operation shall be limited to daylight hours.

Sec. 89-159. Animal hospitals and veterinary clinics.

All structures shall be located and activities conducted at least 200 feet from any property or structure zoned or used for residential purposes.

(a) Adequate sound- and odor-proofing shall be provided so the use does not create a nuisance.

(b) No boarding shall be allowed unless required in connection with medical treatment.

(c) No outside runs or kennels shall be allowed when such facilities are located within any neighborhood commercial district or a planned center.

Sec. 89-160. Asphalt plants and concrete plants.

Asphalt plants, temporary batch plants and concrete plants are subject to the following minimum standards:

(a) *Use restrictions*.

(1) Compliance with all applicable federal and state laws.

(2) All necessary federal and state permits are obtained.

(3) No operation shall be allowed between the hours of 7:00 p.m. and 5:00 a.m. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including department of transportation projects and large commercial projects, with the approval of the Town Council.

(4) Asphalt mixing shall be a sealed process.

(b) *Site requirements*.

(1) Minimum acreage to be five acres unless located on the property of an active quarry.

(2) A 1,000-foot setback is required at the time of erection from any residential district (as defined on Table 2.1 in Article II).

Sec. 89-161. Automobile, boat, trailer and truck sales.

An establishment for the sale of new or used automobiles, trucks, boats or recreational vehicles shall meet the requirements of this section.

(a) No vehicle parked for sale or service shall be located closer than 20 feet from the street right-of-way line.

(b) Where such an establishment is an authorized dealer of new cars, boats or recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements of a general automotive repair establishment and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.

(c) Such establishments that deal exclusively in used vehicles only shall not have any service facility on the premises unless approved as a special use.

Sec. 89-162. Automobile, truck and trailer lease and rentals.

(a) All vehicles available for rent or lease shall be setback at least 30 feet from the street right-of-way line.

(b) All parking areas shall be clearly marked and no unit shall be parked outdoors other than within these boundaries, except when being serviced.

Sec. 89-163. Automobile wash service.

(a) An automobile wash service must provide a paved area located on the same lot for the storage of vehicles awaiting service equal to ⅓ of the practical hourly capacity of the wash machines.

(b) The principal structure associated with this use shall be located at least 100 feet from all property lines.

Sec. 89-164. Automotive oil change and lubrication shops.

An establishment principally providing oil change and lubrication services for automobiles and light trucks (under one ton), and which may also include light maintenance such as replacement of windshield wipers and automotive fluids, is subject to the following restrictions:

(a) All minor auto repair, maintenance, service, storage of materials or similar activities connected with this use shall be carried on entirely within an enclosed building.

(b) This use shall be located at least 100 feet away from any residential district or use.

(c) No outside storage of parts or non-operable vehicles are allowed on the property.

Sec. 89-165. Automotive repair and paint shops.

An establishment principally providing repair and maintenance services for vehicles, including tune-ups and cyclical maintenance, the sale and installation of tires, engine repairs and overhauls, repair or replacement of transmissions and mufflers, body shops and glass shops, is subject to the following restrictions:

(a) This use shall not be permitted within 300 feet of any property used for a residence, school, park, church, playground or hospital.

(b) All activities shall be carried on entirely within an enclosed building.

(c) This use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.

Sec. 89-166. Bed and breakfast inns, rooming and boarding houses.

A bed and breakfast inn or rooming and boarding house, except for a bed and breakfast inn in the C-2 or C-3 zoning district, must meet the following requirements:

(a) *Use restrictions*.

(1) A bed and breakfast inn may contain no more than 15 guest rooms, and a rooming and boarding house may be occupied by no more than 15 roomers or boarders, exclusive of the owner-occupant family of the residence.

(2) Food service shall be limited to breakfast only and shall be served exclusively to guests taking lodging in the facility.

(3) Individual rooms that are rented shall not contain cooking facilities.

(4) The exterior appearance of the structure shall not be altered from its single-family character unless the changes are approved by the Town Council as a special use.

(5) The owner of the bed and breakfast inn or rooming and boarding house must reside on the property.

(6) One employee shall be allowed to assist the owner, unless otherwise approved by the Town Council.

(7) Maximum length of stay shall not exceed 14 days for bed and breakfast inns.

(8) Rooming and boarding houses may offer residence on a permanent or long term (more than 30 days) basis.

(b) *Site restrictions*.

(1) Must meet the minimum acreage requirements of the specific zoning district.

(2) No parking area for guests to be located closer than 50 feet to any residential property line.

Sec. 89-167. Bulk petroleum storage.

(a) Any structures or buildings shall be located not less than 100 feet from any property line.

(b) Any structures or buildings shall be located not less than 200 feet from any property used or intended to be used for residential purposes.

Sec. 89-168. Cemeteries, mausoleums and crematories.

(a) *Crematories; site requirements.*

(1) All buildings shall be setback not less than 200 feet from all property lines.

(2) All buildings shall be not less than 500 feet from any property zoned or used for residential purposes.

(b) *Cemeteries and mausoleums; site requirements.*

(1) A cemetery, with or without a mausoleum, must be located on a tract of not less than 25 acres.

(2) A cemetery, with or without a mausoleum, shall be provided with direct access to a public street.

(3) Graves shall be setback not less than 50 feet from all property lines.

(4) When abutting any residential property line, a 50-foot buffer shall be required.

(5) Buildings shall be not less than 200 feet from any property line or future street right-of-way lines.

(6) The property shall be landscaped and maintained.

(c) *Existing cemeteries.* Any cemetery or place of burial recognized by the Barrow County Tax Commissioner as tax exempt (under O.C.G.A. § 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of state law (O.C.G.A. §§ 36-72-1 et seq.). State law currently defines "burial ground" and "cemetery" as follows:

Burial ground: An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Cemetery or *cemeteries:* Any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

Sec. 89-169. Churches and other places of worship.

(a) When in a residential district (as defined on Table 2.1 in article II), any building or structure established in connection with these uses shall be setback not less than 75 feet from any property line, except where this adjoining property is zoned for nonresidential use, in which case the setback shall be the same as required for the adjoining nonresidential district. Where this property line is a street line, the front yard setback established for the residential district shall apply.

(b) When in a residential district, these uses shall be permitted only on a lot which has access to an arterial or collector street.

(c) Unless the site is located in an M-1 zoning district, property containing a church or other place of worship must contain at least three acres.

(d) These uses shall have frontage on a public street of at least 60 feet and have a minimum lot width of 200 feet.

(e) No parking area shall be established within 20 feet of the property line of an adjoining residential district.

(f) Where a building or structure was previously used for purposes other than as a church or other place of worship and is later converted to use as a church or place of worship, such building or structure must be brought into compliance with all Development Code requirements applicable to churches and other places of worship including, but not limited to, parking regulations and life safety codes.

Sec. 89-170. Community and neighborhood recreation centers.

(a) *Community recreation centers.* Nonprofit community recreation centers, such as senior centers and YMCA/YWCAs, shall be subject to the following minimum requirements:

(1) The use must be owned and operated by a nonprofit organization.

(2) Minimum site area of three acres, except that senior centers must be located on a site of at least one acre.

(3) Structures associated with said use to be located a minimum of 50 feet from any property line.

(4) Structure associated with said use to be limited to 45 feet in height.

(5) When abutting any residential property line a 25-foot-wide buffer at the rear and side yards shall be required.

(b) *Neighborhood recreation centers.* Neighborhood recreation centers, amenities, and swimming pools are subject to the following:

(1) Outdoor activity shall cease by 11:00 p.m.

(2) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways. If lighting is to be established, it shall be shown on the landscaping plan for the project.

(3) This use shall be permitted only upon written approval of the health department to indicate compliance with the health department swimming pool regulations. A swimming pool shall be enclosed by a fence or wall having a height of not less than six feet.

(4) Site plans shall be approved by the Town Council to ensure compatibility of the facility with the neighborhood in which it is to be located, and to ensure compliance with all applicable laws and provisions of this Development Code. The facility shall be designed to accommodate no more than those residing within the surrounding and adjoining residential developments.

(5) Setbacks of buildings and structures.

a. Buildings and structures established in connection with such use shall be setback not less than 50 feet from any property line, except when this property is a street line. In this case, the front yard setback of the district shall apply.

b. The setback may be reduced to 20 feet from an interior property line if a structural buffer is provided along said property line that effectively provides a visual and noise screen for adjacent property to a height of eight feet.

Sec. 89-171. Community food banks and housing shelters.

Charitable, nonprofit establishments that provide meals, food distribution, short-term housing and/or room and board accommodations for poor, transient, or needy individuals shall meet the following minimum criteria:

(a) Adequate showers and restroom facilities must be provided at the location to meet the needs of overnight guests.

(b) Beds must be provided for all overnight guests excluding staff and volunteer workers.

(c) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m., unless otherwise established by the Town Council.

(d) All premises shall be maintained in a clean, safe, and sanitary fashion.

(e) Within the commercial zoning districts, a community food bank or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the above minimum standards of this section.

(f) No shelter shall be located closer than 500 feet to the nearest single-family property line measured from the closest corner or wall of the shelter.

Sec. 89-172. Day care facilities.

(a) *Group day care facility.* A day care facility accommodating up to a maximum of 18 adults or children is subject to the following:

(1) Care shall be limited to fewer than 24 hours per day.

(2) A maximum of 18 adults or children for whom compensation is received.

(3) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a solid hedge, wall or fence six feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.

(4) Group day care facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

(5) When within or adjacent to a residential district, the facility may operate for a 14-hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.

(6) All group day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.

(7) When operated as an accessory use, the group day care facility shall be located within a nonresidential building and otherwise comply with all requirements of this subsection, above.

(8) A group day care facility operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of another group day care facility.

(b) *Day care centers and private kindergartens.* Day care facilities for 19 or more adults or children and private kindergartens are subject to the following:

(1) Care or services shall be limited to fewer than 24 hours per day.

(2) The lot on which these uses are established shall have access on arterials or collector streets.

(3) There shall be not less than 30 square feet of indoor play area for each child at maximum enrollment, and not less than 100 square feet per child of outdoor play area at maximum enrollment.

(4) The outdoor play area shall be enclosed by a fence not less than six feet in height.

(5) Such facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

(6) When within or adjacent to a residential zoning district, the day care center may operate for no more than a 14-hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.

(7) All such uses shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.

(8) When operated as an accessory use, a day care center shall be located within a nonresidential building and otherwise comply with all requirements of this subsection, above.

(9) A day care center or private kindergarten operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located and shall not be located within 300 feet of any other day care center or group day care facility.

Sec. 89-173. Fraternity and sorority houses and residence halls.

Fraternity and sorority houses and residence halls must be located within 1,000 feet of an accredited institution of higher education.

Sec. 89-174. Gasoline stations, truck stops and convenience stores with fuel pumps.

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with the requirements of this section.

(a) *General requirements.*

(1) The property shall have minimum frontage on a public street of 120 feet and minimum area of 12,000 square feet.

(2) Gasoline pumps, canopies, tanks and other service facilities shall be setback not less than 20 feet from the future right-of-way line of the following streets, whichever is greater:

a. U.S. or state numbered highway: As required by the Georgia Department of Transportation;

b. Arterial streets: 80 feet from centerline

c. Major collector streets: 70 feet from centerline;

d. Minor collector streets: 60 feet from centerline;

e. Local commercial or industrial street: 50 feet from the centerline; and

f. Local residential street: a distance equal to the front setback required by the zoning district for a principal building.

(3) All operations except for the sale of gasoline or diesel fuel shall be conducted in an enclosed building.

(4) Exterior lighting shall be deflected away from adjacent properties.

(5) Unless elsewhere permitted in the district, major auto repair shall not be permitted.

(6) No outside storage of parts or non-operable vehicles.

(7) The maximum allowable height of any canopy structure associated with a fueling station shall be twelve (12) feet as measured from the finished grade to the lowest point of the canopy ceiling.

(8) All fuel pumps shall be covered by a canopy.

(b) *Requirements for full-service gasoline stations.* A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental, are subject to the following in addition to the general requirements of this section:

(1) No major automobile repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed.

(2) Building shall not exceed 8,000 square feet in floor area.

(3) An emissions or auto inspection station may be an accessory use to a gasoline service station provided it is fully enclosed in a permanent building.

(c) *Convenience stores with fuel pumps.* A convenience store with fuel pumps are subject to the following in addition to the general requirements of this section:

(1) The convenience store shall not exceed 5,000 square feet in gross floor area.

(2) No automotive repairs may be done on site.

(d) *Location, Separation, and Density Standards.*

(1) In the C-2 and C-3 zoning districts, no more than one (1) full-service gasoline station or convenience store with fuel pumps shall be permitted.

(2) Such use shall only be permitted on a site directly adjacent to Georgia State Route 316. For purposes of this section, “adjacent” means a lot or parcel that abuts the GA 316 right-of-way; direct vehicular access to GA 316 is not required and may be prohibited where GA 316 is a limited-access facility.

(3) The Town finds that full-service gasoline stations and convenience stores with fuel pumps may create potential hazards, including traffic, fumes, and noise, which could adversely affect nearby schools. To protect the health, safety, and welfare of students, a minimum separation of five hundred (500) feet from any public or private primary or secondary school is required. This distance is a reasonable measure to mitigate potential impacts, is applied uniformly to all affected uses, and shall not prevent the continuation of lawfully existing fueling operations as nonconforming uses under Sec. 89-7,

Grandfathered Development.

(e) *Continuation of existing uses.*

(1) Any gasoline station, truck stop, or convenience store with fuel pumps lawfully existing as of the effective date of the ordinance from which this section is derived, that does not conform to one or more provisions of this section, shall be deemed a lawful nonconforming use and shall be subject to the provisions of Sec. 89-7 (Nonconformities).

(2) This status shall apply regardless of the underlying zoning district, including but not limited to the C-2 district.

(3) Examples of nonconformities under this section include, but are not limited to:

a. Exceeding the maximum number of such uses permitted in a zoning district;

b. Failing to meet adjacency requirements to Georgia State Route 316;

c. Failing to meet the minimum separation from schools; or

d. Any other dimensional, locational, or operational requirement of this section.

(4) This subsection does not limit or alter the application of Sec. 89-7 to other nonconformities, including those arising from the standards of the underlying zoning district (such as setbacks, height, lot coverage, or landscaping)

Sec. 89-175. Golf courses.

(a) *Minimum course standards.* New golf courses shall meet United States Golf Association requirements for regulation play and must provide at least 18 holes covering a minimum course distance of 5,500 yards, except as follows:

(1) A golf course incorporated into a residential development or a type of master planned development may be a regulation nine-hole course with a minimum course distance of 3,000 yards; and

(2) A course meeting the United States Golf Association requirements for an executive golf course (minimum course distance of 4,000 yards) may be incorporated into an office park development or type of master planned development.

(b) *Lighting restrictions.* Outside lighting of golf courses and their accessory uses shall be completely screened from any adjoining residential use such that no light or glare is cast on such residential use.

(c) *Accessory uses to a golf course.* The following accessory uses are permitted in association with an 18-hole regulation or executive golf course:

(1) Buildings used to house equipment solely for the maintenance and operation of the golf course, not to exceed 3,000 square feet.

(2) Country club or clubhouse, which may include:

a. Tennis courts and other recreational courts;

b. Swimming pools; and

c. Food service with an 18-hole regulation or executive golf course only, or with a nine-hole golf course in a master planned development.

(3) Putting green.

(4) Pro-shop with an 18-hole regulation or executive golf course only.

(5) Cart rental and staging area;

(6) A driving range is allowed as an accessory use to a golf course only with special use approval, and in compliance with the requirements of subsection 89-178(1) of this Development Code.

(d) *Use limitations*.

(1) Two thousand square feet of gross floor area for pro-shop.

(2) Forty thousand square feet for a clubhouse or country club with an 18-hole regulation or executive golf course.

(3) Ten thousand square feet for a clubhouse with a nine-hole regulation golf course.

(4) Buildings and structures must be setback at least 100 feet from any property line.

(5) Loud speakers are not allowed if adjacent to a residential zoning district or any type of master planned development.

Sec. 89-176. Institutional uses.

(a) *Hospitals*.

(1) At least 100 feet shall separate all buildings from any residential district, of which the outermost 50 feet shall be a buffer.

(2) At least 50 feet shall separate all parking areas from any residential district or use, of which ten feet shall be a buffer.

(3) Access is limited to arterials or collectors.

(b) *Schools, private*.

(1) Private schools of general and special education (i.e., not including private schools for personal enrichment, job training or vocational training) are subject to following minimum requirements:

a. Minimum lot size of five acres.

b. Minimum public road frontage of 100 feet on a minor or major collector or arterial road.

(2) Private elementary and secondary schools.

a. The private school must provide a curriculum recognized by the state board of education as being equivalent to that offered in the public school system under state standards.

b. Temporary mobile classrooms require a special use permit.

(3) Private junior colleges, four-year colleges and universities.

a. The private school must be eligible for accreditation by a national educational organization recognized by the state.

b. The private school must offer a curriculum and degrees equivalent to those offered in similar but public schools operated by the state board of regents.

(c) *Private planetaria, aquariums, botanical gardens and other nature exhibitions.* Such uses shall not locate any structure closer than 100 feet to any property used or zoned residential.

(d) *Zoos.* Such uses shall follow the distancing requirements and other restrictions for "livestock" under section 89-122 of this Development Code.

Sec. 89-177. Mining or quarry operations.

(a) *Special use approval required.* Quarries and open pit mines, and soil or sand removal or extraction operations, require special use approval by the Town Council.

(b) *Application requirements.* All applications for a mining or quarrying operation shall include the following:

(1) A site plan containing the following information must be a part of such application:

a. Equipment, roads, buildings proposed or existing.

b. Points of ingress and egress.

c. All roads adjacent to the property.

d. All existing or proposed buffers.

e. Existing lakes, ponds, streams, rivers, or other waterways, wetlands and flood hazard areas.

f. Parking areas

g. North arrow, scale of drawing and area to be excavated.

h. Proposed handling and storage areas or overburden, by products and excavated material.

(2) A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purposes of obtaining a state mining permit.

(3) A statement as to the intended use of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage and disposal of such materials.

(c) *Restrictions*.

(1) No operation shall be allowed between the hours of 7:00 p.m. and 5:00 a.m. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including department of transportation projects and large commercial projects, with the approval of the Town Council.

(2) Access is required from paved streets other than residential subdivision streets. Said streets shall be able to withstand maximum load limits established by the State of Georgia.

(3) All gravel and pit access roads shall be maintained with a dustless, non-oiled surface.

(4) Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.

(5) For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties to the extent there are wells with potable water within 1,000 feet of the excavation area.

(6) Notices shall be posted at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.

(7) The area being excavated for stone mining and quarrying shall be enclosed within a barrier fence of at least four feet high located at least ten feet back from the edge of any excavation. For other mining operations covered by this section, the excavation area shall be surrounded by a four-foot-high fence or earthen berms of at least four feet in height covered with thorny shrubs.

(8) All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and state hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.

(9) Sound levels at the boundaries of the property shall not exceed the following limits when adjacent to residential, commercial or industrial zoning districts existing at the time of establishment of the quarry or mining operation:

a. *Long duration sound.* For any sound lasting continuously for one second or more, maximum limits are: 60 dBA for projects adjacent to a residential district; 65 dBA for projects adjacent to a commercial district; and 75 dBA for projects adjacent to an industrial district other than heavy industrial.

b. *Short duration sound.* For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dBA at the property line when adjacent to a residential, commercial or industrial zoning district.

c. *Method of sound measurement.* These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

(10) The blasting limit of 2.0 inches/second peak particle velocity as measured from any of three mutually perpendicular directions in the ground adjacent to off-site buildings shall not be exceeded.

(11) Millisecond-delay blasting shall be used to decrease the vibration level from blasting.

(d) *Distance requirements*.

(1) *Soil or sand removal or extraction operations.* Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.

(2) *Quarries and open pit mines.* Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.

a. The operational and removal area of such uses shall not be established within 500 feet of any property line.

(e) *State permits.* A copy of the state permit approval shall be maintained on file with the planning and community development department.

Sec. 89-178. Outdoor commercial recreation and entertainment.

Outdoor commercial recreation and entertainment includes uses such as drive-in theaters, amusement parks, miniature golf, tennis courts, etc. (See also section 89-185 for stadiums, coliseums and amphitheaters, which are exempt from the requirements of this section.) Restrictions that apply to such uses in general, and restrictions that have application to specific types of operations, are as follows:

(a) *General restrictions.* The following provisions apply to all outdoor commercial recreation and entertainment uses:

(1) Unless otherwise required below, all facilities shall be enclosed by a wall or fence and buffer area ten feet in depth to screen adjacent property.

(2) Central loudspeakers shall be prohibited.

(3) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

(4) No outdoor commercial recreation or entertainment operation shall be allowed between the hours of 5:30 p.m. and 8:00 a.m. unless specifically authorized as a condition of special use approval of the Town Council.

(5) Sound levels at the boundaries of the property shall not exceed the following limits when adjacent to residential, commercial or industrial zoning districts existing at the time of establishment of the outdoor commercial recreation or entertainment operation:

a. *Long duration sound.* For any sound lasting continuously for one second or more, maximum limits are: 60 dBA for projects adjacent to a residential district; 65 dBA for projects adjacent to a commercial district; and 75 dBA for projects adjacent to an industrial district other than heavy industrial.

b. *Short duration sound.* For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dBA at the property line when adjacent to a residential, commercial or industrial zoning district.

c. *Method of sound measurement.* These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

(b) *Drive-in theater*.

(1) The theater screen, projection booth or other buildings shall be setback not less than 500 feet from any residential district or existing residence. A minimum 100-foot buffer shall be provided adjacent to and residential zoning district. If not adjacent to a residential district, a buffer area ten feet in depth shall surround the perimeter of the property on which it is located.

(2) Driving and parking areas shall be paved.

(3) Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement and shall include 200-foot acceleration and deceleration lanes on the street from which the theater is accessed.

(4) This use shall be accessed only from collectors or arterials.

(5) The theater screen shall not be visible from any street located within 2,000 feet of the screen.

(6) The theater shall be enclosed by a wall or fence of adequate height to screen the parking area from

view of adjacent property.

(c) *Fairgrounds and amusement parks.*

(1) All buildings and structures associated with this use shall be setback not less than 200 feet from any property line.

(2) This use shall not be permitted within 500 feet of a residential zoning district.

(3) Vehicular access shall be derived only from an arterial street.

(4) The facility shall be enclosed by a security wall or fence not less than six feet in height.

(d) *Tennis centers, clubs and facilities.* All buildings and structures associated with such use shall be setback not less than 50 feet from a residential zoning district.

(e) *Go-cart concessions.*

(1) All buildings and structures associated with this use shall be setback not less than 200 feet from any property line.

(2) This use shall not be permitted within 500 feet of the boundary of an R district.

(3) This facility shall be enclosed by a wall or solid fence of not less than six feet in height.

(4) The maximum area occupied by the facility shall not exceed 40,000 square feet.

(f) *Outdoor commercial racing.* Outdoor commercial racing of motorcycles, automobiles, trucks, tractors or any other motorized vehicles is subject to the following additional minimum requirements:

(1) *Permits required.*

a. Special use approval as provided in the procedures and permits article (article XII) of this Development Code.

b. All necessary federal and state permits, if any.

c. Traffic impact study must be submitted with the application.

(2) *Operational limitations.*

a. A noise and air pollution abatement plan must be approved by the Town Council as part of the special use approval.

b. No damaged vehicles shall be stored on the site for more than seven days.

c. Hours of operation are 8:00 a.m. to 11:00 p.m., unless otherwise approved by the Town Council.

(g) *Golf courses and clubhouses, private.* See section 89-175 of this Development Code for restrictions relating to golf courses and golf course related uses.

Sec. 89-179. Personal care homes.

(a) Personal care homes shall be categorized and regulated based on the following classifications as defined in section 89-10:

(1) Small personal care home (up to three persons with no medical or nursing care).

(2) Group personal care home (up to 15 persons with no medical or nursing care).

(3) Congregate personal care home (16 or more persons with no medical or nursing care, or any number of persons with medical or nursing care).

(b) All personal care homes must comply with the rules and regulations for their operation established and enforced by the Georgia Department of Human Services ("DHS") and must obtain a permit from the DHS prior to operating in the Town of Bethlehem.

(c) All personal care home operators shall obtain business license in accordance with the provisions of the Licensing and Business Regulation Ordinances prior to providing any personal care services and shall annually renew the certificate as required thereunder.

(d) The Barrow County Fire Marshal shall be authorized to inspect the dwelling for compliance with this section

prior to issuance of an occupational tax certificate or a renewal thereof.

(e) A personal care home of any type (small, group, or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type). The 1,000-foot distance is measured by the straight line which is the shortest distance between the property lines of the two tracts of land on which each facility is located.

(f) A personal care home of any type (small, group, or congregate) in a residential zoning district shall not function as a work release facility for convicts or ex-convicts, function as a facility serving as an alternative to incarceration, or function as a drug rehabilitation treatment center; however, notwithstanding the foregoing restrictions, this subsection (f) shall not prevent the operation of a personal care home for recovering drug addicts where such a living arrangement is shown to be therapeutically necessary or the residents of the personal care home qualify as "handicapped" under the federal Fair Housing Act.

(g) All personal care homes operated within residential districts shall adhere to all requirements applicable to property within the district in which the personal care home is located, except as specifically required in this section. In the event of any conflicts, the provisions of this section shall prevail.

(h) Small personal care homes in a residential district shall retain the outward appearance of a single-family home.

(i) Small personal care homes shall conform to the parking requirements of the zoning district in which the home is located.

(j) The managing caregiver of a small personal care home or a group personal care home must be a full-time resident of the facility.

(k) The holder of the business license for a small personal care home or a group personal care home shall notify the Town Council of the name of each resident that resides within the facility and shall update the list within 30 days of the date that a resident moves in or moves out of the facility.

(l) Any dwelling or use that constitutes a personal care home under this Unified Development Code, but also might fall under additional definitions (e.g. rooming and boarding house, retirement community, guest house, fraternity or sorority) shall comply with the requirements of this section 89-179 and shall be located in zoning districts as described for the appropriately sized personal care home in Table 2.3.

Sec. 89-180. Private ambulance and emergency medical services.

(a) These uses shall be permitted only on property with frontage on an arterial or collector with access limited to that arterial or collector.

(b) The proposed development shall be reviewed and written approval granted by the Town Council prior to issuance of any permit or license.

(c) The owner of the business shall bear all costs for traffic signs and signals necessary to advise the motoring public of emergency vehicle access. The requirement for, and location of these warning signs and signal devices shall be determined by the Town Council.

Sec. 89-181. Public utility buildings and structures.

Use of a property for a public utility structure, such as an electric transformer station, gas regulator station and telephone exchange, shall be subject to the following requirements:

(a) These uses shall be essential for service to the area in which they are located.

(b) Any building or structure, except an enclosing fence, shall be setback not less than 20 feet from any property line, 60 feet from any other building or structure and shall meet all applicable yard requirements.

(c) These uses shall be enclosed by a fence not less than eight feet in height and a buffer of at least ten feet in depth.

(d) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner.

(e) The storage of vehicles and equipment on the premises shall be prohibited.

(f) Site and development plans shall be approved by the Town Council to ensure compatibility of the

facilities with the neighborhood in which they are to be located.

Sec. 89-182. Radio, television and telecommunications.

(a) *Purposes*.

(1) Provide for the appropriate location and development of communications towers and antennae to serve the residents and businesses of the Town of Bethlehem, Georgia.

(2) Minimize adverse visual impacts of towers and antennae through careful design, siting, landscaping, screening, and innovative camouflaging techniques.

(3) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(4) Lessen traffic impacts on surrounding residential areas.

(5) Maximize use of any new and existing communications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the Town provided however that the use of shorter towers of a height which does not require lighting under FAA Regulations will normally be given preference over the use of taller structures even when the use of unlighted structures may require a larger number of towers to serve the town.

(6) Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.

(7) Encourage and promote the location of new communications towers in areas which are not zoned for residential use.

(8) Provide development standards for telecommunication facilities that are consistent with the requirements of the Federal Telecommunications Act of 1996, as amended; the Federal Communications Commission (FCC) and/or other applicable federal, state and local laws, statutes, ordinances and regulations.

(b) *Exemptions.*

(1) Wireless communications facilities for which a permit was issued prior to the effective date of this Development Code are not required to meet the standards contained herein.

(2) Wireless communication facilities located on properties owned by the Town of Bethlehem are not subject to the requirements this section.

(3) Antennae and towers less than 70 feet in height, owned and operated by the holder of an amateur radio license issued by the Federal Communications Commission are exempt from the requirements of this section.

(4) Personal over-the-air devices for audio or video programming and wireless internet services are not subject to the requirements of this section.

(5) Monopole towers 100 feet or less in height located within electrical sub-stations are not subject to the requirements this section.

(6) Satellite ground relay station facilities are not subject to the requirements of this section.

(7) Notwithstanding any other provision of this Code, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment or small wireless facilities, shall be governed by the Town's Small Wireless Facilities and Antennas Ordinance, unless otherwise required by law.

(c) *Principal or accessory use.* Antennae, towers and concealed support structures may be either a principal use or an accessory use and may be located on a nonconforming lot or on a lot containing a nonconforming use. The construction of a tower or concealed support structure in compliance with this section shall not be considered an expansion of a nonconforming use.

(d) *Approval required*.

(1) No wireless communications facility located on private property shall be constructed unless it has first been approved as determined by the following Table 3.1.

Table 3.1: Approval process for wireless communications facilities

	Facility Type ***				
Zoning District	Attachment to Existing Building or Structure	Concealed Support Structure	New Tower		Colocation on Existing Tower
			Monopole	Other	
AG Agricultural District	A	A	SU	SU	BP
AR Agricultural Residential	A	A*	SU	Prohibited	BP
R-1 Residential	A	SU*	Prohibited	Prohibited	BP
R-3 Residential	A	A	SU	Prohibited	BP
Commercial Districts	BP	BP	SU	Prohibited	BP
Industrial Districts	BP	BP	SU	SU	BP
AHO Airport Hazard Overlay District**	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
HCO Highway Corridor Overlay**	BP	BP	SU	Prohibited	BP
Special Areas:					
Any Master Planned Development	A	SU	Prohibited	Prohibited	BP

Key:

BP = Building permit

A = Administrative approval

SU = Special use approval required

* On nonresidential properties only, such as churches, schools, etc.

** Overlay district restrictions apply whenever more restrictive than those imposed by an underlying zoning district.

*** 1. Notwithstanding any other provision of this Code, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment or small wireless facilities shall be governed by the Town's Small Wireless Facilities and Antennas Ordinance, unless otherwise required by law.

2. The approval processes in this section shall comply with the Federal Telecommunications Act of 1996, as amended, the Federal Communications Commission (FCC) and/or other applicable Federal, State and local laws, statutes, ordinances and regulations.

(2) No antenna, tower or concealed support structure shall be located on a lot platted or used for single-family residential purposes.

(3) Concealed support structures in the AR and R-1 zoning districts shall be allowed only in conjunction with an existing nonresidential use.

(4) A temporary wireless communication facility may be approved by administrative review in any zoning district for a period not to exceed 90 days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.

(5) In addition to the standards enumerated for administrative review or special use approval, the following factors shall also be considered:

a. Height of the proposed tower or concealed support structure.

b. Proximity of residential uses.

c. Topography of the surrounding area.

d. Surrounding tree cover and existing vegetation.

e. Design of the structure with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.

f. Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:

1. That existing towers or tall structures are not located within the necessary geographic area.

2. That existing towers or tall structures are not of sufficient height to meet system engineering requirements.

3. That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.

4. That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.

5. That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.

(6) Any decision to deny an application to place, construct, or modify personal wireless service facilities shall be in writing and cite the basis on substantial evidence contained in a written record.

(e) *Height limitations and colocation requirements*.

(1) Antennae attached to existing buildings or structures other than towers shall not increase the total height by more than 20 feet.

(2) Concealed support structures in any agricultural or residential district shall not exceed 70 feet in height. Concealed support structures in other districts shall not exceed 100 feet in height. Colocation for additional users may be required contingent upon the design of the structure.

(3) Towers located in agricultural districts shall not exceed 250 feet in height.

(4) Monopoles located in the AR and R-3 districts shall not exceed 150 feet in height.

(5) Monopoles located in commercial and industrial districts shall not exceed 200 feet in height.

(6) Self-support (lattice) and guyed towers shall not exceed 350 feet in height.

(7) 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. Towers over 160 feet shall accommodate at least five users.

(f) *Design criteria*.

(1) *Setbacks*.

a. All towers shall be located no less than a distance equal to the height of the tower from any property zoned or used for single-family residential purposes.

b. All towers shall be located at least ⅓ of its height from any public right-of-way.

c. Setbacks shall be based on the entire lot on which the tower is located and shall not be applied to any lease area within the host parcel.

d. Accessory structures or anchors in conjunction with a tower shall comply with the minimum yard requirements of the zoning district in which they are located.

(2) *Landscaping, screening and visual impact*.

a. A minimum ten-foot-wide area meeting buffer standards shall surround towers and related equipment. Landscaping and buffer areas must be under the ownership or long-term lease of the tower owner. The required buffer area may be reduced or waived by the Town Council if existing natural vegetation provides sufficient screening from adjacent properties and public rights-of-way.

b. Antennae and related equipment attached to existing structures other than towers shall be of the same color as any feature of the structure that forms the background.

c. Antennae and related equipment attached to historically or architecturally significant structures or within significant view corridors, as established by the Town of Bethlehem, Barrow County or state or federal law or agency, shall be concealed in a manner that matches the architectural features of the structure.

d. Concealed support structures shall have all related equipment screened from view by one of the following methods:

1. Locating all equipment in an existing building;

2. Locating all equipment in an underground vault; or

3. Locating all equipment in a new building that is of an architectural style similar to existing buildings or compatible with the specific environment.

(3) *Lighting.* Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties. Towers shall not be lighted beyond that required by the FAA. If lighting is required on a tower located within one mile of a residential use, the owner shall request FAA approval of a dual-

lighting system.

(4) *Security.* All towers and related equipment shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with other anti-climbing devices as appropriate to prevent unauthorized access.

(5) *Signage.* Tower facilities shall have mounted in a conspicuous place, a sign of not more than one square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency. All other signs and any form of advertising are prohibited.

(6) *Compliance.* All towers, concealed support structures, antennae and related equipment shall comply with all building, electrical and other codes currently in force, the applicable standards of the electronic industries association and the applicable regulations of the Federal Communications Commission and Federal Aviation Administration.

(g) *Application requirements*.

(1) *Administrative review.* Applicants shall submit the following documentation for administrative review:

a. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.

b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address existing towers and tall structures located within one mile of the proposed location, the required antenna height and alternate locations as may be appropriate.

c. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of Georgia documenting the following:

1. The location of the facility by longitude and latitude and Georgia State Plane Coordinate System, ground elevation and total height.

2. Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.

3. Evidence of the structural integrity of the structure with respect to wind and ice loading.

4. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.

d. Architectural renderings or simulated photographs of all proposed structure(s) in context with particular attention to views from public streets or residential uses.

e. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.

(2) *Special use.* All applicants for special use approval shall submit the following in addition to all documentation required by the procedures and permits article (Article XII) for special use applications:

a. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.

b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address the proposed site's relationship to the existing antenna network, existing towers and tall structures located within one mile of the proposed location, the required antenna height and alternate locations as may be appropriate.

c. Architectural renderings or simulated photographs of all proposed structure(s) in their physical environment with particular attention to views from public streets or residential uses.

d. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of Georgia documenting the following:

1. The location of the facility by longitude and latitude and Georgia State Plane Coordinate System, ground elevation and total height.
2. Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.
3. Evidence of the structural integrity of the structure with respect to wind and ice loadings.
4. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.

e. A scale drawing of the site and area that indicates distances to the nearest residential uses.

f. A map that illustrates the proposed tower location with respect to the nearest airport.

g. A determination by the FAA regarding hazards to air navigation.

h. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.

Sec. 89-183. Salvage, junk, wrecking and scrap yards.

(a) Junk yards and scrap yards, including vehicle or other salvage and wrecking yards, are subject to the following requirements:

(1) This use shall be enclosed by an opaque fence (including chain link with interwoven solid strips) or wall not less than eight feet in height, which provides visual screening, with a locked gate to prevent unauthorized entry.

(2) Junk yards and scrap yards must be more than 500 feet from any residential structure other than the residence of the property owner; a 200-foot setback is required from property lines.

(3) The incidental sale of auto parts removed from cars on the site shall be permitted.

(4) Junk yard and scrap yard owners shall take reasonable steps to control rodent and insects infestation.

(5) All burning shall be in conformance with the State of Georgia Air and Water Pollution Act.

(6) There shall be adequate drainage with no slope more than five percent in grade and shall be adequately maintained to prevent rodent and vermin infestation, and meet EPA specifications in regard to contamination.

(7) Junk vehicles shall not be stacked or layered as to endanger public health and welfare.

(8) The minimum area shall be five acres and the maximum area shall be 25 acres.

(9) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and thoroughfares.

(b) Storage yards for damaged or confiscated automobiles.

(1) This use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.

(2) No dismantling, repair or other activity shall be conducted.

(3) This use shall be located at least 200 feet from any residential district or use.

(4) These automobiles shall not be held longer than provided by state, county and local law.

Sec. 89-184. Self-service storage, mini-warehouses.

Minimum standards for the use, site development, construction, and placement of self-service storage facilities and mini-warehouses shall be as follows:

(a) *General regulations.*

(1) No wholesale or retail sales shall be permitted within a storage bay. A self-service storage facility

included within a commercial or industrial development shall have a minimum of one acre and a maximum of five acres devoted exclusively for such use.

(2) As a principal use, a self-storage facility shall not occupy a site larger than five acres.

(3) The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.

(4) Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.

(5) Residential quarters for security purposes may be established on the site (see the night watchman section of this article).

(6) A minimum six-foot fence or wall shall enclose the self-storage facility. Said fence or wall shall be constructed of brick, stone, masonry units, wood, chain link, cyclone, or other similar materials. Said fence or wall shall be setback a minimum of 20 feet from the side and rear property lines. Fences and walls shall adhere to the required front yard setback. This requirement will be inapplicable should the facility comply with landscape requirements of self-storage.

(7) Individual storage bays within a self-service storage facility shall not be considered a premises for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

(8) Except as provided, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals are prohibited.

(b) *Access.* A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

(c) *Outside storage.* Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use, truck trailers, antique cars and other vehicles shall be permitted within a self-service storage facility provided the following conditions are met.

(1) Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the Town Council.

(2) The storage area shall not exceed 25 percent of the total buildable area of the site.

(3) The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a six-foot high opaque wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.

(4) Vehicles shall not be stored within the area set aside for minimum building setbacks.

(5) No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

(d) *Development regulations*.

(1) Separation between storage buildings.

a. If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.

b. Buildings shall be situated or screened so that overhead access doors do not face public roads or residentially zoned property.

(2) Maximum bay size. The maximum size of a storage bay shall be 450 square feet.

(3) Maximum building height.

a. With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be one story unless the Town Council approves additional stories.

b. The height of the building shall not exceed 12 feet.

c. All self-service storage facilities shall utilize gable roofs with not less than a 2:12 slope.

(4) Parking requirements.

a. Designated customer parking is not required; however, a minimum of five parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

b. Interior parking. Interior parking shall be provided in the form of aisleways adjacent to the storage bays. These aisleways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisleways shall be as follows:

1. If aisleways permit two-way traffic, minimum width shall be 24 feet.

2. If aisleways permit only one-way traffic, minimum width shall be 20 feet.

c. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisleways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the fire department shall approve the turning radii of the aisleways.

(e) *Dumpsters and trash receptacles*. Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets.

Sec. 89-185. Stadiums, coliseums, arenas and amphitheaters.

Stadiums, coliseums, arenas and amphitheaters are subject to the following minimum requirements:

(a) *Site requirements for an amphitheater.* Minimum site area of five acres.

(b) *Site requirements for a stadium, coliseum or arena.*

(1) Minimum site area of ten acres.

(2) A minimum 1,000-foot setback from any residential district.

Sec. 89-186. Special events venues.

Structures or spaces including, but not limited to, event facilities, banquet halls or similar facilities being leased for receptions, events, or similar functions, are subject to the following minimum requirements:

(a) This use requires special approval in accordance with sections 89-1316.

(b) Activities shall be limited to community or private parties, gatherings and charity events; weddings, wedding receptions and wedding or baby showers; and business functions. Other similar events may also be included, at the discretion of the Town Council.

(c) For the purposes of public safety, such facilities or spaces shall be located with direct access from principal arterial, minor arterial, major collector, minor collector, state highway, or other road as appropriate to accommodate emergency and public safety access to the venue.

(d) In the AG and AR districts, the minimum lot size to accommodate a special event venue shall be three acres.

(e) Adequate parking and access shall be provided at the venue.

(f) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

(g) The maximum capacity of structure or space (number of guests) is subject to fire code limitations and additional restrictions, including provision of adequate restroom facilities for a proposed special event

capacity.

(h) If approved, this use may be subject to limitations on hours of operation and noise levels.

Sec. 89-187. Specialty food stores.

Specialty Food Stores, including meat, fish, fruit and vegetable markets, and candy stores shall be subject to the following requirements:

(a) *Purpose*. These standards are intended to ensure that specialty food store establishments contribute to the pedestrian-scale, locally-oriented commercial character of the town. The standards are designed to distinguish specialty food stores from highway-oriented or convenience retail uses, and to prevent the establishment of convenience stores, vape shops, and similar uses under this classification.

(b) *Qualifying use.* To qualify as a specialty food store under this section, the establishment shall satisfy at least three of the following criteria:

(1) Maintains a butcher counter or full-service meat department with on-site cutting and preparation of meat, poultry, or seafood

(2) Operates as a specialty grocer or curated food market with a majority of interior floor area dedicated to fresh, local, artisan, or specialty food and beverage products

(3) Offers a deli, charcuterie, or prepared foods counter with made-to-order or freshly prepared items

(4) Maintains a curated selection of specialty or craft beverages, including wine and beer, with staff knowledgeable in product selection

(5) Dedicates a meaningful portion of inventory to locally or regionally sourced products

(6) Sells food, beverage, apparel, home goods, gifts, crafts, art, books, or other specialty merchandise in a curated retail format not characteristic of a convenience store or big-box retailer

(7) Operates as a maker, producer, or artisan retailer where goods sold are produced or assembled on premises

(c) *Maximum gross floor area.* The establishment shall not exceed 10,000 square feet of gross floor area.

(d) *Building orientation.* The primary entrance shall be oriented toward the principal street frontage where site configuration permits. Where lot depth, required buffers, corner lot conditions, or multi-frontage conditions preclude street-oriented placement, the Planning Director may approve an alternative building orientation provided that the primary entrance remains accessible from the public sidewalk or an approved pedestrian connection to the street.

(e) *Outdoor display.* Outdoor display of merchandise is permitted within 10 feet of the primary building entrance, provided it does not obstruct pedestrian passage on the public sidewalk and is removed during non-business hours. Permanent outdoor vending structures are prohibited. Seasonal outdoor display and sale of merchandise, including but not limited to Christmas trees, pumpkins, and similar seasonal products, is permitted beyond the 10-foot limit for a period not to exceed 45 consecutive days, subject to approval by the Planning Director, provided that pedestrian access is maintained and all materials and temporary structures are removed within 14 days of the conclusion of the seasonal sales period.

(f) *Alcohol sales.* The retail sale of beer and wine is permitted as a component of the specialty food store use, subject to all applicable state and local alcohol licensing requirements. Alcohol sales shall not constitute the sole or predominant retail activity of the establishment.

(g) *Landscaping.* A minimum landscaped strip of 10 feet shall be provided along all street frontages. Where sidewalks are present or required, the landscaped strip shall be located between the sidewalk and any structure or parking area.

(h) *Outdoor amenity.* At least one outdoor amenity shall be provided on the site, such as a patio, outdoor dining area, gazebo, seating area, or similar pedestrian-oriented feature. The Planning Director shall determine whether the proposed amenity meets the intent of this provision.

(i) *Fuel pumps*. Fuel pumps may be permitted as an accessory use to a specialty food store, subject to special use

approval and in accordance with Sec. 89-231.

(j) *Prohibited uses.* The following are prohibited in any specialty food store establishment:

(1) Sale of cigarettes and smokeless or oral tobacco and nicotine products, including but not limited to chewing tobacco, snuff, snus, and nicotine pouches.

(2) Sale of electronic cigarettes, vaping devices, liquid nicotine used as vaping refill solution, tobacco-free nicotine products not otherwise prohibited under subsection (1), and related paraphernalia, including but not limited to vaping accessories, vape cartridges, and e-cigarette components.

(3) Sale of tobacco pipes and cigars, except where such sales occur exclusively within a dedicated humidor room that is physically separated from the general retail floor area by permanent walls and a closeable door. The humidor room exception shall not be construed to permit the sale of cigarettes, smokeless tobacco, electronic cigarettes, or vaping products within the humidor room or elsewhere on the premises. Onsite consumption of tobacco products within the humidor room or elsewhere on the premises is prohibited.

(4) Lottery ticket sales.

(5) Coin-operated amusement machines.

(6) Drive-through facilities of any kind.

(7) Payday lending, check cashing, or any alternative financial services.

(8) Sale of drug paraphernalia as defined under O.C.G.A. § 16-13-32.

(k) *Variance*. The Town Council may grant a variance from one or more requirements of this section upon a finding that the proposed establishment is consistent with the intent and purpose of this section and the character of the surrounding area, notwithstanding its inability to meet one or more specific standards. A variance granted under this subsection shall not permit any use or activity otherwise prohibited under subsection (i).

Sec. 89-188. Temporary events.

Temporary events are only allowed in zoning districts where they are permitted and only upon the issuance of a permit as provided in this section.

(1) All temporary events are subject to the following:

a. A temporary event shall not occur on property that is less than three acres in size.

b. Hours of operation of a temporary event shall be between the hours of 7:00 a.m. to 11:00 p.m., excluding set up and clean up, unless otherwise specified by the permit issued for a specific temporary event. Notwithstanding such operating hours, the temporary event must comply with the Town of Bethlehem Nuisance Ordinance and any applicable noise ordinance.

c. No building, structure, activity, or portion of a temporary event, including any associated activities (such as parking and ticket/entrance gates), shall be permitted within 500 feet of the property line located within a R-1 or R-3 zoning district.

d. For all temporary events that occur on property that is bordered by other than R-1 and R-3, no building, structure, activity, or portion of a temporary event, including any associated activities (such as parking and ticket/entrance gates) associated with a temporary event shall be permitted within 100 feet from any such property line.

e. For the purposes of public safety, temporary events shall be located with direct access from a principal arterial, minor arterial, major collector, minor collector, state highway, or other road as necessary to accommodate emergency and public safety access to the venue, as determined in the discretion by the applicable Town officials as a result of the application and review process.

f. A temporary sign associated with a temporary event must comply with temporary sign provisions in article VII.

g. All temporary event parking shall be fully contained within the subject property. Temporary event parking may not occur within or along governmentally-owned right-of-way.

h. Fireworks associated with a temporary event shall be prohibited, except for New Year's Eve, July 4th , and Memorial Day, provided all applicable Local, County and State regulations for fireworks are satisfied. Except for New Year's Eve, fireworks shall be prohibited after 10:00 p.m.

i. Notwithstanding any provision that provides a more stringent limitation to the contrary, electronically amplified live and or recorded music and/or voices shall not exceed 70 dB(A) or ten dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.

j. The number of individuals attending a temporary event at any one time shall be limited to 1,000 individuals, which includes the individuals hosting and/or working at the temporary event. The holder of a temporary event permit shall be responsible for denying access to the property and/or the temporary event to ensure that the number of attendees at any one time does not exceed 1,000 individuals.

k. Two off-duty Barrow County deputies shall be employed by the temporary event facility to maintain law and order and to assist with traffic and parking. Two additional off-duty Barrow County deputies shall be employed if more than 400 individuals will be present on the subject property. If more than 700 individuals will be present on the subject property, two additional off-duty Barrow County deputies shall be employed by the temporary event facility. By way of example, a temporary event with 900 attendees (including the individuals hosting and/or working at the temporary event) is required to employ six off-duty Barrow County deputies to maintain law and order and to assist with traffic and parking. In the event more individuals attempt to attend the temporary event than may be accommodated based on the number of Barrow County deputies present at the temporary event, such individuals shall be denied access to the temporary event. Law enforcement officers from other jurisdictions may satisfy the requirements of this subsection upon approval in writing by the Barrow County Sheriff's Office.

(2) Application requirements. Applications shall be submitted to the Town Council at least 45 calendar days in advance of the event. The application shall be furnished on a form provided by the town and shall include:

a. The complete street address of the property to be used for the temporary event and evidence that the property meets the three-acre minimum requirement;

b. Ownership information, including the name, address, email address, and telephone number of each person or entity with an ownership interest in the property;

c. The written authorization of each person or entity with an ownership interest in the property;

d. The name, address, telephone number, and email address of the applicant;

e. The date and time of the proposed event;

f. A description of the nature of the event;

g. Signed acknowledgment that the applicant has read all regulations pertaining to temporary events and agrees to comply;

h. A scaled drawing indicating the boundary of the site, parking, and location of associated activities, buildings, and/or structures shall be provided; and

i. Documentation verifying the number of off-duty Barrow County deputies to be employed for the temporary event;

j. Details regarding plans to provide security and traffic management for the temporary event;

k. Liability insurance. A written public liability insurance policy naming the Town of Bethlehem as an additional insured with limits of not less than $300,000.00 for personal injury, per occurrence, and $100,000.00, property damage per occurrence against all claims arising from the temporary event. If the temporary event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the temporary event and obtaining additional insurance coverage naming the Town of Bethlehem as an additional insured at the direction of the Town Council;

l. Hold harmless agreement. The applicant is required to provide an executed indemnification and hold harmless agreement on the form provided by the Town in which the applicant agrees to defend, pay, and hold harmless all Town related entities, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the temporary event; excepting any claims arising solely out of the negligent acts of the Town, its officers, and employees.

Each application shall be signed and sworn to by the applicant. False statements in any application shall be grounds for immediate revocation of the permit, denial of the application and/or denial of future applications.

(3) Application review.

a. Upon receipt of a complete temporary event permit application, the application shall be forwarded for review and consideration by the Barrow County Sheriff, Barrow County Fire Marshal, and the Town of Bethlehem Clerk, all of whom shall provide the Mayor written statements noting any impact the proposed temporary event will have on county or state infrastructure, traffic, the provision of services, public safety, as well as concerns regarding compliance with applicable laws and regulations (the "statement of impact"). As determined in the discretion of the Mayor, the application may be forwarded to the Georgia Department of Transportation, Barrow County Environmental Health, or any other state agencies to seek a statement of impact.

b. In considering an application and any related statement of impact, the Mayor or his or her designee may schedule a meeting with the applicant, the sheriff's office, and any applicable town official. Such meeting shall occur to determine any additional information necessary for the possible approval of the permit application. The town reserves the right to require any additional reasonable information identified by the Mayor or his or her designee, the sheriff's office, or any town department, or as a result of any statement of impact, to address concerns regarding a proposed temporary event.

c. The Town Council shall have 14 calendar days to issue a decision regarding an application, and may approve, approve with conditions, or deny the temporary event permit.

d. The decision regarding an application shall be in writing and shall be personally delivered or deposited in the U.S. Mail by the fourteenth calendar day following receipt of a complete application.

e. An applicant dissatisfied with the denial of or conditions imposed upon a permit may submit an appeal to the Town Clerk. The appeal shall be in writing and shall be submitted within ten days after the date shown on the written decision. Upon notice of such appeal, the Town Council shall issue a finding as to whether the denial or conditions imposed for the permit shall be upheld.

f. In deciding whether to approve, approve with conditions, or deny the temporary event, the town official shall issue a permit only upon a determination that the activity or event, if permitted:

i. Would not cause substantial detriment to the public good;

ii. Would not interfere with another event or with the town's ability to reasonably provide public safety and emergency services;

iii. Can reasonably be expected to function safely as proposed;

iv. Would not be outweighed by potential damage or intrusion to or undue interference with the surrounding land uses;

v. Will not deny reasonable police and fire protection to the town based upon the diversion of police, emergency, and fire resources to support the temporary event;

vi. Will not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities;

vii. Would not negatively affect the safety and welfare of pedestrian and vehicular traffic;

viii. Would not violate any applicable laws or regulations;

ix. Provides an adequate transportation management/parking plan for traffic control/parking management; and

x. Complies with the requirements and purpose of this section 89-187.

g. When more than one permit application is received for the same date, and the Mayor, with input from town staff and the sheriff's office, reasonably determines both temporary events cannot occur without interfering with the other or without interfering with emergency, police, and fire protection to the town, the first complete application that is received by the town shall receive priority, and the application submitted second in time may be denied.

(4) Permit limitations:

a. No more than four single-day permits may be issued for a property within a calendar year.

b. A property is eligible for one permit per year for a temporary event lasting longer than one day, such as a carnival lasting multiple consecutive days, provided such permits shall be valid for no more than seven consecutive days.

c. The issuance of a permit under this section shall in no way be construed as authorizing the property for hosting a concert or serving as a concert venue.

(5) Enforcement, violations, and penalties.

a. Enforcement action may be brought against any individual, including, but not limited to, the applicant, permit holder, or property owner. Any violation of the provisions of this section shall be enforced in magistrate court to the full extent authorized by O.C.G.A. § 36-1-20, subject to the specific sanctions set forth below.

b. the Town Marshall, the Mayor or his or her designee shall have authority to enforce the provisions of this section.

c. The issuance of a citation for a violation of any of the provisions stated herein (including failure to obtain a temporary event permit or failing to conform to the conditions imposed upon the issuance of a permit) will result in a fine of up to $1,000.00, imprisonment not to exceed 60 days, or both at the discretion of the magistrate judge.

d. The issuance of a citation shall also result in an administrative hearing before the Town Council, as provided in subsection (6) below, for the Town Council to determine whether the violator(s) and/or subject property shall be subject to a suspension in the eligibility to apply for future temporary event permits for up to 12 months.

e. The Town Marshal and the Barrow County Sheriff shall have the authority to close any event and require the guests to vacate the property immediately upon violation of the requirements or conditions set forth herein or to preserve public health, safety, and welfare of persons or property.

(6) Administrative hearing on suspension.

a. The Town Council shall have the duty of conducting hearings concerning the suspension of the issuance of future temporary event permits.

b. Upon presentation of evidence to the Town Marshal of a violation of this section, the Town Clerk shall schedule a hearing before the Town Council and provide written notice to the adverse party of the time, place, and date of the scheduled hearing. The Town Clerk shall also state in the written notice the basis for the administrative hearing and the violation or occurrence alleged that forms the basis for the potential suspension of the issuance of future temporary event permits.

c. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.

d. At the conclusion of the hearing, the Town Council shall vote as to whether a suspension shall be applied and the length of any suspension. The Town Clerk shall provide written notification via certified mail to the adverse party of the decision of the Town Council.

e. The decision of the Town Council shall be final, unless appealed to the Superior Court of Barrow County within 30 days of receipt of the written notification to the adverse party of the Town Council' decision.

f. For purposes of this subsection (6), notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.

Sec. 89-189. Temporary offices for a development.

A temporary construction office or sales office serving a subdivision or other development project, where otherwise allowed, shall meet the following criteria:

(a) *Temporary construction buildings.*

(1) Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of final construction, and before a building permit is issued for the lot.

(2) The temporary construction office may be a manufactured home or industrialized building.

(b) *Temporary sales office; location.*

(1) In all major subdivisions, a permit may be granted for the temporary use of one of the homes to be used as a real estate sales office for sale of the lots or new homes to be built and developed within the boundaries of the development.

(2) A temporary sales office in a subdivision shall be removed within 30 days after certificates of occupancy have been approved on all but three homes.

(3) The temporary sales office shall be located on a lot within an area that has received final plat approval and has been recorded with the clerk to the superior court.

(c) *Temporary sales office; restrictions.*

(1) Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the approved final plat.

(2) The temporary sales office may not be a manufactured home.

Sec. 89-190. Travel trailer park.

In any district where travel trailer parks are permitted, the applicant shall submit a sketch plan of the park subject to the following conditions:

(a) No travel trailer park shall be located except with direct access to a town, county, state or federal highway, with a minimum lot width of not less than 50 feet for access points.

(b) No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.

(c) The minimum lot area per park shall be three acres.

(d) Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws or ordinances and shall be rented by the day or week only, and an occupant of such space shall remain in the same trailer park for a period of not more than 30 days.

(e) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided:

(1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent of the area of the park.

(2) Such establishments shall be restricted in their use to occupants of the park.

(3) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

(f) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any freeway, expressway, arterial or collector streets.

(g) In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by

a certificate of approval from the Barrow County Health Department.

Sec. 89-191. Waste handling or disposal.

(a) *Recycling collection location.* A location containing metal or heavy-duty plastic containers, bins, or dumpsters designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled minimum monthly pick up with no on-premises sorting shall meet the following requirements:

(1) The center must be maintained in a safe, clean, neat, and sanitary fashion and shall not encompass an area larger than ½ acre.

(2) Such location shall be visually screened and maintained.

(3) All containers, bins or dumpsters and all vehicle maneuvering and parking areas (other than access driveways) shall be within the building setbacks.

(b) *Materials recovery center.* The operation of material recovery center facilities may be permitted subject to special use approval on private property located in the industrial zoning districts subject to the following requirements:

(1) The facility must be setback a minimum of 1,000 feet from any residential use.

(2) All activities must be conducted in a fully enclosed building; no outside storage of materials.

(3) An opaque fence or cyclone (chain link) type fence, six feet high, must enclose the entire business, which shall be maintained in good condition and does not detract from the surrounding neighborhood.

(c) *Wood chipping/shredding and yard trimming composting facilities.*

(1) Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.

(2) A three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall shall be constructed around the entire perimeter of the facility.

(3) The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

(d) *Landfills, subtitle D and construction-demolition materials.* Subtitle D landfills and landfills approved for construction and demolition materials are subject to the following requirements:

(1) No person may locate or operate a subtitle D or construction-demolition landfill that will likely create a nuisance; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; or likely create other hazards to the public health of safety as may be determined by the Barrow County Health Department.

(2) *Special use approval required.* A special use permit application shall be submitted with design plans, specifications, maintenance and operation information, including the following:

a. Proposed location;

b. Fire protection;

c. Drainage courses passing through or adjacent to site;

d. Location of access roads;

e. Special drainage devices.

f. Number and type of equipment;

g. Maintenance and operation procedures;

h. Certificate of acceptance from Barrow County Health Department;

i. A copy of the completed application to be submitted for state permit approval; and

j. Other pertinent information necessary to indicate the development, operation, and appearance of the completed sanitary landfill disposal area.

(3) *Site and design requirements.*

a. All landfills shall have a minimum lot area of 25 acres.

b. A minimum 200-foot buffer is required adjacent to residential districts or uses and a minimum 200-foot buffer is required adjacent to public right-of-way.

c. All facilities shall be enclosed with a security fence at least six feet high with openings not more than those in two-inch mesh wire or similar fencing material or device. Such fencing shall be adequate to prevent paper or related refuse from blowing from the landfill onto neighboring property.

d. Any changes in the normal drainage of the property upon which the sanitary fill is located shall be accommodated by storm sewers as necessary to properly care for drainage: such storm sewers shall be installed at the expense of the user.

(4) *Access.*

a. Access shall be from a paved road.

b. Truck traffic routes and entrances to the facility shall be approved by the Town Council.

c. The subtitle D or construction-demolition landfill site must be accessible without traveling over residential streets, or through any residential subdivision or development.

(5) *Restrictions on operations.*

a. Compliance with all applicable federal and state laws and permit requirements is required on a continuing basis. Violations of state or federal requirements shall be grounds for revocation of special use approval as deemed necessary to protect the public health, safety and general welfare.

b. Business hours shall be as set by the Georgia Environmental Protection Division but may be enforced by Barrow County or the Town of Bethlehem.

c. All subtitle D or construction-demolition landfills shall have and keep on their premises, in good working order, adequate equipment to comply with the requirements established for the use.

d. No bio-medical or hazardous wastes as defined by federal and state laws shall be disposed or discharged into the landfill site.

e. No waste shall be disposed of within 500 feet of a public street or highway or a property line adjoining a residential zoning district.

b. All subtitle D or construction-demolition landfills shall have an operator in attendance at all times when the landfill is in use, and such landfill must be barricaded when closed to the public.

(6) *Fire control.* At least one of the following methods shall be provided to control fires:

a. Access to a supply of water at the sanitary landfill site; or

b. Have access to an organized fire department which will provide service upon call; or

c. Maintain a stockpile of earth adjacent to the working face of the fill.

(e) *Landfills, inert fill*.

(1) A development permit may be issued in any zoning district for filling of a specific natural land depression with earth, provided that:

a. Such fill shall not include garbage or trash, materials subject to decomposition such as tree stumps, dry waste building materials, or any materials that contain internal voids such as concrete block; and

b. Such facilities shall be allowed only in areas incapable of development without landfill operations.

(2) Solid fill landfills intended for the disposal of dry waste building materials, broken concrete or asphalt paving, or other materials not subject to decomposition, are allowed in any zoning district, subject to the following:

a. Special use approval is granted by the Town Council; and

b. Such fill shall not include garbage or trash, or materials subject to decomposition such as tree stumps.

(3) Lot area shall not exceed ten acres.

(4) Access from paved streets, other than residential subdivision streets, is required. Said streets shall be able to withstand maximum load limits established by the State of Georgia.

(5) No access through any residential subdivision or development.

(6) Minimum 100-foot buffer required adjacent to residential districts and uses; minimum 50-foot buffer required adjacent to public rights-of-way.

(7) Minimum six-foot high solid fence/wall shall be required around all property lines adjacent to residential districts or uses.

(8) Business hours shall commence no earlier than 5:00 a.m. and cease by 7:00 p.m.

(9) The operation of the landfill shall comply with all applicable federal, state, county and town licensing, permits, law, and authorization.

(f) *Bury pits.*

(1) The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a certificate of occupancy for the structure.

(2) The disposal of domestic garbage or trash and the disposal of commercial and industrial waste products shall only be allowed in a sanitary landfill or as otherwise permitted or required by the county health department and in compliance with all applicable state and federal laws.

Sec. 89-192. Vape Stores.

Any use selling vapor products, as defined by this ordinance, shall be subject to the following standards:

(a) No vape store shall be located within the following distances from specified uses. Distances are measured property line to property line or structure to structure ("as the crow flies"), whichever is specified:

(1) 1,000 feet from another vape store (structure to structure).

(2) 1,000 feet from any residential district or property used for residential purposes.

(3) 1,000 feet from any governmental facility, park, library, school grounds, daycare, or college campus.

(4) 500 feet from any church.

(b) All vapor products must be kept in a restricted area inaccessible to the general public, such as behind a cashier or in a locked display.

(c) On-site sampling or consumption of vapor products is strictly prohibited

Secs. 89-193—89-215. Reserved.

DIVISION 3. ACCESSORY BUILDINGS, USES AND STRUCTURES

Sec. 89-216. Application.

The following provisions apply to accessory uses or structures in all zoning districts where the use is otherwise allowed, whether by right or through special use approval.

Sec. 89-217. Accessory buildings, uses and structures; in general.

(a) *Relationship to a principal use*.

(1) No accessory use or structure shall be allowed on any lot except in relation to an existing principle use on the lot.

(2) When an accessory structure is attached to the principal building by breezeway, passageway or similar means, the accessory structure shall comply with the yard requirements of the principal building to which it is accessory.

(3) No accessory structure shall be constructed upon a lot until construction of the principal building has commenced.

(4) An accessory structure shall not be permitted in a side yard in the residential districts, or in the front yard of any district. See subsection (d) below for exceptions.

(b) *Restrictions on accessory buildings; all districts*.

(1) Accessory structures within a nonresidential district shall be used only by employees of the owner, the lessee or tenant of the premises, unless otherwise allowed by provisions of this resolution.

(c) *Relationship to a principal use*.

(1) No accessory structure shall be located closer than five feet to a side or rear lot line.

(2) Accessory structures shall not exceed two stories in height.

(3) An accessory structure shall not cover more than 30 percent of the rear yard.

(d) *Exceptions*.

(1) Corner lots or irregular lots that do not have a rear yard (see section 89-10, "*Lots*") may be exempt from section 89-217(a)(4). An accessory structure may be permitted in the side yard of a corner lot or irregular lot that does not have a rear yard in accordance with section 89-217(d).

a. Accessory structures in a side yard must be screened from a public street by a fence or landscaping that is a minimum six feet in height.

b. Accessory structures shall meet all other requirements provided herein.

(2) Corner lots and irregular lots must comply with all other applicable regulations and restrictions provided herein.

Sec. 89-218. Customary accessory uses to a dwelling.

(a) *Allowed accessory uses.* Any use that is customarily incidental to the principal residential use of a property, and normally found in conjunction with such principal use, is allowed as an accessory use to a dwelling. Without excluding any other such accessory use, each of the following is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use that it serves:

(1) Private garage.

(2) Outdoor parking area or carport.

(3) Shed or tool room for the storage of equipment used in grounds or building maintenance.

(4) Television or radio antenna, or a satellite dish antenna as set forth for personal over-the-air devices under the radio, television and telecommunications section of this article.

(5) Children's playhouse, playground and play equipment.

(6) Quarters for the keeping of pets (such as a doghouse) owned by the occupants of the dwelling for noncommercial purposes.

(7) Private recreational facility, such as a swimming pool and bathhouse or cabana, jacuzzi, tennis court, deck or patio.

a. Pools must be enclosed by a fence or wall at least four feet in height with a self-locking gate.

b. Pools must be located within the principal building setback in accordance with section 89-407. Pool setbacks shall be measured from the surrounding wall or fence.

c. Swimming pools located on a corner lot or irregular not that does not have a rear yard shall comply with applicable regulations in section 89-217(d).

(8) Home occupation in accordance with the provisions of section 89-219.

(9) Guest house in accordance with the provisions of section 89-220.

(10) Relative residence in accordance with the provisions of section 89-221.

(11) Personal horse stable for a single-family detached residence in accordance with the provisions of section 89-223.

(12) Common laundry facility, rental or management office, central mail box pavilion, dumpster, designated recycling collection location, clubhouse, fitness amenities and tennis courts incidental to a multi-family dwelling or mobile home park for the exclusive use of the occupants of the dwelling or development, subject to the following conditions:

a. Must be located within the building setbacks.

b. Signage and advertisement for any commercial purposes shall not be visible outside the development or intended to attract off-site customers.

(13) Noncommercial greenhouse.

(14) Garbage pad, heating and air conditioning units.

(15) Incidental storage is permitted provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure permitted within the district or within permitted accessory structures. Adherence to the National Fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage and NFPA Code 101 (Life Safety Code).

(b) *General restrictions*.

(1) No accessory building, structure, use or deck shall be built upon a lot until construction of the principal building has commenced.

(2) Accessory buildings and structures shall meet the setback requirements of the lot and building standards article (Article IV) of this Development Code.

(3) Where a corner lot adjoins in the rear a lot in a residential district, no accessory structure shall be located closer to the side street right-of-way line than the principal building or closer than 25 feet to the rear property line. The setback of 25 feet will not be required when the adjoining yard is a rear yard.

(4) Manufactured or mobile homes shall not be used for storage in any district nor allowed as an accessory use unless otherwise specified in this Development Code.

(5) Shipping containers shall not be used as an accessory structure, except within AG and AC districts. Industrialized buildings constructed with shipping containers as a component are subject to the Georgia Industrialized Buildings Act and section 89-130 of this Development Code.

(c) *Restrictions in all residential districts.* The following restrictions apply to accessory uses in all residential zoning districts:

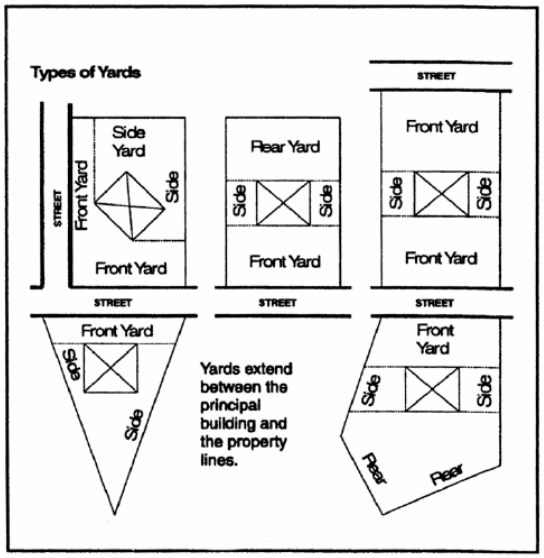


Figure 3.1 Types of Yards

(1) All accessory structures shall be located in the side or rear yard, unless specified otherwise in this Development Code.

(2) The floor area of an individual accessory structures shall not be more than 50 percent of the floor area of the principle building, and the cumulative floor areas of all accessory buildings shall not exceed 100 percent of the floor area of the principle building.

(3) Any metal structures over 500 square feet shall require special use approval.

Sec. 89-219. Home occupations.

(a) *Home occupations; defined.* Home occupations are types of commercial uses that are customarily performed in a small area of a residence that are of a low intensity nature and clearly incidental to the use of a residence. A home occupation is further defined as one of the following:

Family day care home: An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, five or fewer children or elderly adults with no overnight stays, or no more than six children or elderly adults if the structure meets the building code requirements for institutional uses.

Home business: A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

Home office: A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.

(b) *Home occupations in general.* Home occupations are subject to the following:

(1) No home occupation use shall create noise, dust, vibration, smell, excessive traffic, smoke, glare, or electrical interference that would be detected beyond the dwelling unit.

(2) A home occupation use shall not create traffic inconsistent with surrounding property uses.

(3) There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

(c) *Home office*.

(1) Home offices shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of their existence.

(2) *Permitted activities.*

a. A home office shall be limited to the personal conduct of a business within one's place of residence.

There shall be no exterior indication that the business activity is taking place.

b. A home office is allowed only as an accessory use to a residential dwelling.

(3) *Limitations on size and location.*

a. The floor area devoted to the home office can be no more than 25 percent of the heated floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

b. There shall be no activity or display associated with the home office outside of any building or structure.

c. The use shall be conducted entirely within the dwelling unit.

(4) *Activity controls.*

a. There shall be no exchange of merchandise of any kind on the premises.

b. No use shall involve public contact on the property and no article, product or service shall be sold on the premises other than by telephone, unless this use has been granted a special permit.

c. There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities.

d. There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.

e. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.

f. It shall be unlawful to store or park any business material, business equipment or business vehicle on the premises of the home office, unless any such business material, equipment or vehicle is confined entirely within the residence or in an approved accessory structure, except that one business vehicle complying with the restrictions contained in subsections 89-726(a) and (b), and used exclusively by the resident may be parked on a paved driveway or other paved parking area, in a carport or garage, or in a rear yard.

g. There shall be no parking spaces provided or designated specifically for the home office.

(d) *Home business*.

(1) *Special requirements.*

a. Whenever the applicant ceases to occupy the premises for which the home business was approved, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new special use approval.

b. The applicant must be the owner of the property on which the home business is to be located or must have written approval of the owner of the property if the applicant is a tenant.

(2) *Limitations on size and location.*

a. The use shall be conducted entirely within the dwelling unit.

b. No more than 50 percent of the dwelling unit may be used for the home business.

(3) *Activity controls.* Only persons living in the dwelling unit plus one employee other than persons living in the dwelling unit shall be employed therein.

(4) *Outdoor storage and parking.*

a. It shall be unlawful to store or park any business material, equipment or vehicle on the premises of the home business, unless any such business material, equipment or vehicle is confined entirely within the residence or in an approved accessory structure, except that:

1. One business vehicle complying with the restrictions contained in subsections 89-726(a) and (b), and used exclusively by the resident may be parked on a paved driveway or other paved parking area, in a carport or garage, or in a rear yard; and

2. In an AG or AR district only, wreckers, dump trucks, flatbed trucks, tow trucks, mechanical

earthmoving equipment or any commercial vehicle may be stored at the location of the home occupation and if such vehicle is used exclusively for an agricultural purpose.

(e) *Family day care home.* Daily care for children or elderly adults for pay is allowed as a home occupation subject to the following limitations:

(1) Care shall be limited to fewer than 24 hours per day.

(2) A maximum of five children or elderly adults for whom compensation is received, or no more than six children or elderly adults if the structure meets the building code requirements for institutional uses.

(3) For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the six-person limitation, with the total maximum of no greater than eight children at any one time.

(4) No family day care shall be established within 500 feet of another family day care.

(5) No off-street parking may be provided for child pick up and drop off in a front yard, and all other outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence.

(6) The day care services shall be provided exclusively by the resident of the home. There shall be no employees.

(7) Not more than 25 percent of a residence may be used for the day care service.

(8) Outdoor play areas shall be located in the rear or side yards and shall be separated from driveways, streets and parking areas.

(9) No home occupation day care service may be established and operated in Town of Bethlehem until a business permit to do so has been obtained from the Town.

Sec. 89-220. Guest house.

A detached dwelling unit that is used primarily for sleeping purposes by relatives, domestic employees or temporary guests of the family occupying the principal home on the lot must meet the following minimum requirements:

(a) *Standards for guest houses*.

(1) The guest house must be an accessory use to a dwelling already existing on the lot.

(2) Minimum standards:

a. The placement of a guest house on a lot shall not result in the violation of the lot coverage maximums applicable to the zone in which it is located.

b. The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the guest house in combination with the main house.

c. Adequate parking as outlined within this code must be provided specifically for the guest house. Access shall be provided through the principle dwelling units existing driveway.

(b) *Restrictions*.

(1) Guest houses shall be architecturally compatible with the main unit.

(2) No more than one guest house may be located on any lot.

(3) The guest house must be placed to the rear of the main house

(4) The floor area of the guest house shall not exceed 50 percent of the existing living area of the principal residence nor more than 1,500 square feet, whichever is larger.

Sec. 89-221. Relative residence.

A second cooking facility may be constructed and used within a single-family residence for the exclusive use of relatives of the real property owner subject to the following restrictions:

(a) The real property owner must live in the single-family residence.

(b) The area of the second cooking facility shall not exceed the area of the main cooking facility.

(c) Access to the relatives' living area shall be required from the interior of the residence although secondary access to the exterior of the dwelling is not prohibited.

(d) Paved off-street parking shall be provided for additional vehicles as needed.

Sec. 89-222. Reserved.

Sec. 89-223. Horse stables, personal.

A building for the shelter and feeding of horses as an accessory use to a single-family detached residence is subject to the following:

(a) A personal horse stable shall not contain more than four stalls.

(b) Such stable shall be established on a lot having an area of not less than four acres for one horse, and an additional two full acres for each additional horse kept on the property.

(c) The horse stable and any corral or designated riding area shall be located at least 100 feet from any property line.

(d) All animals shall be maintained within a fully fenced area.

Sec. 89-224. Customary accessory uses to a church or other place of worship.

Any use that is customarily incidental to the principal use of a property as a church or other place of worship, and normally found in conjunction with such principal use, is allowed as an accessory use to a church or other place of worship subject to the following provisions:

(a) Meeting facilities are permitted in all zoning districts; however a special use permit shall be required for such facilities in the M-1 district.

(b) Offices for the operation of the church or other place of worship are permitted in all zoning districts; however a special use permit shall be required for such facilities in the M-1 district.

(c) Except in the M-1 district, a church or other place of worship may have a residence for the housing of the pastor, priest, minister, rabbi, or other leader of the congregation for the church or other place of worship, provided that:

(1) The residence shall be not less than 15 feet from the primary structure on the property; and

(2) Customary accessory uses associated with a dwelling shall be permitted on the property if a residence exists as an accessory use on the property.

(d) Except in the M-1 district, a church or other place of worship may have accessory instructional facilities as follows:

(1) Rooms devoted to religious instruction, adult counseling, etc., related to the exercise or transmission of the religion's beliefs or philosophy are permitted with no additional requirements.

(2) Schools sponsored by the church or other place of worship as general education facilities must comply with the requirements for private schools under subsection 89-176(b) of this Development Code. The minimum lot size requirement for the school shall be in addition to the minimum lot size required for the church or other place of worship itself.

(3) In all cases, temporary classrooms require special use approval.

(e) Except in the M-1 district, a church or other place of worship may have an accessory cemetery with the following requirements:

(1) The cemetery, with or without a mausoleum, shall meet all minimum requirements for such uses under subsection 89-168(b) of this Development Code except for the minimum lot size.

(2) The cemetery, in addition to the minimum lot size requirement for the church, shall be located on a site of at least five acres.

(f) Within the commercial zoning districts, a community food bank or housing shelter may be located in a

church or other place of worship as an accessory use, provided it meets the applicable minimum standards of the community food bank and housing section of this article (section 89-171).

Sec. 89-225. Customary accessory uses to a commercial or industrial use.

Any use that is customarily incidental to the principal commercial or industrial use of a property, and normally found in conjunction with such principal use, is allowed as an accessory use. Without excluding any other such accessory use, the following provisions apply to accessory uses in the commercial and industrial zoning districts:

(a) Accessory buildings are subject to the following conditions:

(1) Maximum height of two stories, not to exceed 40 feet.

(2) Where any nonresidential lot adjoins the side or rear of a residential lot, any accessory building shall not be located within the required building setback.

(b) Car washes accessory to gasoline stations and convenience food stores with fuel pumps, provided the car wash is located within an enclosed building that is located within the principal building setback.

(c) Automobile, truck and trailer leasing and rentals accessory to an automobile service station, provided the following shall apply:

(1) This use shall not be established on a lot of less than 20,000 square feet.

(2) This use shall not occupy more than ten percent of the lot area.

(3) Parking areas for the permitted trailers shall be located only in portions of the lot where off-street parking is permitted but no area or space shall occupy spaces set aside for required off-street parking or use by cars awaiting service.

(4) No trailer shall be parked within 30 feet of the future street right-of-way line or in any way which interferes with normal traffic flow to, within or out of the lot.

(5) All parking areas shall be clearly marked and no unit shall be parked outdoors other than within these boundaries except when being serviced.

(d) Heating and air conditioning units subject to the following conditions:

(1) When abutting any residential property line, heating and air conditioning units shall not be located in any required setback.

(2) Heating and air conditioning units may be installed on a roof of any structure in the commercial and industrial zoning districts so long as the heating and air conditioning units do not exceed the height restrictions of the zoning district in which the building is located, and they are screened from a side or front view.

(3) Ground based air conditioning and heating units shall not exceed 35 feet in height.

(e) Incidental storage. Incidental storage, provided that the material stored is incidental to the permitted use, and is stored completely within a portion of the enclosed, principal structure permitted in the district or within the permitted accessory structure. Adherence to the National fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage, and NFPA Code 101 (Life Safety Code).

(f) Free standing parking garages, subject to the following conditions:

(1) When abutting any residential property line, free standing parking garages shall not be located within any required building setback for a principal building.

(2) When abutting other nonresidential districts, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.

(g) Ambulance services accessory to a hospital or funeral home.

(h) Clinic and pharmacy, as part of a planned office center.

(i) Health service clinics, including a pharmacy as an accessory use.

(j) Manufacturing and fabrication as an accessory use. If undertaken as an accessory use to a retail use allowed by right, such as a jewelry store or pottery, the manufacturing or fabrication activity may occupy

no more than 25 percent of the gross floor area or 1,000 square feet (whichever is less). All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

(k) Ancillary retail sales. The retail sale of goods and services as an accessory use to a primary industrial use on a property is allowed, insofar as the goods for sale have been produced on site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

Sec. 89-226. Accessory retail uses within office, hotel or multi-family buildings.

Retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or multi-family building, must be conducted wholly within the building housing the use to which such activities are accessory (unless otherwise allowed under this section), and are further subject to the following conditions:

(a) Retail sales, services and restaurants in a district other than community or intensive commercial, or within any type of master planned development.

(1) *Allowed accessory commercial uses*. The following accessory uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick up and distribution stations, and other similar personal service establishments, drugstores, book stores, florists, convenience food stores, liquor stores (within a hotel or motel only), gift shops, cafeterias and restaurants, private clubs, laundry facilities for the convenience of residents, and newsstands.

(2) *Maximum floor area*. The floor space used or to be used for these accessory uses shall be limited to:

a. A total of 25 square feet per dwelling unit in a high-rise apartment development; or

b. Twenty-five square feet per room in a hotel or motel; or

c. Ten percent of the net floor area in an office building or institutional use

(3) *Restrictions*.

a. Every public entrance to the accessory commercial use shall be from a lobby, hallway or other interior portion of the primary use structure except for a restaurant located within an office building, hotel or motel.

b. No show window, advertising or display for the accessory commercial use shall be visible from the exterior of the primary use structure except for a restaurant located within an office building, hotel or motel.

c. No merchandise shall be stored or displayed outside of the primary use structure.

(b) Restaurants and cafeterias secondary to a hotel or motel and office building or institutional use may be located in a structure other than the primary use structure.

Sec. 89-227. Night watchman residence.

(a) *Night watchman residence, permanent.* A permanent night watchman residence may be developed as an accessory use to a nonresidential use for the exclusive occupancy of personnel employed for the security of the principal use subject to the following standards:

(b) *Need.* The principal use must be deemed by the Mayor and Council as one requiring full-time security or 24-hour on-site management. Such uses include but are not limited to mini-warehouses, high-value warehousing or on-site storage, or outdoor storage of valuable materials or equipment.

(c) *Development restrictions*.

(1) The night watchman residence may consist of only one dwelling unit.

(2) The residence shall meet the minimum floor area requirements of the building code as adopted by the Town Council, and may not be a manufactured home but must comply with all other standards of section 89-127 relating to single-family and two-family residences.

(3) The residence may be a portion of a building primarily devoted to nonresidential uses or may be a separate residential building. If it is a separate building, the location, design, and materials of the

residence shall be consistent and integral with the site plan and building design for the principal use.

(4) Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

Sec. 89-228. Agricultural produce stands.

(a) This use shall comply with the front yard setback established for the district in which it is located and be located no closer than 50 feet from any side or rear property line.

(b) Access shall be provided by at least a collector road. There shall be adequate pull off and off-street parking available, and a minimum of four off-street parking spaces.

(c) The stand shall sell only products grown or produced on the premises on which it is located.

(d) Produce stands shall be no greater than 1,000 square feet, unless a larger size is approved as a special use.

Sec. 89-229. Permanent, temporary or portable sawmill.

(a) Such a sawmill may only process timber removed from the property on which it is located, unless it is located in a C-3 or an industrial zoning district.

(b) This use shall be setback not less than 400 feet from a residential structure or adjoining property.

(c) Temporary or portable sawmills may be operated for a maximum period of six months.

Sec. 89-230. Agritourism.

(a) *Purpose and intent.* The purpose of this section is to allow agricultural tourism with a special use permit and provide regulations related to agritourism to ensure this use is facilitated at an appropriate scale and intensity that limits impacts to adjacent properties, maintains the rural character, and preserves the agricultural heritage of the Town of Bethlehem.

(b) *Requirements.* Agritourism may only be permitted upon the grant of a special use permit and in compliance with the following additional conditions:

(1) Agritourism shall be associated with agricultural activity such as, but not limited to, farming, horticulture, and livestock rearing, and such agricultural activities shall be conducted on the same property as is being used for agritourism.

(2) The minimum lot size of any property conducting agritourism shall be ten acres. Contiguous parcels under common ownership that together constitute the same farm may be counted toward this requirement. The Town of Bethlehem makes no representation regarding any impact use of a property for agritourism may have on conservation use value assessment.

(3) Any competition utilizing motorized vehicles shall not be permitted as an agritourism activity.

(4) Nothing in this section shall be construed as permitting overnight lodging as part of an agritourism use. To the extent a property is to be used for overnight lodging, all permitting requirements otherwise required by the Code shall apply.

(5) A minimum 100-foot setback is required from all property lines for all activity areas, gathering spaces, patios, pavilions, or other structures, whether permanent or temporary, associated with agritourism, including parking. Where this Code provides for greater setbacks for specific uses or structures, such specific setbacks shall apply.

(6) The regulations pertaining to noise set forth in section 58-4 shall apply to any property used for agritourism, but in no event shall sound levels at the boundaries of the property exceed the following limits:

a. *Long duration sound.* For any sound lasting continuously for one second or more, maximum limits are: 60 dBA when adjacent to a residential district; 65 dBA when adjacent to a commercial district; and 75 when adjacent to an industrial district other than heavy industrial.

b. *Short duration sound.* For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dBA at the property line when adjacent to a residential, commercial or industrial zoning district.

c. *Method of sound measurement.* These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

(7) Amplified sound or music for outdoor activities shall be permitted only during the hours specified in the special use permit.

(8) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

(9) Hours of operation shall commence no earlier than 6:00 a.m. and cease by 10:00 p.m.

(10) If located adjacent to any residential district or an AG district used for single-family dwellings, the minimum buffers required for the heavy industrial district as specified in Table 8.1 shall be required.

(11) Tents and temporary structures associated with an agritourism use may be permitted on a property for a maximum of 30 consecutive days, no more than four times each calendar year.

(c) *Uses.* All services, attractions, or products offered, including retail as part of an agritourism use, shall be related to and support such agricultural activities. Agritourism activities shall be permitted only where the Town Council has granted specific approval. An applicant proposing one or more of the following activities must specifically request approval by the Town Council of each activity:

a. *Cut your own/pick your own.* A working farm that grows trees, fruits, vegetables, and/or nuts where sales are made directly to the public and where the customers may participate in the harvesting.

b. *Educational demonstrations.* Demonstrations that teach the ability to create a product where raw materials are grown from a working farm.

c. *Farm retail sales.* A working farm where products produced on the farm are sold directly to the public either from the main dwelling or from an accessory building of less than 1,000 square feet.

d. *Farm tours.* Tours where visitors are shown working farm operations and are taught about farm processes.

e. *Fee fishing/hunting.* Offering private property for fishing or hunting for a fee to the public or to private parties.

f. *Petting zoo.* Area for visitors to interact one on one with animals.

g. *Seasonal events/activities.* Seasonal events and activities, including, but not limited to hay rides, holiday lighting displays, Easter egg hunts, and corn mazes.

h. *Horseback riding.* Lessons in riding to members of the public for pay. Also includes offering trails for horse owners to bring and ride their own stock. This does not include facilities open to the public to watch horses and riders train.

i. Other uses specifically requested, provided that such uses meet the intent of this section and it is determined that there will be minimal impact to surrounding properties. However, nothing in this section shall be construed as permitting the short-term rental of a property, or the use of property as a special event venue. In order for a property used for agritourism to also be used as a special event venue or for short-term rental, separate applications for such special use of property must be submitted and approved.

Sec. 89-231. Fuel pumps accessory to specialty food stores.

(a) Fuel pumps as an accessory use to a specialty food store. Fuel pumps are permitted, subject to special use approval, as an accessory use to a qualifying specialty food store, subject to the following conditions:

(1) *Subordination of accessory use.* The specialty food store shall constitute the principal use of the property. Fuel pumps and all associated fueling infrastructure shall remain secondary to the retail use in terms of site area, appearance, signage, and operation.

(2) *Setbacks.* Fuel pump islands shall be set back a minimum of 25 feet from all property lines and a minimum of 20 feet from all public street rights-of-way. Where the site adjoins a residential use

or residential zoning district, fuel pump islands shall be set back a minimum of 50 feet from the abutting property line.

(3) *Canopy location.* The fueling canopy shall be located to the side or rear of the primary retail building where site configuration permits. Where lot depth, required buffers, corner lot conditions, or multi-frontage conditions preclude a side or rear canopy location, the Planning Director may approve an alternative canopy placement. In such cases, the primary retail building shall be visible from and oriented toward the principal street frontage and the fueling canopy shall not occupy the majority of the principal street frontage.

(4) *Canopy clearance.* Minimum canopy clearance shall not exceed 13 feet, 6 inches above finished grade, sufficient to accommodate medium commercial vehicles while discouraging access by tractor-trailers and large commercial vehicles inconsistent with the scale of the town center.

(5) *Canopy design.* The fueling canopy shall be architecturally compatible with the primary retail building in materials and color. Canopy columns shall be faced with the same primary exterior material as the retail building from ground level to the underside of the canopy.

(6) *Canopy signage.* Signage on the fueling canopy shall be limited to fuel type identification and required regulatory or instructional information. Fuel price signs shall comply with the sign standards applicable to the zoning district and shall be subordinate in height and sign area to the primary identification sign of the retail establishment.

(7) *Canopy lighting.* Canopy lighting shall be fully recessed or flush-mounted. All fixtures shall be directed downward and shall not produce light trespass beyond the fueling area. Fixtures shall be full cutoff in accordance with the Illuminating Engineering Society of North America (IESNA) cutoff classification standards.

(8) *Maximum fuel pumps.* The number of fuel pump dispensers shall not exceed four. A fuel pump dispenser is defined as a single dispenser unit, which may serve vehicles on two sides simultaneously.

(9) *Landscaping*. A minimum landscaped strip of 10 feet shall be provided along all street frontages. Where sidewalks are present or required, the landscaped strip shall be located between the sidewalk and any structure or fueling infrastructure.

(10) *Outdoor amenity*. At least one outdoor amenity shall be provided on the site, such as a patio, outdoor dining area, gazebo, seating area, or similar pedestrian-oriented feature, subject to the approval of the Planning Director. The outdoor amenity required for this accessory fuel pump use shall be provided in addition to, and shall not be satisfied by, any outdoor amenity required for the principal use.

(11) *Screening*. Fuel storage infrastructure, mechanical equipment, and refuse collection areas shall be fully screened from adjacent rights-of-way and neighboring properties using materials compatible with the primary retail building.

(12) *Hours of operation.* Fuel pump operations shall only be permitted during hours when the specialty food store establishment is open and actively staffed. Unattended fueling-only operations are prohibited.

Secs. 89-232—89-250. Reserved.

DIVISION 4. reserved.

Secs. 89-251—89-300. Reserved.

DIVISION 5. PROHIBITED USES

Sec. 89-301. Designated uses not allowed.

The following specific uses are not allowed in any zoning district in the Town of Bethlehem:

(a) Leather and hide tanning and finishing, except taxidermy.

(b) Mobile home (pre-1976).

(c) Paper manufacturing other than finished stationery products.

(d) Pawnshops or loan brokers, other than mortgage loan brokers.

(e) Petroleum and coal products manufacturing other than asphalt plants.

(f) Solid waste combustors or incinerators.

(e) Solid or Hazardous Waste collection, handling, recycling, treatment or disposal operations

(f) Sexually oriented businesses.

Sec. 89-302. Noxious manufacturing or industrial activities not allowed.

(a) *Prohibited noxious or hazardous products.* A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process is prohibited:

(1) Caustic or corrosive acids.

(2) Chlorine or other noxious gases.

(3) Explosives.

(4) Fertilizer or glue.

(5) Products involving hair or fur.

(b) *Prohibited noxious or hazardous processes.* A manufacturing or industrial use that involves any of the following is prohibited:

(1) Tanning or finishing of leather or other hides, except taxidermy.

(2) Petroleum refining.

(3) Processing of sauerkraut, vinegar or yeast.

(4) Rendering or refining of fats and oils.

(5) Wood preservation

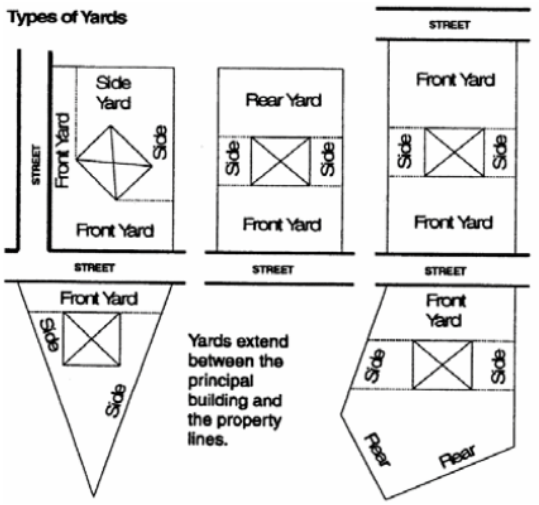
Secs. 89-303—89-400. Reserved.

ARTICLE IV. LOT AND BUILDING STANDARDS

Sec. 89-401. Purpose of article.

This article sets out the standards that control the size of lots, the placement of buildings and structures on a lot, and the bulk and intensity of development on a lot.

Sec. 89-402. Minimum lot frontage.



(a) *Street frontage required*. Every property must front on a street from which direct access can be gained that has been opened and accepted as a public street or is a recorded private street approved by the Town Council.

(b) *Minimum frontage*.

(1) Every lot and every multi-family or nonresidential development must have minimum street frontage equal to 50 feet, except as follows:

(2) Exceptions to minimum frontage requirement:

a. Lots fronting primarily on a cul-de-sac turnaround, or any right-of-way having a curve radius of 60 feet or less, shall not have less than 35 feet of street frontage.

b. A townhouse subdivision lot shall have at least 20 feet of street frontage.

Sec. 89-403. Maximum density, minimum lot area and width.

(a) Every property upon which a principal building or use will be located shall meet or exceed the requirements shown on Table 4.1 for the zoning district in which the lot is situated.

(b) *Maximum density*.

(1) The total number of dwelling units in a residential subdivision or development shall not exceed the gross area of the subdivision or development property multiplied by the maximum density shown on Table 4.1. Residential densities are shown on the table as the number of dwelling units per acre.

(2) The maximum nonresidential density figures shown on Table 4.1 are used to determine the amount of gross floor area for nonresidential uses that can be constructed on a lot. Maximum floor area is determined by multiplying the floor area ratio (FAR) times the area of the lot in square feet. For instance, a one-acre lot at 0.5 FAR could accommodate 21,780 square feet of floor area (43,560 square feet of lot area × 0.5 FAR).

(3) *Minimum lot width*. Each minimum lot width shown on Table 4.1 shall be achieved at the minimum front setback line for a principal building on the lot, measured as described under the definition of "lot width". For a lot having the majority of its frontage on a cul-de-sac, the minimum lot width shall be achieved at

the minimum required front setback line or at a line parallel to said setback line at no more than twice the minimum front setback distance from the street.

(4) *Authority of health department*. Nothing contained in this article shall be construed as preventing the county health department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in this Development Code are inadequate and must be increased to ensure the protection of the public health.

Table 4.1: Density, Lot Area, Width, Setbacks and Building Heights by Zoning District

District	Use	Well and Septic Tank		Public Infrastructure		Min. Lot Width (feet)	Building Setback (feet)*****			Max. Building Height (feet)
		Max. Density	Min. Lot Size	Max. Density	Min. Lot Size		Front	Side	Rear	
AG	All uses	1 du/5 acres	5 acres	1 du/5 acres	5 acres	150	50	40	40	50
AR	All uses	1 du/2 acres	2 acres	1 du/2 acres	2 acres	150	50	40	40	50
R-1	Single-Family Detached	1 du/1.3 acres	1.3 acres	1 du/acre	25,500	100	35	30	40	50
R-2	Single-Family Detached	N/A	N/A	2.3 du/acre	10,000	75	30	30	40	45
	Duplex	N/A	N/A	2.3 du/acre	10,000	75	30	30**	40	45
	Townhouse Subdivision	N/A	N/A	2.3 du/acre	2 acre Site	20	30***	30**	40	45
R-3	Single-Family Detached	N/A	N/A	2.9 du/acre	10,000	60	30	30	40	40
	Duplex (per du)	N/A	N/A	2.9 du/acre	10,000	60	30	30**	40	40
	Townhouse Subdivision	N/A	N/A	8 du/acre	2 acre Site	20	30***	30**	40	40
	Townhouse Condominium or Apartment	N/A	N/A	12 du/acre	2 acre Site	150 (Site)	30	30	40	50
MH	Manufactured Home Subdivision	N/A	N/A	3.5 du/acre	10,000	50	30	30	40	35
	Manufactured Home Park	N/A	N/A	5 du/acre	5 acre Site	100 (Site)	30	30	40	25
AC	All uses	0.2 FAR	1 acre	0.25 FAR	1 acre	150	30	30	30	35
O-I	All uses	0.2 FAR	40,000	0.25 FAR****	10,000	100	30	30	30	35
C-1	All uses	0.2 FAR	40,000	0.25 FAR	10,000	100	30	30	30	35
C-2	All uses	0.4 FAR	40,000	0.50 FAR	20,000	100	30	30	30	50
C-3	All uses	0.4 FAR	40,000	0.50 FAR	40,000	100	30	30	30	75
M-1	All uses	0.5 FAR	40,000	0.75 FAR	20,000	100	30	30	30	75

** None required between attached principal buildings.

*** Rear vehicular access from an alley is required for all units; no parking allowed between the street and each

unit.

**** A FAR of up to 0.5 and a building height of up to 50 feet may be allowed with special use approval.

***** The minimum principal building setback along an arterial road (including highways) shall be 100 feet from the right-of-way line. (See Section 89-404 (b)).

Sec. 89-404. Minimum setbacks; principal buildings.

(a) All principal buildings on a lot shall be setback from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.1.

(b) Minimum setback along highways. For any lot that adjoins an arterial road, the minimum building setback along such road shall be 100 feet from the right-of-way line.

Sec. 89-405. Building and structure heights.

(a) *Building and structure heights; how measured*.

(1) *Building height.* The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

(2) *Structure height.* The vertical distance to the highest point of a structure (other than a building), as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure.

(b) *Maximum building and structure heights*. The maximum height of all buildings and structures in each zoning district, except as otherwise provided in this section, shall be as shown on Table 4.1.

(1) The maximum height for all buildings and structures within the AHO airport hazard overlay district shall be 35 feet and shall not exceed AHO height restrictions set forth in Article III, Division 4. No exceptions are allowed.

(2) *Exemptions*. The following structures (unless within the AHO airport hazard overlay district) are exempt from the height limitations imposed by this section, provided that no structure may exceed 200 feet in height from the average finished grade at its base:

a. Agricultural buildings located on a farm such as barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.

b. Structures located on a building's roof, such as bulkheads, elevator penthouses, water tanks, cooling towers, gas holders, and industrial structures where required as part of the manufacturing process, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which these structures are located.

c. Church spires, belfries, cupolas, domes, monuments, water towers, observation towers, citizens band and ham radio antennae, utility substations, windmills, chimneys, smokestacks, derricks, conveyors, and TV reception antennae.

(3) *Height limitations for fences and freestanding walls*. Fences and freestanding walls (other than retaining walls) cannot be located within any public right-of-way or utility or drainage.

a. In the AG and AR zoning districts, the following shall apply:

1. A fence or freestanding wall in any front yard area may not exceed five feet in height.

2. A fence or freestanding wall in any side or rear yard area may not exceed eight feet in height.

b. In the R-1 zoning district, and for single-family detached and duplex developments within the R-3 zoning district, the following shall apply:

1. A fence or freestanding wall in any front yard area may not exceed four feet in height, and shall not be constructed out of chain link, barbed wire or woven wire.

2. A fence or freestanding wall in any side or rear yard area may not exceed eight feet in height.

3. A decorative wall surrounding a subdivision or located along an abutting town road shall not

exceed eight feet in height, regardless of the type of yard in which the wall is located and shall not be constructed in right-of-way.

c. For multi-family developments (including townhouses) within any zoning district, the following shall apply:

1. A fence or freestanding wall in any front yard area may not exceed six feet in height.

2. A fence or freestanding wall in any side or rear yard area may not exceed eight feet in height.

3. A decorative wall surrounding a development or located along an abutting town road shall not exceed eight feet in height, regardless of the type of yard in which the wall is located.

d. In any office, commercial or industrial zoning district, no fence or freestanding wall may exceed eight feet in height.

e. In all zoning districts and developments, fences or freestanding walls shall not obstruct visibility at street intersections (see the visibility triangle provisions under the project design standards in Article X).

(4) Height limitations for radio, television and telecommunication antennae and towers are contained section 89-182.

Sec. 89-406. Minimum lot size on septic tank.

(a) *Minimum area for lots served by septic tanks*.

(1) Any lot upon which both an individual well and septic tank are to be provided shall have a minimum area of not less than that required by state and county health department regulations or this Development Code, whichever is greater. The site location on the lot of these facilities shall be approved by the county health department in accordance with all applicable requirements.

(2) Any lot which is to be served by a public water supply and an individual septic tank shall have an area of not less than that required by state and county health department regulations or this Development Code, whichever is greater. The site location on the lot of these facilities shall be approved by the county health department in accordance with all applicable requirements.

(b) *Lot size and width increases*. The county health department may require larger lot sizes in individual cases based on a variety of factors, in accordance with their regulations.

Sec. 89-407. Minimum setbacks; accessory buildings and structures.

(a) *Accessory buildings.* Minimum setbacks for accessory buildings shall be as follows:

(1) *Guest house.* Guest houses must be located to the rear of the main home on the lot and must meet the same setbacks as required for principal buildings in each zoning district.

(2) *Night watchman residence.* Night watchman residences shall conform to the minimum setback requirements for principal buildings in each zoning district.

(3) *All other accessory buildings*.

a. Accessory buildings having a floor area of 144 square feet or less must be at least five feet from any property line and shall be located to the rear of the principal building.

b. Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district and may not be located within any front yard except between the minimum front principal building setback and the principal building on a lot containing five acres or more.

c. When an accessory building is attached to the principal building it shall comply with the yard requirements of the principal building to which it is accessory. Decks and patios shall meet the standards in (b)(5) of this section.

(b) *Accessory structures*. Minimum setbacks for accessory structures (excluding buildings but including parking lots, fences, signs and outdoor swimming pools) shall be as follows:

(1) *Fences and freestanding walls*. For all fences and freestanding walls, there shall be no minimum setback from any property line, provided that any fence or freestanding wall shall not be location within a utility or drainage easement and shall not obstruct visibility at street intersections (see the sight triangle provisions under the project design standards article).

(2) *Gasoline pumps and canopies*. For special setback provisions for gasoline pumps and canopies, see "gasoline stations, truck stops and convenience stores with fuel pumps" in section 89-174.

(3) *Signs*.

a. Any portion of a sign ten feet high or less shall be located at least five feet from a public street right-of-way line (except for miscellaneous signs specifically allowed under the sign regulations article of this Development Code).

b. Any portion of a sign more than ten feet high shall be located at least 20 feet from a public street right-of-way line.

c. All signs shall be setback at least five feet from any side or rear property line.

(4) *Outdoor recreation facilities*.

a. An outdoor swimming pool, tennis court, basketball court or other recreation or sports facility must comply with the same setbacks as required for principal buildings in each zoning district; and

b. Shall not be located within any front yard, except between the minimum front principal building setback and the principal building on a lot containing five acres or more.

(5) *Decks and patios*.

a. Decks and patios may extend into the side or rear setback but no closer than five feet from any property line.

b. Steps and landings may extend into the required setbacks provided that such extensions do not exceed ten feet for the front and three feet for the side.

c. Steps and landings may extend into the rear setback but no closer than five feet from the property line.

(6) *All other accessory structures*. Accessory structures not listed above must be at least 20 feet from any street right-of-way and at least five feet from any other property line (except driveways that connect to a street or adjoining property).

Sec. 89-408. Floor area provisions.

(a) *Minimum building floor area within a dwelling unit*.

(1) The minimum building floor area required for dwelling units in each zoning district is shown on Table 4.2.

(2) Occupancy within a dwelling unit is not allowed to exceed the following number of persons, based on the amount of building floor area within the unit:

a. For up to 600 square feet of building floor area, no more than two persons.

b. For each person over two, at least 125 square feet of additional building.

c. Floor area shall be provided within the dwelling unit.

(b) *Maximum floor area in nonresidential districts*.

(1) The gross floor area occupied by a single business establishment in the C-1 zoning district, or within any master planned development allowing neighborhood commercial uses, may not exceed the maximums shown on Table 4.3, nor may a multi-tenant commercial building exceed 100,000 square feet and may contain one grocery store and one drug or hardware store.

(2) For the purpose of this subsection, a business that contains other businesses within it occupying the same space, such as a grocery store with a branch bank or fast-food restaurant inside, shall be considered a single business establishment.

Table 4.2: Residential Floor Area Requirements

Zoning District/Use	Minimum Floor Area (square feet)
AG Agricultural	1,008
AR Agricultural Residential	1,008
R-1 Low Density Single-Family	1,600 Single Story 1,850 Two Story
R-3 High Density—Single-Family	1,600 Single Story 1,850 Two Story
R-3 High Density—Duplex or Townhouse Unit	1,200
R-3 High Density—Apartments* 1 bedroom 2 bedroom 3 bedroom or more	 650 800 1,000

* A maximum of 20% of all apartments within a development may be less than the minimum 650 sf, but not less than 520.

* All floor area measured in heated square feet.

Table 4.3: Nonresidential Floor Area Restrictions

Zoning District/Use	Gross Floor Area (square feet)
AC Agricultural Commercial	No Restrictions
O-I Office and Institutional	6,000 maximum*
C-1 Neighborhood Commercial: **	
Grocery Store	30,000 maximum
Drug or Hardware Store	20,000 maximum
Convenience Food w/Fuel Pumps	3,000 maximum
All Other Stores and Offices	6,000 maximum
C-2 Community Commercial:	No Restrictions
C-3 Highway Retail Commercial	No Restrictions
M-1 Light Industrial	No Restrictions

* The maximum gross floor area in an O-I district may be increased with special use approval.

** Maximum 100,000 square feet total in multi-tenant building.

Secs. 89-409—89-460. Reserved.

ARTICLE V. SUBDIVISIONS AND MASTER PLANNED DEVELOPMENTS

Sec. 89-461. Purpose of article.

This article presents the different ways that land can be subdivided and developed, ranging from conventional subdivisions, to open space subdivisions where green space and natural features are preserved by reducing lot sizes, to various types of master planned developments including mixed use master planned developments, traditional neighborhood developments, and senior housing subdivisions, which allow a wider variety of housing types in a well-planned, walkable environment that maximizes green space -and provides a variety of amenities.

Sec. 89-462. Minor subdivisions.

(a) *Minor subdivisions; general*.

(1) A "minor subdivision" is the subdivision of five or fewer lots in which each lot has frontage on an existing town street or road, and which does not involve the construction of a new street or the widening of an existing roadway, the provision of stormwater drainage facilities (other than driveway culverts), or the construction or improvement of any public utilities.

(2) Minor subdivisions, as more fully described under this section, shall be reviewed and processed as final subdivision plats under the provisions for such plats in the procedures and permits article of this Development Code.

(3) The term "original tract" as used in this section means a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest in, on the effective date of adoption of this Code.

(4) The term "contiguous common parcels" as used in this section means parcels adjoining or touching other land 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.

(b) *Types of minor subdivisions.* Minor subdivisions are defined as, and limited to, any one of the following:

(1) *Recombination.* The sale or exchange of portions of adjoining lots between separate or common owners of adjoining properties, including the recombination of existing lots of record, provided that additional lots are not thereby created, and that all resulting lots are in accordance with the zoning and other provisions of this Development Code, and all other applicable laws and regulations.

(2) *Minor subdivision plat.* In order to be approved as a minor subdivision plat, the division of land must create no more than five lots, building sites, or other divisions (including the remaining portion of the original tract) and meet the following criteria:

a. Each lot shall front on an existing paved public road and meet the minimum requirements of the zoning district.

b. Each lot shall access the existing paved public road by way of a shared driveway unless approved for an individual driveway access by the public works department.

c. All slope and utility easements, as well as required street rights-of-way as determined by the Town Council based on the comprehensive plan, are provided at no cost to the town.

d. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to the approval of the final plat by the Town Council.

e. The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations must be reviewed and approved by the public works department and shall be indicated on the final subdivision plat.

(3) *Estate subdivision.* Estate subdivisions may be developed in the AG agricultural zoning district under the following provisions:

a. Each lot created by the subdivision, including the remaining portion of the original tract, must

contain ten acres or more.

b. Each proposed lot shall provide at least 100 feet of frontage upon the street, shall provide at least 150 feet of lot width measured in accordance with the requirements of this Development Code, and shall meet or exceed all other minimum requirements of the AG zoning district. These dimensions must be increased to 200 feet of frontage and 300 feet of lot width if further subdivision (under subsection e. below) is anticipated or desired.

c. Each proposed lot abuts upon an existing paved public street.

d. All slope and utility easements, as well as required street rights-of-way, as determined by the Town Council based on the comprehensive plan, are provided at no cost to the town.

e. Each lot, thus created, may be re-subdivided into lots of no less than five acres as a minor subdivision pursuant to these regulations, provided that each such lot shall meet all requirements of this Development Code (including minimum lot width and frontage).

f. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to approval of the final plat by the Town Council.

g. The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations must be reviewed and approved by the public works department and shall be indicated on the final subdivision plat.

(c) *Limitations on minor subdivision.*

(1) *Purpose.* It is the intent of the Town Council to provide for the division of land not a part of a larger common plan of development (i.e., as a minor subdivision), whereby a tract of land may be divided into not more than five individual tracts of land, provided all tracts of land within the minor subdivision have appropriate frontage, access, and otherwise comply with all town regulations, including this Development Code.

(2) *Chain subdivisions prohibited.* Minor subdivisions provide certain development advantages that tend to favor their use over the filing of major subdivision applications. Given these development advantages, there is a risk that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions, instead of filing as a major subdivision. It is the intent of the Town Council to prohibit the practice of such "chain" subdivisions that seek to evade the major subdivision development regulations such as where the same land owner subdivides land and then files additional minor subdivision applications of the same land or on contiguous common parcels, which collectively creates six or more lots within a period of three years. It is also the policy of the Town Council to prohibit the division of lots 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 requirements for major subdivisions. Notwithstanding any provision to the contrary, nothing in this section shall prohibit the division of land or adjacent parcels if such division results in the creation of a total of five or fewer lots within a three-year period, provided all tracts of land within the minor subdivision have appropriate frontage, access, and otherwise comply with all town regulations, including this Development Code.

(3) *Contiguous common parcels shown on subdivision plats.* Contiguous common parcels, as defined by this section, shall be referenced on all applications for subdivision of land, and contiguous common parcels shall be considered part of any application for subdivision of land, for purposes of determining whether or not the division of land proposed is a part of a larger common plan of development, but is being submitted as a minor subdivision in an apparent attempt to circumvent the requirements for major subdivisions. Common contiguous parcels shall not be counted as lots in the case of a minor subdivision.

(4) *Additional limitations.* This section only applies to the division of property into not more than five total parcels, and within any three-year period. This provision shall not be construed to prohibit the approval of two contiguous subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of subdivision within a three-year period.

Sec. 89-463. Major subdivisions.

Major subdivisions; defined. A "major subdivision" is any subdivision that does not qualify as a "minor subdivision" under section 89-462, or any subdivision of fewer than six lots that involves the construction of a new public or private street. A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has six or more lots (not in a large lot minor subdivision), building sites or other divisions.

(a) *Types of major subdivisions*. Major subdivisions fall into five categories for the purpose of development regulation:

(1) *Conventional subdivisions*. Wherein the maximum density allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size and other dimensional requirements for the zoning district as shown on Table 4.1 of article IV. Open space outside of the lots may be created but is not required.

(2) *Open space subdivisions*. Wherein the zoning district density limitation may be increased as provided in this article and the minimum lot size is reduced to allow for maximum flexibility on a site and in order to create conservation areas, open space and recreational amenities for the residents.

(3) *Mixed use master planned developments*. A type of master planned development in which the zoning district density limitation may be increased as provided in this article and the minimum lot size of the zoning district is reduced in order to create open space and recreational amenities for the residents. Depending on the zoning district in which a master planned development is located, flexibility in housing types, mixed-use projects and certain commercial uses are allowed.

(4) *Traditional neighborhood developments.* A type of master planned development in which the zoning district density limitation may be increased as provided in this article and the minimum lot size of the zoning district is reduced in order to provide walkable, compact neighborhoods, a mix of uses and housing styles, and encourage neighborhood interaction, safety, and security.

(5) *Senior housing developments.* A type of master planned development in which the zoning district limitation may be increased as provided in this article and the minimum lot size reduced in order to provide a development of neighborhoods with specialized design oriented toward senior citizens. These neighborhoods are age-restricted with amenities geared toward the senior residents.

The following table presents a summary of the requirements of this article as they apply to each of the three types of major subdivisions. Refer to the text and other tables of this article for specific provisions.

Table 5.1: Summary Comparison of Major Subdivisions

	Conventional Subdivision*	Open Space Subdivision	Mixed Use Master Planned Development	Traditional Neighborhood Development	Senior Housing Development
Approval	By Right	By Right	Special Use	Special Use	Special Use
Max. Number of Lots	Density per Table 4.1	Density per Table 4.1 plus 10%	Density per Table 4.1 plus 10%. Loft dwellings in a commercial building are allowed in addition to the development density.	Density per Table 4.1 plus 10%.	Density per Table 4.1 plus 10%.
Minimum lot size per dwelling unit: *Well + Septic Tank:* AG, AR R-districts—Single-family R-districts—Duplex	Per Table 4.1 Per Table 4.1 Per Table 4.1	Per health dept. N/A** N/A**	Per health dept. N/A** N/A**	N/A*** N/A*** N/A***	N/A*** N/A*** N/A***
Public Water + Septic: AG, AR R-1 Other R-districts	Per Table 4.1 N/A Per Table 4.1	Per health dept. Per health dept. Per health dept.	Per health dept. N/A Per health dept.	N/A*** N/A*** N/A***	N/A*** N/A*** N/A***
Public Water + Sewer: AG, AR R-1 R or Townhouse R-3—Single-Family R-3—Duplex R-3—Townhouse	Per Table 4.1 N/A Per Table 4.1 Per Table 4.1 Per Table 4.1 Per Table 4.1 Per Table 4.1	Per preliminary plat Per preliminary plat Per preliminary plat Prelim plat/site plan Per preliminary plat Per	Per concept plan N/A Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan	Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan	Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan Per concept plan

	Conventional Subdivision*	Open Space Subdivision	Mixed Use Master Planned Development	Traditional Neighborhood Development	Senior Housing Development
Approval	By Right	By Right	Special Use	Special Use	Special Use
		preliminary plat Per site plan			
Open Space	None required	Minimum 20% + Primary conservation areas (20% including primary conservation areas in R-1)	Minimum 20% + Primary conservation areas		
Natural Resources or Conservation Easement required	Natural Resources easement: Primary conservation areas	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer

* All requirements of article IV apply to conventional subdivisions.

** Not applicable. All open space subdivisions and mixed-use master planned developments must be connected to a public water system except in the AG and AR zoning districts.

*** Not applicable. All traditional neighborhood developments and senior housing subdivisions must be connected to public water and sewer systems.

Sec. 89-464. Conventional subdivisions.

(a) *Maximum number of lots.* The maximum number of lots (or dwelling units) in a conventional subdivision shall be determined by the density allowed for the zoning district and the comprehensive plan land use designation where the subdivision is located, multiplied times the gross acreage of the subdivision site.

(b) *Minimum lot size.* In a conventional subdivision, the lot area per dwelling unit shown on Table 4.1 of article IV establishes the minimum lot size for each lot.

(c) *Minimum lot width, setbacks.* The lot width and setback requirements of article IV apply to each lot in a conventional subdivision.

(d) *Other lot and building standards.* All other lot and building standards contained in article IV and not modified under this section shall apply to conventional subdivisions.

(e) *Conservation, open space and recreation.* Requirements regarding the protection of primary conservation areas in natural resource easements and the provision of recreation amenities in conventional subdivisions can be found under section 89-469.

(f) *Reserved.*

Sec. 89-465. Open space subdivisions.

Open space development provisions may be applied to any residential subdivision in any zoning district. In addition to any conditions of zoning approval that may apply to a specific property, the following shall apply to all such subdivisions:

(a) *Maximum number of lots.* An open space subdivision shall not exceed the overall maximum density of dwelling units per acre allowed for the zoning district under Table 4.1 of article IV plus density bonuses in accordance with the following table, Table 5.2. The maximum number of lots shall not exceed the maximum density allowed under Table 4.1 Plus the applicable density bonus indicated below.

Table 5.2: Open Space Density Bonuses

Percent Common Open Space	Density Bonus
20% to 24%	0.10 dwellings/acre
25% to 29%	0.15 dwellings/acre
30% to 34%	0.20 dwellings/acre
35% to 39%	0.25 dwellings/acre
40% to 44%	0.30 dwellings/acre
45% or above	0.50 dwellings/acre

(b) *Minimum lot size.* The minimum lot size per dwelling unit shall be established as part of the preliminary subdivision plat (see project approval under the procedures and permits article of this Development Code), provided that all lots shall comply with health department requirements depending on the source of water supply and method of sewage disposal.

(c) *Location of structures; lot widths and setbacks*.

(1) Minimum lot widths and building setbacks shall be established through approval of the preliminary subdivision plat. However, the following restrictions shall apply:

a. Principal buildings within the development, if separated, shall not be less than 20 feet apart.

b. Every dwelling unit shall have direct access to a street, court, walkway or other area dedicated to public use.

c. Health department requirements regarding lot sizes using on-site sewerage disposal shall be met.

(2) The front or rear face of a dwelling unit shall be not less than 50 feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than 40 feet from the rear face of another such building or unit.

(3) No dwelling unit shall be situated so as to face the rear of another dwelling unit within the subdivision unless terrain differences or vegetation will provide effective visual separation.

(d) *Other lot and building standards.* All other lot and building standards contained in article IV and not modified under this section shall apply to open space subdivisions.

(e) *Conservation, open space and recreation.* Requirements regarding the protection of primary conservation areas in conservation easements, the provision of common open space and the provision of recreation amenities in open space subdivisions can be found under section 89-469.

Sec. 89-466. Mixed use master planned developments.

The mixed-use master planned development provides a development opportunity that mixes types of housing and nonresidential properties within the same development.

(a) *Special approval required*. Because mixed use master planned developments allow housing types and nonresidential uses that may not otherwise be allowed in the zoning district, approval of a special use is

required.. An application for a mixed-use master planned development shall follow the zoning process for special use approval as prescribed in Section 89-1316 with the following modifications:

(1) All such special use approval applications shall be accompanied by a zoning exhibit for review and approval by the Town Council. The zoning exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in section 89-466 (this section), as applicable.

(2) If the special use approval application is approved by the Town Council, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the zoning exhibit, including any modifications or conditions approved by the Town Council pursuant to its deliberations on the application.

(3) Zoning exhibit approval shall not constitute entitlement to permits.

(4) Each applicant for a mixed-use master planned development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of section 89-466(g).

(5) In addition to meeting the requirements of section 89-1316, the zoning exhibit shall include the following information:

a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.

b. A plan showing applicable details, to include lots, streets and rights-of-way, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and open space.

c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.

d. Color-rendered elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

e. Conceptual signage plan.

(6) *Phasing plan*. A phasing plan shall be submitted with the concept plan, and approved by the Town Council, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the mixed-use master planned development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities. Revision of the phasing plan is permitted and must be approved by the Town Council prior to each construction phase.

(7) *Concept plan*. A concept plan must be submitted and approved by the Town Council after the special use approval process and prior to submittal of an application for a land disturbance permit. The purpose of the concept plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The concept plan shall be developed in substantial conformance with the zoning exhibit approved by the Town Council, along with any conditions added thereto by the Town Council.

(8) *Building plans*. Prior to issuance of a building permit for any occupied structure to be located within a mixed-use master planned development, the builder shall provide architectural plans and elevations at a scale no smaller than ⅛"=1'-0" that demonstrate compliance with the zoning exhibit and any conditions added thereto by the Town Council.

(9) *Other requirements*. The applicant shall adhere to all other applicable requirements of this Unified Development Code and other applicable requirements of Town of Bethlehem. In any case where the standards and requirements of this section conflict with other provisions of the Town of Bethlehem Code of Ordinances, the requirements of this section shall govern.

(b) *Criteria for approval*.

(1) Mixed use master planned developments (MUMPDs) are encouraged in appropriate locations throughout the town that allow the use of innovative techniques, such as traditional neighborhood

design, resource conservation subdivisions, village concepts and mixed-use development. Such master planned developments must provide compatible and unified development while allowing flexibility within the current zoning regulations.

(2) All MUMPDs must propose innovative design, the protection and accommodation of important natural resources and open space. MUMPDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the concept plan through conditions of zoning.

(3) *Review criteria*. The following is a list of criteria that will be used by the town to determine the suitability of a proposed MUMPD in addition to the standards for approval of a special use contained in the procedures and permits article of this Development Code:

a. The uses proposed will not be detrimental to present and potential surrounding uses;

b. Exceptions from this Development Code are warranted by the design and amenities incorporated in the development plan;

c. Mixed use master planned development is in conformance with the general intent of this Development Code and the Town of Bethlehem Comprehensive Plan; and

d. The MUMPD must be deemed by the Town Council to incorporate features of exceptional architectural, landscaping or site design prior to MUMPD approval. Such plans upon which this determination is made shall be incorporated into the MUMPD approval of the project.

(c) *Development parameters*. The following general conditions apply to mixed use master planned developments (MUMPDs) according to the zoning district of the property:

(1) The proportion and distribution of nonresidential to residential uses in a MUMPD is determined by the zoning category of the property. The zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the MUMPD. These limitations and the distribution of residential density are shown on Table 5.1.

Table 5.3: Land Use Distribution in a Mixed-Use Master Planned Development

Zoning District	Use Distribution (Percent of Total Site)	Percent of Total Site by Housing Type (and open space)	Maximum Density*
AG	No less than 90% residential and open space	Min. 90% single-family detached	Table 4.1 + 10%
	No more than 10% neighborhood commercial		Per Table 4.1
AR	No less than 90% residential and open space	Min. 80% single-family detached	
		Max. 10% duplex or townhouse subdivision	Table 4.1 + 10%
	No more than 10% neighborhood commercial		Per Table 4.1
		Min. 40% Two-Family	Table 4.1 + 10%
		Max. 50% Townhouse subdivision, OR …	Table 4.1 + 10%
		Max. 50% Townhouse Condo	Table 4.1 + 10%
	No more than 10% neighborhood commercial		Per Table 4.1
R-3	No less than 80% residential and open space	Min. 30% single-family detached, OR …	Table 4.1 + 10%

		Min. 30% Two-Family	Table 4.1 + 10%
		Max. 50% Townhouse Subdivision, OR …	Table 4.1 + 10%
		Max. 50% Townhouse Condo or Multi-Family	Table 4.1 + 10%
	No more than 20% community commercial		Per Table 4.1C-1,C-2,
C-3	No less than 30% residential and open space	Max. 30% single-family detached, OR …	R-3 density + 10%
		Max. 30% Two-Family, OR …	R-3 density + 10%
		Max. 30% Townhouse Subdivision, OR …	R-3 density + 10%
		Max. 30% Townhouse Condo or Multi-Family development	R-3 density + 10%

Zoning District	Use Distribution (Percent of Total Site)	Percent of Total Site by Housing Type (and open space)	Maximum Density*
	No more than 70% commercial uses allowed in the zoning district	Loft dwelling units may be included in the commercial buildings.	Per Table 4.1* Dwelling units per acre (du/a) for residential (including all open space) or floor area ratio (FAR) for each commercial site.

(2) When "neighborhood commercial" is allowed, development of the commercial area shall be controlled by the C-1 district provisions, except as modified by this section.

(3) When "community commercial" is allowed, development of the commercial area shall be controlled by the C-2 district provisions, except as modified by this section.

(4) Commercial structures and uses are to be located and designed as a unified development where feasible. As an addition to the C-1 and C-2 district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.

(5) All master planned developments must provide internal pedestrian access. The type of access such as sidewalks, bike paths, lanes and trails, will be established during the review period to determine the best way to serve a particular development.

(d) *Maximum number of dwelling units.*

(1) A mixed-use master planned development shall not exceed the overall maximum density of dwelling units per acre allowed, plus ten percent. The maximum number of lots, townhouse units

and multi-family units shall not exceed the maximum density allowed for the zoning district under Table 4.1 of article IV (including streets, open space and nonresidential areas) plus ten percent for each area designated on the concept plan. (For MUMPDs in the C-1, C-2 or C-3 zoning districts, the residential densities allowed in the R-3 zoning district for each type of use shall be used, plus ten percent.)

(2) Loft dwelling units in commercial buildings shall not be included in the development density calculations. The number of loft units allowed shall be established as part of the special use approval for the MUMPD.

(e) *Minimum lot size.* The minimum lot size per dwelling unit shall be dependent on the source of water supply and method of sewage disposal and shall be established through the approval of the mixed-use master planned development concept plan.

(f) *Buffer requirements*.

(1) A permanent 50-foot buffer area shall be established around the perimeter of any MUMPD where it adjoins an agricultural or residential zoning district. Except for a fence along the property line, no structure of any type shall be permitted in the buffer area.

(2) Internal buffers as would otherwise be required by the buffers and tree conservation article of this Development Code between land use areas within a mixed-use master planned development are waived, subject to conditions of special use approval for the master planned development.

(g) *Ownership control*.

(1) All of the land in a MUMPD initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

(2) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.

(3) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of section 89-470.

(h) *Nonresidential development standards.* Restrictions within through-road corridors apply to all within a mixed-use master planned development (MUMPD).

(1) Through-road corridor defined. Land lying along and within 200 feet of the right-of-way of a public street or highway that adjoins or traverses a MUMPD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.

(2) Any multi-family, commercial, public or community use property or portion of such property within the MUMPD that is located within a through-road corridor shall comply with the following special design standards:

a. *Building setbacks.* No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road. A ten-foot front landscape strip in accordance with the street side screening requirements of the parking and loading article of this Development Code shall be provided.

b. *Development standards*.

1. Any multi-family, commercial or institutional property or portion of such a property that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the site plan for the development, subject to approval by the town.

2. No buildings with metal exterior facades will be permitted within the corridor,

nor shall any metal facade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.

3. In addition to buffer requirements, when the back of a commercial or industrial development is across the street from property in a residential district outside of the mixed-use master planned development, then a solid fence or hedge not less than six feet in height shall be installed and maintained by the developer to screen the back of the project from the residential property.

4. Single-family and two-family lots within a through road corridor shall not have driveway access from the through road.

(i) *Lighting*. Streetlights and pedestrian lighting should be integrated into the site plan, where feasible or necessary, in accordance with the lighting standards in section 89-1604(j) and section 89-1606, Figure 7.

(j) *Other lot and building standards.* All other lot and building standards contained in article IV and not modified under this section shall apply to mixed use master planned developments.

(k) *Conservation, open space and recreation.* Requirements regarding the protection of primary conservation areas in conservation easements, the provision of common open space and private open space, and the provision of recreation amenities in mixed use master planned developments can be found under section 89-469.

Sec. 89-467. Traditional neighborhood development.

Traditional neighborhood developments (TND) provide an opportunity for compact, walkable neighborhoods with a mix of uses and housing types.

(a) *Purpose*:

(1) To allow for compact neighborhoods designed at a human scale.

(2) To encourage walkable, interconnected neighborhood street design.

(3) To provide a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood.

(4) To provide a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.

(5) To encourage neighborhood interaction, safety, and security through design.

(b) *Special approval required*. Because traditional neighborhood developments allow housing types and nonresidential uses that may not otherwise be allowed in a zoning district, approval of a special use is required. An application for a traditional neighborhood development shall follow the zoning process for special use approval as prescribed in section 89-1316 with the following modifications:

All such special use approval applications shall be accompanied by a zoning exhibit for review and approval by the Town Council. The zoning exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in section 89-467 (this section) as applicable.

(1) If the special use approval application is approved by the Town Council, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the zoning exhibit, including any modifications or conditions approved by the Town Council pursuant to its deliberations on the application.

(2) Zoning exhibit approval shall not constitute entitlement to permits.

(3) In addition to meeting the requirements of section 89-1316, the zoning exhibit shall include the following information:

a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.

b. A plan showing applicable details, to include lots, streets and rights-of-way, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails,

stormwater management facility areas, floodplain and wetland boundaries, topography and open space.

c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.

d. Color-rendered elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

e. Conceptual signage plan.

(4) Each applicant for a traditional neighborhood development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of section 89-467(e).

(5) *Phasing plan*. A phasing plan shall be submitted with the concept plan, and approved by the Town Council, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the traditional neighborhood development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities. Revision of the phasing plan is permitted and must be approved by the Town Council prior to each construction phase.

(6) *Concept plan*. A concept plan must be submitted and approved by the Town Council after the special use approval process and prior to submittal of an application for a land disturbance permit. The purpose of the concept plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The concept plan shall be developed in substantial conformance with the zoning exhibit approved by the Town Council, along with any conditions added thereto by the Town Council.

(7) *Building plans*. Prior to issuance of a building permit for any occupied structure to be located within a traditional neighborhood development, the builder shall provide architectural plans and elevations at a scale no smaller than ⅛"=1'-0" that demonstrate compliance with the zoning exhibit and any conditions added thereto by the Town Council.

(8) *Other requirements*. The applicant shall adhere to all other applicable requirements of this Unified Development Code and other applicable requirements of Town of Bethlehem. In any case where the standards and requirements of this section conflict with other provisions of the Town of Bethlehem Code of Ordinances, the requirements of this section shall govern. (c) *Criteria for approval*.

(1) Traditional neighborhood developments are encouraged in appropriate locations throughout the town that allow the use of innovative techniques, such as traditional neighborhood design, resource conservation subdivisions, and village concepts. Such planned developments must provide compatible and unified development while allowing flexibility within the current zoning regulations.

(2) All traditional neighborhood developments should propose innovative design and the protection and accommodation of important natural resources and open space. TNDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the concept plan through conditions of zoning.

(3) *Review criteria*. The following is a list of criteria that will be used by the town to determine the suitability of a proposed TND in addition to the standards for approval of a special use contained in the procedures and permits article of this Development Code:

a. The uses proposed will not be detrimental to present and potential surrounding uses;

b. Exceptions from this Development Code are warranted by the design and amenities incorporated in the development plans;

c. The Traditional Neighborhood Development is in conformance with the general intent of this Development Code and the Town of Bethlehem Comprehensive Plan; and

d. The traditional neighborhood development must be deemed by the Town Council to incorporate features of exceptional architectural, landscaping or site design prior to TND

approval. Such plans upon which this determination is made shall be incorporated into the TND approval of the project.

(d) *Development parameters*.

(1) *Mix of uses*. In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A Traditional Neighborhood Development should consist of a mix of residential uses, a community center, and open space as listed below:

a. *Residential uses.* The following types can occur anywhere within the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the traditional neighborhood development.

1. Single-family detached dwellings;

2. Single-family attached dwellings, including duplexes, townhouses, row houses;

3. Multifamily dwellings, including senior housing.

b. Community center, composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately ¼ mile from the community center. Higher density housing components are encouraged within the community center, including live/work units that combine a residence and resident's workplace.

1. Commercial uses appropriate in the community center should be small scale and pedestrian oriented. Individual commercial uses within the community center should not exceed 6,000 square feet in size but may be larger for specialty and bulk sales stores. Appropriate uses include:

i. Food services (neighborhood grocery stores, butcher shops, bakeries, restaurants not including drive-throughs, cafes, coffee shops, neighborhood bars or pubs).

ii. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans).

iii. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning).

iv. Accommodations (bed and breakfast establishments, small hotels or inns).

2. Civic or Institutional uses in the community center.

i. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post.

ii. Places of worship.

iii. Schools and educational facilities.

3. Open space uses in the community center.

i. Central square.

ii. Neighborhood park.

iii. Playground.

(2) *Maximum number of dwelling units*. A traditional neighborhood development shall not exceed the overall maximum density of dwelling units per acre allowed, plus ten percent. The maximum number of lots, townhouse units and multi-family units shall not exceed the maximum density allowed for the zoning district under Table 4.1 of Article IV (including streets, open space and nonresidential areas) plus ten percent for each area designated on the concept plan. (For TNDs in the C-1, C-2 or C-3 zoning districts, the residential densities allowed in the R-3 zoning district for each type of use shall be used, plus ten percent.)

(3) *Lot and block standards*. In order to encourage walkable design and connectivity, short blocks arranged in a grid pattern are encouraged.

a. The street network shall form an interconnected grid pattern. Cul-de-sacs shall be minimized and may only be allowed following review and approval based on site conditions such as topography, water features, or safety.

b. Street layouts should provide for development blocks that are generally in the range of 200—400 feet deep by 400—800 feet long. A variety of lot sizes should be provided that allow diverse housing choices.

c. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.

(4) *Building setbacks*.

a. *Building setback, front—Community center area.* Structures in the community center area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the community center area.

b. *Building setback, front—Residential.* Single-family detached residences shall have a building setback in the front between [0 and 25] feet. Single-family attached residences and multifamily residences shall have a building setback in the front between [0 and 15] feet.

c. *Building setback, rear—Residential.* The principal building on lots devoted to single-family detached residences shall be setback no less than [30] feet from the rear lot line.

d. *Side setbacks.* Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

(5) *Parking*.

a. The number of required off-street parking spaces may be reduced in equal number by the number of on-street parking spaces, or by a shared parking agreement.

b. All off-street parking shall be located to the side or rear of the principal buildings within TND District and screened from residential districts, Off-street parking in the front yard is not permitted.

c. The Mayor Town Councilor his or her designee may grant an administrative variance to reduce by no more than 20 percent the number of required parking spaces for uses that are located along pedestrian walkways.

d. All uses that are required to provide off-street parking spaces for motorized vehicles also shall provide bicycle racks within 100 feet of the principal entrance of the building (out of public right-of-way) that it serves.

(6) *Building orientation and facade*.

a. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.

b. The front facade of the principal building on any lot in a traditional neighborhood development shall face onto a public street.

c. The front facade shall not be oriented to face directly toward a parking lot.

d. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.

e. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

f. New structures on opposite sides of the same street should follow similar design guidelines.

This provision shall not apply to buildings bordering civic uses.

(e) *Ownership control*.

(1) All of the land in a TND initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

(2) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.

(3) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of section 89-470.

Sec. 89-468. Senior housing developments.

Senior housing developments provide a development opportunity for neighborhoods with specialized design and amenities oriented toward senior citizens.

(a) *Purpose*:

(1) To meet the need for senior housing.

(2) To allow senior citizens to live and remain in Town of Bethlehem through different life cycle stages.

(3) To provide a range of housing choices that can enable seniors of various abilities and income levels to live without leaving established networks of nearby family and friends.

(4) To provide senior housing project design that meets the safety and physical access needs of residents.

(5) To provide senior housing with opportunities for social, recreational, and other services that contribute to the independence and well-being of seniors.

(6) To provide housing for seniors properly located near services, shopping, transportation, and support networks.

(b) *Special approval required*. Because senior housing developments allow housing types and nonresidential uses that may not otherwise be allowed in a zoning district, approval of a special use is required. An application for a senior housing development shall follow the zoning process for special use approval as prescribed in section 89-1316 with the following modifications:

All such special use approval applications shall be accompanied by a zoning exhibit for review and approval by the Town Council. The zoning exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in section 89-468 (this section) as applicable.

(1) If the special use approval application is approved by the Town Council, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the zoning exhibit, including any modifications or conditions approved by the Town Council pursuant to its deliberations on the application.

(2) Zoning exhibit approval shall not constitute entitlement to permits.

(3) In addition to meeting the requirements of section 89-1316, the zoning exhibit shall include the following information:

a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.

b. A plan showing applicable details, to include lots, streets and rights-of-way, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and

open space.

c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.

d. Color-rendered elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

e. Conceptual signage plan.

(4) Each applicant for a senior housing development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of section 89-468(g).

(5) *Phasing plan*. A phasing plan shall be submitted with the concept plan, and approved by the Town Council, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the traditional neighborhood development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities. Revision of the phasing plan is permitted and must be approved by the Town Council prior to each construction phase.

(6) *Concept plan*. A concept plan must be submitted and approved by the Town Council after the special use approval process and prior to submittal of an application for a land disturbance permit. The purpose of the concept plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The concept plan shall be developed in substantial conformance with the zoning exhibit approved by the Town Council, along with any conditions added thereto by the Town Council.

(7) *Building plans*. Prior to issuance of a building permit for any occupied structure to be located within a traditional neighborhood development, the builder shall provide architectural plans and elevations at a scale no smaller than ⅛"=1'-0" that demonstrate compliance with the zoning exhibit and any conditions added thereto by the Town Council.

(8) *Other requirements*. The applicant shall adhere to all other applicable requirements of this Unified Development Code and other applicable requirements of Town of Bethlehem. In any case where the standards and requirements of this section conflict with other provisions of the Town of Bethlehem Code of Ordinances, the requirements of this section shall govern.

(c) *Criteria for approval*: The following is a list of criteria that will be used by the town to determine the suitability of a proposed senior housing development in addition to the standards for approval of a special use contained in the procedures and permits article of this Development Code:

(1) Whether the site includes appropriate amenities, such as recreational facilities, game rooms, meeting rooms, lounges and exercise rooms.

(2) Whether the site has reasonable transportation access to medical services, shopping, religious and cultural activities, recreational facilities, libraries, municipal buildings, and social services patronized by seniors.

(3) Whether the site is served by public water and public sanitary sewer facilities that are adequate to accommodate the additional demand placed upon them by the proposed development.

(4) Whether the public roads outside the project site are adequate to bear the additional traffic that will be generated by the adult living community and meet current engineering standards with respect to roadway width and alignment and have acceptable sight distances at the site entry/exit and at intersections in the vicinity of the site.

(d) *Age restrictions*. Occupancy shall be limited to households which consist of:

(1) One or more persons who are seniors aged 55 and over.

(2) A spouse of a qualified resident senior citizen.

(3) *Exception.* Notwithstanding the other provisions of this section, one unit may be occupied by a project superintendent or manager and his/her immediate family, provided that at least 80 percent of the units have at least one occupant who is aged 55 or over.

(e) *Maximum number of dwelling units*.

(1) A senior housing development shall not exceed the overall maximum density of dwelling units per acre allowed, plus ten percent. The maximum number of lots, townhouse units and multi-family units shall not exceed the maximum density allowed for the zoning district under Table 4.1 of Article IV (including streets, open space and nonresidential areas) plus ten percent for each area designated on the concept plan.

(2) For senior housing developments in the C-1, C-2 or C-3 zoning districts, the residential densities allowed in the R-3 zoning district for each type of use shall be used, plus ten percent.

(f) *Mixed uses*. Senior housing districts may provide for a mix of uses on the first floor of multi-family buildings or within a senior housing district.

(1) Non-residential land uses compatible with senior housing districts include:

a. Medical/health/dental office;

b. Pharmacy;

c. Café/restaurant;

d. Market/convenience store;

e. Salon/spa/barber shop.

(2) *Amenities*. Alternative amenities appropriate for seniors may be substituted for required residential amenities of comparable cost. Amenities and services appropriate for senior housing districts include:

a. Clubhouses with group dining facilities, meeting rooms, or computer rooms;

b. Pavilion buildings;

c. Passive recreational greenspace;

d. Walking trails constructed to ADA standards;

e. Gardens;

f. Wellness center;

g. Inter-faith chapel.

(3) *Building design standards*. All dwellings shall incorporate accessibility standards which shall include the following:

a. A step-free feature to at least one entrance of the unit.

b. A 36-inch wide, clear passage doorways throughout the unit.

c. Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection.

d. Reinforced bathroom walls to allow for future installation, if necessary, of grab bars.

(g) *Ownership control*.

(1) All of the land in a senior housing development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.

(2) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.

(3) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of section 89-470. In addition, senior housing developments must comply with the provisions of subsection (h) below.

(h) *Additional requirements*.

(1) The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules and regulations for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

a. *Deed restrictions*. Approval of a special use for a development consisting of senior housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:

1. Occupancy shall be limited to persons in accordance with age restrictions as noted in section above as well as state and federal housing guidelines, and

2. No further development of the parcel including increasing the number of dwelling units or enlarging the permitted buildings is allowed without first applying for and receiving a revised special use approval.

Sec. 89-469. Resource conservation, open space and recreation amenities.

(a) *Natural resource or conservation easement required*.

(1) All primary conservation areas in a conventional subdivision, open space subdivision or any type of planned development (mixed use master planned development, traditional neighborhood development, or senior housing development), that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a natural resource or conservation easement.

(2) Land within a natural resource or conservation easement may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.

(3) See the environmental protection article of this Development Code regarding natural resource and conservation easements.

(b) *Common open space.* In an open space subdivision or any type of planned development listed in subsection (a)(1) above, a minimum percent of the gross project site area shall be reserved for common open space and recreation, as follows:

(1) At least 20 percent total site in an open space subdivision mixed use master planned development must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Except in the AG, AR and R-1 zoning district, the minimum required open space shall be exclusive of all areas classified in the environmental protection article of this Development Code as primary conservation areas; such areas may be included in the minimum open space in the AG, AR and R-1 zoning district.

(2) Areas classified as secondary conservation areas in the environmental protection article of this Development Code are to be given preference for inclusion in the minimum required open space.

(3) Land devoted to stormwater detention facilities may not be counted toward the minimum unless the facility is a permanent lake or pond and is designed and intended for recreational access and use by the occupants of the development.

(4) An additional ten percent in an open space subdivision or any type of planned development listed in subsection (a)(1) above, must be provided for common open space and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.

(5) Required buffers on the perimeter of the property may be included in the minimum open space requirement but may account for no more than one-half of the overall minimum open space requirement.

(6) While common open space shall not be required to be contiguous, no individual portion of the minimum required open space shall be less than one acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:

a. The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.

b. Parkways between road travel ways, which must be at least 26 feet in width in order to be counted as part of the minimum requirement.

c. Viewshed protection areas intended to screen the view of the subdivision development, if provided, must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.

(7) No portion of the residential lots shall be credited toward the minimum open space requirement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirements.

(8) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.

(c) *Private open space.* In any of the three types of planned developments, every single-family or two-family dwelling on a lot smaller than 10,000 square feet, and every townhouse dwelling shall have a minimum 400 square foot private yard or patio.

(1) The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.

(2) The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of six feet; or an evergreen hedge, shrubs or trees that will achieve a height of six feet within three years of planting under normal growing conditions.

(d) *Recreation amenity*.

(1) Every conventional subdivision, open space subdivision, or mixed-use master planned development, traditional neighborhood development, or senior housing development having any single-family detached lots less than two acres in size and proposed to contain more than a total of 24 dwelling units of any type shall include a community recreation amenity to serve the development, based on the number of dwelling units in the development.

(2) If the development is to include community recreational facilities, then Table 5.3 establishes minimum requirements.

Table 5.4: Recreation Amenities

	Number of Dwellings in the Development			
Amenity Required	25 to 99	100 to 249	250 or more	Standard
Active Play Area[1]	Min. ½ acre total	Min. 1 acre total	Min. 2.3 acres total	Total area: 400 sf per dwelling unit (d/u).
Athletic Courts[2]	Min. 1 court	Min. 2 courts	Min. 3 courts	Minimum shown + 1 court per additional 100 d/u's (rounded). 3
Swimming Pool[4]		Min. 1,800 sf, 30 x 60	Min. 2,250 sf, 30 x 75	Total water surface area: Minimum shown + 9 sf per d/u >250, max. 4,500 sf (45 x 100).

Clubhouse[5]			Min. 2,500 sf	Total floor area: 10 sf per d/u; maximum 10,000 sf.
Gathering Area[6]	Min. ¼ acre total	Min. ½ acre total	Min. 1.2 acres total	Total area: 200 sf per dwelling unit (d/u).

[1] Children's play area including active play equipment. Multiple play areas are allowed, but none less than ½ acre in size.

[2] Any combination of tennis, basketball or volleyball courts.

[3] For instance, 250—299 dwellings = 3 courts; 300—399 dwellings = 4 courts

[4] Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

[5] Clubhouse may include such functions such as fitness area, workout studio, catering kitchen, or game room. In developments of more than 250 dwellings the space allocated to clubhouse may be divided amongst multiple facilities so long as each facility is a minimum of 1,500 sf.

[6] Gathering area shall be an open, generally level space that is covered in turf that is suitable for large groups or free play. It may include paved or patio areas. No more than 50 percent of the area may be enclosed as a dog park.

(3) All amenities shall be completed and available for use prior to issuance of a certificate of occupancy on more than 50 percent of the dwellings in the development.

(4) The recreation amenity may be designed to serve the entire development or separate amenity areas may be provided for specific residential development areas. If multiple recreation amenity areas are provided, the total of all amenities shall be no less than the total required by Table 5.3 based on the entire development as a whole, distributed proportionally to each development area based on the number of dwelling units each amenity area serves.

(5) Such recreation amenity areas may not be developed within a primary resource area.

Sec. 89-470. Owner's association.

(a) *Homeowner's association; when required*. For any residential development containing common open space or other lands in common ownership, a homeowner's association which provides for building and grounds maintenance and repair, insurance and working capital shall be required.

(1) Membership in the homeowner's association must be mandatory for each property in the development.

(2) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(3) The declaration and bylaws shall be enforced by the association or by an association management company designated by them, which shall have the power to compel the payment of membership dues and assessments.

(4) The homeowners' association shall be formed under the provisions of O.C.G.A. Title 44, Chapter 3, Article 6, which is known as the "Georgia Property Owners' Association Act" (Code 1981, §§ 44-3-220 et seq. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of a conservation easement.

(5) The documents creating the homeowner's association must provide that an adequate reserve fund for the association will exist at the time that control of the association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the association.

(6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

a. Equal access and right of use to all shared facilities;

b. Perpetual and continued maintenance of open and shared space, specifically including stormwater

detention facilities;

c. Tax liability in the case of default;

d. The method of assessment for dues and related costs;

e. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;

f. Animals, including household pets;

g. Signs;

h. Exterior items such as fences, lawn ornaments, and landscape areas and buffers;

i. Building improvements;

j. Outside storage;

k. Overnight parking of vehicles;

l. Decorations and holiday lighting; and

m. Trash collection containers.

(7) For subdivisions, the homeowner's association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed homeowner's association documents is to be submitted with an application for final subdivision plat approval.

(8) The homeowners association shall be responsible for the management and maintenance of all common properties, facilities, and infrastructure associated with the subdivision.

(b) *Owners' association*. For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this section.

(c) *Condominium association*. For condominium projects, incorporation of a condominium association consistent with state law will serve in lieu of the requirements of this section, provided that:

(1) Specific maintenance responsibilities for stormwater detention facilities are included; and

(2) The documents creating the condominium association must provide that an adequate reserve fund for the association will exist at the time that control of the association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the association.

Secs. 89-471—89-720. Reserved.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 89-721. Purpose of article.

This article presents the minimum standards for vehicle parking for all land uses in the town (including design and construction standards), minimum standards for truck loading, and requirements for the provision of landscaping related to parking and loading areas.

Sec. 89-722. Parking; when required.

Permanent parking spaces shall be provided in accordance with the requirements of this article whenever any of the following occurs:

(a) At the time of the establishment of any use, or erection of any building.

(b) At the time of occupancy of a building by a new use.

(c) At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

Sec. 89-723. Parking plans required.

Parking plans are required as follows:

(a) A parking plan for all but detached single-family and two-family residential uses shall be submitted to the planning and community development department with the building plans.

(b) The proposed plan will be reviewed by the planning and community development department and the public works department to insure its conformance with all applicable provisions of this resolution and with the Town of Bethlehem development regulations.

(c) Occupancy or use of a building is prohibited until related parking facilities are completed in accordance with the approved plan, as indicated by the planning and community development department. The provision of the required spaces on a temporary basis on a hard-surface sub-base (sub-grade plus an asphalt first layer or bound crushed stone aggregate) shall satisfy this requirement.

Sec. 89-724. Number of parking spaces required.

(a) *Parking for residents, employees, customers and visitors.* Space for the parking of motor vehicles must be provided for every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use.

(1) *Minimum number of parking spaces required.* The minimum number of parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined by the following Table 6.1, rounded up to the nearest whole parking space. Developments containing two or more of the uses listed on Table 6.1 shall provide the number of spaces required for each use (except as may be reduced under shared parking, below).

(2) *Maximum number of parking spaces allowed*.

a. *Nonresidential uses.* The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 120 percent of the minimum number of parking spaces required, as determined for the type of land use by the following Table 6.1.

b. *Residential uses.* The maximum number of outdoor spaces per dwelling unit, including those located within a carport, shall not exceed five. Additional spaces may be located within an enclosed garage.

(3) *Deviation from parking requirements*.

a. Notwithstanding the minimum and maximum requirements of paragraphs (1) and (2) of this subsection (a), the town recognizes that due to the particulars of any given development, the inflexible application of the parking standards set forth therein may result in a development either

with inadequate parking space or parking space in excess of its needs. The former situation may lead to traffic congestion or parking violations on adjacent streets as well as unauthorized parking in nearby lots; the latter situation is inefficient. Therefore, the Mayor or his or her designee may administratively allow deviations from the minimum or maximum parking requirements of paragraphs (1) and (2) whenever they find that the requested deviation is justified by the described development and will not adversely impact traffic circulation or public health, safety and welfare.

b. The number of parking spaces required for a development shall be based upon the anticipated parking demand of individual uses based upon the operating characteristics of the individual use. The Mayor or his or her designee shall base their decision for such deviation on site and operational plans submitted in support of the requested deviation and such other documents as the Mayor or his or her designee may reasonably determine are necessary to determine the number of parking spaces required for the development.

c. Notwithstanding anything to the contrary herein, the Mayor or his or her designee shall not authorize a deviation to the number of parking spaces by below 75 percent of the minimum required spaces or above 25 percent of the maximum required spaces. Requests for greater deviations shall be treated as a hardship variance pursuant to the requirements of article XIII.

Table 6.1: Minimum Parking Spaces Required by Use

Use	Minimum Number of Parking Spaces	Required for Each:
RESIDENTIAL		
Single-Family Residence	2	Dwelling Unit
Two-Family Residence	2	Dwelling Unit
Multi-Family Residence:		
Efficiency apartment	1	Dwelling Unit
One-bedroom unit or larger	1.5	Dwelling Unit
Manufactured Home Park	2	Per Unit
Retirement Community	1	Dwelling Unit
Personal Care Homes, Fraternity or Sorority Houses	1	Each resident or bed
Bed and Breakfast, Rooming House, Boarding House	1	Room to be rented, plus
	2	Dwelling Unit
Hotel or Motel:		
Convention hotel, or a motel with a restaurant or lounge	1½	Room
Non-convention hotel or a motel with no restaurant	1	Room

Use	Minimum Number of Parking Spaces	Required for Each:
COMMERCIAL		
Offices: general and professional offices, insurance and real estate offices	3½	1,000 sf 1 of GFA 2
Banks	4½	1,000 sf of GFA
Offices—Medical and Dental	5	1,000 sf of GFA
Funeral Home	5	Viewing Room
Day care Center	1	400 sf of GFA
Movie Theater	1	4 Seats
Service Station, Gas Station, Auto Repair Shop or Garage	3	Service bay, plus
	5	1,000 sf of retail space
Automobile, Truck, Recreation Vehicle, Manufactured Home or Utility Structure Sales	2	1,000 sf of indoor sales area, plus
	1	2,500 sf of outdoor display, plus
	3	Service bay
Custom Service Restaurant: 3		
Quality restaurant	16	1,000 sf of GFA
Family Restaurant	9½	1,000 sf of GFA
Fast Food Restaurant	14	1,000 sf of GFA
Bowling Center	4	Lane
Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	5	1,000 sf of GFA
Health Club or Fitness Center	4½	1,000 sf of GFA
Shopping Centers		
Less than 100,000 sf of GLA 4	4	1,000 sf of total GLA, plus
	3	100 movie theater seats, plus
	10	1,000 sf of food service area
100,000—199,999 sf of GLA	4	1,000 sf of total GLA, plus
	3	100 theater seats over 450, plus
	6	1,000 sf of food service area

Use	Minimum Number of Parking Spaces	Required for Each:
200,000—399,999 sf of GLA	4	100 theater seats over 750
	3	1,000 sf of total GLA, plus
400,000—599,000 sf of GLA	4½	1,000 sf of total GLA, plus
	3	100 theater seats over 750
600,000 or more sf of GLA	5	1,000 sf of total GLA, plus
	3	100 theater seats over 750
Supermarket	4	1,000 sf of GFA
Furniture or Carpet Store	1	1,000 sf of GFA
Building Supplies, Brick or Lumber Yard	2	1,000 sf of indoor sales area, plus
	1	2,500 sf of outdoor display
Retail Sales or Service establishments not listed above	5	1,000 sf of GFA
INDUSTRIAL AND MANUFACTURING		
Manufacturing, Processing, Fabrication and Storage Operations	1	Employee for the two consecutive workshifts with the highest number of employees.
Wholesale Business	1	Employee for the workshift with the largest number of employees plus one (1) space per 2,500 sq. ft. of gross floor area.
Warehouse	1	Employee for the workshift with the highest number of employees, plus one (1) space per 15,000 sq. ft. of gross floor area.
INSTITUTIONAL AND OTHER		
Hospital	1.8	Bed
Auditoriums, churches, theatres, stadiums, and other places of assembly	1	4 seats, or
	1	12 feet of pew, or
	1	100 sf in the largest assembly room
College (instructional space)	10	Classroom
Technical College, Trade School	10	Classroom
Senior High Schools	6	Classroom
Elementary and Jr. High Schools	2	Classroom
Library or museum	2	1,000 sf of GFA
Civic Clubs, Museums, Fraternal Lodges, etc.	1	200 sf of GFA

[1] Square feet.

[2] Gross floor area—The total area of all floors, measured between the exterior walls of a building.

[3] Defined as follows:

> *Restaurant, custom service*: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas.
>
> *Restaurant, family:* A custom service restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.
>
> *Restaurant, quality*: A custom service restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

[4;] Gross leasable area—The total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

(b) *Parking for company-owned vehicles not included*. Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

(c) *Maneuvering lanes not considered parking*. Areas designated for temporary occupancy of vehicles while maneuvering on a site, such as queuing lanes for a drive-in window, are not considered parking spaces.

(d) *Dedication to parking use*.

(1) Parking spaces provided to meet the minimum requirements of this article shall not be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.

(2) Parking spaces provided to meet the minimum requirements of this article shall not be used to meet the minimum parking requirements of any other use, except as provided for shared parking, below.

(3) Parking spaces provided to meet the minimum requirements of this article shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.

(e) *Handicap accessible parking spaces*.

(1) Handicapped spaces are to be provided as required by the federal Americans with Disabilities Act and the Georgia Accessibility Code for all multi-family and nonresidential uses; including but not limited to the requirements of this section.

(2) Handicap accessible spaces shall be provided in each parking lot in the following ratio to the total number of spaces otherwise required for the use under Table 6.2.

(3) Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this article.

(4) Handicap accessible parking spaces shall have an adjacent aisle five feet wide, and one in every eight handicapped spaces shall be adjacent to an aisle eight feet wide and the space shall be signed "Van accessible". Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

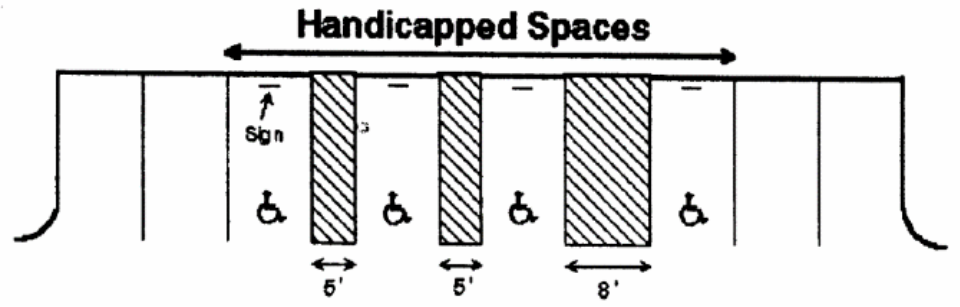


Figure 6.1 Handicapped Spaces

(5) Handicap accessible parking spaces shall be located on a surface with a slope not exceeding one vertical foot in 50 horizontal feet (1:50).

(6) Wheelchair ramps shall be provided in accordance with town specifications at locations appropriate to normal travel routes from the parking lot to the principal use.

Table 6.2: Handicap Accessible Spaces Required

Total Spaces Required for Use	Minimum Number of Handicap Spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5

Total Spaces Required for Use	Minimum Number of Handicap Spaces
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Source: Americans with Disabilities Act Accessibility Guidelines.

(f) *Open space set aside for reduced parking*. The site plan for a commercial or industrial use may, subject to approval by the Mayor or his or her designee, be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this section. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas and open space requirements. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this section at the time of application.

Sec. 89-725. Proximity of parking spaces to use.

Location of parking spaces. All parking spaces required to meet the minimum standards of this article for residents, employees, customers or visitors shall be located in proximity to the use that the spaces serve, as follows:

Table 6.3: Location of Parking Spaces

Use	Parking Location
Single-Family or Two-Family Residence (including Manufactured Homes)	On the same lot occupied by the residence.
Townhouse Development	Each required parking space must be within 100 feet of an entrance to the dwelling unit that it serves, as measured along the most direct pedestrian route.
Other Multi-Family Developments (such as apartments) and congregate care facilities (such as nursing homes)	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Church, Hotel or Motel, Hospital	Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Retail Sales Establishment or Office Building, other than a Shopping Center	Each required parking space must be within 300 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Shopping Center or Industrial Use.	Each required parking space must be within 400 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Any other use not specified above.	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.

Sec. 89-726. Parking of certain vehicles.

(a) In any residential district, it shall be unlawful to park wreckers, dump trucks, flat-bed trucks, tow trucks, mechanical earthmoving equipment or any commercial vehicle except that such vehicles used exclusively for an agricultural purpose on a parcel may be parked in an AG or AR district.

(b) It shall be unlawful to park travel trailers, recreational vehicles, campers, motorized homes, boats, personal watercraft, wave runners, all-terrain vehicles or trailers of any type in the front yard, or in any other yard, except as hereinafter provided, in any residential district. In residential districts, travel trailers, recreational vehicles, campers, motorized homes, boats, personal watercraft, wave runners, all-terrain vehicles and trailers may only be parked or stored in an enclosed garage or carport or in rear or side yards, provided that they remain more than 20 feet from the rear property line and ten feet from the side property line.

(c) No such vehicle shall be occupied for sleeping or as a residence, either permanently or temporarily, when so parked.

(d) Notwithstanding any other provision of this section, a school bus may be parked on property owned or occupied by the school bus operator provided that all of the following conditions are met:

(1) *Zoning and minimum lot area.* The parcel must be a minimum of five acres in size and zoned agricultural (AG) or agricultural-residential (AR); provided, however, that the parking of school buses shall be prohibited on any parcel that is part of a platted residential subdivision, regardless of zoning classification and parcel size.

(2) *Access to the parcel shall be from a public street.* In order to protect the integrity of paved public streets, a minimum of ten feet of paved or concrete driveway or apron shall abut the paved public street at the property access point to be utilized by the school bus. The above requirement for a paved driveway or apron shall not apply if the parcel's direct access is from an unpaved public street.

(3) *Vehicle parking location.* The school bus shall be parked within the rear yard of the parcel, outside of all required setbacks and/or buffers.

(4) *Parking area surface.* Unless the school bus is otherwise parked or stored in an enclosed structure, the school bus shall be parked upon a concrete or gravel surface of sufficient size to accommodate all wheels of the school bus.

(5) *Limit of one vehicle.* No more than one school bus may be parked on a parcel as otherwise permitted by

this subsection.

Sec. 89-727. Off-site parking.

If required parking spaces are not located on the same lot as the particular use, building or establishment they are intended to serve, the following shall apply:

(a) The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification.

(b) No required parking spaces may be located across any state or US highway from the use they are intended to serve unless a signaled cross-walk is provided.

(c) An easement (or other recordable instrument satisfactory to the Town Council) dedicating the off-site parking to the property that the spaces serve shall be recorded with the clerk of the superior court and a copy provided to the Town Council. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Town Council.

(d) Off-site parking spaces shall be located in proximity to the use that the spaces serve, in accordance with the locational requirements of Table 6.3, above, or transportation services shall be provided, such as a shuttle bus.

Sec. 89-728. Shared parking facilities.

The required parking space for a number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except as follows:

(a) *Shared parking between day and night users.* One-half 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 and on Sundays.

(b) *Mixed use developments.* Parking spaces may be shared by more than one use if the Mayor or his or her designee finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The ratios on Table 6.4 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

(c) *Availability of shared spaces.* Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

(d) *Recordation of shared parking agreement.*

(1) Shared parking arrangements must be committed to writing in an instrument acceptable to the Mayor or his or her designee and approved by the owners of each of the affected properties or uses.

(2) The instrument must be approved by the Town Council and shall be recorded with the clerk of the superior court. A copy of the recorded document must be supplied to the Town of Bethlehem. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Town Council.

Table 6.4: Percentage of Required Parking Spaces by Time Period

	Weekdays		Weekends		Nighttime
	6 am to 5 pm	5 pm to 1 am	6 am to 5 pm	5 pm to 1 am	1 am to 6 am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%

Entertainment/Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

By way of example, the following illustrates shared parking calculations for a particular mixed-use development:

Example:
Spaces needed for uses in a mixed-use project, calculated individually:

	Factor	for	Spaces
Office	3.5/1,000	100,000 sf	350
Retail	5/1,000	100,000 sf	500
Hotel w/Restaurant	1.5/room	100 rooms	150
Family Restaurant	9.5/1,000	20,000 sf	190
Theater	1/4 seats	200 seats	50
Church	1/4 seats	400 seats	100
TOTAL if figured separately			**1,340**

Spaces Required applying the Peak Demand Percentages to the Example:

	Weekdays		Weekends		Nighttime
	6 am--5pm	5pm--1am	6 am--5pm	5pm--1am	1am--6am
Office	350	35	35	18	18
Retail	300	450	500	350	25
Hotel w/Restaurant	113	150	113	150	113
Family Restaurant	95	190	190	190	19
Theater	20	50	40	50	5
Church	50	50	100	100	10
TOTAL	**928**	**925**	**978**	**858**	**189**

Highest demand = 978 (instead of 1,340)

Figure 6.2 Parking calculations

Sec. 89-729. Design requirements for off-street parking lots.

Except for single-family detached and two-family residential uses (unless otherwise noted), the provisions of this section apply to all off-street parking spaces and parking areas, whether the parking meets or exceeds the number of spaces required to serve a particular use or the parking lot is operated as a principal use on a property and not dedicated to serving a particular use.

(a) *Orientation to street*.

(1) All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain access.

(2) The distance from a parking area access drive to the intersection of two streets, and the distance between driveways at the street right-of-way between adjacent properties, shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses. Distances must be measured from the back of the driveway curb at the right-of-way line (or from the edge of the driveway if curbs are not required).

(3) The number of driveways that access a property from any one street, road or highway shall be limited as follows:

a. A permit to access a state road must be obtained from the Georgia Department of Transportation and submitted to the Town of Bethlehem before the driveway access can be approved.

b. Along state or U.S. numbered highways, and along all other major collector and arterial thoroughfares, no more than one point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.

c. Along all other streets or roads, no more than two points of vehicular access from a property

to each abutting public road shall be permitted for each 400 feet of lot frontage, or fraction thereof; provided however, that lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The Town Council shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.

(b) *Off-street parking spaces*.

(1) No parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line.

(2) Every parking space shall provide a useable rectangular area at least nine feet wide by 20 feet long. Access aisles shall not encroach into this minimum rectangular area.

(3) Every parking space shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

(c) *Access and circulation*.

(1) Access aisles in parking lots must be at least 24 feet wide serving spaces that are perpendicular (90 degrees) to the access aisle, and provide for two-way traffic. Access aisles serving spaces that are oblique (slanted) to the access aisle shall be limited to one-way traffic, and shall have the following minimum widths: 18 feet wide serving spaces that are at a 60 degree angle to the aisle, and 13 feet wide serving spaces that are at a 45 degree angle to the aisle. (See the parking illustration, below.) Angles less than 45 degree to the access aisle are not allowed, except for parking spaces that are parallel to the access aisle.

(2) One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.

(3) Ingress and egress to parking areas shall be by means of paved driveways from the adjoining street.

a. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters.

b. The slope of ingress and egress driveways at their connection to the adjoining street shall not exceed that allowed by town specifications for landings at residential street intersections.

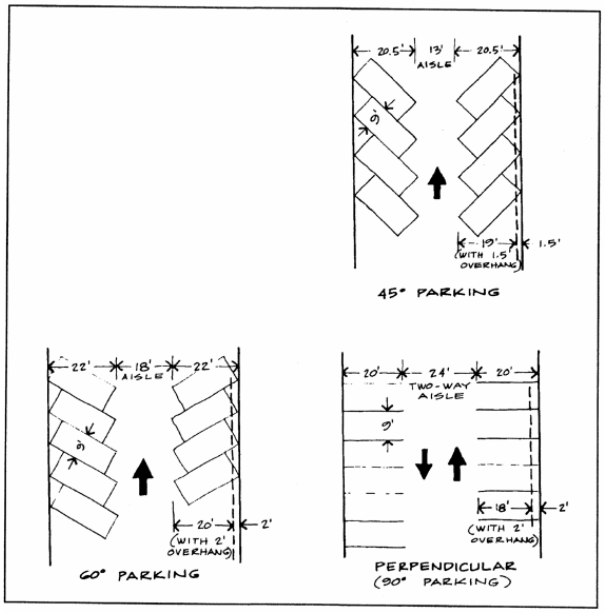


Figure 6.3 Parking illustration

(d) *Setback requirements; off-street parking lots*.

(1) No parking shall be established in the minimum required front setback of any residential zoning district except for a single-family or two-family residential use, nor shall more than 35 percent of this required front yard be paved or used for parking under any circumstances.

(2) Unenclosed off-street parking for single-family and two-family dwellings shall have no setback requirements.

(3) Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be setback from the front property line by at least ten feet. An additional ten-foot setback from any buffer required along a side or rear property line shall also be maintained.

(4) The required setback area between the front property line and the parking area shall be used for landscaping and/or screening as required in section 89-735, below.

(e) *Lighting of parking areas*.

(1) Adequate lighting shall be provided if the facilities are to be used at night. Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining residential use. "Shoe box" recessed lighting fixtures on poles, and motion-detector security lighting, shall be utilized for this purpose.

(2) Lighting standards in and surrounding parking lots shall not conflict with tree locations, considering the height and breadth of the trees normally achieved at maturity and their root systems.

Sec. 89-730. On-street parking standards.

(a) *On-street parking allowed.* On-street parking may be used on Town of Bethlehem maintained public streets if approved as a part of a special use application and shall be limited to local streets internal to townhouse developments, mixed use master planned developments, traditional neighborhood developments, and senior housing developments that provide pedestrian walkability within the project.

(1) On-street parking shall be shown on the zoning exhibit and the concept plan and is subject to zoning review and approval by town officials prior to submission to the Town Council.

(2) On-street parking shall not be permitted for a single building on an individual parcel, but rather shall be permitted to serve multiple buildings or parcels within in a townhouse development, master planned development, traditional neighborhood development, and senior housing development. In addition, individual businesses shall not designate any one on-street parking space for exclusive use by their patrons.

(b) *On-street parking space requirements*.

(1) Each on-street parking space shall be nine feet wide by 22 feet long as measured from the face of curb.

(2) On-street parking calculations shall be provided on the zoning exhibit and concept plan.

(3) Handicap parking shall comply with the ADA Standards, the Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multi-family and non-residential uses.

(4) A maintenance agreement for on-street parking shall be authorized between the owner/developer and the town prior to development permit issuance.

(5) On-street parking shall be constructed to the street standards as established in this Development Code and maintained in accordance with Town Standards and further maintained so as not to create any hazards with traffic flow on the adjacent street.

(6) A mandatory property owners association shall be established. The property owner's association shall be responsible for the maintenance of any on-street parking in the development. A maintenance responsibility statement for on-street parking shall be placed on the approved plans and the covenants shall include a section that specifically states who is responsible for maintenance and what the maintenance standards are for on-street parking.

(c) *On-street parking requirements specific to mixed use master planned developments, traditional neighborhood developments, and senior housing developments*.

(1) Up to 100 percent of the on-street parking spaces available within 700 feet of a use may be counted towards the minimum off-street parking requirements for commercial uses as shown on the zoning exhibit and concept plan.

(2) No more than 25 percent of the number of required off-street parking spaces may be provided by on-street parking.

Sec. 89-731. Inter-parcel access.

(a) *Internal access easements required.* Inter-parcel access shall be achieved by means of shared driveway easements between properties. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public streets which best protects the interest of the public health, safety and welfare.

(b) *Access easement provisions.* The easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner's customers and tenants only.

(1) Inter-parcel vehicle access shall be required between automobile parking areas on all contiguous parcels within the nonresidential zoning districts and between all other contiguous nonresidential uses when the parking areas are or will be in reasonable proximity to one another.

(2) On all surface drives (i.e., inter-parcel streets that are not government owned or maintained), curb cuts may be located no closer than 20 feet from a property line.

(3) All access easements shall be no less than 28 feet in width and shall be wide enough to permit two-way vehicular traffic to and from the adjoining properties.

(4) Inter-parcel access shall not be allowed within 35 feet of the right-of-way of any public street or road.

(c) *Relief.* Requirements of this section may only be waived by the Town Council when it is adequately demonstrated that the adverse impact of the required easements on use of the subject property would outweigh the reduced impact on public streets provided by reciprocal easements.

Sec. 89-732. Improvement of parking areas.

(a) *Surfacing and curbing*.

(1) All parking areas and all access drives except for single-family and two-family dwellings, and within the agricultural districts shall be improved with a permanent dust-free surface consisting of a minimum of a six-inch graded aggregate base overlaid with a minimum two-inch Type E or F asphalt surface, or an appropriate alternative porous paving surface as approved by the Mayor or his or her designee.

(2) The parking of any vehicle on any lot in any district on other than a surface treated and hardened to accommodate this vehicle is prohibited except as provided herein. In addition, parking vehicles in the front yard or in front of the principal building line in an R district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.

(3) In the commercial and the industrial zoning districts, the above type of surface is required for customer, visitor, and employee automobile parking. In these zoning districts the following surface will be required in areas of loading docks and parking of commercial trucks and other commercial equipment:

a. A eight-inch graded aggregate base, overlaid with a two-inch Type B binder and a 1½-inch Type E or F asphalt surface; or,

b. A ten-inch graded aggregate base, overlaid with a 12-inch course of 3,000 P.S.I. concrete.

(4) Curb and gutter meeting town specifications shall be installed around the periphery of every parking lot and loading area, where required for drainage, and extend along both sides of every access drive between the parking lot or loading area and the street or another parking lot or loading area, as applicable.

(5) The minimum thickness specified above shall be evaluated for each application to determine adequacy for projected traffic.

(b) *Maintenance*. Parking areas shall be maintained in proper repair with a dust-free surface.

(c) *Drainage facilities*. For any use that will require a parking area of five spaces or more, or a loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, stormwater drainage plans, including grading plans, shall be submitted to and approved by the public works department, prior to the issuance of a building permit or occupational license.

(d) *Permit required*. Construction of a new parking lot or loading area, or expansion of an existing parking lot or loading area, requires issuance of a development permit in accordance with the procedures and permits article of this Development Code.

(e) *Time limit*. All required parking areas shall be ready for use, including the above surfacing requirement, before the occupancy of the use (in the case of a new building or addition) or within 45 days after the issuance of an occupational license (in the case of a change of occupancy in an existing building). An extension of time may be granted by the public works department due to adverse weather conditions.

(Ord. of 10-13-2020)

Sec. 89-733. Truck loading.

(a) *Off-street truck loading; where required*. Any business or industrial building, hospital, institution, or hotel, in any zoning district, shall provide adequate off-street facilities for the loading and unloading of business merchandise, supplies, goods or freight within or adjacent to the building as deemed appropriate by the owner or occupants of the property. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement on the public streets and sidewalks.

(b) *Setback requirements; loading areas*.

(1) Off-street truck loading areas shall be setback from the front property line by at least ten feet. An additional ten-foot setback from any buffer required along a side or rear property line shall also be maintained.

(2) The required setback area between the front property line and the truck loading area shall be used for landscaping and/or screening as required in section 89-735 below.

(c) *Truck loading on public streets*. The loading or unloading of business merchandise, supplies, goods or freight within a street right-of-way is prohibited in all zoning districts. Loading or unloading of furniture, equipment, or fixtures for the purpose of a home or business relocation may be allowed within a street right-of-way if:

(1) The street is classified as a "local" street as defined in this Development Code; and

(2) Vehicular and pedestrian access is not completely blocked on the street; or

(3) The sheriff's department otherwise grants approval based on a determination that adequate traffic safety measures are implemented during the period of loading or unloading.

Sec. 89-734. Parking lot plantings.

Parking lot plantings shall comply with applicable standards in Article VIII.

Sec. 89-735. Street-side screening of parking and loading areas.

(a) *Generally*.

(1) Any off-street parking lot designed or intended to accommodate ten cars or more, and any area permanently set aside for loading or unloading of trucks or vans, which are visible from a street right-of-way, must provide a landscaped visual screen of the parking lot or loading area that meets the requirements of this section.

(2) The setback area required under subsection 89-729(d) for parking lots and subsection 89-733(b) for truck loading areas may be used for the screening required by this section.

(b) *Visual screening required*.

(1) Decorative visual screening that is 100 percent opaque shall be provided to a height of three feet above the elevation of the parking/loading area or the street, whichever is highest.

(2) If the parking/loading area is three feet or more below the street shoulder within ten feet of the street right-of-way line, no screening is required.

(c) *Screening alternatives.* The decorative visual screening may be provided in any of the following ways:

(1) *Planted only*. A hedge consisting of at least a single row of shrubs planted three feet on center that

will spread into a continuous visual screen within two growing seasons. Shrubs must be at least 18 inches tall at the time of planting, and be certified by a registered landscape architect to be of a species that will normally exceed three feet in height at maturity and are suitable for the parking lot application. The hedge must be setback at least four feet from the street right-of-way line.

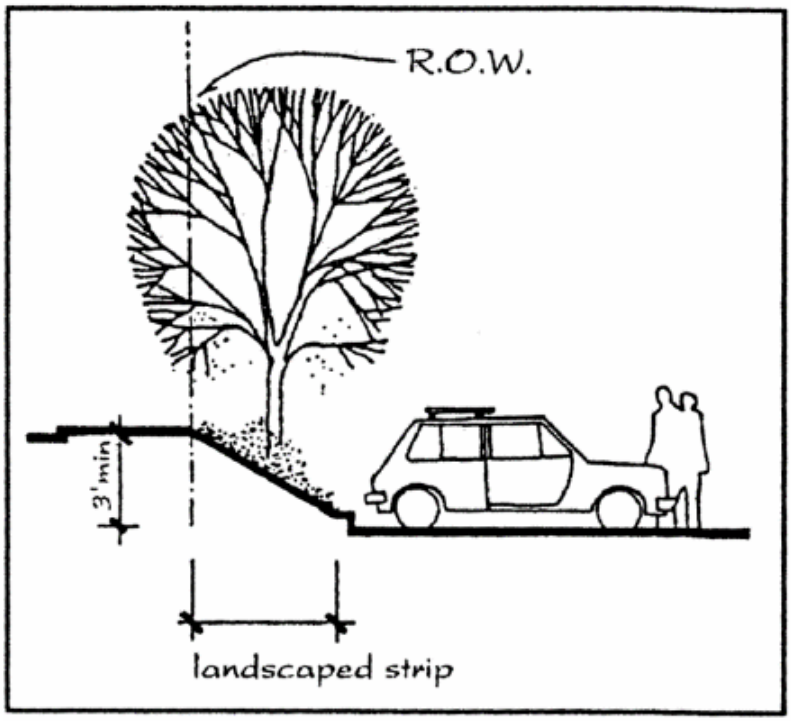


Figure 6.4 Screening (1)

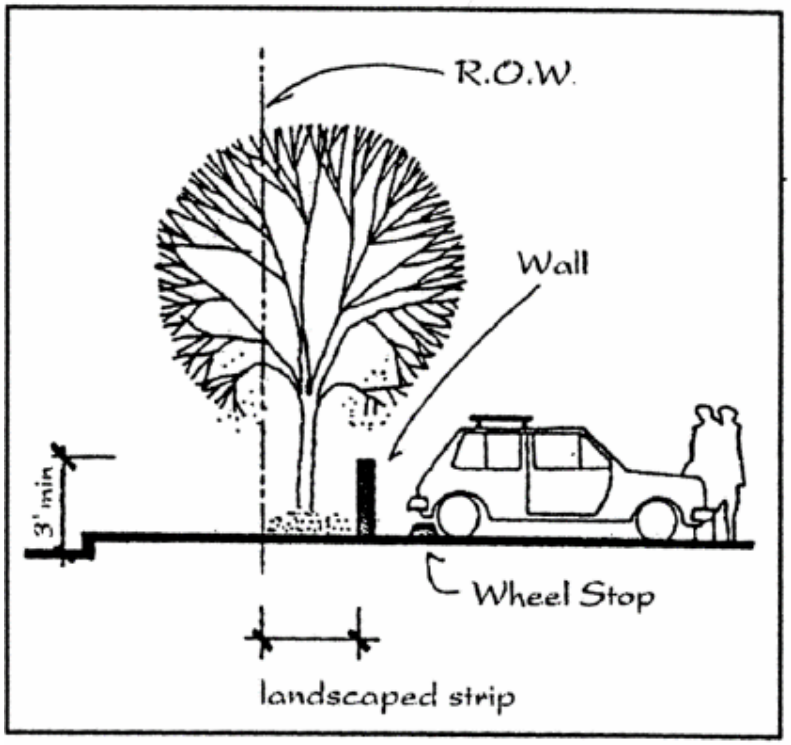


Figure 6.5 Screening (2)

(2) *Earthen berm*. An earthen berm constructed to a height of three feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 50 percent (one foot of vertical rise for every two feet of horizontal run) and shall have a crown of at least two feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect to the reasonable satisfaction of Town Council.

(3) *Wall*. A wall of brick, stone or finished and textured concrete may be constructed to the required height and opacity, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of Town Council. The wall must be setback at least four feet from the street right-of-way line.

(4) *Combination*. Any combination of hedge, berm or wall that effectively provides a visual screen of the parking lot or loading area to a height of three feet and achieves a decorative effect through appropriate use of landscaping and plant material.

(d) *Obstructions to sight distance*. All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Development Code regarding vision clearance in sight triangles at street intersections with driveways and other streets.

Secs. 89-736—89-780. Reserved.

ARTICLE VII. SIGN REGULATIONS

Sec. 89-781. Purpose of article.

This article regulates the number, location, size, placement, sign type, type of illumination and other features related to the appropriate time, place and manner for signs and sign structures to be displayed and constructed in the town.

Sec. 89-782. Sign regulations; purpose and findings.

(a) *Basis for restrictions imposed*.

(1) The council has considered the aesthetic and safety reasons for limiting signage in the incorporated areas of the town. The council has determined that signs can detract from the aesthetic beauty of the town. Further, unregulated sign proliferation may contribute to a lowering of commercial and residential property values. Lastly, signs can be detrimental to the safety of motorists in the town. It is found by the council that limiting the number, type, and dimension of signs in accordance with the following regulations will serve these substantial governmental and community interests.

(2) The council is well aware that signs are a means by which the town's residents, organizations, institutions, and businesses may convey constitutionally protected commercial and noncommercial messages. The following regulations provide an appropriate balance between the right to communicate via signs and the protection of the community interests stated above.

(b) *Regulation of signs.* No sign shall be placed or maintained on any property, building or other structure within Town of Bethlehem except in conformity with these Sign Regulations.

(c) *Intent of sign regulations; free speech.* Notwithstanding any other restrictions in this article, any sign authorized under this article can contain any commercial or non-commercial message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.

Sec. 89-783. Applicability.

(a) *Signs that are regulated.* The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this section.

(b) Displays not considered to be a sign and exempt signs.

(1) Displays not considered to be a sign. The following are exempt from all restrictions and regulations imposed by this article:

a. Window displays of goods available on a site are not considered to be signs and re exempt from these sign regulations.

b. Brand names or logos on products, product containers, or product dispensers (such as but not limited to a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging are not considered to be signs and are exempt from these sign regulations.

c. A building design, color, or motif that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.

(2) Signs that are exempt from regulation. The following signs are exempt from all provisions of this article except those provisions addressing structural requirements:

a. *Official signs.* Signs placed by or at the direction of a governmental body, governmental agency or public authority. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental

body, governmental agency or public authority may direct.

b. *Property address signs.* Property addresses (including multi-family building or unit numbers) when displayed on a building or mailbox, for the purpose of identifying addresses for public safety responders and the general public. Such property address shall consist of lettering no larger than five inches in height on a building or three inches in height on a mailbox.

c. *Standard informational signs.* Standard informational signs as defined in section 89-10 of this Development Code and subject to the restrictions set forth in section 89-793 of this article.

Sec. 89-784. Signs that are prohibited.

The following signs are prohibited entirely or to the extent noted:

(a) *Private signs placed on public property.* Any sign posted or erected within a street right-of-way, including signs planed on street medians, sidewalks, curbs, utility poles and traffic signs, or posted or erected on any other public property, is not allowed, except for official governmental signs and property address signs on mailboxes (see exempt signs under section 89-783(b)).

(b) *Animated sign*.

(1) Any sign (excluding an electronic changeable copy sign) that flashes, blinks, rotates, swings, or is animated in any way is not allowed. Signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours are not allowed.

(2) Electronic changeable copy signs are allowed only under the provisions of section 89-787.

(c) *Attached and painted signs*.

(1) Signs that are painted on or attached to trees, fence posts, courtesy benches, trash cans, or rocks or other natural features, are not allowed.

(2) Signs that are directly painted on a wall or canopy are not allowed.

(d) *Banners.* Banners are not allowed except to the extent they are used and qualify as standard informational signs pursuant to section 89-783 of this article. When allowed as standard informational signs, banners shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags or used as any other form of sign.

(e) *Changeable copy signs.*

(1) Manual changeable copy signs are not allowed, except for:

(2) A changeable copy sign element incorporated into a principal freestanding sign located on property zoned to allow commercial and institutional uses; provided that the total sign face area of the changeable copy sign element shall not exceed 50 percent of the total sign face area allowed for the sign, per sign face.

(3) Electronic changeable copy signs are allowed under the provisions of section 78-787.

(f) *Dilapidated signs.* Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the town are not allowed.

(g) *Display of nudity.* Signs displaying nudity, as defined by the State of Georgia at O.C.G.A. § 32-6-75(b)(1), are not allowed.

(h) *Festoons.* Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind, are not allowed, except as provided for temporary signage under this article.

(i) *Human directional sign.* A promotional sign held or worn by a human standing outside of a business to attract customers.

(j) *Inflatable signs.* A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed.

(k) *Obscene signs.* Obscene signs, as defined by the State of Georgia at O.C.G.A. § 16-12-80(b), are not allowed.

(l) (*Obstructions.* Signs that obstruct a fire escape, required exit or window or door opening used as a means of ingress or egress or which interfere with any opening required for ventilation or which violate any Code of the town, are not allowed.

(m) *Portable signs.* A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following, is not allowed:

(1) A sign designed to be temporarily placed upon the ground and not otherwise affixed to it;

(2) A sign mounted on a trailer, with or without wheels;

(3) An A-frame sign, sandwich board, sidewalk, or curb sign; or

(4) A vehicular sign.

(n) *Roof signs.* Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.

(o) *Signs imitating public warning or traffic devices.* Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop," "danger," or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

(p) *Sound or smoke emitting signs.* A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.

(q) *Signs advertising illegal activity.* Signs that advertise an activity illegal under Georgia or federal law are not allowed.

(r) *LED signs.*

(s) *Neon Signs*

Sec. 89-785. General requirements applying to all signs.

(a) *Conformance to Building Codes*.

(1) In addition to any sign permit required under this article, a building permit shall be obtained prior to installation or placement of any freestanding sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than six square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building Code and Electrical Code requirements.

(2) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a qualified structural engineer or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code.

(3) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.

(4) All electrical service to a sign shall be in compliance with the Electrical Code.

(5) Clearance from all electrical power lines shall be in conformance with the requirements of the Electrical Code.

(b) *Conformance to state law.* The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of an interstate, U.S. or State numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

(1) Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. § 32-6-70 et seq.

(2) Such sign shall comply with all requirements of this article. Between the Georgia, Barrow County and Town of Bethlehem regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

(c) *Sign maintenance*.

(1) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

(2) All signs shall be maintained in accordance with all town regulations, including any regulations concerning nuisances and vegetation.

(d) *Ground clearance under signs*.

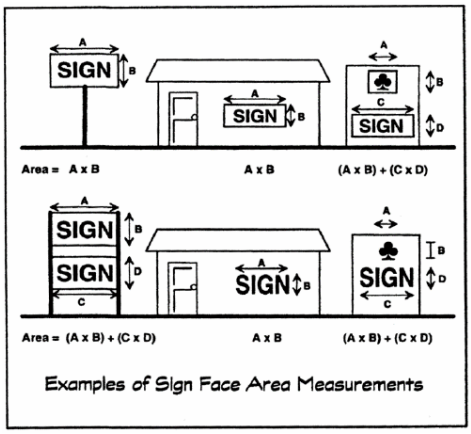


Figure 7.1. Examples of Sign Face Area Measurements

(1) Projecting signs shall not project more than three feet beyond the face of the building. Projecting signs shall provide a minimum of eight feet of clearance from ground level to the bottom of the sign.

(2) Under-canopy signs of greater than four square feet shall be rigidly mounted, and there shall be eight feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of seven feet below the base of any non-rigidly mounted under-canopy sign.

(3) Awning, mansard and marquee signs shall be no less than eight feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign.

(e) *Visibility clearance area*.

(1) No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway.

(2) No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device. All signs placed along street rights-of way and driveways must be designed and installed in a manner consistent with the requirements of this Development Code regarding vision clearance in sight triangles at street intersections with driveways and other streets.

(f) All signs shall be designed to be architecturally compatible with the principal building on the site. This includes consistency in materials, colors, proportions, and design elements. Signage shall reflect and complement the architectural treatments such as trim, molding, or façade materials.

Sec. 89-786. Measurement of sign area and height.

(a) *Computation of sign area.* In order to determine compliance with the maximum allowable sign areas permitted under this article, the following shall establish how sign areas are measured. The terms *"sign area"* and *"sign face area"* are interchangeable and have the same meaning for the purpose of regulating maximum sign sizes.

(1) *Sign face area*.

a. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

b. For signs that have no identifiable frame or border, the smallest rectangle that includes all 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.

c. For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign.

d. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module.

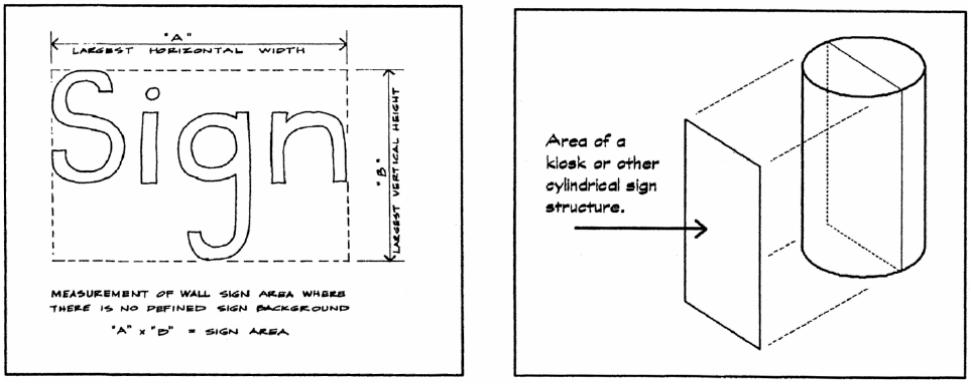


Figure 7.2. Sign Face Area Calculations

e. *Manual changeable copy signs*. For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

(2) *Sign structure area*.

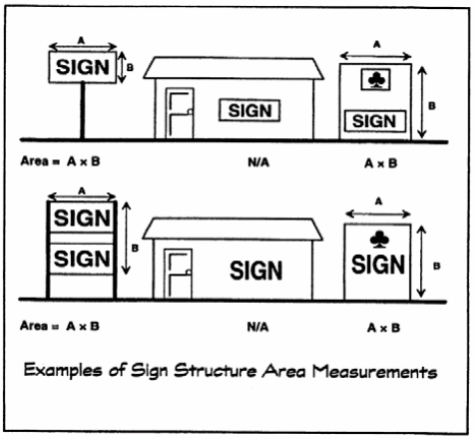


Figure 7.3. Examples of Sign Structure Area Measurements (2)

a. The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign modules may be placed, including

all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.

b. For a kiosk or other cylindrical sign structure, the area of the sign structure shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.

c. Project entrance signs. For project entrance signs or other signs that are imposed, mounted or painted on a wall or other decorative structure, the sign structure area shall be computed as that portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign.

(3) *Treatment of open spaces.* Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

(4) *Multi-faced signs*.

a. *Double-faced signs.* For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.

b. *Signs with three or more faces.* For sign structures having only three faces and the interior angle formed between all of the the faces is 60 degrees, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

(b) *Measurement of 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 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 berm or elevated foundation constructed to support a sign, its signposts or other sign supports, shall be included in the height of the sign.

Sec. 89-787. Electronic changeable copy signs.

Electronic changeable copy signs (previously referred to as automatic changeable copy signs, as defined in this Development Code, regardless of the technology employed, must conform to the following standards:

(a) Electronic changeable copy signs are permitted only on commercial and industrial properties.

(b) All electronic changeable copy signs viewable from a public street or sidewalk shall present only static displays (still pictures and printing). Such signs not viewable from a public street or sidewalk may display movies, animation or video containing motion.

(c) Each static image shall be maintained for a duration of at least eight seconds. The change time between each static image shall be perceived as Instantaneous within the capability of the technology employed (generally about 1/10th of a second).

(d) For signs viewable from a public street or sidewalk, no flashing, scrolling, or other variation in the static image that gives an illusion of movement or variation in light intensity during the display of a single image is allowed.

(e) *LED signs*. In addition to all other requirements of this Section Article, LED signs (as defined in this Development Code must comply with the following:

(1) All such signs shall be "tri-color" signs or better, in which each pixel consists of a group of at least one red, green and blue LED or similar light emitting device.

(2) Maximum distances between pixels shall be as follows:

a. For building signs, no more than ten mm between pixels, measured center-to-center both horizontally and vertically.

b. For freestanding signs (including billboards as defined in this Development Code), no more than 16 mm between pixels, measured center-to-center both horizontally and vertically.

(3) All such signs shall be certified by a Nationally Recognized Testing Laboratory (NRTL) recognized by the US Occupational Safety & Health Administration (OSHA) in accordance with 29 C.F.R. 1910.7.

(4) Maximum brightness:

a. The sign must employ a light sensing device that adjusts the brightness as ambient light conditions change.

b. The sign shall not operate at a brightness level of more than 0.30-foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area), as certified under paragraph (f) below.

(5) A fail-safe device shall be installed that, in the event of a failure of the light sensing device, drops the brightness level to the lowest night-time level allowed, regardless of the time of day.

(f) *Other electronic changeable copy signs.*

(1) Electronic changeable copy signs utilizing TV-type displays (LCD or Plasma, for instance) must comply with the following in addition to all other applicable requirements of this Section and Article:

a. Such signs shall be installed only as building signs.

b. Such signs shall have a minimum resolution of 1080p (High Definition) or equivalent.

c. At any time of the day or night, such signs shall not operate at a brightness level of more than 0.30-foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area).

(2) Electronic changeable copy signs utilizing incandescent bulbs are not allowed.

(g) As part of an application for a sign permit, the sign owner must provide the town with a written statement from the installer that the sign will comply with the town's brightness requirements and all other requirements of this section, and shall certify to such compliance within 30 days after installation of the sign.

(h) Operation of an electronic changeable copy sign in violation of any provision of this section, including overriding the sign's light-sensing or fail-safe devices, may result in the disconnection of the electrical power supply to the sign at the owner's expense, under the procedures of this Development Code.

Sec. 89-788. Permanent signs allowed by land use category.

The following Table 7.1 and Table 7.2 present the maximum number, size, height, and other restrictions relating to specific signage that are permitted by right in each land use category. Additional signage is permitted under section 89-789, section 89-790, section 89-791, section 89-792 and section 89-793 of this article.

(a) *Principal freestanding sign—One use on property.* "Principal freestanding sign—One use on property" on Table 7.1 applies to a lot where there is only one use being made of the property, such as but not limited to one single-family or two-family dwelling, one multi-family development, or one business occupant. A predominantly agricultural property, with or without a residence on the property, is considered a single agricultural use. Properties that are vacant but zoned for a particular land use also fall under this category (see section 89-783(a) for specific definitions of land use categories).

(b) *Principal freestanding sign—Planned center.* "Principal freestanding sign—Planned center" on Table 7.1 applies to a single commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately-owned and have no corporate relationship. A planned center may consist of several businesses in a single building or individual businesses in several buildings on the same lot. In contrast, see "shopping centers" under section 89-789 and "office parks" under section 89-790, below.

(c) *Building signs.* For building signs permitted on Table 7.2, the following shall apply:

(1) For a single-occupant building, the maximum allowed area for a building sign on a wall shall be calculated on the basis of the length of said wall (or as a percentage of the wall area), including all

windows and doors, as shown on Table 7.2.

(2) For multi-tenant buildings, the maximum allowed area for each building sign for each tenant shall be calculated on the basis of the length of the wall (or as a percentage of the wall area), including all windows and doors, of that portion of the structure occupied by the tenant.

(3) No wall sign, projecting sign, canopy sign or other building sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy and no sign copy shall be located within five inches of the top of the sign.

(4) Under canopy signs shall extend perpendicular to the wall and shall be attached at a uniform height.

(5) Projecting and under-canopy signs shall be limited to no more than one per tenant on a property, and each tenant shall have no more than one projecting sign or under-canopy sign, for each street that the tenant faces.

(6) In no case shall a window sign obscure more than 25 percent of a window. Any neon window sign that is allowed shall be constant in its light emission, shall not be animated and shall not be so large or of a character to obscure vision into the premises from the outside.

(d) *Planned developments.* For signs in a mixed-use master planned development, traditional neighborhood development, or senior housing development, each property or individual development within the planned development shall conform to the sign regulations established as part of the zoning approval for the development. If no such regulations exist, each property or individual development within a master planned development shall conform to the provisions of this article in accordance with the land use category of said property or individual development.

Table 7.1: Permitted Freestanding Signs by Land Use Category

Land Use Category (See definitions)						
	Agricultural Property	Single- and Two-Family Residential	Multi Family Property	Commercial Property*	Industrial Property	Institutional Use
Principal Freestanding Sign—One Use on Property:						
Max. Number	1 per lot	1 per lot	N/A	1 per street frontage	1 per street frontage	2 per establishment
Maximum sign face or sign structure area	16 sf	9 sf		32 sf	32 sf	32 sf
Maximum height	10 feet	6 feet		15 feet	15 feet	15 feet
Maximum setback	70 feet	10 feet		10 feet	10 feet	10 feet
Principal Freestanding Sign—Planned Center:						
Max. Number	N/A	N/A	N/A	1 per street frontage	1 per street frontage	N/A
Maximum sign face or sign structure area**				32 sf	32 sf	
Maximum height				15 feet	15 feet	
Minimum setback				10 feet	10 feet	

* See also provisions relating to a shopping center or office park under section 89-790 or section 89-0791,respectively

** (a) Whichever is greater, except as otherwise provided for a shopping center or office park under section 89-790 or section 89-791, respectively.

(b) In a planned center, the area of a sign may be increased for the primary tenant and for up to two other

tenants, provided that the total sign area for all tenants collectively does not exceed one square foot per lineal foot of total wall length.

Table 7.2: Permitted Building Signage by Land Use Category

Land Use Category (See definitions)						
	Agricultural Property	Single- and Two-Family Residential	Multi Family Property	Commercial Property	Industrial Property	Institutional Use
Wall, Awning, Under-Canopy, Projecting & Window Signs On A Building:						
Max. number of Wall, Awning or Projecting signs	1	1	1 per building	1 per tenant for each of the tenant's walls facing a street	1 per tenant for each of the tenants' walls facing a street	1 per tenant for each of the tenants' walls facing a street
Maximum sign face area for Wall, Awning or Projecting sign per wall	1 square foot	1 square foot	4 square feet	1 square foot of sign area for each 1 foot of wall length	Sign area not to exceed 2% of the area of the wall	1 square foot of sign area for each 1 foot of wall length
Additional Under-Canopy Sign	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up to 4 square feet in area	1 per tenant, up to 4 square feet in area	Not Allowed
Additional	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up to 10% of	Not Allowed	Not Allowed
Window Sign				10% of the window area		
Signs On A Free-Standing Canopy:						
Max. number of canopy signs	Not Allowed	Not Allowed	Not Allowed	1 per canopy face	1 per canopy face	Not Allowed
Maximum sign face area				1 square foot of sign for each 1 foot of wall length. 10% of the area of each canopy face	1 square foot of sign for each 1 foot of wall length. 15% of the area of each canopy face	
Maximum sign face area of largest sign				9 square feet	9 square feet	

Sec. 89-789. Shopping centers.

(a) *Freestanding signs in shopping centers*.

(1) Principal freestanding signs are permitted in shopping centers in lieu of the restrictions on planned centers shown on Table 7.1, in accordance with the provisions of this section.

(2) The maximum number of principal freestanding signs permitted in a shopping center is as follows:

Table 7.3. Number of Principal Freestanding Signs Allowed in a Shopping Center

Size of Center (square feet of gross leasable floor area)	Total Number of Signs per Street Frontage*
less than 50,000	1
50,000 to 150,000	2
Over 150,000 but not more than 200,000	3
Over 200,000	4

* One additional sign is allowed if a multi-screen cinema complex is located in the shopping center. See section 89-781(a).

a. A freestanding sign meeting the specifications of this section is permitted for each out-parcel developed as an integral part of the shopping center.

b. Each freestanding sign in a shopping center shall identify the street number of the shopping center. The identification of the street number shall not be included within the square footage allotted for the copy area of the freestanding sign. Such numbers shall be a minimum of eight inches in height or such greater size as to be readable from the public street which affords the principal means of access to the shopping center. Street numbers shall be illuminated so as to be legible, readable and visible at night from the street, which affords the principal means of access to the shopping center. The street numbers shall be situated on the sign so as to be unobstructed by landscaping or other objects.

c. A changeable copy board as defined in this article shall not be permitted on a shopping center freestanding sign, except in conformance with section 89-785(e).

d. No shopping center freestanding sign shall be located within 20 feet of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of such sign shall conform to AASHTO standards, and evidence of such conformity shall be provided to the appropriate transportation or other department.

e. The height of a freestanding sign shall not exceed 20 feet.

f. The width of the sign face or its support shall not exceed the width of the freestanding sign structure.

(3) The permitted area for each freestanding sign within a shopping center is as follows:

Table 7.4. Maximum Area of a Principal Freestanding Sign a Shopping Center

Height of Sign (feet)	Maximum Area of Sign Structure (square feet)	Maximum Sign Face Area (square feet)*
10 or less	420	78
More than 10 but not greater than 12	360	64
More than 12 but not greater than 15	300	50
More than 15 but not greater than 20	240	36

* The copy area of a freestanding sign shall not include the shopping center identification and the street number.

(4) The owner or developer of a shopping center that exceeds 150,000 square feet may elect to forego one or more freestanding signs otherwise permitted under subsection 89-789(a)(2). For each sign that is foregone, the owner or developer may elect to increase the sign face area of one remaining sign up to 100 percent of the square footage that is otherwise permitted under subsection 89-789(a)(3). If there is more than one remaining sign, this percentage may be allocated among the remaining signs. In no event shall the sign face area of any remaining sign be increased by more than 100 percent. By way of illustration, if an owner of a shopping center exceeding 200,000 square feet elects to forego one of the four permitted signs, he might elect to increase the sign face area of one of the remaining signs by 100 percent, or he might elect to increase the sign face area of one remaining sign by 50 percent and the two other signs by 25 percent each, etc.

(b) *Canopy and wall signs in shopping centers.* All building signs in a shopping center are allowed in accordance with the provisions of section 89-788(c).

(c) *Rear entrance signs*.

(1) Rear entrance signs shall be required for each tenant within the shopping center for the purpose of identifying each tenant for county emergency service vehicles. The developer or owner of the shopping center shall be responsible to the town for proper rear entrance signage of tenants, including proper maintenance.

(2) Rear entrance identification signs shall be located on the tenant's rear door.

(3) The area of rear entrance identification signs shall not be less than 18 inches wide and 12 inches high, and the copy shall include the name of the shop and the street number. Lettering and numbering shall be at least two inches in height and shall be Helvetica medium style or an equivalent typeface.

Sec. 89-790. Office parks.

(a) *Office Park principal freestanding signs*.

(1) Principal freestanding signs are permitted in office parks in lieu of the restrictions on planned centers shown on Table 7.1, in accordance with the provisions of this section.

(2) One principal freestanding sign in an office park is permitted for each street frontage.

(3) A changeable copy board shall not be allowed on a principal freestanding sign in an office park.

(4) No principal freestanding sign in an office park shall be located within 20 feet of a public right-of-way.

(5) The height of an office park identification shall not exceed 30 feet.

(6) The area of a principal freestanding sign in an office park shall be as follows:

Table 7.5: Maximum Area of a Principal Freestanding Sign in an Office Park

Frontage of property (feet)	Maximum Area of Sign Structure (square feet)	Maximum Sign Face Area (square feet)
Up to 500	75	40
501 to 1,000	100	50
1,001 to 1,500	150	.75
1,501 or more	200	100

(b) *Building signs in an office park.* All building signs in an office park are allowed in accordance with the provisions of section 89-789(c).

(c) *Rear, secondary or delivery entrance signs.* Rear secondary or delivery entrance signs shall be required at locations within an office park in proximity to the means of access to the rear, secondary or delivery areas of building within the office park so as to identify such entrances for public safety purposes. All such signs shall

be either freestanding signs not exceeding ten feet in height or shall be wall signage, which shall be included within the total area allowed for building signage shown on Table 7.2.

Sec. 89-791. Billboards.

(a) *Billboard; defined.* A billboard is a freestanding sign that exceeds the sign area limitations established or otherwise approved for principal freestanding signs under section 89-788 of this article, and is not a principal freestanding sign authorized for a "shopping center" under section 89-789 or for an "office park" under section 89-790.

(b) *Maximum number of billboards*.

(1) The council has considered the need for commercial and non-commercial speech through the medium of signs, in the incorporated portions of the town. These interests must be weighed against the aesthetic and safety concerns that have been enumerated elsewhere in this article. After thorough consideration of these countervailing interests, the council has developed the following regulations regarding the total number and structure of signs in the incorporated portions of the town:

a. A total of 5 signs that are otherwise in conformance with the regulations found in this article shall be allowed in accordance with section 89-891(c), in the incorporated portions of the town.

b. As a result of this section, once the number of signs within the incorporated portions of the town reaches 5, no more permits for signs shall be issued.

(2) *Removal and replacement*.

a. The council is aware that as the use of land changes, whether through condemnation, development, or redevelopment, certain billboard signs may need to be replaced or removed from the location where they were originally built. Whenever a billboard is removed, the owner of such removed sign shall be allowed to erect and operate a billboard at a permissible location as allowed by this section, if the owner makes application for such a permit within 12 months of the removal date. If the owner of a removed sign does not make application for another permit within 12 months, then other applications may be accepted for consideration by the Town Council.

b. Billboards that are not located at a permissible location as allowed by this section may not be replaced at the same location.

(c) *Billboards; where allowed*.

(1) A billboard shall only be allowed individually as a principal use on a property where no other principal use is located.

(2) The billboard must be located on a property that meets the following criteria:

a. The property must be zoned for commercial or industrial use.

b. The property must have at least 200 feet of frontage on Georgia Highway 316.

(3) The billboard must be placed within 660 feet of Georgia Highway 316.

(d) *Restrictions on billboards*.

(1) Distance requirements.

a. Each billboard shall be located not less than 1,000 feet from any other billboard and not less than 100 feet from a residential or agricultural zoning district.

b. No sign shall be located less than 1,000 feet from a national park, state park, local monument or church.

c. Distance measurement shall be made horizontally in all directions from the nearest edge of the sign face.

(2) *Size of signs.* Signs shall not exceed 90 feet in height nor be less than 15 feet above ground level. Sign faces shall not exceed 672 square feet or 48 feet in length, width, or height.

(3) *Sign faces.* No more than one single-faced or double-faced sign can be located on a single billboard sign structure. Only one sign module is allowed on a single-faced billboard sign structure, and only two sign modules are allowed on a double-faced billboard sign structure. The two sign modules forming a double-

faced billboard must be parallel (back-to-back) to one another or form an interior angle no greater than 60 degrees, and the two sign modules may be separated from each other at their nearest point by no more than three feet.

(4) *Sign orientation.* Only one sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs but prohibits two signs (side by side or one above the other) facing the same direction.

(5) *Angle of the roadway.* Billboards shall be placed at no more than a 20-degree angle from the roadway.

(6) Location on property. All portions of the billboard must be located on a property in accordance with the front, side and rear yard setback requirements of the zoning district in which it is located.

(7) *D.O.T. regulations.* The billboard must comply with all requirements of the State of Georgia and the Georgia Outdoor Advertising Act (O.C.G.A. § 32-6-70 et seq.), as well as the provisions of this section, whichever are the most restrictive.

(8) *Abandonment requirements.* The owner shall not allow the billboard to be "abandoned" for greater than 60 days. If the billboard does not have a functioning purpose by the expiration of the 60-day time limit, the sign owner shall provide a public service announcement free of charge to the town.

(9) *Illumination of signs.*

a. The light from any illuminated sign shall not be of an intensity or brightness, which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.

b. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

c. Neither direct, nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

(Ord. of 10-13-2020)

Sec. 89-792. Other permanent signage allowed.

(a) *Miscellaneous freestanding signs.* Freestanding signs in addition to those shown on Table 7.1 are allowed as accessory uses on a property occupied by any multi-family, commercial, industrial, or institutional use if each sign complies with all of the following:

(1) Within the area between a street and the minimum front yard setback for principal buildings required for the zoning district, additional signs may be located within three feet of driveways that provide access into or from the property.

a. There shall be no more than two such signs per driveway and each such sign shall not exceed 17½ square feet in sign area nor be more than 2½ feet in height.

b. Entrance/exit signs may be supported by poles or columns, but in a shopping center or office park development the poles or columns must be covered with a skirt or solid base constructed of the same material and having the same color as the exterior of the shopping center structure.

c. No entrance/exit signs shall be located within five feet of the public right-of-way of any street.

d. Up to four signs may be part of the same sign structure, but all signs on a structure shall be of the same dimensions and shall be attached to each other.

(2) Miscellaneous freestanding signs located farther from the street than the minimum required front yard setback shall be allowed as follows:

a. One miscellaneous sign not to exceed 48 square feet in area nor more than eight feet in height may be located on the property for each principal building on the lot.

b. Other miscellaneous freestanding signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial, industrial, or public or community use, provided that such signs shall have no more than four square feet in sign face area nor more than three feet in height (except signs that are required by law to be higher than three feet high, such as those

marking a handicapped parking space).

(b) *Recreational facility signs*.

(1) Recreational facility signs shall be those signs erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms at a public or private recreational facility.

(2) Such signs shall be allowed on any public or private property where the aforementioned recreational facility is permitted and located.

(3) Such individual signs shall not exceed eight feet in height and 32 square feet in area and must face inward to the recreational activity area.

(4) There shall be no limit on the number of signs per site provided that such sign faces are not visible from neighboring residential property or public rights-of-way.

(c) *Flags*. Any cloth, paper, thin plastic, or similar material that is displayed by hanging or flying, is allowed as an accessory use on any property that is used in any land use category if it complies with all of the following:

(1) No more than three flags may be displayed on a lot occupied by an agricultural use, a single-family or two-family residential use, or a multi-family residential use. No single flag shall be larger than 24 square feet in size, and the total area for all flags collectively shall not exceed 45 square feet.

(2) No more than three flags may be displayed on a lot occupied by a commercial, industrial or an institutional use, no single flag shall be larger than 40 square feet in size, and the total area for all flags collectively shall not exceed 72 square feet.

(3) Flags shall not be located on flagpoles that exceed the building height limitation of the zoning district for the property where the flag is displayed.

Sec. 89-793. Standard informational signs.

(a) The maximum aggregate sign face area for all standard informational signs shall be 18 square feet for each parcel and/or development.

(b) Notwithstanding the maximum aggregate sign face area described in subparagraph (a) above, in addition to the standard informational signage allowed pursuant to this article, from the date of qualification of a candidate for a political election or a referendum question until the date of final determination on each ballot issue and candidate (the "election period"), each parcel and/or development may display an unlimited number of additional standard informational signs, provided that the sign face area of any additional standard informational sign erected during the election period pursuant to this subparagraph (b) shall not exceed six square feet.

Sec. 89-794. Temporary signs.

(a) *Temporary signs; allowed*.

(1) Certain signs are allowed through the issuance of a temporary sign permit. Such temporary signs shall not be restricted as to the message displayed on the sign but must comply with the provisions of this Section.

(2) Temporary signs must comply with all requirements of this article, including the prohibitions of section 89-785 and general requirements applying to all signs, except as modified by the provisions of this section.

(3) Fixed location: All temporary signs must be installed at a fixed location, either attached to the ground as a freestanding sign or attached to a building. Temporary signs shall not be attached to a vehicle or other movable, animated or portable device, or attached to, held by or displayed upon a person.

(b) *Issuance of a temporary sign permit*.

(1) A temporary sign may not be displayed unless a permit is issued pursuant to section 89-796 unless otherwise exempt under this article.

(2) A temporary sign permit shall only be valid for a period of 30 days from the date of issuance, after which time the owner of the temporary sign or owner of the premises where such sign is located shall remove

the sign from the premises.

(3) No more than one temporary sign permit may be issued to the same premises per quarter, not to exceed four temporary sign permits per one calendar year.

(c) *Size of temporary signs*. Temporary signs are restricted to the following sign areas and sign heights:

(1) Single-family residential, townhouse condominium or manufactured home lot: Temporary signs located on such subdivided lots shall not exceed six square feet in sign face area and five feet in height.

(2) Residential or nonresidential subdivision or condominium development under construction: Signage within a residential or nonresidential subdivision or condominium development under construction shall not exceed 32 square feet in sign face area and eight feet in height.

(3) Multi-family, manufactured home park or nonresidential use property (as defined in this article).

(4) Temporary signs located on a multi-family, manufactured home park, or nonresidential use property shall not exceed 32 square feet in total sign face area and eight feet in height per sign.

(d) *Location of temporary signs*.

(1) All temporary signs shall be located as follows:

a. At least ten feet from any street right-of-way line, back of street curb or edge of street pavement, whichever is farthest from the street.

b. At least ten feet from any side or rear property line and the pavement edge of a driveway.

c. Temporary signs located within 30 feet of an intersection of two streets or a driveway and a street shall be no more than 3 feet in height.

(2) Temporary signs are not allowed to be placed within or over a public street right-of-way or private street easement.

(3) A temporary sign must be a freestanding sign or a building sign (as defined in this Article), and shall not be affixed to any tree, utility pole or official traffic sign or structure.

A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

(e) *Construction and lighting standards of temporary signs*.

(1) Construction standards for signs requiring building permits. A temporary sign for which issuance of a building permit is required by the Building Code shall meet the same engineering design and materials standards as for permanent signs as required by the Building Code.

(2) Construction standards for signs not requiring building permits.

a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.

b. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face.

(3) Electronic and manual changeable copy signs shall not be allowed.

(f) *Lighting*.

(1) Temporary signs shall not be illuminated.

Sec. 89-795. Sign permits.

(a) *Sign permits; when required*. In addition to a building permit as may be required under the Building Code, a sign permit shall be obtained from the building official prior to installation, relocation, expansion, construction or structural alteration of any sign regulated under this article, except for those signs specifically exempted under 89-795(b), below.

(b) *Sign permits; exemptions*. The following do not require issuance of a sign permit. These exemptions apply only to the requirement of a permit and do not relieve the owner of the sign from compliance with all other requirements of this article for the particular sign.

(1) A sign permit will not be required under the following conditions:

a. Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that compose a sign's message, in whole or in part, shall not require a sign permit unless a structural change is made.

b. Painting, repairing, cleaning, or maintaining a sign shall not require a sign permit unless a structural change is made.

(2) A sign permit will not be required for the following listed signs:

a. Any sign that is otherwise exempt from regulation under 89-784(b) of this article.

b. A principal freestanding sign as provided in section 89-788(a).

c. A temporary standard informational sign as provided in section 89-793.

(c) *Multi-tenant nonresidential projects*.

(1) A master sign plan is required for any multi-tenant nonresidential development, such as a planned center, shopping center or office park, before any signs for the development or the development's tenants may be placed on the property.

(2) The master sign plan shall govern the placement and design of all signs within the development as to their location, number, materials, size, letter style, and color.

(3) A master sign plan shall include the following:

a. An itemized list and a keyed site plan at a suitable scale showing the location of all existing and proposed signs to be located on the property and all existing signs proposed to be removed.

b. The master sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.

c. Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot and the buildings and structures therein, whether existing or new, and whether permitted by right or additional.

d. Signs that are otherwise exempt under this article need not be shown on the master sign plan.

(4) Process for approval of master sign plan. The master sign plan is to be submitted to the Town Council. The master sign plan shall be approved upon a finding by the building official that:

a. The Town Council has determined that the plan adequately provides that signs of a similar type and function within the development have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies; and

b. The Town Council has determined that the signs proposed in the master sign plan comply with the requirements of this article in all respects, or a special exception shall have been approved pursuant to section 89-795.

(5) The requirements of the approved master sign plan shall be recorded by the owner in the office of the clerk to the superior court prior to issuance of a certificate of occupancy or connection to permanent power for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.

(6) All tenants of the development, whether an owner, lessee, subtenant, purchaser, or other occupant, Shall Comply With The Approved Master Sign Plan.

(d) *Permits.* Applications for sign permits shall be made available by the Town or its designee. The official is hereby authorized to produce an application form, the form and other requirements for which may be updated whenever staff deems it necessary. Any applicant for a sign permit shall provide the following information:

(1) The street address of the property upon which the subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the inspector shall be used.

(2) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

(3) Written consent of the owner or his agent, granting permission for the placement of maintenance of subject sign.

(4) The value of the sign.

(5) The square foot area and height of each sign.

(6) The building official may require a sketch or print drawn to scale showing the pertinent information such as wind pressure requirements and display materials in according with the town building code. The building official may require additional information on such print or sketch to ensure compliance with this article.

a. The sketch shall set forth the location of the sign, the size of the sign, the wind pressure the sign can withstand, and the distance of the sign from the road.

b. The sign shall be required to be certified to withstand winds of at least 70—75 miles per hour of wind pressure before a permit will be issued.

(7) Name, address, telephone number and business license number of the sign contractor, if applicable.

(8) For temporary signs, the application shall include:

a. A list of the temporary signs to be placed on the property.

b. A description of the temporary signs to be placed on the property.

c. For flags, banners, streamers and other festoons, written and graphic evidence of compliance with all requirements of this Article.

(9) The application fee, as may be established by the Town Council from time to time.

(e) *Approval of sign permit*.

(1) Once a complete application for a sign permit has been received, the Town official, or designee shall act to grant or deny each application for a sign permit within ten business days. All complete applications for signs, which are certified to be constructed in conformance with this article, shall be granted.

(2) If the Town or its designee fails to act on a complete application within ten days of receipt, it shall be deemed approved, subject to the requirements and provisions of this article.

(f) *Expiration date.* A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance.

(g) *Labels required on signs.* With each permit the official shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such sticker to the sign in the lower right-hand area so it will be easily seen. The absence of a proper sticker shall be prima facie evidence that the same has been done or is being erected or operated in violation of the provisions of this article.

(h) *Nonconforming signs*.

(1) Any sign that was in existence at the time of the effective date of this Development Code and was legal pursuant to the town's previous sign regulations at the time it was built, shall be regulated under the provisions of the general article of this Development Code relating to nonconforming signs. The structure, dimensions, and location of any such sign shall not be changed without first complying with this article.

(2) No conforming sign shall be erected on the same parcel of land as an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of the article.

(i) *Maintenance.* All signs must be maintained in a state of good repair. When the marshal or other authorized town official believes that a sign is dangerous or is otherwise in a state of disrepair, they shall contact the owner of the sign in writing and request that the problem be repaired or corrected. If the owner has not appealed the official's determination to the Town Council or corrected the problem(s) within ten days of the

date of the written notice, the town shall arrange for removal of any such sign and bill the owner for all costs of such removal, in accordance with the administration and enforcement article of this Development Code relating to the removal of illegal signs.

(j) *Bond, public liability insurance required.* It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the town unless and until such entity has obtained a town business license and certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of $25,000.00 for property damage for any one claim and public liability insurance in the amount not less than $100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier will notify the town 30 days in advance of any termination and/or restriction of the coverage.

Sec. 89-796. Appeals.

(a) *Denial of permit.* If an applicant for a sign permit has been denied a permit, the applicant may appeal this decision by filing a written request with the Town Council under the provisions of the appeals article of this Development Code. Such appeal will be heard by the Town Council at the earliest appropriate meeting, but in no case more than 60 days after the date of the filing of the written request for appeal.

(b) *Modifications to sign restrictions.* The restrictions placed on signs by this article, including the number, size, height, illumination and location on a property or relative to other signs, may be modified as a special exception variance granted under the procedures of the appeals article of this Development Code.

(1) Signs that are prohibited under this article may not be approved as a special exception variance.

(2) Master sign plan required. In addition to the requirements and standards for a special exception variance in the appeals article, a request for approval of a special exception variance related to signs must be supported by a master sign plan that meets the requirements of subsection 89-795(c)(3).

(3) Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of this article for the property to which it pertains.

Secs. 89-797—89-845. Reserved.

ARTICLE VIII. BUFFERS, TREE CONSERVATION, AND LANDSCAPING

DIVISION 1. GENERALLY

Sec. 89-846. Purpose of article.

The purpose of this chapter is to provide requirements for the landscaping and buffering of developments and for the protection of existing trees in all zoning districts, in order to enrich the developed and natural environment of Town of Bethlehem by:

(a) Providing for the separation of incompatible types of land use.

(b) To require landscaping and the preservation and replacement of trees in certain areas within the Town in order to ensure the continued health of its citizens through improved air and water quality.

(c) To provide developers and others active in the Town with the appropriate guidance to better ensure proper tree preservation and replacement in the course of the land development process in the town.

(d) To preserve property values in the Town by maintaining a safe, aesthetically pleasing environment.

(e) To prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.

(f) To reduce soil erosion in the Town by planting trees and other vegetation so as to aid in prevention of soil loss through stormwater runoff and flooding and to promote stormwater infiltration.

(g) To reduce noise and glare on adjacent properties from properties that has been extensively developed.

(h) To conserve energy by cooling surrounding air temperatures through the existence of adequate shade trees.

Secs. 89-847—89-860. Reserved.

DIVISION 2. ZONING BUFFERS BETWEEN INCOMPATIBLE LAND USES

Sec. 89-861. Zoning buffers; where required.

A zoning buffer shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Zoning buffer requirements.

Adjacent uses or zoning districts:	A zoning buffer is required along a side or rear lot line of the uses below when adjacent to one of the uses or zoning districts in the left column.		
	Townhouse or Multi-Family	Office, Commercial, or Light Industrial	Heavy Industrial
Agricultural District	25 Feet	25 Feet	100 Feet
1- or 2-Family Residential	25 Feet	50 Feet	100 Feet
Townhouse or Multi-Family		50 Feet	100 Feet
Office, Commercial, or Light Industrial			25 Feet

(a) A zoning buffer must be provided between any multi-family use (townhouses, apartments or mobile home park) and any agricultural zoning district or single-family or two-family use or zoning district;

(b) A zoning buffer must be provided between any office or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district; and

(c) A zoning buffer must be provided between any industrial use and any agricultural zoning district; any single-family, two-family, multi-family use or zoning district; or any office or commercial use or zoning district.

Sec. 89-862. Zoning buffers; when required.

Zoning buffers are required to be created at the time of construction of any new development.

Sec. 89-863. Zoning buffer design standards.

(a) *General*. Zoning buffer areas shall contain no driveways, parking areas, patios, or any other structures or accessory uses except for a fence, wall, utility or earthen berm constructed to provide the visual screening required to meet the standards of this Development Code. Underground utilities may be permitted to cross a zoning buffer if the screening standards of this Development Code will be subsequently achieved. Vehicular access through a zoning buffer may be allowed only as a condition of rezoning, special use or any type of master planned development approval by the Town Council, as follows:

(1) Approximately perpendicular to the greater distance of the zoning buffer area and for drainage improvements required by the Town based upon competent engineering studies which show these improvements to be necessary, upon approval of the Town Council.

(2) Except as provided above, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin this natural growth where too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval of the Town Council; this easement may cover no more than 20 percent of the required zoning buffer area, and shall be immediately replanted upon completion of easement improvements.

(b) *Width of zoning buffer*.

(1) Zoning buffers required along any lot line shall be no less than the minimum required width as shown in Table 8.1.

(2) When a proposed development adjoins an existing development but the full width of the required zoning buffer does not exist, the new development shall provide a zoning buffer of adequate width to meet the full width required in Table 8.1 when considered in combination with any existing zoning buffer on the property of the adjoining development.

(c) *Minimum required screening.* Minimum required screening shall consist of a natural zoning buffer utilizing existing vegetation or a structural zoning buffer, whichever provides an opaque visual screen to a height of six feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six feet high within two growing seasons.

(d) *Natural zoning buffers.* Natural zoning buffers may contain deciduous or perennial vegetation but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

(e) *Structural zoning buffers.* Structural zoning buffers shall meet the following criteria:

(1) Structural zoning buffers shall be vegetated throughout the minimum area required for the zoning buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.

(2) All earthen berms shall have a maximum side slope of 50 percent (one foot of vertical rise to two feet of horizontal run). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.

(3) Trees shall be located or planted within any structural zoning buffer at a density of no less than one overstory tree for each 40 feet of zoning buffer length or portion thereof or one understory tree for each

20 feet. Overstory and understory trees may be combined using the appropriate density distance for each. New deciduous trees shall have a caliper of no less than two inches upon planting, and new evergreens shall be at least five feet tall when planted. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

(4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property and shall meet location requirements for fences and walls in section 89-407.

(5) Fences used in zoning buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.

(6) The accompanying Figure 21 provides examples of natural and structural zoning buffers. Other solutions meeting the minimum requirements of this section are also acceptable.

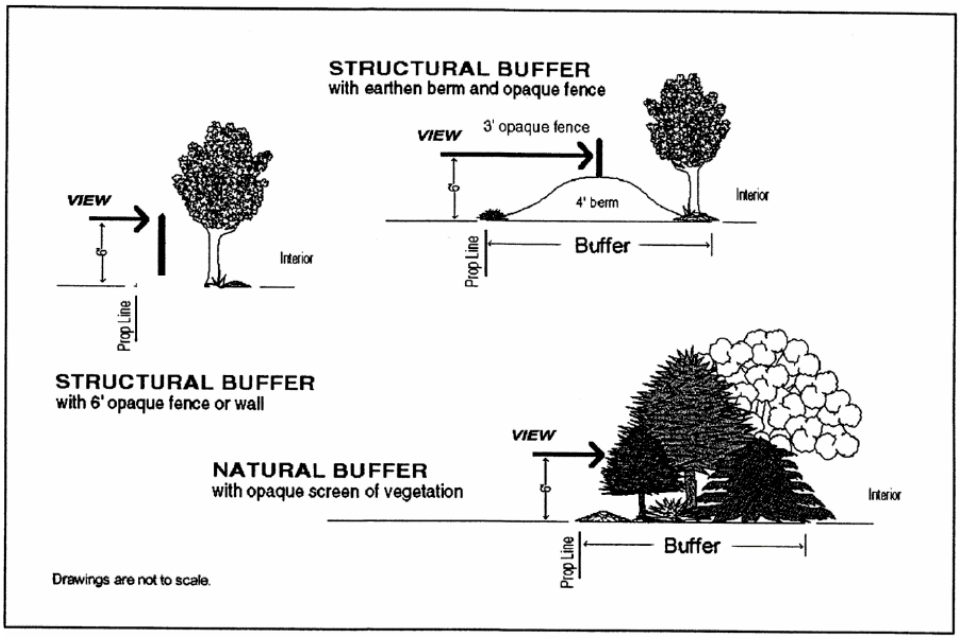


Figure 8.1. Examples of zoning buffers

Sec. 89-864. Maintenance of zoning buffers.

Every zoning buffer required by this article shall be maintained by the owner of the property where the zoning buffer is located, so as to provide an opaque visual screen to a height of six feet on a continuous, year-round basis.

Sec. 89-865. Zoning buffer modifications.

(a) *Automatic reduction in zoning buffer width*. If a structural zoning buffer is provided that creates an opaque screen to a height of no less than eight feet instead of six, the zoning buffer may be reduced to a width of no less than 75 percent of the zoning buffer width otherwise required. If the structural zoning buffer achieves a height of 12 feet or more, the zoning buffer width may be reduced to 50 percent of the width otherwise required.

(b) *Location of zoning buffers*. Zoning buffers may be relocated on the site to best achieve the screening required.

(c) *Waiver for unnecessary zoning buffers*. The Town Council may waive a zoning buffer requirement or reduce its extent to a temporarily appropriate level of screening if the comprehensive plan anticipates future development on the adjoining property in a land use category such that a zoning buffer would not be required by this Development Code once the adjoining property is rezoned or developed.

Secs. 89-866—89-890. Reserved.

DIVISION 3. TREE CONSERVATION

Sec. 89-891. Purpose and intent.

(a) The purpose and intent of this division is to:

(1) Provide standards for the protection of trees as part of the land development and building construction process within Town of Bethlehem;

(2) Provide a healthy living environment and make the Town an attractive place to live and work;

(3) Maintain control of stormwater runoff, noise, glare, and soil erosion; and

(4) Preserve, protect, and promote the general health, welfare, and safety of the public.

Sec. 89-892. Applicability.

(a) Exemptions from tree conservation requirements. The tree conservation requirements shall not apply to the following:

(1) Individual homeowners. The exemption does not include an exemption from requirements for protective buffers along streams, creeks, and reservoirs.

(2) The following situations within all residential districts shall also be exempted:

a. Where the addition to a principal structure will constitute structural and exterior changes to the home.

b. Where the construction of an accessory structure(s) and/or uses including, but not limited to, swimming pools and tennis courts, is permitted, including an accessory residential living facility (a.k.a. guest quarters).

c. The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger to an existing or proposed home, or other structure.

(3) Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets.

(4) Agricultural activities.

a. Property in use for agricultural tree harvesting (as defined by this Development Code) or other agricultural activities (as defined by this Development Code), provided that the timber harvesting notice requirements of this Development Code and the requirements of state law and regulations regarding tree harvesting are met.

b. If a property is systematically thinned of trees or is clear-cut for any purpose other than a bona fide agricultural use, or the timber is harvested without complying with the requirements of this Development Code and state law, a preliminary plat or project site plan for development of the property may not be approved for a period of five years. This restriction may only be waived by the Town Council by majority vote. Such waiver may be based on a valid excuse for the clear-cutting, or on remedial action such as the replanting of trees.

(b) Nothing in this section shall be construed to allow the removal of any tree or vegetation in a required stream buffer, watershed buffer, buffer adjacent to waters of the state, or other undisturbed or planted buffer located for protection of natural resources, except where such removal has been specifically authorized as set forth in this UDC.

Sec. 89-893. Requirements in all zoning districts.

(a) *Clear cutting of any lot in a residential subdivision is prohibited, except as noted below*. On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot. Clearing shall be limited to the specific development and an area not to exceed ten feet from the specific development, including areas for:

(1) The placement of the individual home;

(2) The placement of driveways and sidewalks;

(3) The placement of utilities and detention ponds;

(4) The placement of septic systems;

(5) The placement of roads;

(6) The placement of decks and patios; and

(7) Proper drainage as required by the town.

Sec. 89-894. Protection of trees during construction.

Methods and standards for tree protection shall be required as follows:

(a) Trees identified to be preserved and/or planted+ and being counted as credit for meeting the requirements of section article VIII, division 3, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the critical root zones.

(b) No person engaged in the construction of any structure(s) or improvement(s) shall encroach on a designated tree-save/critical root zone area with heavy machinery or the storage of heavy building materials.

(c) During construction, a tree save area must be designated around any trees that are to remain at the end of construction. Desirable trees should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of a four-foot high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the noninvasive drip line area.

(d) The barrier should be placed beyond the drip zone (critical root zone) and should prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area.

DIVISION 4. LANDSCAPING AND TREE REPLACEMENT

Sec. 89-895. Applicability and provision of landscape plans.

(a) In order to demonstrate compliance with the requirements of this chapter, a landscaping plan shall be submitted with applications for development approval for all development subject to these standards. The requirements and procedures for submittal, review, and approval of all applications are set forth in article XII. The requirements of article VIII, division 3 shall apply to all properties to be developed, or redeveloped within the town, except as may specifically be exempted below:

(1) The construction of single-family detached dwellings and in subdivisions of no more than five lots.

(2) Industrial development is exempt from certain standards in this division, where indicated in the sections of this division.

(3) Applications for accessory uses, accessory structures, or temporary uses.

(4) Public utility companies and government agencies.

(b) A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Article VIII, including the following:

(1) Identification of size and species of all trees that will be retained upon the site.

(2) Location of tree protection area fencing.

(3) Location and species of trees and other landscaping to be planted.

Sec. 89-896. Maintenance requirements.

All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive.

(a) Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than six months following identification of the need for replacement.

(b) Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.

Sec. 89-897. Landscape standards for nonresidential development.

(a) Required landscaped areas, including general landscaping, parking lot landscaping, perimeter landscaping, and buffer areas shall not be disturbed by grading, property improvements, or construction activities, except where necessary to prevent a nuisance, or to thin natural growth which is too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers.

(b) A minimum of 12 percent of the total buildable area in any parcel shall be devoted to landscaping.

(c) Buffers required in article VIII, division 2 shall not be counted towards the 12 percent landscaping area requirement.

(1) *Exemptions*. Industrial development is exempt from this requirement and can count required buffers towards the landscaping requirement, when applicable.

(d) Trees of at least six inch DBH preserved within buffers or setbacks may be counted towards tree planting requirements in Table 8.1.

(e) Landscaped areas may utilize existing natural vegetation in an undisturbed state provided that the existing vegetation is appropriate for inclusion.

(f) The site design standards for landscaping are provided in Table 8.2 below.

(g) A minimum of 50 percent of trees planted shall be large trees as listed in section 89-900(b)(1)a.

Table 8.2: Site Design Standards for Nonresidential Landscaping

Location of Landscaping*:	Number of Plants:
Front yard setback	1 tree and 5 shrubs per 40 linear feet of frontage. Full coverage of pervious areas
Side yard setback	1 tree and 5 shrubs per 25 linear feet lot depth. Full coverage of pervious areas
Rear yard setback	1 tree and 5 shrubs per 25 linear feet lot width. Full coverage of pervious areas

* Trees and landscaping may be clustered or grouped in order to enhance aesthetics.

Sec. 89-898. Residential landscape standards.

(a) Prior to the issuance of a building permit, any parcel of land for which a building permit has been requested shall have preserved or planted trees, meeting the following standards:

(1) The minimum DBH is two and one-half (2½) inches.

(2) A minimum of 75 percent of planted trees shall be hardwoods.

(3) All recorded lots within a subdivision shall have planted or preserved the required number of trees according to the zoning district, as set forth in subsection (b) below. Agricultural Residential (AR) properties are exempt from these requirements.

(4) Existing trees counted towards residential landscaping requirements shall be at least six inches DBH.

(b) Residential tree plantings must comply with requirements in Table 8.3.

(c) *Subdivision entrances.* For each subdivision entrance sign located on private property, there shall be a minimum of one large tree, or two medium or small trees, and five shrubs.

Table 8.3: Tree Planting Requirements by Residential Zoning District

Zoning District	Number of Trees Planted or Preserved	
	First acre	Each additional 0.3 acre
R-1, Master Planned Subdivisions	6	1
R-2, R3 (Single Family, Duplex), MH	4 trees per parcel	

R3 (Townhouse, Condominium, or Apartment)	8 trees per 2 acre site

Sec. 89-899. Landscape requirements for parking lots.

(a) *Perimeter landscaping for parking lots.* A minimum of a ten-foot wide strip of land, located between the property line and a parking lot shall be landscaped. Width of sidewalks shall not be included within the ten-foot wide front setback perimeter landscape area.

(b) *Interior landscaping.*

(1) Industrial development shall be exempt from interior landscaping requirements in section 89-874(b).

(2) Parking lots with 20 or more parking spaces shall provide interior landscaping.

(3) Interior planting areas may be located in tree islands, at the end of parking bays, or between rows of parking spaces. Tree islands shall be a minimum of ten feet wide and 150 square feet.

(4) There shall be one tree required for each ten parking spaces.

(5) New trees shall have a caliper of no less than two and one-half inches upon planting and shall be maintained in good condition. Trees must be removed as a result of disease, damage or death, and must be replaced.

(6) Vehicle stops or curbing shall be used to ensure that vehicles do not overhang required landscaped areas.

Sec. 89-900. Landscape material and planting standards.

(a) Trees and landscape materials selected for planting must be free from trunk or root injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Whenever appropriate, all landscaped areas shall utilize existing natural vegetation in an undisturbed state.

(b) Species. Species selected as replacement trees shall be selected from the list of appropriate trees provided below. A mix of trees with no more than 25 percent of one genus is acceptable for meeting replanting requirements. Landscaping materials must be ecologically compatible with the site where they are to be planted, and a mix of shrubs with no more than 25 percent of one genus is acceptable for meeting landscaping requirements.

Appropriate tree and shrub species are included in the following tables:

Table 8.4: Large trees

Average spacing: 40 feet on center	
Nuttall Oak	Princeton Elm
American Beech	Red Leaf Maple
American Yellowwood	Red Maple
Bald Cypress (Shawnee Brave)	Scarlet Oak
Basswood	Short Leaf Pine
Black Gum	Shumard Oak
Chinese Elm (Allee, Athena, Drake, Bosque)	Slippery Elm
Eastern Red Cedar	Southern Magnolia
Gingko (President, Autumn Gold)	Southern Red Oak
Hickories	Sugar Maple
Laurel Oak	Sugarberry
Longleaf Pine	Sycamore
Northern Red Oak	Tulip Poplar
Nuttall Oak	Virginia Pine
Overcup Oak	Water Oak
Persimmon	Willow Oak

Post Oak	Zelkova (Green Vase or Village Green)

Table 8.5: Medium and small trees

Average spacing: 25 feet on center:	
Amur Maple	Mountain Ash
Arizona Cypress	Mountain Silverbell
Big-leaf Magnolia	Parsley Hawthorn
Carolina Silverbell	Pawpaw
Cherry Laurel	Redmond Linden
Chinese Fringe Tree	Sassafras
Cockspur Hawthorn	Saucer Magnolia (Butterflies)
Crabapple	Serviceberry
Crape Myrtle	Sourwood
Eastern Red Cedar	Southern Sugar Maple
Eastern Redbud	Star Magnolia
Flowering Dogwood	Sweetbay Magnolia
Fosters Holly	Texas Redbud (Cercis reniformis)
Georgia Oak	Umbrella Magnolia
Golden Rain Tree	Virginia Pine
Green Hawthorn	Washington Hawthorn 'Princeton Sentry'
Hophornbeam	Wax Myrtle
Ironwood	Weeping Cherry
Japanese Black Pine	Yaupon Holly
Japanese Dogwood	Yellowwood
Japanese Maple	Yoshino Cherry
Kousa Dogwood	Zelkova (Wires)
Kwansan Cherry	

Table 8.6: Shrubs

American Beautyberry	Littlehip Hawthorne
American Bladdernut	Maple-leaf Viburnum
American Devilwood	Mayhaw
American Holly	Mugo Pine
American Snowbell	Nandina
American Strawberry Bush	Nellie R. Stevens Holly
Arborvitae	NineBark
Arrowwood	Northern Bayberry
Azalea	Oakleaf Hydrangea
Blackhaw Viburnum	Oregonholly Grape
Buckeye	Osmanthus
Buckwheat Tree	Pittosporum
Burford Holly	Possumhaw
Buttonbush	Red Chokeberry
Chickasaw and Hog Plum	Red Tip
Chinese Witchhazel	Savannah Holly
Cleyera	Silky Dogwood
Devil's Walkingstick	Smooth or Winged Sumac
Drooping Leucothoe	Sparkleberry
Dwarf Burford Holly	Spice Bush
Dwarf Chinese Holly	Spirea (all varieties)
Dwarf Nandina	Strawberry Bush
Dwarf Yaupon Holly	Swamphaw Viburnum
Eastern Red Cedar	Sweet Pepperbush

Elderberry	Tag Alder
Euonymus	Thorny Eleagnus
Flowering Jasmine	Viburnum
Forsythia	Warty Barberry
Hazelnut	Wax Myrtle
Hetz Juniper	Weigela
Hoptree\Wafer-Ash	Wild Hydrangea
Itea, Virginia Sweetspire	Winter Honeysuckle
Japan Yew	Winter Jasmine
Japanese Flowering Quince	Winterberry
Japanese Holly	Witchhazel
Juniper	Yellow-Root
Leatherleaf Vinburnum	

(b) Tree planting standards.

(1) A planting area of 150 square feet shall be required for each large tree.

(2) A planting area of 100 square feet shall be required for each small tree.

(3) All planting strips shall have a minimum width of five feet.

(4) Trees shall be planted to avoid septic tanks and drain fields.

(5) The hole shall be a minimum of two times the width of the root ball with sloped sides. The depth of the hole should be no deeper than the height between the bottom of the root ball and the trunk flare.

(6) Once the tree is placed in the hole, all strapping plus the upper half of burlap and wire basket must be removed from the top of the root ball.

(c) Required comments and standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publications, "Tree and Shrub Transplanting Manual", "The Practical Science of Planting Trees", or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60, -2014) for plant material quality specifications. The location of plant materials shall be such that developers incorporate landscaping design that enhances the aesthetics of the property in keeping with the planned use.

Sec. 89-901. Alternative compliance.

(a) *Overview.* The intent of the tree conservation provisions of this Development Code is to ensure that an adequate amount of trees are preserved or planted on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required number of trees. To provide a viable alternative for such cases, the developer may be allowed to plant trees at his own expense on an alternate property in lieu of over-planting the development site.

(b) *Alternate tree plantings*.

(1) The Town or its designee must review and approve all requests for alternative compliance. In no instance shall 100 percent of the required tree units be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the development site.

(2) Public properties, such as school sites, parks, fire stations and other publicly owned sites, will be given priority for alternate tree plantings.

(3) Tree planting on alternate compliance properties shall be done simultaneously with the planting of trees on the development site such that inspections and final approval for the project will include trees planted on the alternate property.

(4) The land disturbance permit for the development site will only be issued after the Town or its designee has approved the alternate compliance request and the property designated to receive the alternate plantings.

Secs. 89-902—89-950. Reserved.

ARTICLE IX. ENVIRONMENTAL PROTECTION

DIVISION 1. GENERALLY

Sec. 89-951. Purpose of article.

This article sets out the minimum requirements and standards for the protection of the natural environment within the town, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

(a) Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the state;

(b) Protect the natural habitat of animal and plant life relative to water resources; and

(c) Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb floodwaters.

Secs. 89-952—89-965. Reserved.

DIVISION 2. RIVER AND STREAM CORRIDOR PROTECTION

Sec. 89-966. Adopted.

The provisions of this division are adopted pursuant to the rules for Environmental Planning Criteria of the Georgia Department of Natural Resources (Chapter 391-3.16), adopted by DNR under O.C.G.A. § 12-2-8, the Metropolitan River Protection Act (O.C.G.A. §§ 12-5-440 et seq.), and the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. §§ 12-7-1 et seq.).

Sec. 89-967. Water supply watershed management plan.

This division is adopted in contemplation of the preparation of a water supply watershed management plan and hereby incorporates such water supply watershed management plan upon its completion and acceptance by appropriate federal, state and Town officials as necessary or appropriate.

Sec. 89-968. Protected rivers and streams; defined.

(a) *Protected rivers and regulated streams.*

(1) "River corridors" are established in the comprehensive plan.

(2) A "protected state river" is any perennial river or watercourse that has an average annual flow of at least 400 cubic feet per second. Protected rivers have been identified by the Georgia Department of Natural Resources (DNR) and within the comprehensive plan, and include the Apalachee, Mulberry and Middle Oconee Rivers.

(3) Primary, secondary and first order trout streams, as designated by DNR.

(4) All other perennial streams and state waters, other than "protected rivers" or "trout streams."

(b) *Criteria for regulated streams.* All watercourses that appear as a solid or broken line on the U.S.G.S. Quadrangle Maps shall be regulated streams. Other natural watercourses may be classified as regulated streams if they possess one or more of the following characteristics, as determined by the planning and community development director based on data analysis and/or field review:

(1) Evidence of significant water flow along the channel or bed of the watercourse, characterized by one or more of the following: hydraulically sorted sediments; wrested vegetation and vegetative litter due to

normal stream flow; and loosely rooted vegetation caused by the action of moving water.

(2) Evidence of hydric soils, hydrophytic vegetation, or wetlands in or around the channel or bed of the watercourse.

Sec. 89-969. River corridors; restrictions.

(a) *Development permit required.* All persons desiring to undertake a permitted activity within a river corridor as mapped in the comprehensive plan, must first obtain a permit from Town of Bethlehem. Permit applications are to be filed according to procedures outlined within this Development Code.

(1) Permits shall be issued only if the activity is in compliance with Town regulations and other applicable state, federal, and local regulations.

(2) The Town shall impose conditions on any permit necessary to ensure that any adverse impacts upon the functions and values of the river corridor are prevented or kept to a minimum.

(3) Permits shall be valid for six months. If the activity has not been completed but substantial progress has been made, one six-month extension to the permit may be granted by the Town's designee.

(4) Permits may be revoked for failure to comply with regulatory guidelines, including conditions attached to the permit.

(b) *Appeals.* A variance may be approved if such approval is not contrary to the public interest and where because of a special characteristic of the property and the activity, a literal enforcement of provisions of this Development Code will, in an individual case, result in unnecessary hardship. Appeal procedures are detailed under the appeals article of this Development Code.

(c) *Existing industrial and commercial land uses.* Industrial and commercial land uses existing prior to the effective date of this Development Code are exempt from the protection criteria of this Development Code, except as specifically prohibited under this article, provided that:

(1) The use of the river corridor does not impair the drinking quality of the river water; and

(2) The activity within the river corridor meets all state and federal environmental rules and regulations.

Sec. 89-970. Protected rivers and streams; restrictions.

(a) *Protected state rivers.* A natural vegetative stream buffer is established along the banks of the Apalachee, Mulberry and Middle Oconee Rivers, as follows:

(1) The stream buffer shall include all lands within 100 feet of protected state rivers, inclusive of any islands, as measured horizontally from the uppermost part of the riverbank. The area between the top of the banks and the edge of the river shall be included within the stream buffer.

(2) The following activities are prohibited:

a. Septic tanks and drainfields;

b. Hazardous waste, solid waste landfills, or construction and demolition (C&D) landfills;

c. Commercial or industrial uses that involve handling hazardous materials other than wastes;

d. Handling areas for the receiving and storage of hazardous waste; and

e. Surface mining activities.

(3) No land may be used, and no vegetation shall be disturbed, within the stream buffer by building construction, development activity, septic tanks or septic tank drainfields, the handling of hazardous wastes, or for any other purpose except for the following permitted uses:

a. A land use existing prior to the adoption of this Development Code.

b. A single-family dwelling, provided that:

1. The dwelling is located on a lot having an area of at least five acres, not including any area that lies between the riverbanks.

2. Only one dwelling is located on the lot.

3. No septic tank or septic tank drainfield may be located within the stream buffer.

c. Timber production and harvesting, subject to the following conditions:

1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission.

2. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.

d. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8 (as amended).

e. Public road and utility crossings meeting all requirements of the Georgia Soil Erosion and Sedimentation Control Act.

f. Public wastewater treatment and natural water quality treatment or purification.

g. Recreational usage consistent either with the maintenance of a natural vegetative stream buffer or with river-dependent recreation, such as a boat ramp.

h. Agricultural production and management, subject to the following conditions:

1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission.

2. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act.

3. Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.

i. Utilities, other than public water or sewerage facilities, provided that:

1. The utilities shall be located as far from the riverbank as reasonably possible.

2. Installation and maintenance of the utilities shall be such as to protect the integrity of the stream buffer as well as is reasonably possible.

3. Utilities shall not impair the drinking quality of the river water.

j. Other uses permitted by DNR under Section 404 of the Clean Water Act that are also allowed by the property's zoning classification.

(b) *Trout streams.* The following shall apply to all streams designated as "trout waters" by the DNR, unless a greater width is otherwise required by other provisions of this article:

(1) Except for single-family detached dwelling construction (see subsection (b)(2)), land-disturbing activities shall not be conducted within 100 horizontal feet, as measured from the point where vegetation has been wrested by normal stream flow or wave action, of the banks of any state waters classified as "trout streams" by the DNR unless a variance for such activity is granted by the EPD director, except:

a. Where a roadway drainage structure must be constructed; and

b. Adequate erosion control measures are incorporated in the project plans and specifications, and are implemented.

(2) For single-family detached dwelling construction, there shall be a stream buffer established between the residence and any state waters classified as "trout streams" by DNR. In any such stream buffer, no land-disturbing activity shall be allowed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters, as follows:

a. For primary trout waters, the stream buffer shall be at least 50 horizontal feet, and no variance to a smaller stream buffer shall be granted.

b. For secondary trout waters, the stream buffer shall be at least 50 horizontal feet, but the EPD director may grant variances to no less than 25 feet.

c. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which

are streams into which no other streams flow except for springs, the stream buffer shall be at least 25 horizontal feet, and no variance to a smaller stream buffer shall be granted.

(c) *Other protected streams and state waters.* For all regulated streams and other state waters other than the Apalachee, Mulberry and Middle Oconee Rivers, the following shall apply:

(1) *Watershed protection areas.* All perennial streams within watershed protection areas must comply with the natural stream buffer and setback requirements established for streams in each watershed. (See Division 3 of this article.)

(2) *Other streams and waters.* For regulated streams and other state waters for which there are no stream buffers or setback restrictions otherwise established by this article, there shall be no land disturbing activities within a 25-foot wide stream buffer extending outward from both of the stream banks as measured from the point where vegetation has been wrested by normal stream flow or wave action, other than drainage structures and roads allowed under a development permit.

(d) *Recordation of restrictions.* Restrictions shall be noted on the plats and deeds of included properties to maintain any designated natural stream buffer area, undisturbed area or construction setback required by this article.

Sec. 89-971. Stream buffers.

Unless more restrictive requirements under this Development Code apply, all perennial streams and other state waters shall be provided with a natural vegetative stream buffer as follows:

(a) *Minimum width of stream buffer*.

(1) The minimum stream buffer width must be provided along any protected state river or trout stream as required under subsections 89-970(a) and (b), respectively;

(2) The minimum stream buffer width must be provided along any protected stream within any water supply watershed and around any water supply reservoir, as required under sections 89-998 through 89-1000 in this article.

(3) For all other perennial streams and state waters, the stream buffer is to be established under subsection 89-970(c)(2).

(b) *Minimum setback for land disturbance.* All clearing, earth moving, construction and ground disturbance must remain at least 50 feet from the edge of any stream buffer within a water quality critical area. Exceptions include bike and footpaths constructed of permeable material, gravity sanitary sewers, and road crossings perpendicular to streams. The installation of storm sewers will also be allowed. The area that is within this restricted construction area is to be left natural or developed as a trail with a minimum of disturbance to the natural habitat.

(c) *Protection of stream buffers*.

(1) No land disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Land disturbing activities may only be allowed as follows:

a. Where the EPD director determines to allow a variance that is at least as protective of natural resources and the environment; or

b. Where otherwise allowed by the EPD director pursuant to O.C.G.A. § 12-2-8; or

c. Where a drainage structure or a roadway structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that stream buffers of at least 50 feet established pursuant to O.C.G.A. 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 EPD director.

(2) A stream buffer is to be included within a conservation or natural resources easement that meets the requirements of this article.

(3) All stream buffer areas shall be maintained with appropriate indigenous plant species for the maintenance of groundcover and limitation of erosion. Undisturbed natural vegetation is the

preferred, optimum state of a stream buffer. In the alternate, careful reestablishment of indigenous vegetation and ground cover is encouraged.

(4) Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation, consistent with the terms of any applicable conservation or natural resources easement, 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.

(5) 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 stream buffer at any time, consistent with the terms of any applicable conservation or natural resources easement, 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.

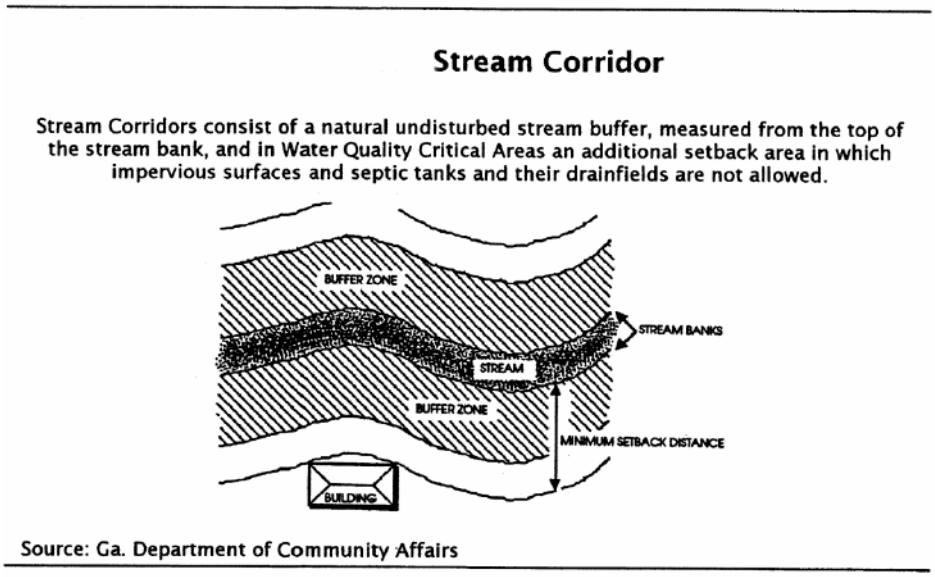


Figure 9.1 - Stream Corridor

Table 9.1. Stream Buffers and Setbacks

Summary of River and Stream Corridor and Water Supply Watershed Requirements

	Stream Corridor Total[1]	Stream Buffer[1]	Setback from Stream Buffer[2]
Protected State Rivers			
Apalachee, Middle Oconee and Mulberry Rivers			
Within Water Quality Critical Area 3	150 feet	100 feet	50 feet
Remainder of River	100 feet	100 feet	None
Trout Streams			

	Stream Corridor Total[1]	Stream Buffer[1]	Setback from Stream Buffer[2]
The following apply unless greater widths are required for water supply protection, below:			
For Single-Family Dwellings:			
First Order Trout Streams	25 feet	25 feet	None
Other Primary Trout Streams	50 feet	50 feet	None
Other Secondary Trout Waters	50 feet	50 feet	None
For All Other Uses	100 feet	100 feet	None
Large Water Supply Watersheds			
Apalachee River, Middle Oconee River and the Mulberry River Watersheds			
Water Quality Critical Area 3	150 feet	100 feet	50 feet
Remainder of Watershed	25 feet	25 feet	None
Small Water Supply Watersheds			
Cedar Creek, Laurel Lane Reservoir, Fort Yargo Lake, Barber's Creek and Bear Creek Watersheds			
Water Quality Critical Area 3	150 feet	100 feet	50 feet
Remainder of Watershed	100 feet	50 feet	50 feet
Water Supply Reservoirs	150 feet	150 feet	None
Other Streams not in Water Supply Watersheds	25 feet	25 feet	None

[1] Measured outwardly from and perpendicular to the top of each bank of the stream or reservoir.

[2] Measured outwardly from and perpendicular to the edge of stream buffer.

[3] Within seven-mile radius of water supply intake or bank of water supply reservoir.

Secs. 89-972—89-994. Reserved.

DIVISION 3. WATER SUPPLY WATERSHEDS

Sec. 89-995. Adopted.

The provisions of this division are adopted pursuant to the rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. § 12-2-8.

Sec. 89-996. Establishment of water supply watersheds.

(a) *River Basin, along the Apalachee River*. There are three large watersheds having over 100 square miles of drainage above a water supply intake, and five small water supply watersheds having less than 100 square miles of drainage above a water supply intake within Barrow County.

(1) *Large water supply watersheds; established.* Large water supply watersheds are hereby designated and shall comprise the land that drains into the Apalachee River Watershed, the Middle Oconee River Watershed and the Mulberry River Watershed. The City of Winder has a primary public water intake on the Mulberry River.

(2) *Small water supply watersheds; established.* Small water supply watersheds located within the jurisdiction of the Town include: Cedar Creek, Laurel Lane Reservoir, Fort Yargo Lake, Barber's Creek and Bear Creek.

(b) *Protected watersheds; boundaries.* All lands within water supply watersheds are designated as watershed protection areas, and include all land that drains to the stream bank from the ridgeline of each watershed. The boundary of the water supply watersheds is defined by the ridgeline of the watershed or by the political boundaries of the town, where those boundaries occur within the watershed.

(1) *Water quality critical area.* The water quality critical area shall comprise all lands within seven miles upstream from a public water supply reservoir boundary and all lands located within a seven-mile radius of a public water supply intake, whether or not the intake or reservoir is located within Town of Bethlehem. See Figure 9.2.

(2) *Limited development area.* The limited development area is established for the remaining part of the watershed protection area outside the water quality critical area.

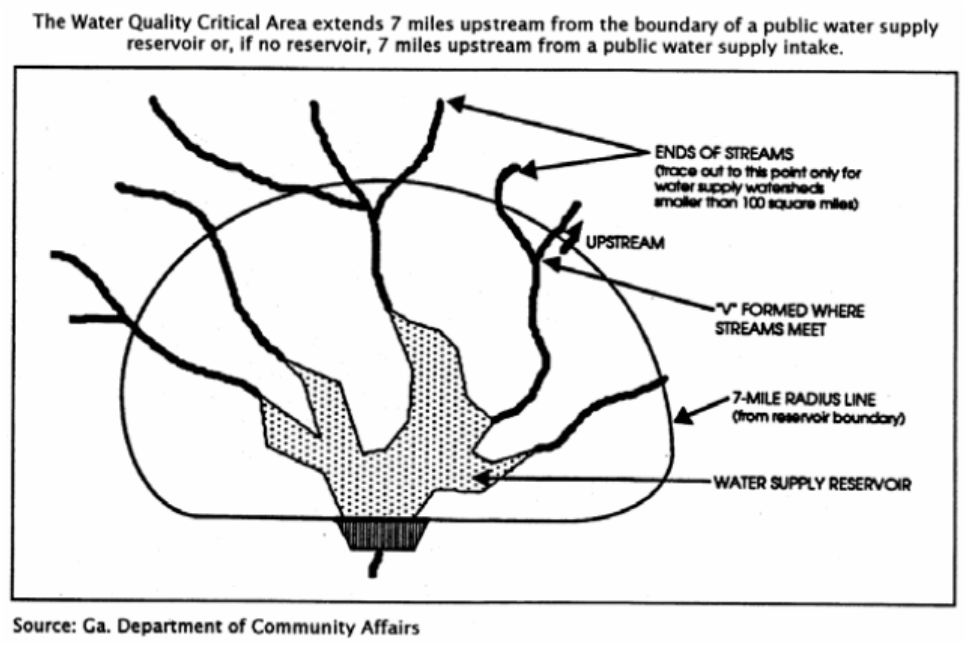


Figure 9.2 - Water Quality Critical Area

Sec. 89-997. Water supply watersheds; restrictions in general.

(a) *Protected watershed areas; exemptions.*

(1) *Silvicultural.* Notwithstanding any other provision of this division, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible within watershed protection areas.

(2) *Agriculture.* Notwithstanding any other provisions of this division, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within watershed protection areas, provided that the best management practices (BMPs) of the Georgia Department of Agriculture are followed.

(b) *Development permit required.* Within a water supply watershed, no land disturbing activity, construction or other development, other than certain exempted activities identified in this article, may be conducted without a permit from Town of Bethlehem, and any development or activities must be in full compliance with the terms of this article and other applicable regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.

(c) *Site plan required.* Applications for a development permit within a water supply watershed shall include a site plan in accordance with the permits and procedures section of this Development Code. Except for the exemptions listed in this section, all forms of development within the water supply watershed shall be required to have a site plan prepared and approved according to this Development Code before any building permits or other development-related permits may be issued or any land disturbing activity may take place.

(d) *Restrictions in stream corridors; all watersheds*.

(1) *Street runoff and drainage.* New streets that cross perennial streams within the water supply watershed areas shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the site plan.

(2) *Septic tanks and drainfields.* Septic tanks and septic tank drainfields are prohibited in the setback and buffer areas of all stream corridors within water supply watershed areas.

(3) *Utilities.* Utilities that cannot be feasibly located outside the stream buffer or setback area must be located as far from the stream bank as reasonably possible. Such utilities must be installed and maintained to protect the integrity of the stream buffer and setback areas as best as reasonably possible and must not impair the quality of the drinking water in the stream.

Sec. 89-998. Large water supply watersheds; restrictions.

The following limitations shall apply to all perennial streams within a large water supply watershed, in addition to the limitations on land use proscribed by the underlying zoning district:

(a) *Stream corridor setbacks; large water supply watersheds*.

(1) For all perennial streams within the water quality critical area, no impervious surface shall be constructed within a 150-foot setback area on both sides of the streams as measured from the stream banks.

(2) For all perennial streams within the limited development area of a water supply watershed, there is no additional impervious surface setback required beyond the stream buffer itself.

(b) *Stream buffers; large water supply watersheds*.

(1) For all perennial streams within the water quality critical area, an undisturbed vegetative stream buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.

(2) For all perennial streams within the limited development area, an undisturbed vegetative stream buffer shall be maintained for a distance of 25 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.

(c) *Land use restrictions; large water supply watersheds*.

(1) Any new facility that handles 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, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

(2) Agricultural application of animal waste. The application of animal waste on land must be accomplished in accordance with the agricultural best management practices of the Georgia Department of Agriculture.

Sec. 89-999. Small water supply watersheds; restrictions.

(a) *Impervious surface area restricted.* The impervious surface area, including all public and private structures, utilities or facilities, of the entire watershed protection area shall be limited to 25 percent. The Town Council

must approve any individual development that will result in more impervious surface than 25 percent of the total area of the property as a special use. See the procedures and permits article of this Development Code for approval of special uses.

(1) Utilities within protected stream corridors.

(b) *Stream corridor setbacks; small water supply watersheds*.

(1) For all perennial streams within the water quality critical area, no impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.

(2) For all perennial streams within the limited development area, no impervious surface shall be constructed within a 100-foot setback area on both sides of the stream as measured from the stream banks.

(c) *Stream buffers; small water supply watersheds*.

(1) For all perennial streams within the water quality critical area, an undisturbed vegetative stream buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.

(2) (For all perennial streams within the limited development area, an undisturbed vegetative stream buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.

(d) *Land use restrictions; small water supply watersheds*.

(1) New hazardous waste treatment or disposal facilities are prohibited.

(2) New sanitary landfills, if permitted by DNR, shall have synthetic liners and leachate collection systems.

(3) Any new facility that handles 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 perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

Sec. 89-1000. Reservoir protection.

A natural stream buffer shall be established and maintained within 150 feet of the banks of any public water supply reservoir boundary within any protected watershed area. Vegetation, land disturbance and land uses shall be controlled by the provisions of the applicable reservoir management plan, as approved by the Georgia Department of Natural Resources (DNR).

Secs. 89-1001—89-1020. Reserved.

DIVISION 4. GROUNDWATER RECHARGE AREA PROTECTION

Sec. 89-1021. Protected groundwater recharge areas; defined.

Groundwater recharge areas are defined as "significant recharge areas" by the State of Georgia and are protected relative to their susceptibility to pollution.

(a) *Significant recharge areas.* Significant recharge areas are defined by the Georgia Department of Natural Resources (DNR) using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 18 (1989 Edition, or as may be amended by DNR from time to time).

(b) *Pollution susceptibility category.* Categories of relative vulnerability of an aquifer to pollution (classified as higher, average or lower) are defined by the DNR using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 20 (as may be amended by DNR from time to time) along with the most significant recharge areas.

Sec. 89-1022. Protected groundwater recharge area restrictions; in general.

Within any significant recharge area, as defined and delineated by the DNR, the following shall apply:

(a) New hazardous waste treatment or disposal facilities are prohibited.

(b) No land disposal of hazardous waste shall be permitted within any most significant groundwater recharge area.

(c) New sanitary landfills, if permitted by DNR and the zoning district, shall have synthetic liners and leachate collection systems.

(d) Any new facility that involves the treatment, storage or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.

(e) Any new facility that handles 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 perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

(f) A new above-ground chemical or petroleum storage tank must have secondary containment of 110 percent of the volume of the tank or 110 percent of the volume of the largest tank in a cluster of tanks. This requirement does not apply to:

(1) Any tank having a maximum capacity of less than 650 gallons; and

(2) Any tank used for agricultural purposes, provided it complies with all federal requirements.

Sec. 89-1023. Protected groundwater recharge area restrictions; by classification.

Most of incorporated Town of Bethlehem's water supply, and a portion of Auburn's comes from groundwater. Significant groundwater recharge areas are located in Carl and Auburn, in the unincorporated areas north and south of Highway 29 between Auburn and Winder, and along the Gwinnett County line in western Barrow.

(a) All significant groundwater recharge areas within Barrow County are classified by DNR as having "lower" pollution susceptibility.

(b) Within a significant recharge area classified as having "lower" susceptibility to pollution, the following applies:

(1) New agricultural waste impoundment sites larger than 50 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5 x 10-7 cm/sec or other criteria established by the U.S. Soil Conservation Service.

(2) A new home* served by a septic tank/drain field system must be approved by the county health department and must have a lot that is at least 110 percent of the minimum lot size required by Table MT-1 of the Department of Public Health's "Manual for On-Site Sewage Management Systems," or the minimum lot size otherwise required by the county health department or zoning classification of the property, whichever is greater.

(3) A multi-family residential dwelling, all other non-single-family dwellings, a commercial structure and a new manufactured home park served by a septic tank/drain field system must be approved by the county health department and must have a lot or space that is at least 110 percent of the minimum lot or space size required by Table MT-2 of the Department of Public Health's "Manual for On-Site Sewage Management Systems," or the minimum lot size otherwise required by the county health department or zoning classification of the property, whichever is greater.

* A single-family dwelling, including: stick-built home, manufactured home or modular home.

Secs. 89-1024—89-1045. Reserved.

DIVISION 5. WETLANDS PROTECTION

Sec. 89-1046. Adopted.

The provisions of this division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. § 12-2-8.

Sec. 89-1047. Protected wetlands; defined.

(a) *Wetlands:* Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(b) *Protected wetlands:* Those wetlands identified on the National Wetlands Inventory Maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.

(1) Any new wetland area constructed as a best management practice for stormwater control is also considered a protected wetland once construction is complete.

Sec. 89-1048. Wetlands map adopted.

The National Wetlands Inventory (NWI) Map prepared by the U.S. Fish and Wildlife Service covering the Town is hereby adopted and incorporated herein by reference as the official map of protected wetlands in the Town. The NWI Map does not necessarily represent the boundaries of jurisdictional wetlands within the Town and cannot serve as a 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. Any local government action under these regulations does not relieve the landowner from federal or state permitting requirements.

Sec. 89-1049. Protected wetlands; allowed land uses.

Land uses that may be allowed in a protected wetland if otherwise permitted by the zoning district and by the Section 404 Permit include:

(a) Timber production and harvesting;

(b) Wildlife and fisheries management;

(c) Camping, hiking, hunting and fishing recreation activities;

(d) Public wastewater treatment and natural water quality treatment or purification facilities; and

(e) Other uses permitted under Section 404 of the Federal Clean Water Act.

Sec. 89-1050. Protected wetlands, restrictions.

(a) Within any protected wetlands area, the following shall apply:

(1) *Buffer required.* A 25-foot wide strip of natural indigenous vegetation adjacent and parallel to the edge of a protected wetland shall be established to preserve and improve the quality of water within the protected wetland.

(2) *Prohibited land uses*.

a. Hazardous or toxic waste receiving, treatment or disposal facilities are prohibited.

b. Sanitary landfills are prohibited.

(3) *Permit required for alteration.* Alteration or degradation of a protected wetland requires prior approval of a development permit and approval by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act, if applicable. Wetlands not falling under the jurisdiction of the corps shall be subject to Town permitting only. See the permits and procedures article of this Development Code regarding approval of a development permit.

Sec. 89-1051. Wetlands certification.

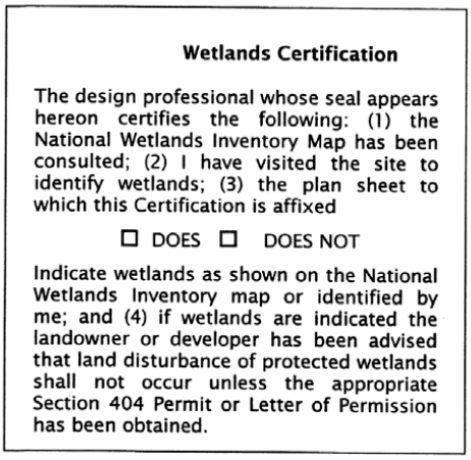


Figure 9.3 - Wetlands Certification Area

Design professionals shall indicate protected wetlands on plans required for a land disturbance permit application. The design professional that prepared the required plans accompanying the permit application shall add a statement to the appropriate plan sheets indicating whether or not wetlands are located on the property. At a minimum, the statement shall be placed on the grading plan; the erosion and sedimentation control plan; and the stormwater management site plan. The wetlands certification shall reflect the design professional's personal investigation regarding the existence of wetlands on the property, and shall read as shown in Figure 9.3, with the appropriate box checked.

Sec. 89-1052. Permitting requirements.

(a) *Requirement for local permit*.

(1) No land disturbing activity will be permitted within protected wetlands without written permission in the form of a local development permit from the Town.

(2) If the area proposed for development is located within 50 feet of a wetlands boundary, as determined using the National Wetlands Inventory Map, no land disturbance permit will be issued by the Town or its designee until a Section 404 Permit or letter of permission is issued by the U.S. Army Corps of Engineers if the wetlands area falls under Corps jurisdiction.

(3) Issuance of a development permit is contingent on full compliance with the terms of this article and other applicable regulations.

(4) All activities that are not allowed in this Development Code shall be prohibited without prior issuance of a development permit.

(b) *Section 404 Permits; when required*.

(1) If the area proposed for development is located within 50 feet of a protected wetland boundary, as determined from the NWI Map, a U.S. Army Corps of Engineers determination shall also be required.

(2) If the Corps determines that jurisdictional wetlands are present on the proposed development site and that a Section 404 Permit or letter of permission is required, a development permit will be issued only following issuance of the Section 404 Permit or letter of permission.

(c) *Conservation easement required.* Any protected wetlands area that will be retained in any subdivision or

development project is to be included within a conservation or natural resources easement that meets the requirements of this article.

Secs. 89-1053—89-1069. Reserved.

DIVISION 6. NATURAL RESOURCE CONSERVATION AREAS

Sec. 89-1070. Purposes of natural resource conservation.

The purposes of this division, among others, are as follows:

(a) To recognize the current development rights of property owners established through zoning;

(b) To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers, floodplains, and wetlands, by setting them aside from development;

(c) To support the continued viability of agricultural activities in the Town, including crop production, dairying and managed forestry;

(d) To reduce erosion and sedimentation by the retention of existing vegetation and to encourage minimization of development on steep slopes;

(e) To enhance water quality of streams and waterways, and to protect valuable groundwater resources;

(f) To encourage conservation of scenic views and elements of the Town's rural character, and to minimize perceived density by minimizing views of new development from existing roads; and

(g) To provide notification to property owners of natural resources that must be protected on their property.

Sec. 89-1071. Designation of conservation areas.

(a) *Primary conservation areas.* Primary conservation areas are defined as follows:

(1) *River and stream channels.* These areas are defined as the area between the top of bank and the opposite top of bank of any river, stream or other body of water classified as "state waters".

(2) *Required river and stream buffers.* Natural vegetative stream buffers along the banks of all protected state rivers and perennial streams and other state waters, as required by this article (except for activities that are exempt from the soil erosion and sedimentation control provisions of the Land Development Activities Article of this Development Code).

(3) *Wildlife habitats of threatened or endangered species.* The animal and plant species listed on Table 9.2 have been identified by the federal and/or the state governments as threatened or endangered species in Barrow County.

(4) *Protected wetlands.* Wetlands are illustrated generally on the National Wetlands Inventory Maps published by the U.S. Fish and Wildlife Service, and as otherwise delineated by the U.S. Corps of Engineers.

Table 9.2: Threatened or Endangered Species Identified in Barrow County (as adopted by the Town of Bethlehem).

Common Name	Biological Name	Habitat
ANIMALS		
Altamaha shiner	*Cyprinella xaenura*	Upper Altamaha River drainage of north Georgia; Inhabit small tributaries and rivers. Most often found in small pools with rocky to sandy substrates.
Bald eagle	*Haliaeetus leucocephalus*	*Inland waterways and estuarine areas in Georgia.*

PLANTS		
Granite rock stonecrop	*Sedum pusillum*	*Granite outcrops among mosses in partial shade under red cedar trees.*

Source: U.S. Fish and Wildlife Service.

(5) *Buffer areas around wetlands and habitats of endangered species.* Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective buffers are recognized as primary conservation areas. To qualify, a wetland buffer must extend at least 25 feet from the wetland, and a buffer around a wildlife habitat must be at least 100 feet deep.

(6) *100-year floodplain.* All areas within the 100-year floodplain but lying outside any wetland or other designated primary conservation area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location by the design professional.

(b) *Secondary conservation areas.* Secondary conservation areas are areas that are encouraged (but not required) to be protected. These include:

(1) *Areas greater than 5,000 square feet of steep slopes over 25 percent.* Slopes greater than 25 percent can be identified from the topographic data required for the preliminary plat or site plan for a development. Areas comprising 5,000 contiguous square feet or less are not considered secondary conservation areas.

(2) *Areas greater than 40,000 square feet with slopes of 15 percent to 25 percent.* Slopes between 15 percent and 25 percent can be identified from the topographic data required for the preliminary plat or site plan for a development. Areas comprising 40,000 contiguous square feet or less are not considered secondary conservation areas.

(3) *Soils with exposed bedrock or rock outcroppings greater than 40,000 sf.* Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising 40,000 contiguous square feet or less are not considered secondary conservation areas.

(4) *Mature timber stands or significant trees.* Forests and timberlands that have mature stands of trees qualify for conservation consideration. Individual trees that have significance through their size, age, species or historic value may be designated as a secondary conservation area to the extent of the tree's dripline. See Article VIII, Buffers and Tree Conservation.

(5) *Registered historic or archeological assets.* Sites or areas registered with the state or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.

(6) *Viewshed protection areas.* These areas may be set aside either to screen the view of the development from abutting roadways or to protect existing scenic views into the development site of rural heritage features. Examples of rural heritage features include the following:

Table 9.3: Rural Heritage Features

Groves of mature trees	Hedgerows	Rock outcroppings
Cultivated fields	Ponds	Woods
Pastures	Bridges	Fence Lines
Rolling hills	Farm buildings	Curves in rural roads

If intended to screen the subdivision development, the viewshed buffer must be adequately vegetated with trees and understory growth to provide an opaque screening effect. If intended to preserve a scenic view, the viewshed protection area must provide an adequate width or orientation in order to preserve the view.

(7) *Village greens, parkways.* These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use. A parkway is a narrow strip of open space surrounded by streets on all sides, intended as a landscaped element or passive recreation area for the neighborhood.

(8) *Passive recreational areas.* Common open space areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as secondary conservation areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered secondary conservation areas.

Sec. 89-1072. Allowed uses in natural conservation areas.

The following requirements apply only to land set aside for conservation in fulfillment of the provisions of this article:

(a) *Undisturbed areas.* Certain areas identified as primary or secondary conservation areas shall remain in their natural, undisturbed state. Such undisturbed areas include river and stream channels, stream buffers, viewshed buffers, critical wildlife habitats and buffers, wetlands and wetland buffers, and mature timber stands (except for managed forestry activities, including harvesting).

(b) *Allowed uses in other conservation areas.* The following uses are allowed in natural resource conservation areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed, and are allowed uses under the site's zoning classification:

(1) Conservation of open land in its natural state (for example, woodland, open field, or managed meadow).

(2) Agricultural and horticultural uses, including raising crops, pasturelands and dairy operations, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine or poultry.

(3) Pastureland for horses used solely for recreational purposes. Equestrian facility buildings and grounds shall be permitted but may not be located in any primary conservation area.

(4) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.

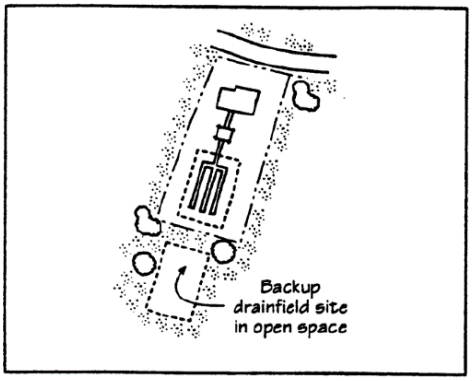


Figure 9.4 - Backup Drainfield

(5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, multi-purpose sports fields, and similar low-impact recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.

(6) Pathways and trails, and passive recreation activities such as fishing, picnicking, and nature interpretation.

(7) Water supply, sewage disposal system reserve fields and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation area. The septic tank and drain field required for on-site sewage disposal must be located on the lot of the house it serves. Areas within a conservation area used for water supply, backup drainfields or stormwater detention must be located outside of any primary conservation area and must be established by

easements between the appropriate parties and recognized in the conservation easement covering the area.

(8) Easements for drainage, access, power, natural gas, sewer or water lines, or other public purposes, as approved by the Town Council and in keeping with conservation of the areas they traverse.

Secs. 89-1073—89-1090. Reserved.

DIVISION 7. CONSERVATION AND NATURAL RESOURCES EASEMENTS

Sec. 89-1091. Conservation or natural resources easements; required.

(a) *Primary conservation areas.* All stream buffers required by this article, all protected wetlands, and all other primary conservation areas that are required to be protected by the provisions of this article, shall be permanently protected from further subdivision, development, and unauthorized use as follows:

(1) By a natural resources easement in a conventional subdivision; or

(2) By a conservation easement in an open space subdivision or a master planned development.

(b) *Secondary conservation areas.* Lands in secondary conservation areas that are designated by the developer for protection shall be included within a natural resources or conservation easement.

(c) *Ownership of land in conservation and natural resources easements.* Land within conservation and natural resources easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.

Sec. 89-1092. Natural resources easements.

(a) *Natural resources easements; approval.* The natural resources easement, when required, shall be shown on the final subdivision plat and recorded with the clerk of the superior court at the same time as the final plat.

(b) *Natural resources easements; guidelines.* The following guidelines are required to be incorporated into any natural resources easement in a form acceptable to the Town attorney:

(1) The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;

(2) 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 shall be consistent with the type of area protected and the applicable requirements of this Development Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;

(3) The easement provides for the right of the Town or its designee to inspect the property to assure observance of restrictions and also provides for enforcement procedures; and

(4) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the Town or its designee.

Sec. 89-1093. Conservation easements.

(a) *Conservation easements; approval.* The conservation easement, when required, shall be approved by the Town Council and shall either be:

(1) Cosigned on behalf of the Town Council and donated to a private nonprofit conservation organization or land trust;

(2) Cosigned on behalf of the Town Council and donated to a nonprofit homeowners association; or

(3) Donated to the Town at the option of and if accepted by the Town Council.

(b) *Conservation easements; guidelines.* The conservation easement shall be created subject to the provisions of O.C.G.A. Article 1 of Chapter 10 of Title 44 which is known as the Georgia Uniform Conservation Easement Act. (Code 1981, § 44-10-1, et seq. enacted by Ga. L. 1992, p. 2227, § 1.) The following guidelines are required to be incorporated into any conservation easement in a form acceptable to the Town attorney:

(1) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;

(2) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and cosigner, and the responsibilities of the property owner, easement holder, and cosigner;

(3) The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description or survey plat;

(4) 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 shall be consistent with the type of area protected and the applicable requirements of this Development Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;

(5) The easement provides for the right of the easement holder and cosigner to inspect the property to assure observance of restrictions and also provides for enforcement procedures;

(6) The easement provides for the maintenance of the open space;

(7) The easement provides for either enforcement rights or third party enforcement rights, vested in the homeowners' association or the land trust, as the case may be, and in the Town of Bethlehem; and

(8) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

Sec. 89-1094. Temporary emergency permit.

(a) A temporary emergency permit can be issued by the Town under this article for the following reasons:

(1) Maintenance or repair of roads or structures.

(2) Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation and utilities, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Planning and Community Development Department, and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, chemicals and biological characteristics of the area are not impaired and that any adverse effect of the aquatic environment will be minimized.

(3) Temporary water-level stabilization measures associated with ongoing silvicultureral operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

(4) Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alternation or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of this article.

(5) Limited excavation and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the area.

Sec. 89-1095—89-1174. Reserved.

ARTICLE X. PROJECT DESIGN STANDARDS

Sec. 89-1175. Purpose of article.

This article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principles of design and layout and requirements for such public facilities as streets and utilities.

While building officials examine land development project plans for compliance with the technical codes and all other pertinent laws or ordinances, the owner shall ultimately remain responsible for the design of the project. Notwithstanding the building official's role in accepting and approving submissions specified in this ordinance, the owner is not entitled to rely on approval from the County or the Town or any of their employees or agents of any documents as evidence that the plans are all internally consistent or compliant with applicable health and safety codes and standards. Nothing herein is intended to create an actionable duty on the part of the building officials.

Sec. 89-1176. Standards incorporated by reference.

(a) The Standard Design Specifications of the Town of Bethlehem, also referred to in this Development Code as "standard details", as adopted by the Town Council and as may be amended from time to time are incorporated into this Development Code as though set forth within the body of this Development Code. In the case of a conflict between the standard design specifications and the text of this Development Code, the text of this Development Code shall control.

(1) *Traffic signs and street striping.* The installation of all traffic control signs and street striping shall be governed by the standards contained in the "Manual on Uniform Traffic Control Devices", latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.

(2) *Georgia DOT standard specifications.* Unless otherwise specially set forth in this Development Code or the Standard Design Specifications of the Town of Bethlehem or Barrow County, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

(3) *AASHTO design standards.* Design criteria and standards not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets.

(4) *Stormwater management.* The design, construction, operation and maintenance of the stormwater system, including stormwater detention facilities and all conveyances whether piped or open, shall conform to the provisions of the current edition of the "Georgia Stormwater Management Manual."

Sec. 89-1177. Interpretation of standards.

In the interpretation and application of the provisions of these standards, the following shall govern:

(a) *Governing standards.* Whenever a provision of these standards or any provision in any law, ordinance, resolution, rule, or regulation of any kind contains any restrictions covering any of the same subject matter, the standards that are more restrictive or impose higher standards or requirements shall govern.

(b) *Prior acceptance of construction plans.* The Town of Bethlehem shall not modify or alter any development plans that have been filed with and accepted by the Town prior to the effective date of this Development Code. This exception shall be subject to the conditions and limitations under which said plans were accepted by the town.

(c) *Appropriate transportation agency*. Where this code references “appropriate transportation agency” it shall mean that governmental jurisdiction that owns and/or maintains and/or regulates the right of way, or maintains or regulates the intersection. If it is unclear what entity constitutes the “appropriate transportation agency”, the decision shall be made by the Bethlehem Town Council or its designee.

(d) Any actions or authority vested in the Town, the Town Council, the Mayor or a designee of any of them, may be delegated to Barrow County or an official thereof through an intergovernmental agreement and the County or such official may act in the same manner as the Town or any of its officials. In the event of

uncertainty as to the appropriate official, the Mayor shall determine the appropriate governmental entity or official.

Sec. 89-1178. Design exceptions and field changes.

(a) *Request for design exception*. When unique conditions and circumstances exist on a project, the developer's engineer may submit a request for design exception in a format provided by the Town or its designee. Design exceptions request should be identified as early as possible during the design process. The Town or its designee is the approval authority for design exceptions.

(b) *Field changes*. Minor changes in construction plans caused by field conditions shall be made at the direction of the Town or its designee with the cost of such changes to be paid by the developer. All changes are to be documented as revisions to the approved development plans and correctly shown on the as-built surveys. Discrepancies between the as-built surveys and the approved development plans may result in delays in approving final plats or certificates of occupancy.

Sec. 89-1179. General design standards.

(a) *Suitability of the land*.

(1) Land physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.

(2) Land within a proposed subdivision or development that is unsuitable for development shall be incorporated into common open space areas or into the buildable lots as excess land. Lots that do not comply with the requirements of this Development Code are prohibited.

(b) *Conservation*.

(1) Development shall be planned, designed, constructed and maintained to avoid substantial probabilities of:

a. Accelerated erosion.

b. Pollution, contamination, or siltation of lakes, rivers streams, and other water bodies.

c. Damage to vegetation.

d. Injury to wildlife and fish habitats.

(2) Development shall be planned, designed, constructed and maintained to provide open space and to create a man-made environment for human use or occupancy compatible and harmonious with the natural environment and specific consideration shall be given to the preservation of natural topography, to preservation of existing vegetation, to retention of major land forms and to preservation of important vistas.

(c) *Conformance to the comprehensive plan and other adopted plans.* In addition to the requirements established herein, all subdivisions and individual development projects shall comply with the following laws, rules and regulations:

(1) All proposed subdivisions and individual development projects shall conform to the comprehensive plan and development policies in effect at the time of submission to the Town or its designee.

(2) All highways, major thoroughfares, streets and other transportation facilities shall be platted by the developer in the location and to the dimension indicated on the comprehensive plan or the transportation plan, whichever is the most recently adopted or amended.

(3) When features of the comprehensive plan or other plans adopted by the Town Council (such as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

a. Whenever a plat or site plan proposes the dedication of land to public use that the Town Council finds to be not required or suitable for such public use, the Town Council shall refuse to accept the dedication.

(4) In subdivisions or developments related to or affecting any state or U.S. numbered highway, the Town Council shall require the approval of the Georgia Department of Transportation.

(5) Any and all rules of the county health department, the USDA Natural Resource Conservation Service (formerly the Soil Conservation Service), and all other appropriate state and federal agencies.

(d) *Name of subdivision or development project.* The name of each subdivision or development project must have the approval of the Barrow County Planning and Community Development Department. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Barrow County or any of its cities.

(1) *Street names.*

a. Proposed streets obviously in alignment with other existing and named streets shall bear the names of the existing streets. In no case shall the name for a proposed street a duplicate existing street names in Barrow County or any of its cities, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives. In the same development, the root name may reoccur four times.

b. Root names shall consist of no more than 20 characters including spaces and punctuation marks.

(2) *Approval of street names for new subdivisions.* All new subdivision streets must have proposed street names viewed and approved. New street names must be shown on the final plat and recorded as such. To obtain approval of a proposed street name, you must submit a list of names to the GIS department before steps are taken to receive a development permit or before using on any plats or documents. Names will be reviewed against established criteria. If acceptable, they will be placed on a "reserved list". If disapproved, you will be given an explanation of the disapproval. Street names will be verified on both preliminary and final plats to make sure that no changes have taken place. Once the final plat is recorded, street names become permanent and are so noted on all records.

(3) *Approval of subdivision names for new subdivision.* As with new street names, new subdivision names must also be reviewed and approved. Names must be submitted to GIS before steps are taken to acquire a development permit or before using on any plat or document. Names will be reviewed against established criteria and if acceptable, will be placed on a "reserved list". Once the final plat is recorded, subdivision names become permanent and are so noted on all records.

(4) Street addresses.

a. All developments, commercial or residential, must be assigned a street address after the issuing of a septic permit and building permit. This gives confirmation that the lot is buildable.

b. All new subdivisions are assigned addresses right before final plat approval. Environmental health signature is required on the plat before addresses are issued. Submit two copies of the plat to the GIS department for assignment of addresses.

(e) *Alleys.* Alleys shall only be allowed as an intrinsic element of a particular development design, such as providing access to rear-entry garages in a subdivision, and must be approved as part of the project approval process contained in the Procedures and Permits Article of this Development Code.

(f) *Blocks*.

(1) *Design guidelines.* The lengths, widths, and shapes of blocks shall be determined with regard to:

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

b. Zoning requirements as to lot size and dimensions.

c. Needs for convenient access, circulation, control and safety of street traffic.

d. Limitations and opportunities of topography.

(2) *Length*.

a. Unless otherwise approved by the Town Council under unusual circumstances, block lengths shall not exceed 1,200 feet nor be less than 400 feet in length.

b. In blocks greater than 1,200 feet in length, the Town Council may require one or more public easements of not less than 20 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.

c. Width: Blocks shall be wide enough to allow two rows of lots, except as follows:

1. Where reverse frontage lots on major thoroughfares are provided, or where abutting upon limited access highways or railroads;

2. When prevented by topographic conditions or size of the property;

3. Lots along the periphery of the subdivision; or

4. Other situations make this requirement impractical, in which case the Town Council may approve a single row of lots.

(3) *Nonresidential blocks.* Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

(g) *Lots.* The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and meet all the area and dimensional requirements of this Development Code for the zoning district in which the lots are located.

(1) *Adequate building sites.* Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation

(2) *Arrangement.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines (including culs-de-sac).

(3) *Corner lots.* Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the front building setback lines on both streets.

(4) *Through (double-frontage) lots*.

a. Except where specifically required to provide reverse frontage separation from a town street, county road or a state or U.S. numbered highway, or to overcome specific disadvantages of topography and orientation of property, through lots (i.e., "double-frontage" lots) are to be avoided.

b. A no-access easement of at least 25 feet in width, shall be provided along U.S. or state numbered highways and 10 feet in width along all other streets and roads. Said easement shall contain a planting screen of trees and shrubs, decorative fencing or other landscape treatment as outlined in this Development Code.

(5) *Lot depth restrictions*. Lots in any minor subdivision or major subdivision that front exclusively on, or gain their access from, an existing public road shall have a lot depth no greater than five times the lot frontage. This provision does not apply to any lot that is larger than 25 acres in size.

(6) *Placement of lots.* All lots of a new development shall face the interior streets of the development, except where expressly allowed by this Development Code, such as minor subdivisions.

(7) *Grading of lots*.

a. Maximum graded earthen slope shall not be steeper than 2½:1.

b. Walls providing grade separation greater than two feet in height shall be designed by a registered design professional and subject to inspection by the building inspector.

c. When a development incorporates step walls, then a registered design professional shall design wall system.

Table 10.1: Slope Height

Slope	Maximum Height
2.5:1	5 feet
3:1	6 feet
4:1	No limit

(h) *Areas reserved for future development*. If any portion of a tract is reserved for future subdivision development, the minimum lot width and frontage of the reserved area may be reduced to the width required for a future street to serve such area.

(1) Such a reserved area must be labeled "reserved for future development" on the final subdivision plat, and the portion of the lot where a street will be built must be labeled "future street".

(2) Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of this Development Code, including minimum lot width and frontage requirements of the applicable zoning district.

(i) *Plats straddling political boundaries.* Whenever access to a subdivision is required across land in another governmental jurisdiction, the Mayor may request assurance from the Town attorney, and/or the other governmental agency that access is legally established, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

Sec. 89-1180. Required improvements.

(a) *Minor subdivisions.* By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or stormwater detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

(1) Right-of-way shall be dedicated along the property's frontage from the centerline of the existing road equal to one-half of the minimum requirement for the classification of the road, as established in this article.

(2) The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations shall be indicated on the final subdivision plat.

(3) The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to accommodate the new lots, the Town may require improvement of the roadway ditch as appropriate.

(4) Survey monumentation shall be provided in accordance with section 89-1181.

(5) A natural resource easement is to be provided along any perennial stream or water impoundment in accordance with the requirements for greenways under the Environmental Protection Article of this Development Code.

(b) *Major subdivisions, multi-family and nonresidential developments.* The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this article.

(1) Survey monumentation in accordance with section 89-1181.

(2) Dedication of easements as set forth under section 89-1182.

(3) Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with section 89-1183.

a. Streets contained wholly within such a subdivision shall be improved to the full standards contained in this article. Existing streets that adjoin such a development shall be improved to the minimum standards from the centerline of the street along the development's frontage.

b. Curb and gutter where required along all roadways.

c. Dedicated right-of-way along existing streets.

(4) Street name signs, stop bars, striping and traffic control signs as approved by the Town shall be paid for by the developer and installed by the Town in accordance with section 89-1184.

(5) Street lights, if desired, in accordance with section 89-1185.

(6) Driveway access to each lot under the provisions of section 89-1186.

(7) Deceleration and turn lanes, if required under section 89-1187.

(8) Sidewalks, if required under subsection 89-1187(b)(7).

(9) Stormwater drainage and detention facilities in accordance with section 89-1190.

(10) Public or private water supply as required under section 89-1192.

(11) Public or private sanitary waste disposal as required under section 89-1193.

(c) *Improvement guarantees*. At the option of the Town Council, the developer may be required to provide to the Town financial security to guarantee the installation of project improvements required in this article. The developer's financial guarantee shall be as provided for in section 89-1252(e). The guarantee shall be in an amount sufficient to secure the full costs, as determined by the Town Council, of the construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.

(d) *Guarantee in lieu of completed improvements.* No final subdivision plat shall be approved by the Town until one of the following conditions has been met:

(1) All required improvements have been constructed or funded in a satisfactory manner and approved by the Mayor or his or her designee; or

(2) The Mayor or his or her designee has received a guarantee, as provided for in section 89-1252(e), in the amount of 150 percent of the estimated cost of installation of the required improvements, and has approved an executed contract as appropriate for installation of the improvements by a qualified contractor.

a. The improvements funded through the guarantee shall include final pavement topping for streets, grassing of street shoulders, landscaping, sidewalks, street and parking lot striping, and all other improvements required by this Development Code.

b. The executed contract shall call for completion of the grassing, landscaping and striping improvements within nine months of approval of the final subdivision plat, and for completion of final street topping and sidewalks prior to the end of the maintenance surety period. See the maintenance surety provisions of Land Development Activities, article 11 of this Development Code regarding the maintenance surety period.

Sec. 89-1181. Survey monuments.

(a) All property surveys shall be marked at corners and other pertinent points of reference in the field with monuments as required under this section, and meeting requirements of the Georgia law regarding the recordation of maps and plats (O.C.G.A. § 15-6-67) and additional requirements of the procedures and permits article of this Development Code regarding final plats. Horizontal control shall be based on the Georgia State Plane, and vertical control shall be based on the North American Vertical Datum (NAVD) *(*formerly known as the National Geodetic Vertical Datum (NGVD)).

(1) *Exterior development boundaries.*

a. An iron pipe or ½-inch iron pin at least 24 inches long shall be placed at all corners of the exterior boundaries of the subdivision or development project being developed and shall be driven no less than one inch above the finished grade.

b. Existing permanent monuments that, in the professional opinion of a registered land surveyor, are of sufficiently durable construction shall be marked and maintained.

(2) *Lot and street corners.*

a. All other street or lot corners shall be marked with an iron pipe or ½-inch iron pin at least 24 inches long and driven flush or no more than one inch above the finished grade.

b. All such monuments shall be properly set in the ground and shall be approved by a registered land surveyor prior to the time of final plat approval.

Sec. 89-1182. Easements.

(a) *Utility easements.*

(1) Utility easements for private utilities shall be avoided except in cases where no other satisfactory

arrangements can be provided for the installation of private utilities.

(2) Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the Town (or other appropriate public entity) for such purpose. Easements for water and sanitary sewers shall be a minimum of 20 feet wide, and may be required to be wider depending on the depth of cut to maintain a 1:1 open cut slope. When warranted, temporary construction easements widths shall be as required by the town.

(3) Easements for sanitary sewers may be required by the Town or its designee for future extension of lines, whether or not the subdivision or development is currently proposed to be served by public sewer.

(b) *Pedestrian easements.* Pedestrian easements, not less than ten feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(c) *Drainage and access easements*.

(1) Publicly dedicated drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened, and stabilized at the time of development to control surface water runoff. Runoff slopes and side slopes shall be specified by the developer's engineer according to good engineering practices.

(2) Publicly dedicated drainage easements shall be provided where a development is traversed by or contains a watercourse, impoundment, detention pond, floodplain, natural stream or channel. It shall conform substantially to the flooding limits of the 100-year storm along such natural drainage feature, but shall not be less than 20 feet in width.

(3) A publicly dedicated drainage easement is to be provided along any manmade drainage channel or drainage pipe located outside a street right-of-way. All drainage easements shall be calculated as the pipe diameter plus two feet plus two times the depth, rounded up to the nearest five-foot interval, but shall be no less than 20 feet wide.

(4) Drainage easements outside of the street right-of-way shall be clearly defined on the final plat with dimensions or bearings and distances as appropriate. Approval of a plat by the Town shall not constitute acceptance of any easement indicated on the plat by the town; absent express acceptance by the Town all easements shall be considered dedicated to the public and not accepted by the town. The property owner will be required to maintain and keep the publicly-dedicated easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior approval from the town.

(5) The Town of Bethlehem or its designee may access, but assumes no responsibility to maintain publicly-dedicated easements, natural or artificial drains, pipes, and other structures beyond the extent of Town property and town-accepted drainage easements. Bethlehem assumes no responsibility for the extension of culverts beyond the point shown on the approved and recorded plan.

(d) *Conservation and natural resource easements.* Conservation and natural resource easements, as may be required by this Development Code shall be clearly defined on the plat and deed of the individual property owner, and must conform to the requirements set out for such easements in the environmental protection article of this Development Code.

(e) *Overlapping easements.* Easements for water, sanitary sewers and drainage purposes may be combined, but must be a minimum of 30 feet if in combination. Any easement containing more than one pipe must provide at least ten feet beyond the pipe and the pipes must be at least ten feet apart (measured on center). Wider easements shall be required when necessary to maintain a 1:1 open cut slope to each pipe.

Sec. 89-1183. Streets.

(a) *Access*.

(1) Each building shall be located on a lot or parcel that abuts a public street or a private street approved by the Town, or has access to a public street by means of a recorded access easement as provided for in this Development Code.

(2) Every development and every major subdivision shall have access to the public street system via a paved road. A building permit shall not be issued unless a publicly dedicated street or an approved private

street provides continuous paved road access between the property and the public street system. See subsection (g) below.

(3) A building permit shall not be issued on any property that does not front on or have approved access to a publicly dedicated street or an approved private street, in accordance with the minimum lot frontage and access easement provisions of this Development Code.

(4) When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

(5) No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.

(6) Reserve strips which control access to streets, alleys and public grounds shall be prohibited unless their control is placed in the hands of the Town under ownership, dedication, or easement conditions approved by the Town attorney.

(7) Subdivision streets that intersect a state or U.S. numbered highway, an arterial or collector road shall do so at intervals of not less than 800 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 300 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of this Development Code may require greater distances between street intersections.

(b) *Street classifications.* Streets are classified according to the function that they serve, the type, speed, and volume of traffic they will carry and the required standards of design. The classifications of streets and roads are as follows, and as may be shown on the latest adopted or amended Barrow County Thoroughfares: Functional Classification System Map:

(1) *Principal arterials.* These roads, which include interstates and rural freeways; serve "substantial" statewide or interstate trips, as defined by high mileage or volume; connect most urban areas of 25,000 or more and virtually all urban areas of 50,000 or more; and provide an integrated network without stub connections except where geography dictates otherwise.

(2) *Minor arterials.* With the principal arterial system, these roads form a rural network that links other cities, larger towns, and other traffic generators, such as major resort areas, capable of attracting travel over long distances; links all developed areas of the state; and serve corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through-movement.

(3) *Major collectors.* These roads, with minor collectors, primarily serve the county rather than state traffic. Consequently, more moderate speeds are typical. They serve any County seat or larger town not on an arterial route, and other traffic generators of equivalent intra county importance, such as consolidated schools, shipping points, public parks, and important mining and agricultural areas; link the latter places with nearby larger towns or cities, or arterials and freeways; and serve the more important intra county travel corridors.

(4) *Minor collectors.* Serving county-wide traffic, these roads should evenly collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; provide service to the remaining smaller communities; and link the locally important traffic generators with the hinterland.

(5) *Local roads.* These roads serve primarily to provide access to adjacent land and serve low-mileage trips as compared to collectors or other higher systems. Local roads constitute the rural mileage not classified as part of the principle arterial, minor arterial, or collector systems.

(c) *Extension of existing streets*.

(1) The street pattern within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern or anticipated development, if any, at the same or greater width, but in no case less than the required minimum width. Topography, natural features such as streams and tree growth shall be considered.

(2) Existing streets shall be connected and extended within the limits of a new development. However, streets or portions of streets adjacent to a proposed nonresidential or multi-family use, which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a nonresidential or multi- family use. In addition, private drives which provide access to a nonresidential or multi-family use shall not be permitted in any residential district.

(3) If the county determines that the roadway should be improved to a standard greater than its current use, due specifically to the traffic that will be generated by the subdivision or development project, the developer shall provide or pay the cost of the additional materials and labor due to the increased use.

(4) All right-of way required for off-site improvements shall be acquired by the developer at no expense to Barrow County or the Town. If the developer is unable to acquire the right-of-way, the Town Attorney may initiate acquisition proceedings, at the expense of the developer, after authorization by the Town Council.

(5) Access to adjoining property.

a. Where, in the opinion of the Town Council, it is necessary to provide for access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property and existing streets through the development.

b. Where no street exists or where the adjoining property is in alignment with a proposed street, a temporary turnaround shall be provided at the boundary of the property.

(6) Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required.

(7) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning and Community Development Department shall require marginal access streets, single tier lots, or such other treatment as will provided protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

(d) *Design standards for streets*.

(1) *Arterial streets.* All state or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation. All county arterials that are not state or U.S. numbered highways shall meet all design requirements of this Development Code.

(2) *Local and collector streets.* All local and collector streets shall comply with the design and construction requirements of this Development Code, except that all state or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.

(3) *Minimum width of right-of-way.* Minimum width of right-of-way measured from lot line to lot line shall be as shown on Table 10.2. Additional right-of-way may be required to accommodate turn lanes, deceleration lanes or other road improvements.

Table 10.2: Minimum Right-of-Way Width

Street Classification	Width of Right-of-way
Arterial Street*	120 feet
Major Collector Street*	100 feet
Minor Collector Street	80 feet
Local Nonresidential w/swale ditches	90 feet
Local Nonresidential w/curb and gutter	70 feet
Local Residential Street w/swale ditches	80 feet
Local Residential Street w/curb and gutter	60 feet
Alleys	24 feet

* Per Georgia DOT for state and U.S. numbered highways.

(4) *Additional right-of-way.*

a. Subdivisions that include an existing street that does not conform to the minimum right-of-way requirements of this Development Code shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by this article is established if lots front on the existing street. Subdivisions abutting only one side of such a street or road shall provide a minimum of one-half of the right-of-way required by these regulations measured from the center of the existing right-of-way.

b. When a future street or road, as proposed in the comprehensive plan, adjoins or traverses the subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by this article. The developer will be contractually bound to the Town to sell this strip of land to the Town at a future date, for the amount stated in the tax digest. A right-of-way agreement shall be executed prior to issuance of a development permit.

(5) *Street grades.*

a. Maximum grades for proposed streets by street classification shall be as shown on Table 10.3. Design exceptions must be justified and approved by the appropriate transportation agency.

b. All streets shall have a minimum grade of 1.5 percent. Minimum grade on culs-de-sac shall be 1.5 percent.

c. Maximum grade across a cul-de-sac turnaround shall be six percent.

d. Grades at 12 percent shall not exceed a length of 200 feet; greater lengths are subject to approval by the appropriate transportation agency.

Table 10.3: Street Grades and Design Speed*

Street Type	Maximum Grade	Minimum Design Speed
Arterial street	10%	55 mph
Major Collector street	10%	45 mph
Minor Collector Street	10%	35 mph
Local Nonresidential Street	12%	25 mph
Local Residential Street	12%	25 mph
Alleys	Varies	Varies

(6) *Minimum design speeds.* Street improvement requirements not otherwise addressed in this Development Code shall be designed to the minimum design speeds shown on Table 10.3.

(7) *Vertical alignment of streets.* In approaches to intersections, there shall be a suitable leveling of the street at a grade not exceeding three percent and for a distance of not less than 50 feet from the nearest line of the intersecting street.

Table 10.4: Vertical Curves

Street Type	Crest Curves		Sag Curves	
	Min	Desired	Min	Desired
Arterial street	55	80	55	70
Major Collector street	55	80	55	70
Local Nonresidential Street	30	30	35	35
Local Residential Street	10	10	20	20
Alleys	10	10	20	20

(8) Horizontal alignment of streets.

a. Where a deflection angle of more than five degrees in the alignment of a street occurs, the radius of curvature of the centerline of said street shall be not less than as shown on Table 10.5.

b. Curved streets shall have a minimum tangent of 50 feet at intersections as measured from the centerline of cross streets. A tangent of a least 200 feet in length shall be introduced between reverse curves on collector streets, and 50 feet on local streets.

c. Street jogs shall have centerline offsets of no less than 125 feet.

d. Intersections. All streets shall intersect at no less than 85 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with this Development Code.

e. Multiple intersections involving the junction of more than two streets shall be prohibited unless otherwise approved by the appropriate transportation agency.

f. Islands at intersections shall be subject to individual approval by the Town Council. In no case shall anything extend more than three feet above the back of the curb within the right-of-way of the intersecting street.

g. Curb lines at street intersections shall have a radius of curvature of not less than 20 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.

h. Intersecting street right-of-way lines shall parallel the back of curb of the roadway, and shall be mitered 20 feet along both streets from the point of the right-of-way lines projected to their intersection.

Table 10.5: Horizontal Alignment

Street Classification	Minimum Radius of Curvature of Center Line
Arterial street	800 feet*
Major Collector	560 feet*
Minor Collector Street	560 feet
Local Nonresidential Street	300 feet
Local Residential Street	120 feet

* Or per Georgia DOT for state and U.S. numbered highways.

(9) *Minimum sight distance.*

a. Lines of sight shall be provided along street roadways, at street intersections and at driveway intersections in accordance with AASHTO Design Standards, latest edition.

b. The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, and existing topography.

c. The design speed for sight distance requirements on existing streets shall be the existing posted speed limit.

d. Visibility triangle. No fence, structure, sign, planting or other obstruction shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way, except as provided in this resolution.

(10) *Dead-end streets (culs-de-sac).* Dead-end streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 2,000 feet in length. The Town may approve additional length necessitated by topography or property configuration.

a. Turnaround dimensions.

1. Culs-de-sac in residential subdivisions with curb and gutter shall terminate in a circular turnaround having a minimum right-of-way of at least 114 feet in diameter, and a paved turnaround with a minimum outside diameter of 80 feet to back of curb.

2. Culs-de-sac in nonresidential subdivisions with curb and gutter shall terminate in a circular turnaround having a minimum right-of-way of at least 138 feet in diameter, and a paved turnaround with a minimum outside diameter of 100 feet to back of curb.

3. Culs-de-sac in subdivisions with swale ditch drainage shall have a right-of-way radius equal to the right-of-way width. A paved turnaround shall be provided with minimum outside diameter as follows: in residential subdivisions, 80 feet to edge of pavement; in nonresidential subdivisions, 100 feet to edge of pavement.

4. A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction. No building permit shall be issued on any lot that fronts exclusively on such a street until it is extended in a future phase of construction, unless a temporary cul-de-sac is installed, however, if road is not extended by the end of the bonding period then permanent pavement is required. Such limitation shall be noted on each such lot on the final subdivision plat.

(11) *Public access alleys*.

a. Alleys dedicated as public rights-of-way shall not be allowed in multi-family, commercial or industrial developments.

b. Alleys in residential subdivisions shall not be permitted, unless the alleys are intended to provide rear-access to garages on each lot or otherwise intrinsic and necessary to the design of the subdivision.

c. When allowed, dead-end alleys shall be provided with a turn-around having a radius of at least 40 feet, a "T-head" turn-around, or other solution acceptable to the Town Council.

(12) *Half streets prohibited.* Half streets shall be prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

(e) *Street improvements.* Roadways shall be constructed and paved with top courses meeting the following standards:

(1) *Street base*.

a. Graded aggregate base course. The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All materials are subject to approval by the appropriate transportation agency. If a blend of materials is used, it shall be blended through a base plant that meets the latest specifications of the Georgia State Highway Department Specification 815.

b. Street base material shall conform to the thickness as required for the street type on Table 10.6.

c. For streets without curbs, the base shall extend at least one foot beyond the edge of pavement.

d. Wherever unsuitable material is found in the subgrade, the unsuitable material shall be replaced with graded aggregate stone or other suitable material approved by the appropriate transportation agency.

(2) *Pavement topping*.

a. Minimum width of pavement. The minimum pavement width, measured from edge of pavement to edge of pavement (exclusive of curb and gutters), shall be as required for the street type on Table 10.6

b. Prime. After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials as specified in Georgia Department of Transportation Specification 412. The Town or its designee may waive the prime coat requirement depending on conditions at the time of construction.

c. Roadway binder. After the prime has been inspected and accepted, the roadway or street shall be surfaced with Type "B" binder as required for the street type on Table 10.6.

d. Tack coat shall be applied on a prepared asphalted road surface according to the requirements of Georgia Department of Transportation Specification 413.

Table 10.6: Street Base and Pavement

Street Classification	Width of Pavement*	Base	Binder	Topping
Arterial	**	**	**	**
Major Collector	**	**	**	**
Minor Collector Street	**	**	**	**
Residential Collector***	**	**	**	**
Local Nonresidential Street	28 feet	8 inches	2 inches	1½ inches "E" only
Local Residential Street	22 feet	6 inches	2 inches	1½ inches "E" or "F"
Alley	16 feet	6 inches	2 inches	1½ inches "E" or "F"

* Not including turn lanes, striped medians, etc. Width measured between pavement edges (excludes curb and gutter).

** Per Georgia DOT for state and U.S. numbered highways; AASHTO for all other major thoroughfares.

*** Minor collector interior to a residential development.

e. Final topping shall consist of asphaltic cement as required for the street type on Table 10.6. No surface treatment pavement as a finished wear surface will be accepted. The appropriate transportation agency may determine whether Type "E" or "F" must be used for particular residential streets.

f. If the appropriate transportation agency approves two-stage paving for residential streets, the developer shall place the binder course on the street but may delay final paving, provided that adequate provision is made for drainage.

1. Prior to the expiration of the performance period, the binder surface will be cleaned and then tack-coated with suitable asphaltic materials [0.06 gallon of R.C. 70 per square yard] as specified in Department of Transportation Standard Specifications—Construction of Roads and Bridges, most current edition. Only the area to be paved the same day is to be tack-coated.

2. After the tack coat has been inspected and accepted, the roadway or street shall be surfaced with a minimum 1½ inches of Type "E" or "F" asphaltic concrete wearing surface.

g. All binder and final topping shall be mixed in an asphalt plant approved by the Georgia Department of Transportation.

(3) *Curb and gutter*.

a. Curb and gutter are required along:

1. All new commercial and industrial streets.

2. All new residential subdivision streets except for those subdivisions in which the minimum size of all lots in the subdivision is greater than one acre and the minimum lot width is greater than 150 feet.

3. Deceleration lanes and travel lane widening in association with new construction on existing streets and roads, unless waived by the appropriate transportation agency due to hydrology.

b. Local residential street curbs shall be Portland cement concrete, 6-inch x 24-inch x 12-inch vertical (high-back) or 24-inch roll-type, with a minimum strength of 3,000 psi at 28 days.

c. Curbs along collectors and local commercial or industrial street curbs shall be Portland cement concrete, 6-inch x 24-inch x 12-inch vertical type only or GDOT standard specification 9032B as determined by the Town or County engineer, with a minimum strength of 3,000 psi at 28 days.

d. Curbing along streets shall meet the following standards:

1. Developer's engineer or surveyor shall set line and grade.

2. Expansion joints (scratch joints) shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.

3. Centerline stakes shall have finished sub-grade elevations marked (cut or fills acceptable) for inspection before street curb and gutter is installed.

4. Curb and gutter stakes shall also be set 90 degrees and tangent to curve with centerline, with every corresponding centerline stake, and shall be off set four feet from back of curb. Finished sub-grade elevations (cut or fills acceptable) shall be marked for inspections before curb and gutter is installed.

5. Developer shall submit to the Mayor or his or her designee a letter prepared by a professional engineer or professional land surveyor before street curb and gutter is installed, indicating that street grades meet Town requirements and no change in hydrology, for instances where hydrology has changed then a re-submittal of road alignment and hydrology study is required.

6. The Mayor or his or her designee shall individually approve special curbing design (center islands, etc.).

7. Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.

8. Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.

9. All curbing shall be backfilled and grassed.

10. Adequate storm drainage structures shall be provided. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically. There shall be no areas of ponding. After installation, drainage under the curb to side slopes is required, using minimum four-inch diameter pipe sections.

11. All catch basins on streets with curb and gutter shall be constructed as standard pre-cast catch basins according to GDOT Specification 1033D or 1034D.

e. A valley gutter may be used across a driveway at its intersection with a street. However, valley gutters shall not be allowed across streets at street intersections unless specifically approved by the appropriate transportation agency.

(4) *Slopes and shoulder improvements*.

a. On streets with curb and gutter, the shoulders shall slope one-fourth inch to the foot toward the roadway for at least seven feet from back of curb, and no more than one-half inch to the foot for the remainder of the right-of-way width.

b. At driveway entrances where there is curb and gutter, the driveway shall slope toward the roadway with the elevation of the driveway six inches higher than the gutter at the right-of-way line. Sidewalks shall have a smooth transition, unless variance is approved by the appropriate transportation agency.

c. On streets with swale ditch drainage, the shoulders shall slope three-fourths inch to the foot away from the roadway for at least five feet to the drainage channel. The maximum slope for the drainage channel shall be three feet of run for each one foot of fall, with a minimum depth of two feet.

d. Slopes outside of the right-of-way shall have a maximum slope of two feet of run for each one foot of fall.

(f) *Private streets*.

(1) Private streets, if approved by the Town, shall meet all requirements and standards that apply to public streets.

(2) The private street shall be located within an access easement no less wide than that required for right-of-way for a similar public street. The access easement shall be recorded as a cross-easement with every lot that the private street serves.

(3) Apartment and condominium streets and associated storm drainage shall be constructed to the residential public street standards of this Development Code.

(4) Private streets within any district shall not be used to satisfy the off-street parking requirements of this Development Code, unless adequate paving width is added and the plan is approved by the Town Council.

(5) Owner's release.

a. At the time of purchasing property that is served by a private street, upon any sale or resale of a property, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the County or Town, and that maintenance of the street is the responsibility of the owner or other private association or entity identified in the release.

b. The release is to be prepared using a form acceptable to the Town attorney and shall be recorded with the clerk of the superior court.

(6) Other standards.

a. A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as stormwater runoff and detention requirements, the provision of utilities, and traffic and street name signs.

b. Private streets shall be denoted as such on the street name signs for each such street. Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name. Street names shall not duplicate or be phonetically similar to existing street names. The Town may require a different color than the standard color for the street name sign, or may require that an additional sign be affixed to the street name sign pole indicating that the street is not maintained by the Town.

c. Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all standards and requirements of the County and Town for access activation, and shall be of breakaway construction.

(g) *Substandard streets.* No major subdivision, multi-family or nonresidential development project, or minor subdivision requiring paved-road access, shall be approved if the road providing access to the property is substandard, and for the purposes of the UDC, a road shall be considered "substandard" if such road fails to satisfy current specifications and /or AASHTO standards. If a developer wishes to provide paved-road access to the property at his or her own expense, the following shall apply:

(1) The street shall be upgraded to a paved roadway from the project entrance to the nearest standard paved road along the primary route of access. Improvements shall, at a minimum, result in a full-section roadway meeting applicable street base and pavement requirements of this article.

(2) Additional right-of-way and paving shall be required as needed to meet minimum County and Town standards for a local road.

(3) The developer shall design the road and provide the labor, equipment, and materials required for roadway improvements and necessary drainage improvements.

(4) All right-of-way required for off-site improvements shall be acquired by the developer and deeded to the County or Town at time of final plat approval.

(5) If the County and Town desires the roadway to be improved to a standard greater than that for a residential local street, the County or Town shall provide or pay the cost of the additional right-of-way, materials and labor.

(h) *Complete streets standards.* The purpose of this section is to assure that new roadway construction and existing roadway improvement projects on Barrow County or Town roadways include consideration for adequate infrastructure, where appropriate and feasible, for bicyclists, pedestrians, users of public transit of all ages and abilities, vehicular and the physically disabled.

(1) *Requirements*. An array of facilities and amenities that are recognized as contributing to complete streets, including, but not limited to: street and sidewalk lighting, pedestrian and bicycle safety improvements, access improvements for freight; access improvements in accordance with the

Americans with Disabilities Act; and street amenities shall be provided where practical.

a. New roadway projects shall accommodate users of all abilities of the transportation system, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, emergency responders, and adjacent land users.

b. New roadway projects shall make use of the latest and best design standards, policies, and guidelines.

c. Complete Streets solutions shall be developed to fit within the context(s) of the community and those solutions shall be flexible so that the needs of the corridor can be met.

d. New roadway projects shall identify anticipated phases and key milestones of project development.

(2) *Exemptions*

a. Ordinary maintenance activities designed to keep assets in serviceable condition;

b. Areas that involve a roadway that bicyclists and pedestrians are prohibited by law from using efforts should be made to accommodate bicyclists and pedestrians else-where;

c. There are extreme topographic or natural resource constraints; and

d. A reasonable and equivalent alternative already exists for certain users.

Sec. 89-1184. Street signs, traffic signs and striping.

(a) *Street name signs*.

(1) Street name signs shall have a green background with white legends mounted on channelized posts. Alternate post material shall be subject to the review and approval of Barrow County or the Town.

(2) The posts and signs will be furnished and installed by the Town at all street intersections. The developer (or homeowners' association in the event an alternate signpost is chosen at a later date) shall pay the costs.

(b) *Traffic signs*.

(1) Traffic control signs shall be provided by the developer as required to properly and safely handle traffic volumes and movements created by the development.

(2) Traffic control signs shall conform to the "U.S. Manual on Uniform Traffic Control Devices", latest edition.

(3) The Town shall install these traffic control signs through payment of fees by the developer.

(c) *Striping requirements*.

(1) All newly constructed streets having four or more lanes (including auxiliary lanes) and existing streets being widened with one or more additional lanes shall be striped or the payment of said striping costs shall be required from the developer by Barrow County or the Town prior to the approval of development conformance for the project. The developer is responsible for the condition of striping through the end of the maintenance bond period.

(2) Striping shall be accomplished with paint meeting Georgia DOT standards conforming to the "Manual on Uniform Traffic Control Devices".

Sec. 89-1185. Street lights.

The Town Council shall provide and be responsible for the construction, establishment, maintenance and operation of lighting fixtures for the illumination of public streets, roads, sidewalks and alleyways (collectively referred in this article as "public rights-of-way") situated within the incorporated area of the town, in the manner and in accordance with the standards set forth in this section. No person shall be permitted to establish lighting of public rights-of-way in any portion of the incorporated area of the Town without first complying with the provisions of this section.

(a) *Street lighting districts.* The Mayor or his or her designee shall be responsible for administering the street

lighting program as set forth in this article and shall:

(1) Advise prospective petitioners for proposed street lighting districts of the procedures required for the establishment of such districts pursuant to this article.

(2) Establish the boundaries of proposed street lighting districts in accordance with such criteria and in such manner as a designated staff member may deem necessary and appropriate.

(3) Establish an orderly system of numbering street lighting districts created pursuant to this article in conjunction with the Barrow County tax assessor and the Barrow county tax commissioner.

(4) Provide standard form petitions for use by prospective petitioners.

(5) Advise petition originators of estimated assessment rates for owners of property lying within proposed street lighting districts.

(6) Examine all filed petitions for accuracy and for compliance with the provisions of this article.

(7) Submit petitions to the Town Council together with estimated assessment rates to owners of property lying within such districts and with such recommendations, as the public works director may deem appropriate.

(8) Coordinate the installation of lighting fixtures within such districts upon final approval by the Town Council.

(9) Perform any and all other acts or duties necessary or proper for the attainment of the purposes set out in this article.

(b) *Creation of district; installation of fixtures in proposed subdivisions*.

(1) *Petition by property owners*.

a. The owners of residential parcels within either an existing subdivision or a discrete and definable area, or the owners of property lying within an area zoned for purposes other than residential use, may submit to the Mayor or his or her designee, for approval, a petition for the creation of a street lighting district wherein lighting fixtures for the illumination of public right-of-way shall be installed and operated.

b. The petition must contain the signatures of at least 75 percent of the owners of the property lying within the proposed street lighting district in favor of such designation and must contain an accurate description of the property to be included by tax map parcel numbers as the tax map parcel numbers are used by the county tax assessor and the Town county tax commissioner.

c. The staff designee, within 60 days from the date of approval of the petition, submit such petition to the Town Council for final approval.

d. If 100 percent of the owners within any such proposed district shall fail to sign such petition, a notice of a public hearing to be conducted by the Town Council shall first be published, in the newspaper in which the Town advertisements are usually published, once a week for two weeks immediately preceding the meeting at which the Town Council shall consider the creation of a street lighting district.

(2) *Installation of fixtures in proposed subdivisions*.

a. The owners of property lying within a proposed subdivision of land may, but shall not be required to, construct and install lighting fixtures for illumination of public rights-of-way to be located within such proposed subdivision, subject to the provisions of this section.

b. A written request for authorization to construct and install lighting fixtures signed by all owners of such property shall be submitted to the Mayor or his or her designee on such forms as may be prescribed from time to time by the Town Council, together with plans and specifications for such lighting fixtures for approval by the Town Council.

c. Such plans and specifications shall be designed and/or approved by the public utility company which will provide electrical service to the proposed subdivision and shall include,

but not be limited to, a preliminary plat of the proposed subdivision showing the location of the lighting fixtures within the subdivision as required by the appropriate public utility and a description of the fixtures, poles and other components approved for use by such utility company.

d. Upon approval of the plans and specifications by the Mayor or his or her designee, such plans, specifications and other required documents, together with the recommendation of the Mayor or his or her designee, shall be submitted to the Town Council for final approval.

e. The construction and installation of such lighting fixtures shall not commence until the Town Town Council has approved such plans and specifications.

(3) *Authority of Town Council to create district*.

a. Any other provision of this section to the contrary notwithstanding, the Town Council shall be authorized and empowered to create special street lighting districts and provide lighting fixtures in areas in which the Town Council has determined that special conditions exist which uniquely affect such areas so as to warrant the creation of such districts and the provision of such lighting fixtures therein.

b. In making such determination, the special conditions which the Town Council may consider shall include but not be limited to public safety, security and welfare and the creation of such street lighting districts shall be upon such terms and conditions and in such manner as the Town Council may deem necessary or proper.

c. A notice of a public hearing to be conducted by the Town Council shall first be published, in the newspaper in which Town advertisements are usually published, once a week for two weeks preceding the meeting at which the Town Council shall consider the creation of a street lighting district pursuant to this section.

(c) *Payment of costs; assessments*.

(1) *Generally*.

a. The cost of providing and maintaining service in street lighting districts created pursuant to the article shall be the actual cost of the energy used plus the retirement of any construction costs incurred in the installation of lighting fixtures and an amount equal to ten percent of such sum to cover administrative expenses. Each property owner shall be responsible for and pay his pro rata share of such cost, which shall be prorated among all property owners on the basis of the number of parcels, whether improved or unimproved, owned by each property owner within such district. The construction costs incurred in the installation of lighting fixtures shall be retired in the manner set out by agreement with the public utility or other person to whom the indebtedness is owed.

b. For purposes of this article, the term "parcel" shall be defined as any single tract of land which falls within any of the zoning classifications as defined by the zoning regulations of the Town and shall include both improved and unimproved property.

(2) *Authority of Town Council to establish costs.* Any other provision of this article to the contrary notwithstanding, the Town Council shall be authorized to establish, by resolution duly adopted, the cost of providing and maintaining services in street lighting districts created pursuant to the provisions of this article as the Town Council may deem necessary or proper.

(3) *Collection of costs.* The tax commissioner shall be responsible for the collection and receipt of monies in payment of the cost of illuminating public rights-of-way from the owners of property lying within each street lighting district. The cost of such service shall be added to the tax statement issued annually to each such property owner. The Town Council shall be authorized to establish, by resolution duly adopted, such other manner or method of billing, accounting, collecting and receiving of monies in payment of the cost of providing and maintaining street lighting districts as the Town Council may deem necessary or proper.

(d) *Installation and construction standards.* The American National Standard Practice of Roadway Lighting of the Illuminating Engineering Society, as approved by the American Standards Institute, as amended

from time to time, is hereby adopted as the standard for the installation and operation of lighting in the incorporated area of the town.

(e) *Contracts for work; authority to grant exceptions.*

(1) The Town Council shall be authorized to enter into and make contracts with public utility companies and other persons for the purpose of carrying out and effecting the provisions of this article.

(2) The Town Council shall be authorized to grant exceptions to the literal terms of this article where special conditions or hardships exist.

Sec. 89-1186. Driveways and development entrances.

All proposed subdivisions, subdivision lots and other land development projects shall be provided with driveways or development entrances meeting the following requirements.

(a) *Driveway access to a state road.* Access onto a state road shall meet Georgia Department of Transportation requirements, except that the entrance must be paved. A copy of the Georgia Department of Transportation permit shall be submitted to the Mayor or his or her designee before the plans can be approved.

(b) *Driveway access to a Town road*.

(1) Residential lots in any major subdivision shall have no direct driveway access to any existing town, county, state or U.S. numbered road.

(2) Reverse frontage lots may be utilized but are not required in major residential subdivisions where direct access to a Town and county road, or to a state or U.S. numbered highway, is not allowed.

(3) An easement of at least 25 feet in width along a U.S. or state numbered highway or ten feet in width along all other County or Town roads, across which there shall be no right of access, shall be provided in a major subdivision along the line of lots abutting any existing County or Town road. The backs of the adjacent houses must be screened from view as follows:

a. The easement may retain its natural vegetation if existing trees and understory shrubs will adequately screen the view of the backs of the adjacent houses.

b. Supplemental vegetation may be added within the easement to provide adequate screening.

c. The easement may be improved with a landscaped earthen berm of no less than four feet in height.

d. All driveways, other than those required elsewhere in this Development Code, which access a paved public street, must have a paved pad from the edge of the roadway pavement of no less than 12 feet in length and ten feet in width plus tapers. The design and construction standards must comply with AASHTO. This requirement shall not be varied or waived.

(4) A common access driveway (or shared driveway) may be allowed by approval of the Town Council in order to allow for more efficient traffic flow, to reduce traffic hazards from numerous individual driveways, to consolidate access to lots in cases of environmental impediments (e.g. wetlands), and otherwise where it is determined that a common access driveway will be more advantageous to the community than separate driveways. Where minor subdivision is proposed on a County or Town road with speed limit of 45 miles per hour or greater, a common access driveway shall be required to limit traffic hazards.

(c) *Driveway standards; general*.

(1) A driveway permit is required as outlined in the procedures and permits article of this Development Code for any driveway entering an existing public road.

(2) Each driveway shall be constructed according to Barrow County or Town standards and in a manner that will not damage the adjacent roadway or hinder use of the adjacent roadway.

(3) Driveways shall not intersect adjacent roads at an interior angle less than 80 degrees.

(4) All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or

gutter. No water shall enter onto the adjacent road surface or pavement.

(5) Any driveway entering on a roadway or street shall be sloped down from the street or roadway at a rate of one-half inch per one foot for a minimum of ten feet (except in major subdivisions).

a. At the ditchline, the driveway must be lower in elevation than the adjacent roadbed (except in major subdivisions).

b. The finished driveway surface within the right-of-way where it abuts the adjacent road must be no higher in elevation than the roadbed.

(6) As far as practical, all driveways must be located and constructed so as to maximize sight distance by those traversing the driveway or the adjacent road.

(7) In and around the first 50 feet of all driveway culverts, the slope of the land shall be at a grade of no more than three to one so as to enable to County to better maintain the culvert area.

(8) All driveway culvert pipes shall comply with the materials and installation requirements of this article.

(9) For common access driveways, the following additional standards shall apply.

a. Common access driveways shall be of sufficient dimensions so as to provide safe travel for vehicles and insure the safety of pedestrians. Where appropriate, the specific standards set forth below may be modified. The Town Council will give consideration to the number of residences on the common driveway, the character of the neighborhood, and the nature of the terrain over which the driveway passes.

b. Common access driveways shall have an easement width of not less than 24 feet and shall have a paved width of not less than 18 feet.

c. A three foot wide shoulder shall be constructed along each side of the paved driveway.

d. The minimum centerline radius shall be 60 feet.

e. Grades shall not exceed 12 percent and shall not exceed three percent within 50 feet of the street line.

f. Common access driveways shall not exceed 100 feet in length.

g. Common access driveways shall not be located nearer than 100 feet from any intersection.

h. Turnaround space shall be provided at the end of any common access driveway that does not have two intersections with the public road. Such turnaround shall be capable of serving all vehicles including ambulances, fire engines and police vehicles.

i. Common access driveways shall be completely defined by installing bounds (iron rods or pipes) at each point of change in direction of the easement lines.

(d) *Separation between driveways*.

(1) *Residential driveways.*

a. On subdivided lots that access an existing public road, the driveway shall be placed as far as possible from existing road intersections to maximize sight distance, but a minimum of 100 feet from any intersection and 40 feet from another curb cut. When this requirement cannot be met, the Town Council may approve an alternate separation that maximizes both the distance to the intersection and traffic safety considerations.

b. Minimum separation between driveways along the same side of an arterial or major collector road: 200 feet between centerlines as measured along the roadway edge or back of curb. Sight distance considerations may change this requirement to enhance safety as determined by the appropriate transportation agency.

(2) *Nonresidential driveways.*

a. Minimum separation from a street intersection: 100 feet from centerline of driveway to nearest right-of-way line of the intersection street, extended. When this requirement cannot be met, the appropriate transportation agency may approve an alternate separation that maximizes both the distance to the intersection and traffic safety considerations.

b. For any driveway on a major thoroughfare having a centerline between 100 feet and 200 feet from the intersection street right-of-way, access restrictions may be imposed to avoid traffic hazards.

c. Greater separation or additional improvements such as a free-right lane, acceleration or deceleration lane, may be required for safe operation.

d. Minimum separation between driveways along the same side of an arterial or major collector road: 200 feet between centerlines as measured along the roadway edge or back of curb. Sight distance considerations may change this requirement to enhance safety as determined by the appropriate transportation agency.

e. Whenever possible, proposed driveways along one side of a street shall coincide with existing or proposed driveways on the opposite side of such street.

(e) *Access easements for driveways.* Vehicular driveway access may be provided from a public street via easement in any one or more of the following circumstances:

(1) The property existed in whole as a legal lot of record prior to the adoption of this Development Code, but does not meet the minimum frontage requirement of the applicable zoning district. The property must be served by an exclusive access easement, which shall be limited to the provision of access to only one principal use or structure on one lot.

(2) The access easement serves one single-family residence on a lot that is otherwise a buildable lot of record, and which is sharing a common driveway with one other single-family residence, both of which meet the minimum size, frontage, lot width and other requirements of this Development Code.

(3) The access easement was lawfully established as such prior to the adoption of this Development Code.

(4) The access easement serves a buildable lot of record that meets the minimum frontage requirements of this Development Code, but from which access cannot be achieved.

(5) The access easement is established in accordance with a planned common access driveway approved by the appropriate transportation agency.

(f) *Residential subdivision entrances*.

(1) A single entrance road to a subdivision shall serve no more than 99 lots. When more than one entrance is required, the first additional entrance shall be provided to serve up to an additional 150 lots, and each additional entrance thereafter shall be provided for each additional 250 lots. Alternately, or in combination with additional subdivision entrances, improvements such as dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., may be required based on the recommendations of a professionally prepared traffic study.

(2) Entrance streets to a residential subdivision containing 24 lots or more that is accessed from a collector or arterial road shall construct a deceleration lane at each entrance to the subdivision. See section 89-1187, below.

(3) Residential subdivisions with fewer than 24 lots whose entrance street is on an existing collector or arterial road shall install offset radii and 50-foot tapers.

(4) A residential major subdivision that is capable of generating 1,000 average daily vehicle trips or more shall be required to submit a traffic study acceptable to the Town Council to determine if additional improvements such as dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., are required for safe traffic operations along the public road and at each entrance. If the traffic study determines that further steps should be taken to protect the traveling public, the appropriate transportation agency may impose the additional requirements.

(g) *Commercial/industrial subdivision entrances*.

(1) A deceleration lane and any other access improvements as deemed necessary by the appropriate transportation agency shall be installed at all entrance roads into a commercial or industrial subdivision. See section 89-1187, below.

(2) The Town Council may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that further steps should be taken to protect the traveling public, the Town Council will impose the additional requirements.

(h) *Driveways for multi-family and nonresidential developments*.

(1) Multi-family and nonresidential developments shall install a deceleration lane at each driveway entrance connected to a major collector or arterial street. See section 89-1187, below.

(2) If a driveway entrance to a multi-family or nonresidential development is less than 200 feet from a street intersection, a continuous travel lane shall be constructed along the property's frontage from the intersecting street to the driveway in lieu of a deceleration lane.

(3) Service stations and other commercial businesses on corner lots that have frontage on interior subdivision streets shall have access only from the main street.

(4) The Town or its designee may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project and the existing County or Town road warrants it, the Town Council will require the additional improvements or other mitigating measures.

(i) *Sight distances at driveways and project entrances.* If the sight distance required by this article cannot be met at a proposed driveway or development project entrance, the developer shall be required to upgrade the existing County or Town road as needed to meet the sight distance requirements in order for the driveway or development project entrance to be approved.

Sec. 89-1187. Deceleration lanes and turn lanes.

(a) *Median breaks.* If the street has an existing or proposed median, and the developer desires to construct a median break to serve the development, a left turn lane leading to the median break shall be provided by the developer meeting the design standards of Barrow County or the Town.

(b) *Deceleration and turn lane construction standards*.

(1) Deceleration lanes and turn lanes shall be a minimum length of 150 feet, with an additional 50-foot taper length, and a pavement width of 12 feet (exclusive of curb and gutter). Additional right-of-way to accommodate the deceleration lane or turn lane and a ten-foot shoulder shall be dedicated by the developer to Barrow County or Town, depending upon which jurisdiction owns the right of way. Deceleration lanes and tapers may be required to be of greater length, based on the design speed of the road.

(2) Curb and gutter along all deceleration lanes and tapers are required, and shall be constructed in accordance with subsection 89-1183(e)(3). The curb and gutter may end at the termination of the full-width section of the deceleration lane unless the existing roadway beyond the deceleration lane has curb and gutter.

(3) Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall also be required.

(4) Other project access improvements may be required by the Town or its designee in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer for the developer.

(5) The developer will pay the cost of any catch basins that must be constructed along an existing public road as a result of the deceleration lane.

(6) All utilities and drainpipes shall be relocated at the developer's expense outside of the deceleration lane.

(7) In cases involving rock cuts, deep fills or cuts, proximity to floodplain, etc., the requirements of pavement widening for full deceleration lanes may be modified or waived by the appropriate transportation agency, following accepted engineering practice.

Sec. 89-1188. Sidewalks

(a) *Sidewalks; where required.*

(1) All new commercial and industrial streets shall have continuous sidewalks compliant with this section 89-1188 on both sides of the street, regardless of whether all lots are developed along the street.

(2) All new residential subdivision streets shall have continuous sidewalks compliant with this section 89-1188 on at least one side of the street, regardless of the number of lots in the subdivision, regardless of the size of the lots in the subdivision, and regardless of whether all lots are developed along the street.

(b) *Sidewalks; where located*.

(1) When required, sidewalks shall be located 18 inches from back of curb and gutter to edge of sidewalk. Where no curbing exists or future road improvements are anticipated, the sidewalks shall be placed in a location acceptable to the appropriate transportation agency. All new sidewalks shall match and provide a smooth transition to any existing sidewalk. No sidewalk shall be located in any development unless first submitted and approved as part of the development plan.

(2) Sidewalks, when required by this Development Code or other ordinances, shall be located on both sides of the street within a subdivision, and along the side of any street that abuts a subdivision or development project.

(3) Where future road improvements are anticipated, the sidewalks shall be placed in a location acceptable to the appropriate transportation agency.

(4) All new sidewalks shall match and provide a smooth transition to any existing sidewalk.

(c) *Sidewalks; construction standards*.

(1) Sidewalks must comply with all requirements of the federal Americans with Disabilities Act.

(2) Sidewalks shall be a minimum four feet wide and four inches thick.

(3) Class "B" concrete sidewalks shall be 2,500 psi at 28 days' strength.

(4) Slope: Sidewalk shall have a one-fourth inch per foot slope toward the street along the width of the sidewalk.

(5) Height: The edge of the sidewalk nearest the curb and gutter shall be one-half inch higher than the top of the curb and gutter.

Sec. 89-1189. Location of utilities and street cuts.

All utility work, encroachments, pavement cuts and associated road or lane closures must be reviewed, approved and permitted by the appropriate transportation agency.

(a) *Location of utilities in streets*.

(1) Above-ground utilities. Street light poles, junction boxes, transformers and other public or private utility structures placed above ground within a street right-of-way must be at least eight feet back from the back of the street curb (or edge of pavement) and one foot back from the edge of any sidewalk, whichever is farthermost from the roadway.

(2) Underground utilities.

a. All proposed public underground utilities shall be located within the right-of-way of a public street or within an easement designed for such use.

b. All electric, telephone, cable TV and other wires shall be placed underground in any major subdivision and in any multi-family or nonresidential development.

c. Utilities placed underground shall be placed within the right-of-way as shown on the standard details. Where required because of topography, location of existing utilities, or other factors, the Town Council may allow the installation of utilities in other areas.

d. No private improvements or permanent structures, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way except by

authorization of the Town or its designee. Such authorization, if issued, shall require the owner to assume all repair costs of the owner's facilities should they become damaged.

Sec. 89-1190. Storm drainage.

(a) *Applicability and exemptions*.

(1) An adequate drainage system, designed in accordance with this section, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

(2) All persons proposing development or construction in the Town shall prepare a stormwater management plan. The stormwater management plan shall address the requirements of this section, and the on-site drainage including lot-to-lot drainage and off-site impacts. The stormwater management plan shall also meet the minimum standards of the current edition of the "Georgia Stormwater Management Manual." No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the stormwater management plan has been reviewed and approved by the appropriate reviewing agency, except as exempt below.

(3) Exemptions from storm drainage requirements. The following development activities are exempt from the provisions of this section and the requirement of providing a stormwater management plan:

a. Agricultural land management.

b. Additions or modifications to existing single-family detached dwellings.

c. New construction of single-family detached dwellings on lots that are not included in a major subdivision.

d. Residential development consisting of single-family houses, each on a lot of two acres or greater.

(b) *Stormwater detention facilities*.

(1) All development plans shall require a hydrology study certified by a registered design professional. If detention has been waived or provided in a previous phase or unit of development then a letter from the design professional with supporting documents shall be provided.

(2) All stormwater detention facilities shall be designed to detain the one-year storm runoff, for the area draining to the pond, for 24 hours. For the project, this volume called the channel protection volume, shall be equal to or greater than the one-year storm runoff volume from the project. In addition, these facilities shall control the peak flow rates associated with storms having two-year, five-year, ten-year, and 25-year return frequencies so that flows from the developed site do not exceed those associated with predevelopment conditions at the project boundary nor increase the peak flows downstream from the project to the point in the drainage basin where the project area is ten percent of the total basin. Where adverse impacts occur during the 100-year storm, the 100-year storm shall also be regulated.

(3) To eliminate detention facilities for stormwater, a registered design professional shall evaluate the basin utilizing the ten percent rule as defined in the current edition of the "Georgia Stormwater Management Manual." The design professional shall demonstrate that post-developed peak flows at the ten percent point of analysis are not increased for all storm events up to and including the 25-year storm. Where adverse effects occur for the 100-year storm, the 100-year storm shall also be regulated.

(4) Non-detained, post development runoff shall leave the project site as sheet flow and will not have an adverse impact on downstream properties.

(5) Permanent detention facilities, when required, shall be designed so that the following standards shall apply:

a. The location and size of all proposed stormwater improvements shall be designed in accordance with and meet all standards relating to stormwater management of this Development Code and the current edition of the "Georgia Stormwater Management Manual."

b. Stormwater detention facilities providing for the storage and controlled release of runoff shall be required for any development activity that will increase the peak rate of discharge by one cubic foot per second or more for the ten-year frequency storm at any point of discharge from the property. All stormwater detention facilities shall be designed to control the runoff volumes associated with storms having two-year, five-year, ten-year and 25-year frequencies and safe

overflow for 100-year storm.

c. The structure shall be constructed such that trash and pollutants are prevented from exiting the pond.

d. The reservoir routing method or an equivalent method shall be used in sizing detention ponds. (The bowstring method is not acceptable.)

e. An emergency overflow device (which does not include the throttling device) for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam.

f. Pond discharge locations shall be in defined drainage ditches. The developer's engineer shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and an explanation of how downstream property owners will not be adversely affected by the "concentrated" runoff from the project boundary up to and including the ten percent point of analysis.

g. The steepest fill slopes shall be 3:1. Cut slopes shall be no steeper than 2:1.

h. The top of the berm shall be a minimum of ten feet wide when 3:1 slopes are used.

i. Slopes shall be stable under all conditions including maintenance.

j. Full and living coverage of an approved permanent grass or ground cover devoid of noxious weeds shall be provided.

k. Fences are required around the perimeter of a detention facility except as provided by paragraph 3 of this subsection.

1. The fence shall be commercial gage chain link fence of six feet in height with a 12-foot wide two-section gate aligned with the access easement. A ten-foot wide clear area shall be provided outside of the fenced area.

2. The fence shall be constructed within the drainage easement for a detention pond and enclose the outlet piping.

3. The reviewing agency may waive the fencing requirement if the slope of the interior side slopes of the detention facility is no more than 3:1, and the 100-year ponding depth is less than four feet.

4. The reviewing agency may waive the fencing requirement in commercial developments when the detention facility is located more than 500 feet from a residential district, or in instances of unusual topography.

l. A silt gauge, consisting of a durable weather - resistant post, shall be installed and maintained on all normally dry detention facilities and sediment forebays. The post shall be installed at the lowest ground elevation of the detention facility or sediment forebay. The post shall be embedded a minimum of two feet into the ground and extend a minimum of five feet above ground. Numbers and adjacent tick marks must be on the post beginning with the number "1" at one foot above the post installation elevation and thereafter a number tick mark for each corresponding foot. Numbers and tick marks must be clear, readable, weather resistant, and durable. A comparable alternative may be used upon approval of the reviewing agency.

(6) As part of the hydrological study, the design professional shall complete a downstream analysis in accordance with the current edition of the "Georgia Stormwater Management Manual." Consideration shall be given to the flow capacity of downstream drainage structures from the property line up to and including the ten percent point of analysis. If the downstream system is inadequate, the developer is required to either improve the down stream drainage structure or provide additional storage in the detention facility.

(7) In approved cases, damming a natural basin with minimal clearing may provide the detention. In such cases:

a. The required discharge structure opening must be large enough to prevent stoppage from leaves and other debris naturally occurring. Also, the volume should be adequate to account for natural growth of vegetation.

b. Documentation shall be provided for the natural drainage way that it is not jurisdictional state waters or for an approved Georgia EPD Buffer Variance Application.

c. Documentation shall also be provided showing compliance with the Clean Water Act Section 404, permitting requirements.

d. Fencing of natural ponds shall be considered by the reviewing agency on a case-by-case basis.

(8) Detention facility location criteria. For purposes of these regulations, a detention facility shall be deemed to consist of the area within the maximum design ponding limits, the dam (if one) including all embankment slopes and wall footings (if applicable), primary and emergency outlet works, any drainage and access easements, and any energy dissipation devices.

a. In residential subdivisions, any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into an individually platted parcel, which the homeowners association shall be responsible for its maintenance and continuing operation.

b. (In nonresidential subdivisions, the detention facility may be located on a separate lot and owned by a property owners' association, which shall be responsible for its maintenance and continuing operation; or located on each lot within the subdivision and constructed when the lot is developed.

c. In multi-family and nonresidential development projects, separate detention facilities shall be provided for each development. The owner of the property shall be responsible for maintenance and continuing operation of the facility.

d. The Town may approve stormwater detention facilities serving two or more developments, provided that private ownership of the facilities and provisions for their perpetual maintenance and continuing operation are clearly established in a manner acceptable to the Town attorney.

e. No portion of any detention facility shall disturb any required (as opposed to voluntary) buffer not otherwise authorized without first obtaining the required approvals.

(9) *Detention facility easement requirements*.

a. An easement at least 25 feet in width shall be required to provide access to all detention facilities from a public street. This easement shall be cleared, grubbed and/or graded so that it can be utilized by rubber-tired construction vehicles. The easement shall include a 15-foot access drive graded to maximum 15 percent grade. Its location shall be such as to minimize the amount of grading required.

b. Every normally dry detention basin or detention facility shall be completely enclosed within a drainage easement. The drainage easement shall extend at least ten feet beyond the limits of the detention facility and related facilities including fencing.

(c) *Long-term maintenance and inspection of stormwater facilities and practices.*

(1) Stormwater management facilities and practices must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the documents approved as part of the permitting process pertaining to those facilities/practices. If no such documents were required to be approved when the facility/practice was installed, the facility/practice must be maintained in good working condition.

(2) A stormwater management facility or practice shall be inspected on a periodic basis by the owner and/or operator of the subject property or other responsible person named in the applicable stormwater management facility maintenance agreement or plan. Those facilities which are subject to an approved maintenance agreement shall be inspected in accordance with that agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the stormwater department may notify the person responsible for carrying out the maintenance, or the property owner on which the facility exists, by registered or certified mail. The notice shall specify the need to comply with the agreement, the plan or, in the absence of an agreement or approved plan, standard maintenance practices and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the maintenance agreement or notice as provided herein, the stormwater department may correct the violation as provided in subsection (e) of this section.

(3) Inspection programs by the stormwater department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(d) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the stormwater department when requested.

(e) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the maintenance agreement or the standards contained herein, the stormwater department, after ten days' written notice (except that, in the event the violation constitutes an immediate danger to public health or public safety, immediate action may be taken), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The stormwater department may assess the owner of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

(f) *Alternate structural stormwater controls*.

a. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the current edition of the "Georgia Stormwater Management Manual." All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the current edition of the "Georgia Stormwater Management Manual," or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the reviewing agency before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the reviewing agency may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

b. Applicants shall consult the current edition of the "Georgia Stormwater Management Manual" for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(g) *Dam design guidelines*.

(1) Any land disturbing activity that involves a site, which proposes a dam, shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(h) *Stormwater management facility maintenance agreement*.

(1) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the Town requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the town, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding in perpetuity on all subsequent owners of the site.

(2) The inspection and maintenance agreement, if applicable, must be approved by the Town prior to plan approval, and recorded in the deed records upon final plat approval.

(3) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the entity to be responsible in perpetuity for its inspection and maintenance.

(4) The terms of the maintenance agreement shall provide for the Town to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(i) *Water quality treatment applicability*.

(1) The provisions of this article shall be applicable to all land development within the incorporated area of the Town of Bethlehem, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection b. hereof. The provisions of this article further apply to any new development or redevelopment site that meets one or more of the following criteria:

a. New development that includes the creation or addition of 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater;

b. Redevelopment that includes the creation, or addition of 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre or more;

c. Any commercial or industrial new development or redevelopment, regardless of size, with a Standard Industrial Classification (SIC) code that falls under the NPDES Industrial Stormwater Permit program, or is determined by the Mayor or his or her designee to be a hotspot land use; or

d. Land development activities that are smaller than the minimum applicability criteria set forth in subsections (i)(1) and (2) hereof if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place in connection with such development at different times on different schedules.

(2) The following activities are exempt from this article:

a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

b. Additions or modifications to existing single-family or duplex residential structures that are not part of a subdivision or phased development project;

c. Agricultural or silvicultural land management activities within areas zoned for these activities; and

d. Repairs to any stormwater management facility or practice deemed necessary by the governmental agency with jurisdiction.

(j) *Modifications for off-site facilities*.

(1) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

(2) A stormwater management plan must be submitted to the public works department that shows the adequacy of the off-site or regional facility. To be eligible for a modification, the applicant must demonstrate to the satisfaction of the public works department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

a. Increased threat of flood damage to public health, life, and property;

b. Deterioration of existing culverts, bridges, dams, and other structures;

c. Accelerated streambank or streambed erosion or siltation;

d. Degradation of in-stream biological functions or habitat; or

e. Water quality impairment in violation of state water quality standards, and/or violation of any

state of federal regulations.

(Ord. of 10-13-2020; Ord. of 4-13-2021, § 1)

Sec. 89-1191. Stormwater conveyance facilities.

(a) *Storm drains*.

(1) Sizing and location of all existing and proposed drainage structures shall be the responsibility of a registered design professional subject to approval by the reviewing agency.

(2) Storm drainage pipes shall be sloped so as to maintain a minimum velocity of three fps at design flow or lower so that sediment will not collect. Minimum slopes for RCP pipe shall be 0.5 percent, and for CMP pipe shall be one percent.

(3) State Highway Standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation.

(4) Drainage formula used in determining size of drainage structure shall be determined by the developer's registered design professional according to accepted engineering practice, subject to approval of the reviewing agency.

(5) A registered design professional shall certify the storm drainpipe sizes with supporting calculations verifying capacity of the system.

(6) The 25-year storm event shall be used in designing the storm drains. In cases where a spring, creek, or other watercourse traverses the property, the 100-year storm event will be used for design. In cases where upstream property drains through the development, the storm drain system passing this flow shall be designed using the 100-year storm event for the area draining to the property. No increase in water surface elevation or ponding shall be allowed on upstream offsite property without consent of the upstream offsite property owner.

(7) Storm sewer catch basins, drop inlets, manholes, and junction boxes shall be designed by the developer's registered design professional to GDOT State Highway Standard Specifications and subject to final approval by the reviewing agency. Catch basins shall be located outside of intersection radii unless unusual circumstances cause undue hardship, in which case the reviewing agency may waive this requirement. Catch basins shall be constructed to GDOT standard specification 1033D or 1034D, as amended.

(b) *Street drainage*.

(1) Street water runoff shall be designed using the gutter spread formula and shall be limited to a maximum spread of eight feet.

a. Culs-de-sac on downhill street grades shall require catch basin throat design and cul-de-sac grading detail.

(2) Subdrainage will be installed to control the surplus ground water by intercepting sidehill seepage or by lowering or regulating the ground water level where such conditions exist.

(3) A certification by the supplier of the pipe specifications for each pipe shall be required before installation.

(4) (Bridges shall be designed for a 100-year storm event with a minimum freeboard of 1.5 feet measured from the centerline of roadway.

(5) Provide riprap or other energy dissipation measure at all downstream discharge points of storm drains. The area of riprap or size/configuration of energy dissipation measure required shall be determined using design equations in the current edition of the "Georgia Stormwater Management Manual."

(c) *Cross drain and side drain pipes*.

(1) Cross drain and side drain pipes shall not be less than 18 inches in diameter when under the street. No storm drain pipe running parallel to the existing primary road shall be located beneath the proposed acceleration/deceleration lanes. The reviewing agency may modify or waive this requirement if unusual circumstances exist such as topography.

(2) The minimum allowable pipe diameter shall be 18 inches except driveway pipes may be a minimum of

15 inches.

(3) The inlet and outlet end of all storm drain pipes (except driveway pipe) shall have either flared-end sections or rectangular concrete headwalls that meet the standards of Georgia Department of Transportation 1120 or 1125. Driveway pipe shall have safety flared end sections according to latest GDOT standards.

(4) Storm drain pipes shall extend 50 feet back from the front building line with a minimum length of 120 feet on the downhill side of the road.

(5) Maximum continuous length of pipe shall be 200 feet for pipes less than 42 inches. Junction boxes or other manhole structures allowing access shall be installed in pipes longer than 200 feet.

(6) Junction boxes having access to the pipe shall be constructed to meet the requirements of State Standard 1011A (or most current).

(d) *Stormwater channels.* All channels between storm drain pipes and downstream of storm drain pipe shall be designed by a registered design professional. The design plans shall show the velocity, depth and flow quantity for each channels. Stormwater velocity shall not exceed five fps during the 25-year storm event unless the channels are lined with riprap or other energy dissipation materials as approved by the reviewing agency. In addition, for channels passing flows from upstream properties, the channel shall be evaluated using the 100-year storm.

(e) *Materials and installation*.

(1) Table 10.7 sets out guidelines for the use of storm sewer pipes by pipe material and type of installation.

(2) All pipe materials shall meet the minimum requirements of the Georgia Department of Transportation's Standard Specification for Construction of Transportation Systems, most current edition.

(3) Pipe installation shall conform to Georgia Department of Transportation Standard Specifications for Construction of Roads and Bridges. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current).

(4) Storm drainage pipe shall be bedded in Type 57 gravel if required due to pipe trench conditions.

(5) Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed six inches with each layer being thoroughly compacted. All material shall have an in place density of 98 percent standard proctor to a depth of six inches below the finished grade, and 95 percent standard proctor at depths greater than six inches below the finished grade. Compaction requirements shall be attained by the use of mechanical compaction methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.

(6) All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.

(7) Material deemed by the reviewing agency as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.

(8) Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

(9) Benching is required in the bottom of all structures. The invert channels shall be constructed as to cause the least possible resistance to flow. The shapes of invert channels shall conform uniformly to inlet and outlet pipes. Inverts may also be precast into the structure.

(f) *Minimum clearances*.

(1) One foot between the bottom of the base or sub-base, if used, and the exterior crown of the culvert are required under the roadway.

(2) Pipes included in easements shall have a minimum cover of one foot or at the manufacturers' recommendations.

(3) A minimum of one foot between underground utilities and exterior crown of culverts.

(g) *Driveway culverts.*

(1) Where a wet weather drainage ditch exists between the proposed road and 20 feet into the lot, the design professional shall size the driveway culvert as if the driveway was at the lowest point on that lot. Sizing shall be based on the 25-year storm with one and one half foot of freeboard. The construction plans shall show the minimum driveway pipe size required.

(2) Driveway culverts in the right-of-way may be any of the types of pipe materials shown on

(3) Table 10.7 for longitudinal pipe installation.

(4) The inlet and outlet end of all driveway culverts shall have safety flared-end sections that meet the standards of Georgia Department of Transportation 1120 or 1125.

(h) *Inspections*.

(1) *Responsibility for inspection.* The developer's contractor will be responsible for the quality, accuracy and workmanship of the contractor's completed work. Town's designee will review the quality of work during construction and oversee inspection on all installed infrastructure. The Town or its designee shall have the right to review and inspect all construction and may reject any work that does not meet quality control standards.

(2) *Access to project.* Authorized representatives of the town, which may include Barrow County employees and the county's engineering consultant, as well as state or federal agencies, shall have access to the site for inspection at any time.

(3) *Communications.* The developer, contractor(s) and the developer's professional responsible for construction will be required to attend a pre-construction conference with the Town or its designee. At the pre-construction conference, the contractor will submit to the Town or its designee, in writing, the date they propose to begin construction. The contractor will provide notification by phone any time the work is to be vacated for longer than 72 hours and will provide notice by phone prior to resuming work. The applicable departments may have informal verbal communications with the contractor foreman or superintendent at any time during construction. The Town or its designee will not direct the actions of contractor's workmen. Requests for inspections shall be made at least 24 hours prior to when the inspection is needed.

(4) *Concealed work.* The contractor shall notify the Town's designee and receive inspection approval prior to concealing certain work such as storm sewers and bedding, storm drainage structures, etc. Inspections shall be made and passed prior to continuation of further activity.

(i) *Final acceptance.* The developer's professional will provide the Town's designee copies of as-built drawings. After the submittal of these items the Town's designee will schedule a final inspection. A representative of the developer's professional and the contractor will be present during this final inspection. This final inspection will generally include spot checks of storm sewers, drainage system, drainage easements, and a complete overview of the project. The developer shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval.

(j) *Responsibility for work.* References in this section to the various responsibilities of contractors and design professionals are to clarify the role each is expected to play in the permitting process. No such references relieve the owner from its ultimate responsibility for compliance with this section. The owner shall ensure that its contractors and design professionals comply with the requirements of this section.

Table 10.7: Selection Guidelines for Storm Sewer Piping*

	Reinforced Concrete AASHTO M-170	Corrugated Steel AASHTO M-36	Corrugated Steel AASHTO M-245	Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert
Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Aluminized Type II CMP	Polymer Coated CMP	Aluminum Alloy CMP	Corr. High Density Polyethylene Smooth Lined	Per Ga. DOT Standards
LONGITUDINAL Grade less than 10%	YES	YES	YES	YES	YES	n/a
LONGITUDINAL Grade 10% or more	NO	NO	YES	NO	YES	n/a
CROSS DRAIN Local Street	YES	NO	NO	NO	NO	n/a
CROSS DRAIN Collector or Arterial St.	YES	NO	NO	NO	NO	n/a
CROSS DRAIN 25 year flow < 200 cfs Fill depth < 18 feet	See Note 2	NO	NO	NO	NO	YES

* See corresponding notes below:

Note 1: Only reinforced concrete pipe (AASHTO M-170) shall be used inside the roadbed. Concrete pipe shall not be used on grades exceeding 10%. Metal and corrugated high density polyethylene pipe may be used outside the roadbed.

Note 2: Corrugated high density polyethylene pipe, smooth lined type "S" must be manufactured and installed in strict compliance with AASHTO M-294 and ASTM D-233.1. HDPE applications shall not exceed 48 inches in diameter.

Note 3: Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances, based on the Mayor or his or her designee's assessment of existing conditions and future maintenance requirements.

Note 4: In the case of a flowing stream Reinforced concrete pipe (AASHTO M170), or Concrete Box Culvert, shall be used.

Sec. 89-1192. Water systems.

(a) *Public water system*

(1) Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,500 feet of the subdivision or development. Water mains shall be connected to the existing public water system and extended past each lot.

(2) All water mains, fire hydrants and appurtenances shall be designed in accordance with the policies, standards, plans and specifications of the Barrow County and Town Ordinances and the water system entity having jurisdiction.

(3) The Town Council may waive or delay the requirement to connect to the public water system when in the best interests of Town.

(b) *Private water systems*.

(1) If a public water system is not available nor under bid or contract to be available, the subdivider shall provide a water supply using a community water system or individual wells in conformity with applicable state regulations.

(2) If a community water system is created, it must be designed to provide a minimum fire flow of 550 gallons per minute.

(3) Private water system plans, if any, indicating proposed water main size and location, with fire hydrants, on the site. The distance and direction to all other fire hydrants within 500 feet of the site or buildings along existing streets or other access drives shall also be indicated.

(c) *Authority to restrict use of water.* In the case of a water shortage, the applicable jurisdiction may, by resolution or other established procedures, place restrictions upon the use of water by its customers which it deems necessary to protect the water supply. It shall be unlawful for any person to violate such restrictions.

Sec. 89-1193. Sewerage system.

(a) *Public sewerage system*.

(1) Sewer lines shall be connected to the sanitary sewerage system of the appropriate providing jurisdiction and extended past each lot in accordance with all requirements.

(2) At the written instruction of the county health department, a connection to the public sewer shall be made within 90 days at the property owner's expense, and the individual on-site disposal system abandoned according to health department requirements.

(b) *Private wastewater disposal*.

(1) If a public sewerage system is not available nor under bid or contract to be available, each lot shall be provided with septic tanks or other on-site disposal systems in accordance with the regulations of the Barrow County Health Department, these development regulations and all other applicable laws and regulations.

(2) The owner of a septic tank leach field system shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times at no expense to the Town Council. Communal on-site sewage disposal is prohibited.

(3) Privately financed wastewater disposal plants serving more than one residence or more than one property are prohibited.

a. If a property does not use an individual on-site sewage disposal system, it must be connected to a sewer leading to a public wastewater treatment facility except as follows:

b. A privately financed wastewater disposal plant serving a particular project or area may be approved by the board of commissioners and Town Council if the plant will be built to standards established by the County, operated by or under the direction of the county, and will become owned by the county and an interconnected part of the county system when such becomes available to the site.

(4) At such time as a public sewer becomes available to a commercial/industrial property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(5) *Safety*. All excavations and operation areas for privately financed wastewater disposal systems shall be adequately guarded with barricades and lights so as to protect the public from hazard.

Secs. 89-1194—89-1250. Reserved.

ARTICLE XI. LAND DEVELOPMENT ACTIVITIES

DIVISION 1. GENERALLY

Sec. 89-1251. Purpose of article.

This article contains the requirements that apply to carrying out the land development process, including site grading and land disturbance activities; addressing flood hazard areas; the installation of streets, drainage facilities and public utilities; and building construction.

Sec. 89-1252. Overview—Project construction.

(a) *Development activity*.

(1) *Preconstruction activity.* Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural buffers or stream greenways, must be designated and shall be inspected and approved by the planning and community development department prior to the commencement of any clearing or grading activities.

(2) *Grading*.

a. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.

b. Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.

(b) *Development phase inspections.* The owner or contractor shall make requests for inspections to the planning and community development department at least 48 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

(1) Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, and after certification by the registered design professional that prepared the plan, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas. Inspections of erosion and sedimentation control measures will be conducted on a continuing basis.

(2) Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.

(3) Upon installation of storm drainage pipe, detention, or other stormwater facilities, inspection and approval shall be required.

(4) Street curbing and gutter (if provided). Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.

(5) Sub-grade of streets. After compaction and receipt of test reports by the planning and community development department (as required under subsection 89-1260(g)), the sub-grade shall be roll tested with a fully loaded 18-ton tandem dump truck (confirmed via certified weight ticket), and shall pass to the satisfaction of the development inspector. "Pass" shall be defined as no appreciable movement under the tires during proof rolling.

(6) Street base. After receipt of test reports by the appropriate transportation agency, the base may be string-lined for depth and crown. The street base may be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the appropriate transportation agency.

(7) Paving. A development inspector will periodically be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored by the developer after completion to check thickness and density. Coring shall be completed at an interval of one core per 500 linear feet of roadway, with no less

than one core obtained in each cul-de-sac. Each core shall measure 0.25 inch of the required thickness. Testing standards are shown on Table 11.2. No average thickness evaluation will be allowed. Pavement found to be less than the required thickness shall be removed and replaced with pavement meeting the specification. Overlay of pavement to bring the section into compliance may be allowed at the sole discretion of the appropriate transportation agency. Satisfactory test results of the cores shall be delivered to the appropriate transportation agency for review prior to approval of a final subdivision plat or certificate of occupancy.

(c) *As-built surveys.*

(1) Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the Town's designee for review and approval a complete set of record drawings showing as-built conditions prepared by a registered land surveyor. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, and the issuance of a final certificate of use and occupancy. Final inspections will not be made unless the as-built plans are available. These drawings shall show the location, vertical and horizontal alignment, and finished elevations of:

a. Drainage system pipes and channels.

b. Stormwater detention facilities, including a volume survey, grading and outlet control structure details (i.e., orifice elevations, sizes, weir sizes, etc.).

c. Sanitary sewer system (if any).

d. Water system.

e. Streets, including street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

f. Other features as needed to fully document as-built conditions.

(2) The as-built surveys shall be certified and sealed by the county's registered land surveyor, subject to the tolerances of accuracy indicated in the survey certification.

(3) The as-built surveys shall be accompanied by a certified as-built hydrology report prepared by a licensed professional engineer showing that the as-built facility complies with the stormwater regulations.

(4) The as-built surveys shall be submitted in hard copy format and in a digital format acceptable by the Town's designee.

(d) *Final development inspection*.

(1) Following submission and review of the as-built surveys and as-built hydrology report, the public works department shall conduct a final development inspection of the project.

(2) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

(e) *Maintenance and performance guarantees*.

(1) Prior to approval of a final subdivision plat, or issuance of a certificate of occupancy for a multi-family or nonresidential development project, maintenance and performance guarantees, in forms as described in this section below, are required for all public improvements shown on the as-built surveys. The owner shall be responsible for maintenance of all such public improvements for one and one-half years from the date of issuance of the certificate of occupancy or final subdivision plat approval, as applicable, and for topping of roads pursuant to subsection 89-1180(c) and (d) of Article X.

(2) The value of the maintenance guarantee shall be equal to 33 percent of the actual cost of construction of the public improvements shown on the as-built surveys. Copies of contractor agreements or actual invoices paid, or as otherwise determined by the Town or its designee, shall evidence the cost of construction. The value of the performance guarantees shall be determined in accordance with subsection 89-1180(c) and (d) of Article X.

(3) Repairs shall be made for any deficiencies identified within the bonding period of the guarantees or the guarantees shall be called upon to complete same.

(4) Any guarantee required pursuant to this article shall be in one of three forms: 1) in a form provided by

the Town or its designee and by a surety in good standing with the Georgia Insurance and Fire Safety Commissioner's Office and listed in Circular 570 (Federal Register Vol. 62, No. 126) among companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies; 2) a cash guarantee in a form provided by the Town or its designee; or 3) an irrevocable letter of credit or commitment upon which the Town or its designee can draw from a bank or other financial institution in a form acceptable to the Town or its designee. These three options are referred to collectively herein as the "guarantees."

(5) A maintenance guarantee for the water system improvements and the sanitary facilities may be required separately by the authority having jurisdiction, in accordance with their regulations. For both the water system and sewer system improvements, the developer shall be responsible for maintenance of all water and sewer mains and appurtenances for one year from the date of approval of the certificate of development conformance by correcting all defects or deficiencies in materials and workmanship.

(6) In cases where the maintenance and performance guarantees are to cover a second phase or any other later stage of a development project governed by this article, said guarantees shall be required to be extended in amount and application to cover the original phase of the project in addition to said later phase for the same period of application as set out in this Development Code if the later phase will utilize the same entrance-street as that used by the original phase of the project.

(7) The maintenance guarantee shall include the estimated cost for maintenance of the drainage and detention pond facilities during the one and one-half-year maintenance period. Maintenance shall include repair of erosion controls, removal of silt from detention ponds and other items pertinent to the drainage system for each development.

(8) In the event the development has not completed at least 90 percent build out by the end of the original guarantee period, the guarantee shall be renewed in 18-month intervals until 90 percent build out is achieved (i.e. certificate of occupancy is issued on 90 percent of the homes).

(9) When all of the following four conditions are met, this subsection (9) shall apply:

a. A final subdivision plat has been approved;

b. The original owner of the subdivision at the time of approval of the subdivision plat no longer owns any lots in said subdivision, has filed for bankruptcy, or is otherwise determined to be insolvent;

c. Either no maintenance guarantee or performance guarantee is in place for the subdivision; and

d. More than one person or entity owns undeveloped lots (i.e. lots without a certificate of occupancy) in said subdivision such that posting of a guarantee(s) for the entire subdivision is not feasible.

In the event of the fulfillment of the above-stated four conditions, the Town or its designee may, in its discretion, accept from the applicant for a building permit or for a certificate of occupancy for any lot or series of lots, a cash guarantee in the amount of a by-lot, pro-rata portion of the amount of the applicable guarantee that would otherwise be required for the entire subdivision, in lieu of the guarantees required to provide for maintenance and performance requirements for the entire subdivision. By way of example, in a 100-lot subdivision for which the normal required maintenance guarantee would be $10,000.00 and the normal performance guarantee would be $20,000.00, an applicant for one lot could provide a cash maintenance guarantee in the amount of $100.00 and a cash performance guarantee in the amount of $200.00; an applicant for two lots could provide a cash maintenance guarantee in the amount of $200.00 and a cash performance guarantee in the amount of $400.00. This subsection (9) is intended to apply only in exceptional circumstances where neither the original subdivision owner nor their successor in interest exists or is solvent and multiple builders have purchased lots in the subdivision, and only in order for the Town to ensure a funding source for the maintenance and performance costs associated with the subdivision.

(f) *Abandoned projects*.

(1) A development permit shall expire by limitation and shall become null and void if the project has not been completed and the final plat issued within five years of approval of such permit. The Town Council may grant a one year extension provided such extension is requested by the permit holder in writing prior to expiration of the permit and justifiable cause is demonstrated.

(2) Projects with expired permits may re-apply for consideration under the standards in effect at the time of re-submission.

(3) Any project whose permit has lapsed under the terms expressed in this Development Code shall

immediately proceed to stabilize all disturbed areas. This responsibility shall fall upon the owner, developer, contractor, or any and all.

Sec. 89-1253. Site clearing and grading.

(a) *Development permit required.*

(1) Clearing and grading shall not proceed until issuance of an approved development permit. See the procedures and permits article of this Development Code for details.

(2) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.

(b) *Erosion and sedimentation control measures.* Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity and as development progresses.

(c) *Stormwater drainage facilities.* Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

(d) *Clearing and grubbing.*

(1) The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner. Burial of clearing and grubbing debris on-site is not authorized.

(2) Grading plans shall outline the areas, which are required to remain undisturbed, including tree protection areas, buffers and shall indicate protective fencing to be placed surrounding such areas.

(3) Grading plans shall show existing and proposed contour lines at an interval of no more than two feet with additional spot elevations for critical areas.

(e) *Earthen embankments.* Earthen embankments shall be placed in uniform layers not to exceed a compacted thickness of six inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by standard proctor test method in all areas where structures, parking lots and drives streets, and utilities are to be placed. If necessary in order to obtain this compaction, the contractor shall add moisture to the material as it is placed. All other embankments are to be compacted to at least 90 percent. Floodproofing shall be accomplished prior to placement of embankments to detect soft spots.

(f) *Slopes*.

(1) The maximum slope for all cut or fill slopes shall be as shown on Table 11.1.

(2) The depth of cut referenced in the table shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill, except when the Town's designee approves benching. When a cut is made in rock that requires blasting, slope may be changed to vertical slope may be steeper if pre-splitting is employed and upon submission of a certified geotechnical report which substantiates the integrity of the rock in the steeper condition, subject to review and approval of the Town's designee.

(3) Some soils exhibit a low shearing and resistance and a low cohesiveness. These soils typically are micaceous silts and sandy soils with little or no clay. If the 2:1 slope shows evidence of shearing, noncohesiveness, sliding, or an inability to maintain compaction, the slope shall be stabilized at 3:1 or by using such mechanical methods as needed, such as retaining walls or "grow mats" stapled in place to maintain slope height and integrity.

Table 11.1: Maximum Cut or Fill Slopes

Depth of Cut or Fill	Cut Slopes*	Fill Slopes*
2 feet or less	2 to 1	3 to 1
2 feet to 5 feet	2 to 1	3 to 1
Over 5 feet	2 to 1	3 to 1**

* Maximum distance of run to rise.

** Guardrails required.

(g) *Construction waste materials.* Construction waste material at construction sites shall be managed in

accordance with Chapter 78, Article II of this Development Code.

DIVISION 2. TOWN OF BETHLEHEM SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

Sec. 89-1254. Soil erosion, sedimentation and pollution control—Generally.

(a) *Purpose and intent.* The purpose of this section is to control erosion, sedimentation and pollution by requiring proper provisions for stormwater runoff and the protection of soil surfaces during and after any land disturbing activity so as to promote the safety, public health and general welfare of the people of the Town.

(b) *Definitions related to erosion, sedimentation and pollution control.* The following definitions are specific to erosion, sedimentation, and pollution control and shall apply in the interpretation and enforcement of this Division, unless otherwise specifically stated. General definitions that may also apply can be found in the glossary in Section 89-10.

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.

Coastal marshlands: Shall have the same meaning as in O.C.G.A. § 12-5-282.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., 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.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Oconee Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

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 section 89-1254.7(c) of this ordinance.

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 landscape 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.

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.

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 colloidally 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 stormwater 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 ordinance.

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.

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.

Sec. 89-1254.5. Exemptions.

This section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

(a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";

(b) Granite quarrying and land clearing for such quarrying;

(c) 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;

(d) The construction of single-family residences, when such construction disturbs less than one 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 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 paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where

vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

(e) 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;

(f) 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 paragraphs (15) and (16) of section 89-1254.7(c). of this ordinance, 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 years after completion of such forestry practices;

(g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

(h) Any project involving less than one 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 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 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 paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

(i) 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;

(j) 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

(k) Any public water system reservoir.

Sec. 89-1254.7. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices.

(1) 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 section 89-1254.7(b) and (c) of this ordinance.

(2) 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.

(b) *Minimum requirements/BMPs*.

(1) Best management practices as set forth in section 89-1254.7(b) and (c) of this ordinance 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 stormwater 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 stormwater 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 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. 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 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.

(5) The LIA may set more stringent buffer requirements than stated in section 89-1254.7(c)(15), (16) and (17), in light of O.C.G.A. § 12-7-6 (c).

(c) 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 section 89-1254.7(b)(2) of this ordinance;

(15) Except as provided in paragraph (16) and (17) of this subsection, there is established a 25-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 where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; 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

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to 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

(17) There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, 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 code section 12-2-8, where an alteration within the buffer area has been authorized pursuant to code section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully

implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

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; 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

b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than 500 square feet or that have a "minor buffer impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.

(d) Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in section 89-1254.7(b) and (c) of this ordinance.

(e) 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 ordinance or the terms of the permit.

Sec. 89-1255. Permit application and plan requirements.

(a) *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 the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, 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.

(b) *Application requirements*.

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the Town without first obtaining a permit from the department of planning and development 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 department of planning and development 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 section 89-1255(c) of this section. 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 section 89-1254.7(b) and (c) of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by ten copies 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) 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.

(4) 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 section 89-1254.7(c)(15), (16) and (17) have been obtained, all fees have been paid, and bonding, if required as per section 89-1255(b)(6) have 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.

(5) 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.

(6) The local issuing authority may 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 unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority.

(c) *Plan requirements*.

(1) Plans must be prepared to meet the minimum requirements as contained in section 89-1254.7(b) and (c) of this ordinance, 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 stormwater management facilities, local ordinances and state laws. The plan shall be consistent with all other materials submitted to the reviewing authority as part of the plat, development site plan or development permit approval process. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional, and the local issuing authority shall be entitled to, but need not, rely on the signature and seal of the certified design professional as a representation of the accuracy of all plans and compliance of such plans with the above-stated requirements. 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.

(d) *Permits*.

(1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary 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 ordinance, any variances required by section 89-1254.7(c)(15), (16) and (17) are obtained, bonding requirements, if necessary, as per section 89-1255(b)(6) 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 ordinance, 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 section. 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 LIA 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, in light of O.C.G.A. § 12-7-7 (f) (1).

Sec. 89-1256. Administration and inspections.

(a) *Inspection and enforcement*.

(1) The department of planning and development 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.

a. Primary permittees shall be responsible for installation and maintenance of best management

practices where the primary permittee is conducting land-disturbing activities.

b. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.

c. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.

d. 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 ordinance.

(2) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

(3) The Town or its designee shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, 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.

(4) 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.

(5) 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.

(6) 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.

Sec. 89-1257. Penalties and incentives.

(a) *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 ordinance 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.

(b) *Stop-work orders*.

(1) For the first and second violations of the provisions of this ordinance, 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.

(c) *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 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, if required to post one under the provisions of section 89-1255(b)(6). 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.

(d) *Monetary penalties*.

(1) Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $1,000.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any city charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of Town ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under Town ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 89-1257.5. Education and certification.

(a) 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.

(b) 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.

(c) 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 ordinance.

(d) 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.

Sec. 89-1257.7. Administrative appeal judicial review.

(a) *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 Town Council within 60 days after receipt by the local issuing authority of written notice of appeal.

(b) *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 Barrow County, Georgia.

DIVISION 3. FLOOD DAMAGE PREVENTION ORDINANCE

Sec. 89-1258. Flood damage prevention.

(a) *Statutory authorization, findings of fact, purpose and objectives*.

(1) *Authorization.* Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Bethlehem, Georgia, does ordain as follows:

(2) *Findings of fact*.

a. The flood hazard areas of Town of Bethlehem, Georgia are subject to periodic inundation which can result 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.

b. 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.

(3) *Statement of purpose.* It is the purpose of this ordinance 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.

(4) *Objectives.* The objectives of this ordinance are:

a. To protect human life and health;

b. To 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. To 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. To minimize expenditure of public money for costly flood control projects;

e. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

f. To minimize prolonged business interruptions; and

g. To ensure that potential homebuyers are notified that property is in a flood area.

(b) *General provisions*.

(1) *Lands to which this ordinance applies.* This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Barrow County, Georgia.

(2) *Basis for area of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated October 16, 1991, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

(3) 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. (No Known Flood Hazards).

(4) The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: Barrow County Department of Community Development, 233 East Broad Street, Winder, GA 30680.

(5) *Establishment of development permit.* A development permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any development activities.

(6) *Compliance.* No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

(7) *Abrogation and greater restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(8) *Interpretation.* In the interpretation and application of this ordinance 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 or federal statutes.

(9) *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 ordinance 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 ordinance shall not create liability on the part of the Town of Bethlehem 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.

(10) *Penalties for violation.* Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation and shall be unlawful. Any person who violates this

ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1,000.00 or imprisoned for not more than five days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Bethlehem Town Council from taking such other lawful actions as is necessary to prevent or remedy any violation.

(c) *Administration*.

(1) *Designation of ordinance administrator.* The Barrow County Planning and Community Development Director is hereby appointed to administer and implement the provisions of this ordinance.

(2) *Permit procedures.* Application for a development permit shall be made to the Town of Bethlehem though the Barrow County Planning and Community Development Department on forms furnished by the Planning and Community Development Department **PRIOR** to any development activities.

The permit application may include, but not be limited to the following: plans in duplicate 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.

Specifically, the following information is required:

a. *Application stage*.

1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

3. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of subsection(d)(2)b.; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

b. *Construction stage.* 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.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Barrow County Department of Community Development Director 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 work occurring. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

c. *Duties and responsibilities of the administrator.* Duties of the Barrow County Department of Community Development Director shall include, but shall not be limited to:

1. Review proposed development to assure that the permit requirements of this ordinance have been satisfied.

2. 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.

3. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

4. When base flood elevation data or floodway data have not been provided in accordance with subsection (b)(2), then the Barrow County Department of Community Development Director 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 subsection (d).

5. 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 subsection(c)(2)b.

6. 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 subsection (c)(2)b.

7. When flood-proofing is utilized for a structure, the Barrow County Department of Community Development Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsection (c)(2)a.3. and (d)(2).b or (d)(4)b.

8. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

9. 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).

10. For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of Town and county flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

11. 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 Barrow County Department of Community Development Director 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 Ordinance.

12. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Barrow County Department of Community Development or the Clerk for the Town of Bethlehem and shall be open for public inspection.

(d) *Provisions for flood hazard reduction*.

(1) *General standards.* In **ALL** Areas of Special Flood Hazard the following provisions are required:

a. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

b. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

c. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

d. Elevated buildings. 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.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

    i. 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;

    ii. The bottom of all openings shall be no higher than one foot above grade; and

    iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

2. So as not to violate any requirements of this division regarding "lowest floors" 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

3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

e. 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.

f. 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 and federal requirements for resisting wind forces;

g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

h. 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;

i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

j. Any alteration, repair, reconstruction or improvement to a structure, which structure is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

(2) *Specific standards.* In **ALL** Areas of Special Flood Hazard the following provisions are required:

a. *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 ***one foot*** 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 subsection (d)(1)a.4., "Elevated Buildings."

1. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.

b. *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 ***one foot*** 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 subsection (c)(3)f.

c. *Standards for manufactured homes and recreational vehicles*. Where base flood elevation data are available.

1. 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 ***one foot*** above the base flood elevation.

2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

i. The lowest floor of the manufactured home is elevated no lower than ***one foot*** above the level of the base flood elevation; or

ii. 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.

3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. subsection (d)(1)f. above)

4. All recreational vehicles placed on sites must either:

i. Be on the site for fewer than 180 consecutive days;

ii. 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

iii. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of subsection (d)(2)c.1.—3., above.

d. *Floodway.* Located within Areas of Special Flood Hazard established in subsection (b)(2), 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:

1. 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.

2. **ONLY** if subsection (d)(2)d.1. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of

(3) *Building standards for streams without established base flood elevations and/or floodway (A-Zones).* Located within the Areas of Special Flood Hazard established in subsection(b)(2), 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, the following provisions apply:

a. When base flood elevation data or floodway data have not been provided in accordance with subsection (b)(2), then the Barrow County Department of Community Development Director 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 subsection (d) **ONLY** if data are not available from these sources, then the following provisions (b and c.) shall apply:

b. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 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; and

c. 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 subsection(d)(1)d. "Elevated Buildings."

1. 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 Barrow County Department of Community Development Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(4) *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 subsection (b)(2), 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 town. 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 subsection(d)(2).

(5) *Standards for areas of subsection hallow flooding (AO Zones).* Areas of special flood hazard established in (b)(2), 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 subsection (d)(1)d., "Elevated Buildings."

b. The Barrow County Department of Community Development Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

c. 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 *one foot,* 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 subsections(c)(2)a.3. and (c)(2)b.

d. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(6) *Standards for subdivisions and/or development proposals.*

a. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;

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; and

d. For subdivisions and/or developments greater than **50 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 CLOMR or CLOMA.

(7) *Standards for critical facilities.*

a. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

b. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(e) *Variance procedures.*

(1) The Bethlehem Town Council shall hear and decide requests for appeals or variance from the requirements of this ordinance.

(2) The council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Barrow County Department of Community Development Director in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the Bethlehem Town Council may appeal such decision to the Superior Court of Barrow County, as provided in O.C.G.A. § 5-4-1 et seq.

(4) 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.

(5) 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.

(6) Variances shall not be issued within any designated floodway if **ANY** increase in flood levels during the base flood discharge would result.

(7) In reviewing such requests, the Bethlehem Town Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

(8) Conditions for variances:

a. A variance shall be issued **ONLY** when there is:

1. A finding of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship; and

3. A determination 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.

b. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any

deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, 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.

c. 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.

d. The Barrow County Department of Community Development Director and the Clerk for the Town of Bethlehem shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(9) Upon consideration of the factors listed above and the purposes of this ordinance, the Bethlehem Town Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(f) *Definitions.* (October 16, 1991). Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Sec. 89-1259. Installation of stormwater drainage facilities.

(a) *Timing of installation.* Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate.

(b) *Maintenance responsibilities*.

(1) It shall be the responsibility of the developer to maintain all facilities required by the stormwater management plan during construction and for a 1.5-year maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The developer shall be responsible for periodic removal of silt that may collect during that period and for removing temporary structures or facilities at the completion of the construction.

(2) The owner of the property shall be responsible for maintaining the permanent facilities identified by the stormwater management plan to remain after construction is complete, following the 1.5-year maintenance period.

(3) Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the stormwater management plan, then the public works department shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

(4) If the responsible party fails to perform the required maintenance work within a reasonable period of time (30 days maximum) then the owner shall be in violation of the provisions of this Development Code and subject to enforcement under the provisions of the administration and enforcement article of this Development Code.

Sec. 89-1260. Installation of streets and utilities.

Street improvements shall be furnished and installed by the owner or developer in accordance with this Development Code. Any materials or work not covered by these specifications shall be performed in accordance with DOT specifications and these regulations.

(a) *Grading*.

(1) All streets shall be graded to their full width by the developer so that pavement extensions or sidewalks, where required or if installed in the future, can be constructed on the same level plane.

(2) Preparation of roadway: Before grading is started the entire area to be paved shall be first cleared

of all stumps, roots, brush and other objectionable materials. In all areas to be graded or filled, the developer shall stockpile the topsoil later to be spread in all disturbed areas not paved.

(3) Grading shall be done in accordance with the site clearing and grading section of this article.

(b) *Installation of utilities; general*.

(1) After grading is completed and approved, the curb lines shall be staked by the developer's registered land surveyor, all of the underground utilities—water mains, sewer mains, water and sewer laterals, storm drains, gas mains, or any other underground utilities, and all service connections related thereto—shall be installed completely and provided throughout the length of the street and across the flat section. Service connections for sanitary sewer (if required) and water shall be extended to the right-of-way lines.

(2) It is the responsibility of the contractor to locate all underground utilities and to protect same. Utility lines or services damaged by the contractor shall be repaired by the contractor at the contractor's own expense.

(3) Before any utility is installed, the entire width of the right-of-way shall be at finished grade.

(4) Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, water, sewer, gas, phone and cable must be repaired and/or replaced with the specified materials as called for in the initial improvements.

(5) All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before any pavement or base is installed, or the pipes shall be bored if installed after street construction.

(6) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.

(7) All private utilities that will cross under pavement shall be installed completely throughout the subdivision prior to any roadway base being applied. Installation of approved utility sleeves shall be considered as an alternate.

(c) *Water system installation*.

(1) If a public water system is required to be installed under the provisions of the project design standards article of this Development Code, the improvements are to be reviewed, approved and inspected by the providing jurisdiction. Installation shall be coordinated with the construction of streets.

(2) A contractor holding an underground utilities contractor license shall install all elements of the water system, including mains, valves, service laterals through the curb line, and fire hydrants.

(3) Within the water system jurisdiction, water mains and appurtenances shall be installed after installation of the curbs and gutter and before paving, or after staking of the curb line and submission to the water system entity of an as-graded survey of the street profile accompanied by a certification executed by the owner that the subgrade will not change. Water mains shall be relocated as necessary to meet water system regulations prior to approval of development conformance, if improperly located to final curb line or grade.

(d) *Installation of sanitary sewage disposal*.

(1) If a public sanitary sewerage system is required to be installed under the provisions of the project design standards article of this Development Code, the improvements are to be reviewed, approved and inspected by the providing jurisdiction. Installation shall be coordinated with the construction of streets.

(2) A contractor holding an underground utilities contractor license shall install all elements of the system, including mains, lift stations, outfalls, and laterals.

(3) Pavement replacement. Where sewer lines are installed in existing paved streets, the streets in which the sewer lines are installed shall receive a full width asphalt repaving in accordance with county specifications.

(e) *Septic tanks.* Septic tanks may be permitted wherever sanitary sewage is determined by the Town's designee to be not available under the provisions of the project design standards article of this

Development Code. Installation of a septic tank system is subject to approval by the Barrow County Health Department under their procedures and regulations.

(f) *Street installation*.

(1) After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans.

(2) If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the public works department and replaced with suitable, thoroughly compacted material.

(3) Preparation of subgrade.

a. Prior to placement of the street base, the subgrade shall be compacted to 98 percent density.

b. When the street is to be used for construction traffic before the paving work is completed, a layer of No. 4 stone can be laid as a traffic surface if the developer so desires.

c. This material shall not be used as part of the base material.

d. It may be worked into the subgrade; or it shall be removed before the base course is set up for paving. Provision shall be made to drain low points in road construction when the final paving surface is delayed.

1. Provide break in the berm section when the curbing has not been constructed.

2. Use six-inch pipe sections to provide drainage under curb to side slopes.

e. Abutting property shall be suitably sloped to the right-of-way line.

f. Street base, curbing and paving. Street base, curbing and paving shall be installed by the developer in accordance with the requirements and standards of this Development Code.

(g) *Testing requirements; streets.* It is the responsibility of the developer to ensure that all required tests are made and reported to the public works department. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. Testing standards are shown on the following Table 11.2.

Table 11.2: Testing Requirements

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 500 linear feet of roadway 1 per cul-de-sac	98% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Base Compaction	Each 500 linear feet of roadway 1 per cul-de-sac	98% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Asphalt Density	Each 500 linear feet of roadway 1 per cul-de-sac	92% Laboratory Density
Asphalt Thickness	Each 500 linear feet of roadway 1 per cul-de-sac	Deficient in thickness not more than ¼"

(h) *Protection of shoulders*.

(1) Immediately after grading and filling and respreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.

(2) When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a well-established stand of perennial grass to prevent undue erosion. Depending on the time of year, the Town's designee may authorize that a temporary stand of rye (or other acceptable annual species) may be planted, provided that the grass will be replaced by an acceptable species of perennial grass at the start of the next appropriate planting season.

(i) *Traffic control devices and streetlights*.

(1) Street signs, traffic control signs, and devices such as striping and signalization, shall be provided through payment of fees to Barrow County.

(2) The installation of all street lighting fixtures within the right-of-way must be approved by the Town Council prior to such installation.

(j) *Foreign material on streets*.

(1) The developer, builders, and/or homeowners shall be responsible for keeping dirt, mud, building materials, concrete, etc., off of the pavement and curbing of existing public roads during construction of buildings in all developments covered by these regulations.

(2) Before the streets are accepted, all litter and trash shall be removed from the dedicated rights-of-way and surrounding areas.

(k) *Bridge pilings.* Bridge pilings shall be driven to state highway load standards for loading. Certification of pile load shall be by registered professional engineer.

(l) *Burial of construction debris.* No debris of any kind shall be buried at the site of any construction or development.

(m) *Street cuts.* All utility construction plans for street cuts within right-of-way shall be reviewed and approved, and a permit obtained from the appropriate transportation agency before construction begins.

(1) No existing roads can be open cut unless unusual circumstances warrant it. Construction of proposed utilities that cross under an existing paved street shall be bored under existing pavement unless an open cut is approved by the appropriate transportation agency. Where required because of topography, location of existing utilities, or other factors, the appropriate transportation agency may allow the installation of utilities in other areas.

(2) Earth work. If open cut construction is approved, all trenches shall be backfilled and compacted in six-inch lifts the same day the trench is opened.

a. Trenches under the paving shall be returned to 98 percent compaction.

b. Compaction tests at a rate of one per 150 feet of trench shall be provided to verify compaction.

c. Trenches elsewhere shall be returned to 90 percent compaction.

(3) Pavement work.

a. All pavement cuts on public streets or roads shall be made by sawing prior to excavation to eliminate uneven and ragged edges.

b. The paving cut shall be widened to a minimum of 12 inches beyond the edges of the trench.

c. All trenches under paving shall be concreted with eight inches of class "A" 3,500 psi concrete base and 1½ inches of type "E" or "F" wearing course asphalt is to be spread.

d. The edges of the paving cut shall be smooth.

(n) *Sidewalks*.

(1) In residential subdivisions, when required under the project design standards article of this Development Code, sidewalks shall be installed by the developer or each builder prior to issuance of a certificate of occupancy.

a. Sidewalks shall be shown on construction drawings for the streets and shall be accommodated in grading plans and activities for right-of-way preparation, but may be installed on a lot-by-lot basis after the final plat for the subdivision or phase is approved by the Planning and Community Development Department.

b. Within a final-platted subdivision, the required sidewalk along each lot frontage shall be installed no later than when the driveway is installed, provided that all sidewalks throughout the final-platted subdivision shall be installed prior to the end of the period established under the guarantee in lieu of completed improvements section of the project design standards article of this Development Code.

(2) When required to be installed as part of a multi-family or nonresidential development project under the project design standards article of this Development Code, sidewalks shall be installed by the developer prior to issuance of a certificate of occupancy.

(3) Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed.

(4) Sidewalk installation shall provide continuity to adjoining sidewalks as to grades, appearance and construction standards.

Secs. 89-1261—89-1310. Reserved.

ARTICLE XII. PROCEDURES AND PERMITS

Sec. 89-1311. Purpose of article.

This article describes the process through which a rezoning, special use, or concurrent hardship variance may be approved on a property, the approval process for construction of subdivisions and other land development projects, and the procedures for amendments to the comprehensive plan and text of this Development Code.

Sec. 89-1312. Land development overview.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process. Details are provided in other sections of this article.

(a) *Land use plan purpose; amendment.* The town's land use plan set forth in the comprehensive plan shall serve as a guide for the Town Council when confronted with requests for rezonings, special use permits, and other land use changes. The town's land use plan should be amended when the conditions, circumstances, environment, situations, policies, etc., on which the plan is based, have significantly changed so as to materially detract from the usefulness of the town's land use plan as a guide to local decision making.

(b) Absent such significant changes to conditions, circumstances, environment, situations, policies, etc., the comprehensive plan and future land use plan recommendations for land use shall be adhered to with respect to zoning and land development.

(c) *Zoning changes (rezoning or special use approval).* If the property is not appropriately zoned, a request for rezoning or approval of a special use must be approved prior to development or construction. A zoning change for a subdivision, multi-family or nonresidential project must include a concept plan for the proposed development.

(d) *Major subdivisions.* Permitting and construction of a major subdivision will be conducted as follows:

a. Project approval is granted by the planning and community development department upon review and approval of a preliminary subdivision plat.

b. A development permit is issued by the planning and community development department based on review and approval of development plans for construction of the subdivision.

c. Receipt and approval by the public works department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a final plat.

d. Approval of a final subdivision plat by the planning and community development department will authorize recordation of the plat with the Clerk of the Superior Court.

e. After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.

f. All public improvements will be inspected by the Town’s designee prior to the end of the two-year maintenance period. After the developer has made any required repairs, the maintenance responsibility of the developer will be released by the appropriate Town official.

(e) *Minor subdivisions.* Approval of a minor subdivision shall be conducted as follows:

a. The lots contained on any final subdivision plat for a minor subdivision, may be sold and building permits authorizing construction activity on the lots may be obtained only after approval by the planning and community development department.

(f) *Multi-family and nonresidential projects.*

a. Project approval is granted by the planning and community development department upon review and approval of a site plan for the project.

b. A development permit is issued by the planning and community development department based on review and approval of development plans for construction of the project.

c. A building permit is issued by the building official based on review and approval of architectural

plans. Buildings falling under the authority of the state fire marshal shall be approved by the fire marshal prior to issuance of the building permit.

d. Receipt by the planning and community development department of accurate surveys of the as-built condition of all public improvements is required in order to authorize issuance of a certificate of occupancy.

e. Permanent electric power and occupancy of the building is authorized by the building official based on final inspection and issuance of a certificate of occupancy.

Sec. 89-1313. Application intake.

An application for any permit or approval under this article or for a variance or special exception under the appeals article of this Development Code will first be considered as follows:

(a) If the application is for a project that qualifies as a development of regional impact (DRI), and is the first request for Town action or is a revision to a previous DRI, refer to section 89-1327 of this article for details and procedures.

(b) If the application is for approval of a minor subdivision plat, refer to subsection 89-1312(d) for the short cut procedures.

(c) If the application is for any other type of approval or permit, refer to the appropriate sections of this article or the appeals article for procedures pertinent to the request.

Sec. 89-1314. Amendments to the land use plan and Development Code.

(a) *Land use plan amendments.*

(1) *Generally.* The comprehensive plan may be amended from time to time for specific properties or areas on the future land use map by the Town Council, subject to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq. Such a change is referred to as a "land use plan amendment," or LUP amendment, in this Development Code.

(2) Applications by owners. Upon submitting an application for the rezoning of a property in accordance with section 89-1315, a private property owner or the owner's authorized representative may submit an application to amend the future land use plan with regard to the property at issue in accordance with application procedures and fees set forth by the Town Council. Applications will be received and considered by the Town Council only to the extent that such applications are submitted in connection with related rezoning applications and only where the Town Council has determined that the related request to rezone is inconsistent with the comprehensive plan.

a. The Town may consider the following criteria in evaluating amendment applications filed by private property owners, giving weight or priority to those factors particularly appropriate to the circumstances of the application:

i. The extent to which a change in the economy, land use or development opportunities of the area has occurred;

ii. The extent to which the proposed character area and/or future land use designation is in compliance with the goals and policies of the comprehensive plan;

iii. The extent to which the proposed designation would require changes in the provision of public facilities and services;

iv. The extent to which the proposed designation would impact the public health, safety, and welfare;

v. The extent to which additional land area needs to be made available or developed for a specific type of use;

vi. The extent to which area demographics or projections are not occurring as projected.

vii. An application submitted by a property owner or the owner's authorized representative for an amendment affecting the same property shall not be considered by the Town Council more often than once every 12 months from the date of action by the Town Council denying

the change to the Future Land Use Plan; provided, however, that the Town Council may approve a reduction in the waiting period to no less than six months. A town-initiated change to the future land use map may be pursued at any time.

(3) *State of Georgia oversight*.

a. *Developments of regional impact (DRIs).* A proposed LUP amendment shall be submitted to the Northeast Georgia Regional Commission (NEGRC) if the proposed LUP amendment qualifies as a development of regional impact under the procedures of section 89-1327.

b. *Major amendments.* If the Town Council, at its public hearing, determines that the LUP amendment is a "major amendment" under the state guidelines in that it is justified only because the conditions or policies underlying the comprehensive plan have change significantly so as to alter the basic tenets of the plan, or that the proposal will significantly affect another political jurisdiction, then no action shall be taken on the amendment until the review process mandated by the state's minimum standards and procedures for local comprehensive planning shall have been completed.

c. *Effect of a land use plan amendment approval.* Approval of a land use plan amendment shall be in full force and effect upon its approval by the Town Council.

(b) *Development code text amendments*.

(1) *Generally.* The text of the Development Code may be amended from time to time by the Town Council, subject to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq.

(2) *Process for amending text.* Before the Town Council may take final action on a proposed amendment to the Development Code text, the Town Council shall hold a public hearing on the proposal pursuant to the notice and hearing requirements of the Georgia Zoning Procedures Act.

Sec. 89-1315. Rezoning approval.

The official zoning map may be amended from time to time by the Town Council under the procedures in this section. In addition, changes in the conditions of approval pertaining to a specific rezoning approval may also be approved by the Town Council following the procedures in this section.

(a) *Initiation of rezoning proposal*.

(1) An application for a rezoning for any property or properties may be initiated by the Town Council, or by the owner of the property. Unless initiated by the Town Council, the owner of the property affected, or their authorized representative shall initiate all such applications.

(2) All applications by an owner or the owner's authorized representative shall be submitted to the Barrow County planning and community development department on the department's application forms. A nonrefundable fee, if any, as set by the Town Council from time to time, shall accompany all applications. Completed forms, plus any information the applicant feels to be pertinent is to be filed with the planning and community development department.

(3) The planning and community development department shall review the application submitted by an owner or the owner's authorized representative for completeness within five days of submission. Incomplete or improper applications will be returned to the applicant. Any zoning application that causes the total number of zoning applications accepted per zoning cycle to exceed 15 will be held until and included in the next zoning cycle in the order in which they are submitted.

(4) *Concurrent variance and rezoning consideration.* A hardship variance associated with a rezoning application may be heard by the Town Council which may concurrently grant approval of rezoning and variance, if warranted, in accordance with article XII, section 89-1385.

(5) An application submitted by an owner or the owner's authorized representative for rezoning affecting the same property shall not be considered by the Town Council more often than once every 12 months from the date of action by the Town Council denying the rezoning; provided, however, that the Town Council may approve a reduction in the waiting period to no less than six months. A town-initiated zoning can be pursued by the Town Council at any time. In any event, the Town Council may consider an application for rezoning within the 12-month time period in connection with settlement of litigation or pursuant to an order by a court of competent

jurisdiction without complying with any of the procedural formalities set forth herein, and subject only to the requirements of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

(6) Notwithstanding any other provision of this article to the contrary, the Town Council may initiate a rezoning for purposes of settlement of a lawsuit or for other purposes deemed to be in the best interests of the public by the Town Council, without observing any of the procedural formalities set forth herein, subject only to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq.

(b) *Rezoning concept plan*.

(1) An application for a rezoning shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.

(2) A concept plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

(3) The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

(4) The concept plan shall show the following:

a. A location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.

b. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property. The number of acres of land in each zoning classification on the property (or square feet if less than one acre).

c. Man-made features within and adjacent to the property, including existing streets and names, Town and County political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.

d. Natural features, such as the 100-year floodplain, and protected wetlands and stream buffers required under the buffers and tree conservation article of this Development Code.

e. A statement as to the proposed use of the property and the amount of development proposed, such as:

1. For residential subdivisions, the number of acres of land to be developed (or square feet if less than one acre), the number of lots and minimum house sizes. For open space subdivisions and master planned development, computations consistent with the requirements of the subdivisions and master planned developments article of this Development Code.

2. For multi-family projects, the number of acres of land to be developed (or square feet if less than one acre), the number of dwelling units by number of bedrooms, and the minimum unit floor areas and number of parking spaces by unit size.

3. For nonresidential development projects, the number of acres of land to be developed (or square feet if less than one acre), and the gross floor area and number of parking spaces by type of land use.

4. For any development, the Future Land Use designation and a statement as to how the proposed rezoning is consistent with this designation and the Comprehensive Plan.

f. The proposed project layout including:

1. For subdivisions, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.

2. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.

g. A statement as to the source of domestic water supply.

h. A statement as to the provision for sanitary sewage disposal.

i. The approximate location of proposed stormwater detention facilities.

j. The approximate location of proposed access to the public road system.

(5) The concept plan shall also indicate:

a. Name and address of the property owner.

b. Name, address, and telephone number of the applicant (if different than the owner).

c. If drawn on a boundary survey: date of survey and source of datum.

d. Date of plan drawing, and revision dates, as appropriate.

e. North point and approximate scale of the drawing.

f. Location (tax map and parcel number) and size of the property in acres (or in square feet if less than an acre).

g. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(c) *Impact analyses*.

(1) If the rezoning has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed rezoning with regard to each of the standards for rezoning enumerated under subsection (5) below.

(2) An application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study, prepared by a professional engineer registered in Georgia, under guidelines available from the public works department. Anticipated vehicle trips may be based upon the latest edition of "Trip Generation" published by the Institute of Transportation Engineers. The Town's designee may waive this requirement when conditions warrant.

(3) A traffic study, prepared by a professional engineer registered in Georgia, shall also be required for a proposed modification to a previously approved rezoning if the average daily vehicle trips will increase by 10 percent or more than calculated for the original rezoning approval, or average daily vehicle trips will exceed 1,000 for the first time. The public works director may waive this requirement when conditions warrant.

(4) For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10 percent, a traffic study, prepared by a professional engineer registered in Georgia, may be required by the public works director. Determination of such requirements will be made within five working days of receipt of the application for rezoning and must be submitted to the Mayor or his or her designee at least five working days prior to the first public hearing.

(5) A traffic study or other studies of the impact of the proposed development may be required by the Town Council as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for rezoning consideration contained in subsection (e) below.

(d) *Process for rezoning.* Before the Town Council may take final action on a proposed rezoning, the Town Council will hold a public hearing on the proposal pursuant to the notice and hearing requirements of the Georgia Zoning Procedures Act.

(1) *Public notice*.

a. At least 15 days before but not more than 45 days prior to the Town Council's public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.

b. A rezoning initiated by an owner or their representative shall be heard at a public hearing only upon:

1. The published notice, in addition to the requirements of subsection (d)(1).a. above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested; and

2. At least 15 days prior to the public hearing, the applicant shall post a sign or signs, as provided by the Planning and Community Development Department, stating the date, time and place for the Bethlehem Town Council public hearing, the present land use classification and the nature of the proposed land use change. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(2) *Public hearings; procedures.* The public hearing held by the Town Council for rezoning will be conducted in the following manner:

a. The Mayor, will convene the public hearing at the scheduled time and place.

b. The Mayor will call for each proposed zoning change to be presented.

c. No person in attendance is to speak unless first formally recognized by the Mayor. Upon rising to speak each person recognized is to state his or her name and home address.

1. The Mayor may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.

2. No less than ten minutes is to be provided for all of those speaking in support of a zoning change and no less than ten minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.

3. If reasonable time limitations permit, any member of the general public may speak at the public hearing.

d. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

e. Following the presentation of positions by members of the public, a recommendation from Town's designee shall be presented.

f. During the public hearing, the members of the Town Council may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(3) *Decision*.

a. The Bethlehem Town Council shall consider the rezoning application at the meeting scheduled for the purpose of considering zoning amendments for which adequate notice has or can be published.

b. In considering a rezoning application, action shall be taken by the Town Council by vote of the members present.

1. A motion to approve or deny an application must be approved by an affirmative vote of a majority of a quorum of the members present in order for the motion to be approved.

2. If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, another motion would be in order.

3. If a vote results in a tie among the Council, the Mayor shall cast his or her vote to break the tie. In the absence of the Mayor, a tie vote shall automatically table the matter until the next regular zoning meeting of the Town Council.

4. If no action is taken on an application, it shall be considered tabled and action deferred to the next regular zoning meeting of the Town Council.

5. A final decision must be made no later than the third meeting at which the rezoning application appears on the council's agenda (i.e., following the council's public hearing, the application may not be deferred or tabled more than twice). If, at the third meeting, the Town Council is unable to take final action, the application shall be considered denied.

c. In taking final action on an application, the Town Council may:

1. Approve, approve with conditions, or deny the application; or

2. Approve or approve with conditions any portion of the area proposed for rezoning, thus reducing the boundaries of the area rezoned; or

3. Rezone the area or any portion of the area proposed for rezoning to another zoning district that is deemed more appropriate than that requested by the applicant; or

4. Allow withdrawal of said request by the applicant (with or without opposing a 12-month period during with another zoning change on the property may not be considered); or

5. Table the application for consideration at its next scheduled zoning meeting; or

6. Return the application to the planning commission for further consideration; or

7. Such other action as the Town Council may, in its discretion, deem advisable.

(e) *Standards for rezoning consideration*.

(1) *Map amendments (rezoning)*. The Town Council shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

a. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

b. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

c. Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?

d. Is the proposed use compatible with the goals, objectives, purpose and intent of the comprehensive plan?

e. Are their substantial reasons why the property cannot or should not be used as currently zoned?

f. Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

g. Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?

h. Does the proposed use reflect a reasonable balance between the promotion of the public

health, safety, morality, or general welfare and the right to unrestricted use of property?

(2) *Change in conditions of rezoning approval*. Any application that proposes a change in the conditions of approval previously established by the Town Council through action on a rezoning shall be reviewed in light of the standards set forth in this subsection for map amendments.

(f) *Withdrawal of rezoning request*. Any applicant wishing to withdraw a proposed rezoning prior to final action by the Town Council shall file a written request for withdrawal with the Bethlehem Town Clerk.

(1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the Bethlehem Town Clerk shall withdraw the application administratively without restriction on the refiling of a proposed rezoning on the property in the future.

(2) If notice has been published (or is irretrievably set for publication) but the application has not been heard by the council, the application shall be withdrawn administratively by the Mayor or his or her designee, and an application for a rezoning on the property may not be resubmitted for six months from the date of withdrawal.

(3) Approval of a rezoning shall be in full force and effect upon its approval by the Town Council.

(4) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a rezoning affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions of article I of this Development Code relating to grandfathered development.

(4) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a rezoning affecting the property may continue to completion in accordance with the provisions for exemptions of previously issued permits in article I and, upon completion, shall be governed under the provisions of the grandfathered development section of said article, as applicable.

(g) *Vesting of rezoning approval.* After an approval has been granted by the Town Council for a rezoning, the applicant, agent or property owner has 24 months to vest the rezoning approval. To vest a rezoning approval and forego its expiration, the applicant must record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to vest the rezoning approval, the Town Council may initiate a rezoning application to revert the property to the previously zoned condition. Such reversionary action shall proceed in accordance with provisions of this article pertaining to rezoning approvals. The owner of the property will be notified of the reversionary action and afforded an opportunity to appear before the Town Council to show just cause why the reversionary action should not be taken.

Sec. 89-1316. Special use approval.

Certain uses as shown on Tables 2.2 and 2.3 require a special use approval prior to being allowed on a property. A special use may be approved by the Town Council under the procedures in this section. In addition, the Town Council following the procedures in this section may also approve changes in the conditions of approval pertaining to a specific special use approval.

(a) *Initiation of special use request*.

(1) The owner of the property affected, or their authorized representative may initiate an application for a special use for any property or properties.

(2) All applications shall be submitted to the Town's designee on the appropriate application forms. A nonrefundable fee, if any, as set by the Town Council from time to time, shall accompany all applications. Completed forms, plus any information the applicant feels to be pertinent is to be filed with the planning and community development department.

(3) The Town or its designee shall review the application for completeness within five days of submission. Incomplete or improper applications will be returned to the applicant.

(4) An application for a special use affecting the same property shall not be considered by the Town Council more often than once every 12 months from the date of action by the Town Council denying the special use; provided, however, that the Town Council may approve a reduction in the

waiting period to no less than six months. In any event, the council may consider an application for a special use within the 12-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction without complying with any of the procedural formalities set forth herein, and subject only to the requirements of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

(b) *Special use concept plan*.

(1) An application for a special use shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.

(2) A concept plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

(3) The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

(4) The concept plan shall show the following:

a. A location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.

b. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property. The number of acres of land in each zoning classification on the property (or square feet if less than one acre).

c. Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.

d. Natural features, such as the 100-year floodplain, and protected wetlands and stream buffers required under the buffers and tree conservation article of this Development Code.

e. A statement as to the proposed use of the property and the amount of development proposed, such as the number of acres of land in the property (or square feet if less than one acre), the number of dwelling units or the gross nonresidential floor area, and the number of parking spaces.

f. The proposed project layout including the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.

g. A statement as to the source of domestic water supply

h. A statement as to the provision for sanitary sewage disposal.

i. The approximate location of proposed stormwater detention facilities.

j. The approximate location of proposed access to the public road system.

(5) *The concept plan shall also indicate*:

a. Name and address of the property owner.

b. Name, address, and telephone number of the applicant (if different than the owner).

c. If drawn on a boundary survey: date of survey and source of datum.

d. Date of plan drawing, and revision dates, as appropriate.

e. North point and approximate scale of the drawing.

f. Location (tax map and parcel number) and size of the property in acres (or in square feet if less than an acre).

g. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(c) *Impact analysis*.

(1) If the special use request has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed use with regard to each of the standards for special use approval enumerated under subsection (e).

(2) A special use application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study, prepared by a professional engineer registered in Georgia, under guidelines available from the public works department. Anticipated vehicle trips may be based upon the latest edition of "Trip Generation" published by the Institute of Transportation Engineers. The Town's designee may waive this requirement when conditions warrant.

(3) A traffic study, prepared by a professional engineer registered in Georgia, shall also be required for a proposed modification to a previously approved special use if the average daily vehicle trips will increase by 10 percent or more than calculated for the original special use approval, or average daily vehicle trips will exceed 1,000 for the first time. The Town's designee may waive this requirement when conditions warrant.

(4) For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than ten percent, a traffic study, prepared by a professional engineer registered in Georgia, may be required by the public works director. Determination of such requirements will be made within five working days of receipt of the application for the special use and must be submitted to the Town Council at least five working days prior to the first public hearing.

(5) A traffic study or other studies of the impact of the proposed development may be required by the Town Council as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for special use consideration contained in subsection (e), below.

(d) *Process for special use approval.* Before the Town Council may take final action on a proposed special use, the Town Council shall each hold a public hearing on the proposal pursuant to the notice and hearing requirements of the Georgia Zoning Procedures Act.

(1) *Public notice*.

a. At least 15 days prior to the Council's public hearing but not more than 45 days prior to the Town Council's public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.

b. A special use request initiated by an owner or their representative shall be heard at a public hearing only upon:

1. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested; and

2. At least 15 days prior to the public hearing, the applicant shall post a sign or signs, as provided by the planning and community development department, stating the date, time and place for the scheduled Town Council public hearing, the present zoning classification and the nature of the proposed zoning change. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(2) *Public hearings; procedures*. The public hearing held by the Town Council for a special use is to be conducted in the following manner:

a. The Mayor, who will act as the presiding official, will convene the public hearing at the scheduled time and place.

b. The presiding official will call for each proposed special use to be presented.

c. No person in attendance is to speak unless first formally recognized by the presiding official. Upon rising to speak each person recognized shall state his or her name and home address.

1. The presiding official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed special use.

2. No less than ten minutes will be provided for all of those speaking in support of a special use approval and no less than ten minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.

3. If reasonable time limitations permit, any member of the general public may speak at a hearing.

d. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant will then be allowed time for rebuttal. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

e. Following the presentation of positions by members of the public, a recommendation from the Town's designee shall be presented.

f. During the public hearing, the members of the Town Council may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(3) *Decision*.

a. The Town Council shall consider the special use application at the next meeting scheduled for the purpose of considering special use applications for which adequate notice has or can be published.

b. In considering a special use request, action shall be taken by the Town Council by vote of the members present, as follows:

1. A motion to approve or deny an application must be approved by an affirmative vote of at least a majority of a quorum of the members present in order for the motion to be approved.

2. If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, another motion would be in order.

3. If a vote results in a tie among the council members, the Mayor shall cast his or her vote to break the tie. In the absence of the chair, a tie vote shall automatically table the matter until the next regular zoning meeting of the Town Council.

4. If no action is taken on an application, it shall be considered tabled and action deferred to the next regular zoning meeting of the Town Council.

5. A final decision must be made no later than the third meeting at which the rezoning application appears on the board's agenda (i.e., following the council's public hearing, the application may not be deferred or tabled more than twice). If, at the third meeting, the council is unable to take final action, the application shall be considered denied.

c. In taking action on an application, the Town Council may:

1. Approve, approve with conditions, or deny the proposal; or

2. Allow withdrawal if so requested by the applicant (with or without imposing a 12-month period during which another special use on the property may not be considered); or

3. Table the proposal for consideration at its next scheduled meeting; or

4. Return the proposal to the planning commission for further consideration.

(e) *Standards for special use consideration*.

(1) Approval of special use. A use that would be allowed otherwise permitted within a zoning district with special use approval shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

a. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?

b. Is the proposed special use compatible with the goals, objectives, purpose and intent of the comprehensive plan?

c. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

d. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?

e. Is or will the type of street providing access to the use be adequate to serve the proposed special use?

f. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?

g. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?

h. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?

i. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?

j. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

(2) Change in conditions of special use approval. Any application that proposes a change in the conditions of approval previously established by the Town Council through action on a special use shall be reviewed in light of the standards set forth in this section for a special use, as appropriate.

(f) *Withdrawal of special use request.* Any applicant wishing to withdraw a special use application prior to final action by the Town Council shall file a written request for withdrawal with the planning and community development director.

(1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the application shall be withdrawn administratively by the planning and community development director without restriction on the refiling of a proposed special use on the property in the future.

(2) Should any request for withdrawal be made by the applicant after the planning commission hearing but before the Town Council' hearing, the application shall remain on the Town Council' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Town Council.

(g) *Effect of special use denial*.

(1) If an application for special use approval is denied by the Town Council, then any portion of the same property may not again be considered for approval of the same or another special use for a period of 12 months from the date of the denial action by the Town Council.

(2) The Town Council may only reconsider property for special use approval within the 12-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the council, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

(h) *Effect of special use approval*.

(1) Approval of a special use shall be in full force and effect upon approval by the Town Council.

(2) A special use approval.

(3) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a special use approval affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions of article I of this Development Code relating to grandfathered development.

(4) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a special use approval affecting the property may continue to completion in accordance with the provisions for exemptions of previously issued permits in article I and, upon completion, shall be governed under the provisions of the grandfathered development section of said article, as applicable.

(i) *Vesting of special use approval.* After an approval has been granted by the Town Council for a special use, the applicant, agent or property owner has 24 months to vest the special use approval. To vest a special use approval and forego its expiration, the applicant must record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to vest the special use approval, the Town Council may initiate a special use application to revert the property to the previously zoned condition. Such reversionary action shall proceed in accordance with provisions of this article pertaining to special use approvals. The owner of the property will be notified of the reversionary action and afforded an opportunity to appear before the Town Council to show just cause why the reversionary action should not be taken.

Sec. 89-1317. Project approval.

The Town or its designee must first approve a preliminary plat for a major subdivision or a site plan for development of a multi-family or nonresidential project prior to the issuance of a development permit or initiation of any land disturbing or construction activities.

(a) *Responsibility for project approval*.

(1) The Town or its designee is responsible for administering the review and approval process for preliminary subdivision plats and site plans. The Town or its designee shall forward a copy of the project approval application to other appropriate departments, the Georgia Department of Transportation, or others as appropriate, for their review and comment. The Town or its designee shall provide all comments to the applicant for resolution, who shall work directly with each department as necessary to resolve all issues.

(2) A preliminary plat or site plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally familiar with land development and project construction activities.

(b) *Procedure for project approval*.

(1) A pre-application review with a preliminary concept plan is suggested. Such concept plan shall be the concept plan associated with rezoning or special use approval of the property, if any.

(2) An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.

(3) An application for project approval shall be submitted to the Town or its designee. The application shall include:

a. The name and address of the person requesting review.

b. A properly completed application form, as furnished by the planning and community development department, requesting review for project approval.

c. A number of copies, as established by the planning and community development director,

of the preliminary subdivision plat or site plan showing the entire ownership drawn to the specifications of this section.

d. Payment of the applicable application and review fees as established by the Town Council from time to time.

(4) The planning and community development department will review the application for completeness within five days of submission. Incomplete applications will be returned to the applicant.

(5) If the subdivision includes or abuts a U.S. or state numbered highway, unless all of the lots in the subdivision contain five acres or more and no new street is involved, review by the Georgia Department of Transportation (DOT) is required under O.C.G.A. § 32-6-151. Two additional copies of the final plat must be submitted to the planning and community development department for forwarding to DOT. The owner or subdivider must respond to the recommendations of the DOT prior to project approval by the town. If the written recommendations of the DOT are not made within 30 days of receipt of the plat by DOT, their approval shall be assumed as provided under state law.

(6) Following review of the application, the planning and community development department will indicate on the drawing or in writing all comments related to compliance with this Development Code.

(7) The owner is responsible for compliance with all codes, regulations and zoning requirements, including all codes and requirements of other departments and agencies* (such as NPDES and Section 404, as applicable), and for the satisfaction of all the noted and written comments.

(8) * See the list of other departments and agencies under subsection 89-1319(e)(5).

(9) The Town or its designee may not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance to order to be reasonably usable, whether due to the presence of floodplain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

(10) When the Town or its designee has determined that the preliminary subdivision plat or site plan is in compliance with the requirements, purpose and intent of this Development Code, it will be approved. The planning and community development director will sign and date the certificate of project approval stamped or printed on a reproducible copy of the preliminary subdivision plat or site plan. One copy of the approved drawing will be transmitted to the applicant and one copy will be retained by the Planning and Community Development Department.

(11) The certificate of project approval will remain in effect for a period of 12 consecutive months after which time it will become null and void and a new certificate may be required if no permit has been issued or no development activity has begun.

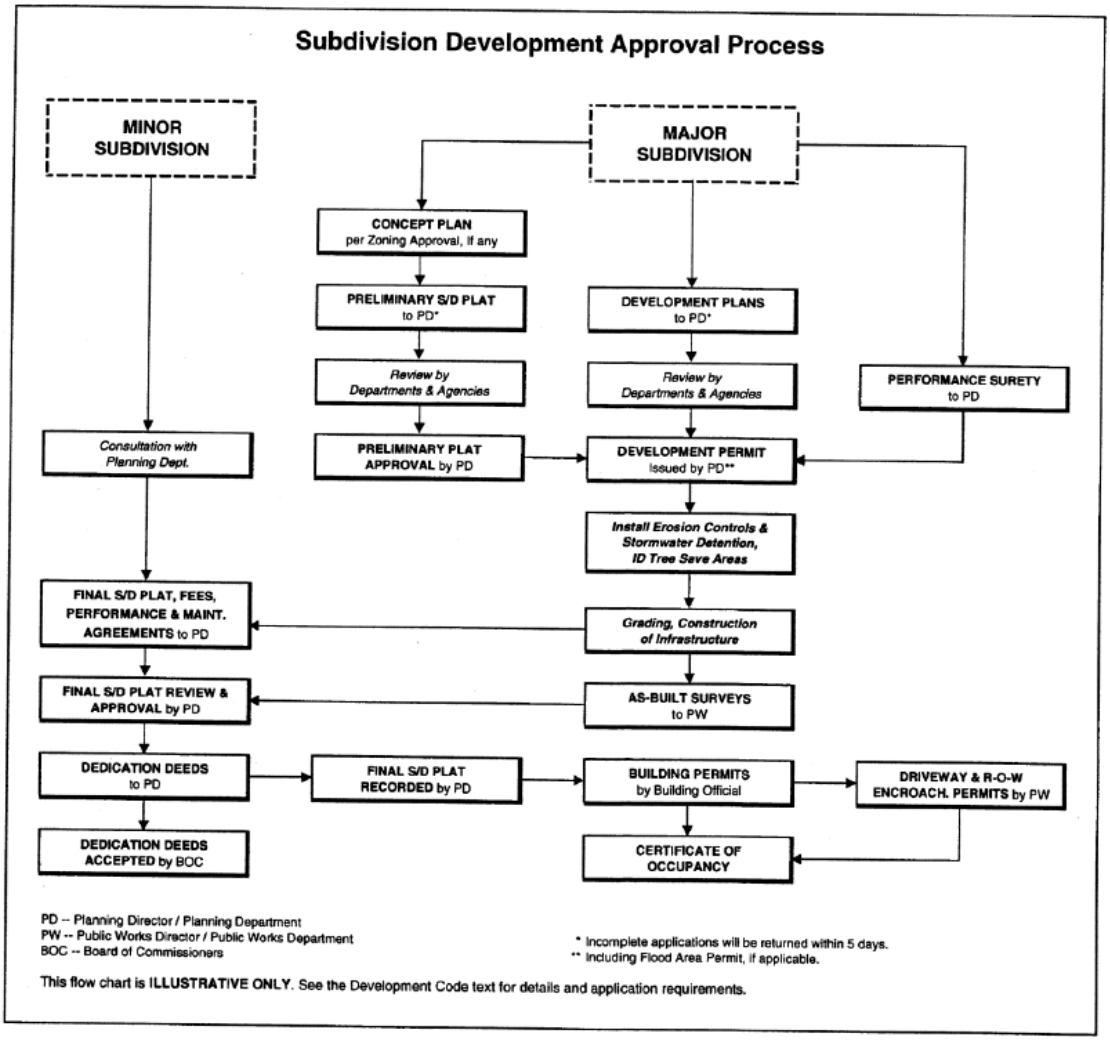


Figure 12.5 Subdivision Development Approval Process

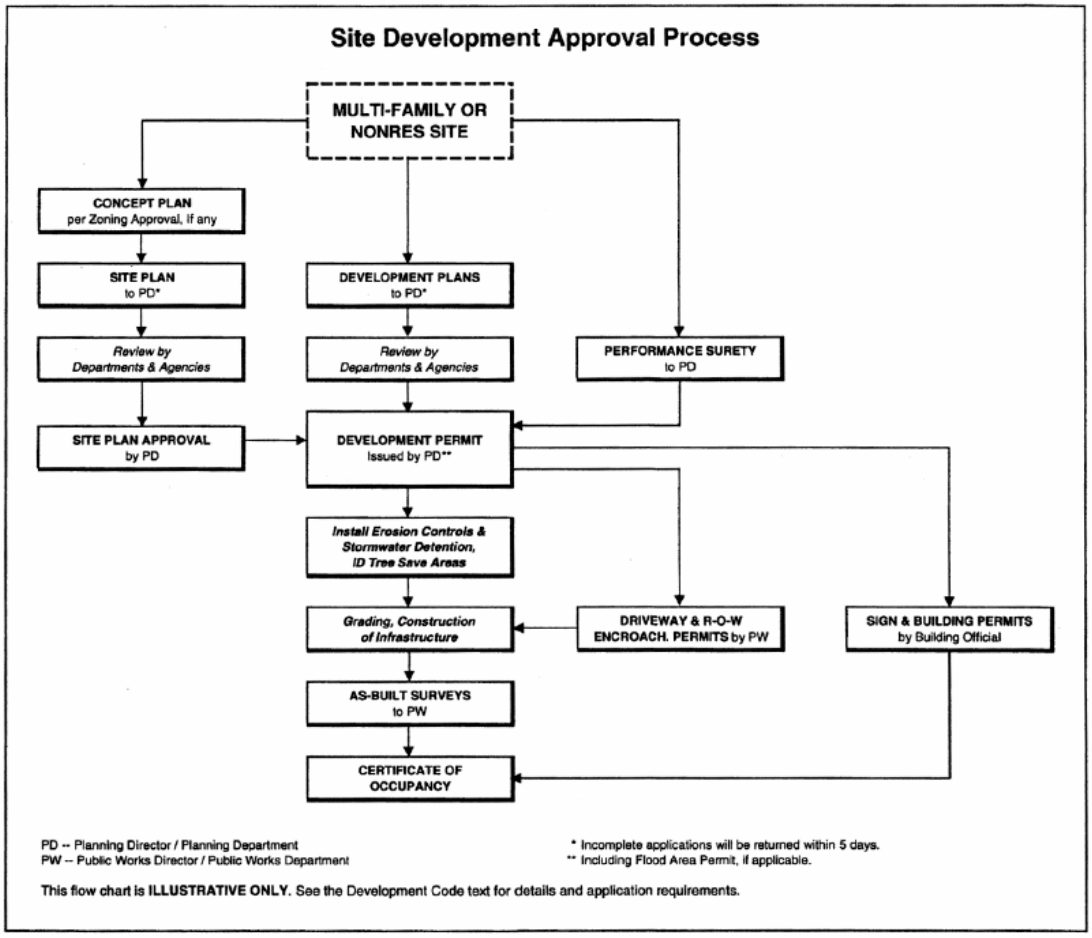


Figure 12.6 Site Development Approval Process

(c) *General standards for project approval*.

(1) The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the town. If shown to the contrary, the Town or its designee may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.

(2) The preliminary plat or site plan shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.

(3) The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The recommended maximum dimensions of the sheet size is 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the Town or its designee may approve other sheet sizes and graphic scales as appropriate.

(4) For property of over 100 acres, a smaller scale may be used where, in the judgment of the Town or its designee, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

(d) *Preliminary plat or site plan requirements.* Each preliminary plat or site plan shall show the following:

(1) Caption:

a. Proposed name of the development and its acreage (or square footage if less than an acre).

b. Name, address, telephone and fax numbers of the property owner and subdivider or

developer.

c. Name, address, telephone and fax numbers of the applicant.

d. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.

e. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

(2) Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.

(3) Location (tax map and parcel number) and size of the property in acres (or in square feet if less than an acre).

(4) Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.

(5) Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.

(6) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.

(7) Rezoning or special use application number, date of approval, and stipulations (conditions of approval), as applicable.

(8) Variances obtained on the property by application number, date of approval, and stipulations (conditions of approval), as applicable.

(9) Recorded deed names of adjoining property owners or subdivisions.

(10) Natural features within the property, including:

a. Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.

b. On all water courses entering or leaving the property, the direction of flow shall be indicated, the 100-year floodplain, and wetland areas

c. All primary conservation areas as defined under the environmental protection article of this Development Code.

d. All secondary conservation areas as defined under the environmental protection article of this Development Code.

(11) Protected groundwater recharge areas.

(12) Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, town and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features

(13) The proposed project layout including:

a. For subdivisions, 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 dimension of its length on each lot (i.e., the lot width) and land to be reserved for public uses.

b. For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, curb cuts, and designated fire lanes.

(14) Topographic contours with a minimum vertical interval of five feet shall be provided for both existing and proposed topography.

(15) The proposed phasing of the development if it is proposed to be built in sections.

(16) A statement as to the source and adequacy of domestic water supply.

(17) A statement as to the provision for sanitary sewage disposal and treatment capacity, if applicable.

(18) The approximate location of proposed stormwater detention facilities.

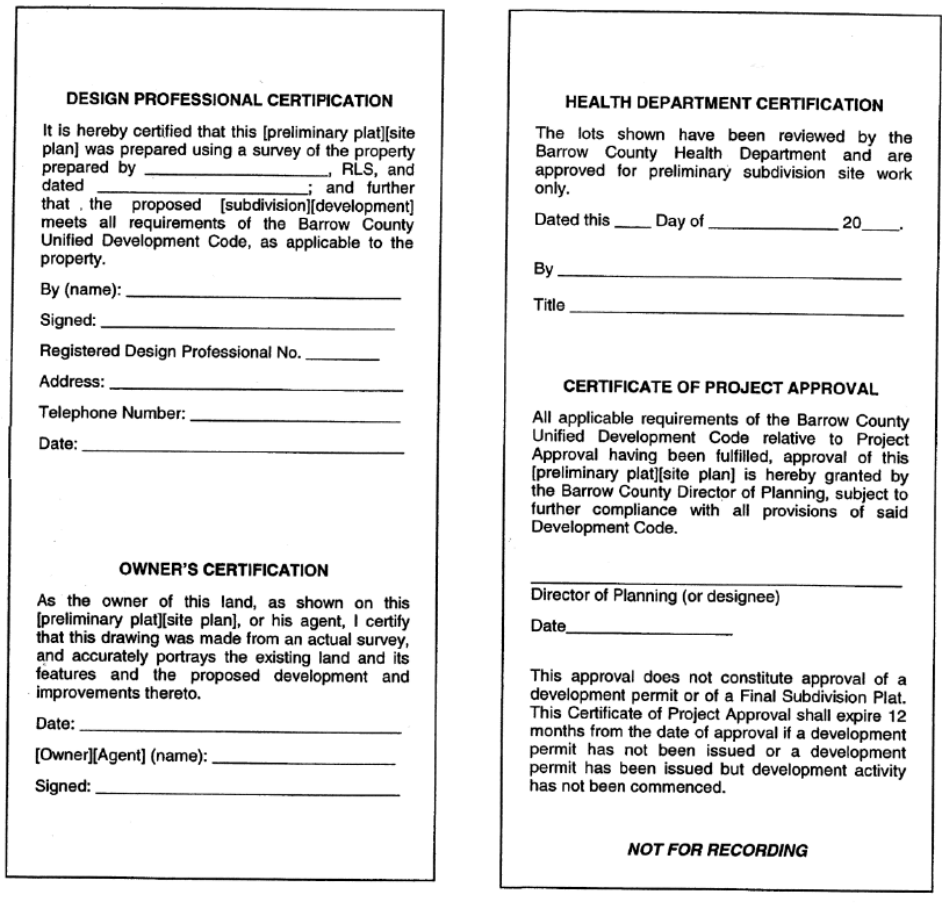
(19) Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

(e) *Design professional and owner certifications.* Each preliminary plat or site plan is to include a certification by the design professional and by the owner that read as shown on Figure 12.7 and are signed in blue ink on the original drawing.

(f) *Evidence of project approval.* Each preliminary subdivision plat or site plan shall carry the following certificates printed or stamped on the plat:

(1) Signed approval from the Barrow county health department (if septic tanks will be used) or written comments and approval by the health department, as appropriate.

(2) Certificate of project approval, to read as shown on Figure 12.7.



DESIGN PROFESSIONAL CERTIFICATION

It is hereby certified that this [preliminary plat][site plan] was prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed [subdivision][development] meets all requirements of the Barrow County Unified Development Code, as applicable to the property.

By (name): _____

Signed: _____

Registered Design Professional No. _____

Address: _____

Telephone Number: _____

Date: _____

OWNER'S CERTIFICATION

As the owner of this land, as shown on this [preliminary plat][site plan], or his agent, I certify that this drawing was made from an actual survey, and accurately portrays the existing land and its features and the proposed development and improvements thereto.

Date: _____

[Owner][Agent] (name): _____

Signed: _____

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Barrow County 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 Barrow County Unified Development Code relative to Project Approval having been fulfilled, approval of this [preliminary plat][site plan] is hereby granted by the Barrow County Director of Planning, subject to further compliance with all provisions of said Development Code.

_____

Director of Planning (or designee)

Date_____

This approval does not constitute approval of a development permit or of a Final Subdivision Plat. This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.

NOT FOR RECORDING

Figure 12.7 Certifications of Design Professional; Project Approval (NOTE: Any reference in the form to the Barrow County Unified Development Code shall be changed to the Town of Bethlehem Unified Development Code.)

Sec. 89-1318. Requirements for development plans.

(a) *Generally*.

(1) Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until development plans are approved and a development permit is issued by the planning and community development department. The process for approval of a development permit is presented in the development permit section (section 89-1318), below.

(2) The development plans for a project shall conform in all respects with the requirements of this Development Code, and shall include each of the plans in this section as appropriate to the project. These include:

a. Erosion and sedimentation control plan;

b. Grading plan;

c. Floodplain management plan;

d. Stormwater management plan;

e. Street improvement plan;

f. Street widening construction data;

g. Landscaping, buffer and tree conservation plans; and

h. Public utility plans.

(3) Standard plans and specifications referred to in this section are the minimum acceptable standards. Additional information may be required by the Town as needed for a complete understanding of the development proposed.

(4) All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the state, except that the landscaping, buffer and tree conservation plans are to be prepared by or under the supervision of a landscape architect registered in the state.

(b) *Erosion and sedimentation control plan*.

(1) Plans must be prepared to meet the erosion and sedimentation control requirements of the land development activities article of this Development Code. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *"Manual for Erosion and Sediment Control in Georgia";* or through the use of alternate design criteria that conform to sound conservation and engineering practices. The erosion and sedimentation control plan 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 stormwater management facilities, local ordinances and state laws.

(2) Data required for erosion and sedimentation control plan.

a. Narrative or notes, and other information: Notes or narrative to be located on the erosion and sedimentation control plan in general notes or in erosion and sediment control notes.

b. Description of existing land use at project site and description of proposed project.

c. Name, address, and phone number of the property owner and the developer.

d. Name and phone number of 24-hour local contact who is responsible for erosion and sediment controls.

e. Size of project, or phase under construction, in acres.

f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that "the installation of erosion and sediment control measures shall occur prior to or concurrent with land-disturbing activities".

g. Stormwater and sedimentation management systems storage capacity, hydrologic study, and calculations, including off-site drainage areas.

h. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.

i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the

"Manual for Erosion and Sediment Control in Georgia".

j. Maintenance statement to read as follows: "Erosion and sediment control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source".

(3) Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying or erosion an sediment control. After December 31, 2006, all 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 as developed by the commission pursuant to O.C.G.A. § 12-7-20.

The certified plans shall contain:

a. Graphic scale and north point or arrow indicating magnetic north.

b. Vicinity map showing location of project and existing streets.

c. Boundary line survey.

d. Delineation of disturbed areas within project boundary.

e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch =100 ft. or larger scale	Flat 0—2%	Every 1 foot
	Rolling 2—8%	Every 2 feet
	Steep 8% +	Every 10 feet

f. Spot elevations:

1. For sites smaller than one acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.

2. For sites of one acre and larger with slopes of less than two percent, show contours at intervals of not more than two feet and spot elevations at all breaks in grade along drainage channels and swales at selected points not more than 100 feet apart.

g. Adjacent areas and features such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.

h. The limits of the 100-year floodplain.

i. Proposed structures or additions to existing structures and paved areas.

j. The 25-foot horizontal stream buffer adjacent to state waters and the specified width in MRPA areas, or other stream buffer as required under the environmental protection article of this Development Code.

k. The specified horizontal stream buffer along designated trout streams, where applicable.

l. Location of erosion and sediment control measures using coding symbols from the *"Manual for Erosion and Sediment Control in Georgia",* Chapter 6.

(4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(c) *Grading plan*.

(1) Grading plans shall identify existing and proposed topographic contour lines at the interval required for erosion and sedimentation control plans, above.

(2) Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer, tree protection area or greenway (see the buffers and tree conservation article and the environmental protection article of this Development Code) and shall identify and describe the protective fencing or staking to be placed surrounding such area.

(3) If the property contains any area of special flood hazard (the 100-year floodplain), grading plans in and around the floodplain shall be designed in conformance to all requirements relating to flood damage prevention under the land development activities article of this Development Code.

(d) *Stormwater management plan.* A stormwater management permit is required for all developments, except for those specifically exempted in this Development Code.

(1) *Submission of plan*.

a. Review and approval. In order to obtain a stormwater management permit, a stormwater management site plan showing the design of the development shall be provided to the department of engineering for review and approval.

b. Effect on permits. A development permit, building permit or land disturbance permit shall not be issued without an approved stormwater management site plan.

(2) *General standards.* All drainage facilities shall be included in a surface drainage plan and shall be so designed to serve the entire drainage area. No increase in peak discharge to existing streams or stormwater sewers shall be permitted unless calculations are submitted and approved showing that such increase will not adversely affect upstream or downstream conditions.

(3) *Requirements for proposed improvements.* The location and size of all proposed stormwater improvements shall be designed in accordance with and meet all standards relating to stormwater management of the current edition of the "Georgia Stormwater Management Manual."

(4) *Stormwater management site plan requirements.* The stormwater management plan shall include the information listed below, as more specifically detailed in the current edition of the "Georgia Stormwater Management Manual."

a. Existing conditions hydrologic analysis.

1. A topographic map of existing site conditions (minimum two-foot contour interval) with the basin boundaries indicated.

2. Acreage, soil types and land cover of areas for each subbasin affected by the project.

3. All perennial and intermittent streams and other surface water features.

4. All existing stormwater conveyances and structural control facilities.

5. Direction of flow and exits from the site.

6. Analysis of runoff provided by off-site areas upstream of the project site.

7. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

a. *Post-development hydrologic analysis*.

1. A topographic map of developed site conditions (two-foot contour interval required) with the post-development basin boundaries indicated.

2. Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project.

3. Unified stormwater sizing criteria runoff calculations for water quality, channel protection, overbank flooding protection and extreme flood protection for each sub-basin.

4. Location and boundaries of proposed natural feature protection areas, such as natural buffers and tree protection areas (see the general development standards article of this Development Code), and primary and secondary conservation areas (see the resource conservation article of this Development Code).

5. Documentation and calculations for any applicable site design credits that are proposed to be utilized.

6. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

b. *Stormwater management system*.

1. Drawing or sketch of the stormwater management system including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls. This drawing is to show design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes.

2. Narrative describing that appropriate and effective structural stormwater controls have been selected.

3. Cross-section and profile drawings and design details for each of the structural stormwater controls in the system. This is to include supporting calculations showing that the facility is designed according to the applicable design criteria.

4. Hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs).

5. Documentation and supporting calculations showing that the stormwater management system adequately meets the unified stormwater sizing criteria.

6. Drawings, design calculations and elevations for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow.

c. *Downstream analysis*. Supporting calculations for a downstream peak flow analysis using the ten-percent rule necessary to show safe passage of post-development design flows downstream.

d. *Operations and maintenance plan*. Description of maintenance tasks, responsible parties for maintenance, funding, access and safety issues.

e. *Evidence of acquisition of applicable local and non-local permits*. Such evidence shall include a copy of the Notice of Intent (NOI) form submitted to DNR under General Permit No. GAR100000 (relating to authorization under NPDES for stormwater discharges associated with construction activity).

f. *Waiver requests (if any)*. Waivers from the provisions of the current edition of the "Georgia Stormwater Management Manual" will be considered by the public works department on a case-by-case basis. Waivers may be granted only when a requirement is shown to be impractical or having no benefit on adequate stormwater management of the site, or for an alternative approach that will have greater benefit and practicality than that otherwise required.

(e) *Street improvement plan*.

(1) Plans must include centerline profiles and typical street sections of all proposed streets. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widenings.

(2) Where sanitary or storm sewers are to be installed within a street, the grade, size, location and bedding class of pipe, location and invert elevation of manholes shall be indicated on the road profile.

(3) Centerline profile covering roadways that are extensions of existing roadways shall include: elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by these regulations for street improvements, but not less than 200 feet.

(4) All elevations shall be coordinated and tied into U.S. Coast and Geodetic Survey or department of transportation benchmarks where feasible, or into reference monuments established by the Federal Emergency Management Agency.

(5) A street striping and signage plan, showing improvements in accordance with the "Manual on Uniform Traffic Control Devices", latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to four or more lanes.

(6) Profile covering roadways that are extensions of existing roadways shall include: elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by these regulations for street improvements, but not less than 200 feet.

(f) *Landscaping, buffer and tree conservation plans.* All proposed site landscaping and buffers as required by this Development Code for parking lot landscape areas, trees and street-side screening; in buffers; and trees to be retained or planted as required by the tree conservation provisions of this Development Code, shall be illustrated on plans as described in this subsection. The plans may be consolidated as one plan if the information can be clearly shown.

(1) *Site landscaping plan*.

a. Scale at one inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.

b. Caption:

1. The name of the development and its acreage (or square footage if less than an acre).

2. Name, address, telephone and fax numbers of the property owner and subdivider or developer.

3. Name, address, telephone and fax numbers of the applicant.

4. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.

5. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.

d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.

e. The outline of all existing and proposed buildings and structures.

f. The boundaries of all natural buffers, greenways and other areas required to remain undisturbed.

g. The boundaries of each required landscape strip.

h. A planting plan showing the location, size and common name of proposed plant materials.

i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Development Code for landscape strips or parking lot landscaping.

(2) *Buffer plan.* A buffer plan shall be prepared for any natural or structural buffer required in accordance with the specifications and standards contained in this Development Code. The buffer plan shall show:

a. Caption, as required under subsection (f)(1)b. for site landscaping plans.

b. The boundaries of each required buffer area.

c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.

d. For each natural buffer, the plan must show:

1. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the protection of existing trees section of the buffers and tree conservation article of this Development Code.

2. Proposed supplemental plantings required to maintain the opaque visual screen required.

e. For each structural buffer, the plan must show:

1. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.

2. A planting plan showing the location, size and type of proposed plant materials.

3. The location, size and common name of all existing plant materials to be retained that

contribute to meeting the minimum requirements of this Development Code for buffers.

4. Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.

(3) *Landscaping plan.* The landscaping plan shall be submitted to the Planning and Community Development Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

a. Landscaping plan; preparation.

1. The landscaping plan shall be provided for any development in accordance with Article VIII Division 3 and shall be related to the site plan for the project.

2. For subdivisions, the landscaping plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this subsection will be added.

b. The landscaping plan shall meet all requirements of article VIII division 3 and include the following basics:

1. Drawings at scale at one inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.

2. Caption, as required under section 89-1318 (f)(1)b. for site landscaping plans.

3. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.

4. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.

5. The outline of all existing and proposed buildings and structures.

6. The boundaries of all natural buffers, greenways and other areas required to remain undisturbed.

7. The boundaries of each required landscape strip.

8. Identification of all trees that will be retained upon the site.

9. Location of tree protection area fencing.

10. Location and species of trees and other landscaping to be planted.

11. Irrigation.

i. The landscaping plan is to include a note indicating the type of irrigation to be used. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.

ii. If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location. The name and telephone number of a responsible 24-hour emergency contact shall be prominently displayed on the plan.

12. During-construction activities:

i. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with article VIII division 3 of this Development Code.

ii. Staging areas for parking, materials storage, concrete washout, and debris burn and tub grinding.

13. Additional information. Additional information that the planning and community development director may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.

14. Notes. Each landscaping plan shall include notes clearly printed on each plan sheet, as shown in Figure 12.8.

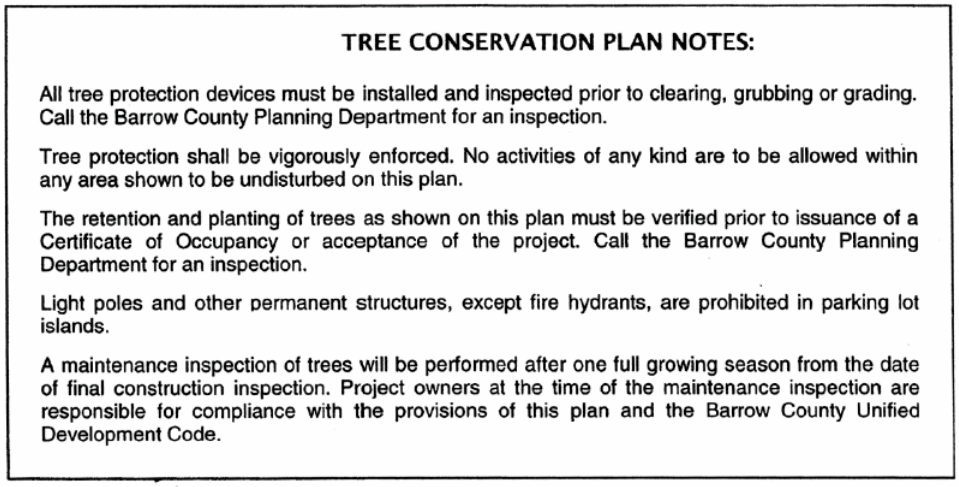


Figure 12.8 Tree Conservation Plan Notes (NOTE: Any reference in the form to the Barrow County Unified Development Code shall be changed to the Town of Bethlehem Unified Development Code.)

(g) *Public utility plans*.

(1) *Domestic water supply plan.* If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the providing water jurisdiction.

(2) *Sewage disposal plan.*

a. If a connection to a public system is proposed, sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the providing sanitary sewer jurisdiction.

b. For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the Barrow County health department.

Sec. 89-1319. Development permit.

(a) *Responsibility for development actions*.

(1) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the Town or its designee to perform such activity.

(2) Any person proposing development shall first submit to the planning and community development department an application for a development permit, including all civil design and construction drawings required by section 89-1318 of this Development Code. The application must be authorized by the property owner.

(3) The Town or its designee is responsible for administering the review and approval process for issuance of development permits. The Town or its designee shall forward a copy of the development permit application, including the civil design and constructions drawings for the project, to other departments, the soil and water conservation commission district, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Town or its designee shall provide all comments to the applicant for resolution, and shall issue the development permit when all requirements of this Development Code are met.

(4) Approval of plans by the Town or its designee shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans

were prepared.

(5) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.

(6) No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.

(7) *Liability*.

a. The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Town Council, Town staff, or the soil and water conservation district for damage to any person or property.

b. The fact that any activity for which a development 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 Development Code or the terms of the development permit.

(b) *Development activities authorized*.

(1) *Activities authorized by permit*. A development permit shall be issued to authorize all activities associated with development activity regulated by this Development Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, stormwater drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

(2) *Two-step process.* Approval of a development shall initially authorize only the placement of erosion control measures, stormwater detention facilities, and the identification in the field of tree save areas or individual trees to be protected. Upon inspection and approval by the town, other land development activities authorized by the development permit may proceed.

(c) *Clearing and grubbing permit.* A development permit authorizing clearing and grubbing shall not be issued prior to project approval of a preliminary plat for a subdivision or prior to approval of a site plan for a multi-family or nonresidential development project. Issuance of a development permit authorizing clearing and grubbing shall require approval of a grading plan for the development, a soil erosion and sediment control plan, and a landscaping, buffers and landscaping plan.

(1) A soil erosion and sediment control plan prepared in accordance with the requirements of the soil erosion control ordinance shall also be submitted and approved prior to the issuance of a clearing and grubbing permit. All soil erosion control measures as shown and as approved must be in place and maintained at all times during the clearing and grubbing activities.

(2) A permit for clearing and grubbing shall expire unless activities are commenced within 60 calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 calendar days.

(3) The planning and community development director may approve one extension not to exceed 30 calendar days.

(4) Said permit shall be limited to the removal of vegetation and stumps and the placement of required tree protection measures and soil erosion and sedimentation facilities, and may authorize the removal of existing structures on the property at the option of the developer.

(5) No grading or construction activities may be started under a clearing and grubbing permit. The approval of a clearing and grubbing permit shall not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property.

(d) *Grading permit.* A grading permit, which may include clearing and grubbing, shall not be issued prior to project approval of a preliminary plat for a subdivision or prior to approval of a site plan for a multi-family or

nonresidential development project. Issuance of a development permit authorizing grading shall require approval of a grading plan for the development, a soil erosion and sediment control plan, and a landscaping, buffers and tree conservation plan.

(1) A grading permit may also be issued for earth borrow, where no development or construction is proposed or imminent, based on approval of grading plan, soil erosion and sediment control plan, and hydrology study.

(2) A permit authorizing grading shall expire unless activities are commenced with 60 days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 calendar days.

(3) The Town or its designee may approve one extension not to exceed 30 days. Said permit shall be limited in its authorization to land grading activities along with associated clearing and grubbing, and demolition activities, and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit itself.

(e) *Process for approval of development permit.* An application for a development permit may proceed simultaneously with an application for a preliminary subdivision plat or site plan, but may not be issued prior to project approval of such plat or plan by the Town or its designee.

(1) *General*.

a. The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of Town of Bethlehem that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, development regulations, flood damage prevention ordinance, this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of Town of Bethlehem. However, the operator is the only party who may obtain a permit.

b. An "operator" is defined as the party or parties that have operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention 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 stormwater pollution prevention plan or to comply with other permit conditions.

(2) The application for a development permit shall be submitted to the Town or its designee and must include the following:

a. Application on the form furnished by the Town or its designee, requesting review for issuance of a development permit, in a number of copies as required by the Town or its designee.

b. Evidence that the applicant has complied with the "Notice of Intent" (NOI) requirements of the Georgia General Stormwater Permit for authorization under the National Pollution Discharge Elimination System (NDPES) to discharge stormwater associated with construction activity (if applicable). A copy of the NOI form and a copy of the certified mail return receipt request card indicating receipt by the Georgia Environmental Protection Division.

c. The following plans in a number of copies as required by the Town or its designee:

1. The preliminary plat or site plan requesting or reflecting project approval by the planning and community development department.

2. The civil design and construction drawings prepared in conformance with the specifications and standards in section 89-1318 of this Development Code.

d. *Applicable fees, as follows*:

1. Payment of any Town development permit fee, as established from time to time by the Town Council.

2. In addition, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), in the amount of $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. Pursuant to O.C.G.A. § 12-7-8(a), one-half of such fees levied shall be submitted to Town of Bethlehem and one-half to

the EPD; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the EPD.

e. *Certification*. All applications shall contain a certification stating that the erosion and sedimentation control plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Georgia Board of Natural Resources.

(3) The application will be checked for completeness within five days of its submission. Incomplete applications will be returned to the applicant.

(4) Upon acceptance of a development permit application, the Town or its designee shall refer the soil erosion and sedimentation control plan to the soil and water conservation district for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan.

a. The soil and water conservation district shall approve or disapprove the 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 Town or its designee.

b. No development permit will be issued unless the soil erosion and sedimentation control plan has been approved by the district, and any variances and bonding, if required, have been obtained.

(5) The applicant may be required by the Town or its designee to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:

a. Director of public works.

b. Reserved.

c. Barrow County health department.

d. Soil and water conservation district.

e. Georgia Department of Transportation.

f. Georgia Department of Natural Resources.

g. U.S. Army Corps of Engineers.

h. U.S. Environmental Protection Agency.

(6) Upon receipt of comments from other departments and agencies, the Town or its designee will indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.

(7) The Town or its designee will forward its comments to the applicant.

(8) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.

(9) No development permit will be issued unless the applicant provides a statement by the county tax commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

(f) *Required performance surety*.

(1) *Stormwater performance surety.* Upon approval of the stormwater management plan, but before the issuance of a building permit or subdivision plat approval, the applicant shall be required to post a performance bond, cash escrow, certified check or other acceptable form of performance security.

a. The amount of the surety shall not be less than the total estimated construction cost of the facilities required by the stormwater management plan.

b. The performance bond or other securities shall not be released until the following requirements have been met. The planning and community development director shall:

1. Perform a final inspection of the facilities and determine that they have been constructed in

compliance with the stormwater management plan.

2. Determine that all provisions of the stormwater management plan have been faithfully executed.

c. A provision may be made for partial release of the amount of the bond pro rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the stormwater management plan. The applicant shall notify the Town or its designee upon completion of each stage that is ready for inspection.

(2) *Erosion and sedimentation performance surety.* If the applicant has had two or more violations of previous development permits, this Development Code or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Town's designee shall refer the development permit application to the Town Council.

a. The Town's designee may deny the development permit application; or,

b. The Town's designee may require the applicant to post a performance 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 development permit. If the applicant does not comply with this Development Code or with the conditions of the development permit after issuance, the Town Council 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.

c. The Town Council may approve issuance of the development permit and waive or reduce any performance bond requirement after consideration of such factors as proof of financial ability of the developer or the record of performance of compliance by the developer since the last violation, or any other factors the Town Council considers relevant to the protection of the public from potential erosion or sedimentation violations.

(g) *Exemptions to land disturbance permits.* The disturbance of the land, including clearing, grubbing, or grading activities, shall not commence or proceed except in accordance with the provisions of these regulations, unless the activity is either an agricultural activity or is for the construction of an individual single-family residence, and is otherwise exempt from the soil erosion and sedimentation control requirements of the land development activities article of this Development Code.

(h) *Issuance of development permit*.

(1) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the planning and community development department shall issue a development permit authorizing development activities to begin based on the approved civil design and construction drawings.

(2) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Town or its designee of a complete application, providing variances and bonding are obtained where necessary.

(3) No development permit shall be issued unless the erosion and sedimentation control plan has been approved by the soil and water conservation district, project approval has been granted by the Town or its designee, and the Town or its designee has affirmatively determined that the plan is in compliance with all requirements of this Development Code, any stream buffer variances approved by the EPD director have been obtained, bonding requirements, if necessary, as per subsection (f) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Town of Bethlehem are met. If the development permit is denied, the reason for denial shall be furnished to the applicant.

(4) If the tract is to be developed in phases, then a separate development permit shall be required for each phase.

(5) The development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in 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 Development Code. A holder of a development permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan or the conditions

contained in the development permit.

(6) Development activities shall be limited to those authorized by the applicable permit and as may be further restricted by conditions of approval pertaining thereto by the Town or its designee or other department or agency as may have authority or jurisdiction over said activities in whole or in part.

(i) *Expiration of development permit*.

(1) A development permit shall expire if the development activity described in the permit is not begun within 12 months from the date of issuance, or if such authorized activities lapse for a period exceeding 60 days.

(2) Any development permit that has expired may be renewed once by the planning and community development department within six months of expiration. Activity must commence within three months or the permit shall expire.

(3) If a development permit has expired for more than six months, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code.

Sec. 89-1320. Flood area permit.

(a) *Flood area permit required.* If development or construction is proposed within or affecting an area of special flood hazard, approval of a flood area permit application shall be required. An application for a flood area permit may be included with and reviewed along with a development permit application.

(b) Application process for a flood area permit.

(1) Application for a flood area permit shall be made to the Town or its designee on forms furnished by them prior to any development activities.

(2) The application for a flood area permit is to include the following:

a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question.

b. Location of existing or proposed structures, fill, storage of materials and drainage facilities.

c. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.

d. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed.

e. Design certificate from a registered professional engineer or architect that any nonresidential floodproofed building will meet the floodproofing criteria in the flood damage prevention section of the land development activities article of this Development Code.

f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

g. Construction stage:

1. For all new construction and substantial improvements the permit holder shall provide to the Town or its designee an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing 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 floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

2. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Town or its designee 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 requires hereby, shall be cause to issue a stop-work order for the project.

Sec. 89-1321. Driveway permit.

(a) *Driveway permit; when required*.

(1) No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the appropriate transportation agency. If the driveway connects to a state or U.S. numbered highway, approval of the Georgia Department of Transportation shall be required prior to Town approval.

(2) Applications shall be made to the building official's office and referred to the appropriate transportation agency for review and approval.

(b) *Driveway permit; expiration.* A permit shall expire for work not started within 90 days or completed within six months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

Sec. 89-1322. Right-of-way encroachment permit.

(a) *Right-of-way encroachment permit; when required*.

(1) Any utility work, encroachments into a public right-of-way or easement, pavement cuts and associated road or lane closures must be reviewed, approved and permitted by the appropriate transportation agency.

(2) Applications may be made to the appropriate transportation agency.

(b) *Right-of-way encroachment permit; expiration.* A right-of-way encroachment permit shall expire for work not started within 90 days or completed within six months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

Sec. 89-1323. Sign permits.

See the sign regulations article of this Development Code regarding the issuance of sign permits.

Sec. 89-1324. Final subdivision plat.

(a) *Responsibility*.

(1) The Town or its designee shall be responsible for coordination of the approval process for all final subdivision plats.

(2) The final subdivision plat shall be certified and sealed by a registered land surveyor.

(3) The owner is responsible for compliance with all requirements of this Development Code. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.

(b) *Procedures for final plat approval*.

(1) Prior to submission of an application for final subdivision plat approval, either:

a. All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code (other than traffic signs, street name signs, street striping, and signalization) and as-built surveys of the improvements shall have been approved by the public works director as required in the land development activities article of this Development Code; or

b. A guarantee in lieu of completed improvements shall have been received by the appropriate transportation agency as provided under the project design standards article of this Development Code.

(2) An application for a final subdivision plat approval shall be made to the appropriate transportation agency. The application shall include:

a. The name and address of the person to whom the notice of approval shall be sent.

b. A properly completed application form, as furnished by the planning and community development

department, requesting final subdivision plat review.

c. Executed stormwater management facility maintenance agreement.

d. A number of copies, as established by the planning and community development director, of the final subdivision plat drawing prepared in conformance with the specifications in this section, the original of which shall be drawn in permanent ink on cloth or film.

e. The as-built surveys of the improvements as required in the land development activities article of this Development Code if the surveys have not been previously received and approved.

f. Payment of all applicable final subdivision plat filing and recording fees, as established by the Town Council from time to time.

g. Payment for materials and installation of traffic signs and street name signs. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.

h. Executed deeds for the dedication of all street rights-of-way, easements and other public properties.

i. A maintenance surety providing adequate surety for the maintenance of all public improvements required by this Development Code in the subdivision for a period of at least 1.5 years following the date of approval of the final plat. See the land development activities article of this Development Code for information regarding maintenance surety.

(3) The Town or its designee shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.

(4) If the subdivision includes or abuts a U.S. or state numbered highway, unless all of the lots in the subdivision contain five acres or more and no new street is involved, review by the Georgia Department of Transportation (DOT) is required under O.C.G.A. § 32-6-151. If the subdivision is an exempt or minor subdivision or otherwise was not submitted for review as a preliminary plat, two additional copies of the final plat must be submitted to the p Town or its designee for forwarding to DOT. The owner or subdivider must respond to the recommendations of the DOT prior to final plat recording. If the written recommendations of the DOT are not made within 30 days of receipt of the plat by DOT, their approval shall be assumed as provided under state law.

(5) Within two weeks following receipt of the application, the Town or its designee shall indicate on the drawing or in writing all comments related to compliance with this Development Code. The Town or its designee shall have sole authority to determine the applicability of any provisions of this Development Code to the final plat.

(6) The owner shall be responsible for compliance with all codes, regulations and zoning requirements, and for the satisfaction of all the noted and written comments of the Town or its designee. Resubmission of all revised drawings shall be made to the Town or its designee.

(7) When all of the requirements of this Development Code, and any conditions of zoning approval, have been met, the Town Council shall approve, sign and date the certificate of final plat approval stamped or printed on a reproducible copy of the final subdivision plat.

(8) Once the final subdivision plat has been so certified, it shall be recorded by the planning and community development department, or by the applicant with the planning and community development director's approval, with the clerk of the superior court.

(9) The Town's designee will forward the executed deeds for the streets, easements and dedication of other public properties, and the conservation easement, if applicable, to the Town Council for approval and recording. The planning and community development director will also coordinate the creation of any special tax district by the Town Council as may be required by this Development Code.

(10) Subsequent to the recording of the final plat, one copy on cloth or film and one additional copy with all certificates endorsed thereon shall be filed with the records of the Town. The map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

(c) *General standards for final plats*.

(1) The final subdivision plat shall be drawn on an appropriate material and sheet size, and using minimum

line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67), and as acceptable to the clerk of the superior court.

(2) Final subdivision plats must be at least 8½ inches by 11 inches in size to be recorded. The maximum sheet size is 18 inches by 24 inches to the sheet edge, with a maximum image area of 17 inches by 22 inches.

(3) The final subdivision plat shall substantially conform to the preliminary subdivision plat and may constitute only that portion of the approved preliminary subdivision plat that the owner proposes to record at any one time, provided that such portion conforms to the requirements of this Development Code.

(d) *Final plat requirements.* The final subdivision plat shall contain all caption information and plat data required by Georgia law pertaining to the recordation of maps or plats (O.C.G.A. § 15-6-67, as amended), as well as the additional information required in this subsection.

(1) *Caption*. The maps or plats shall have a title or name, including the name of the subdivision, which shall be contained in the caption, and the caption shall also provide the following information:

a. The town, tax map and parcel number, and subdivision, if the property lies within a particular subdivision;

b. The date of plat preparation;

c. The scale, stated and shown graphically;

d. The name, address, telephone number, and registration number of the land surveyor or the statement that he is the Town surveyor and is not required by law to be a registered surveyor; and

e. All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.

(2) *Plat data*. Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:

a. All maps or plats shall show 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;

b. All maps or plats of boundary surveys or subdivision surveys shall show 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;

c. All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;

d. All maps or plats shall show easements and apparent encroachments, if pertinent;

e. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;

f. All land lot lines, land district lines, land section lines, and city boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;

g. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone, as required for survey monuments under the project design standards article of this Development Code;

h. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;

i. All linear distances shown on maps or plats shall be horizontal;

j. All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of one in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian; and

k. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.

(3) *Additional data*. The following is to be shown on the final plat in addition to the caption information and plat data required by Georgia law:

a. Street names including both the name and the suffix, such as "street", "avenue", etc.;

b. Name of the former subdivision if any or all of the property has been previously subdivided;

c. Location sketch;

d. Lot lines with dimensions to the 1/100 (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;

e. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way;

f. Lots or sites numbered in numerical order and blocks lettered alphabetically;

g. Location, dimensions and purpose of all easements, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use;

h. The extent of any area of special flood hazard, as defined in this Development Code; and

i. The street address number of each lot.

(4) Curve data shall be required for all roadway centerline curves of greater than ten degrees on new roads. Centerline data including the radius, central angle, arc length, chord bearing and distance, and tangent distance between curves must be given for regular curves. Chord distances and directions shall be given for irregular curves on preexisting roads.

(e) *Certification by health department.* Certification by the health department shall be printed or stamped on the plat, as appropriate to the source of water supply and method of waste disposal approved. For lots not served by public sewerage or public water, the certification by the health department is to read as shown on Figure 12.4 and signed in blue ink on the original drawing. For developments with public sewerage and public water systems, this certification may be omitted.

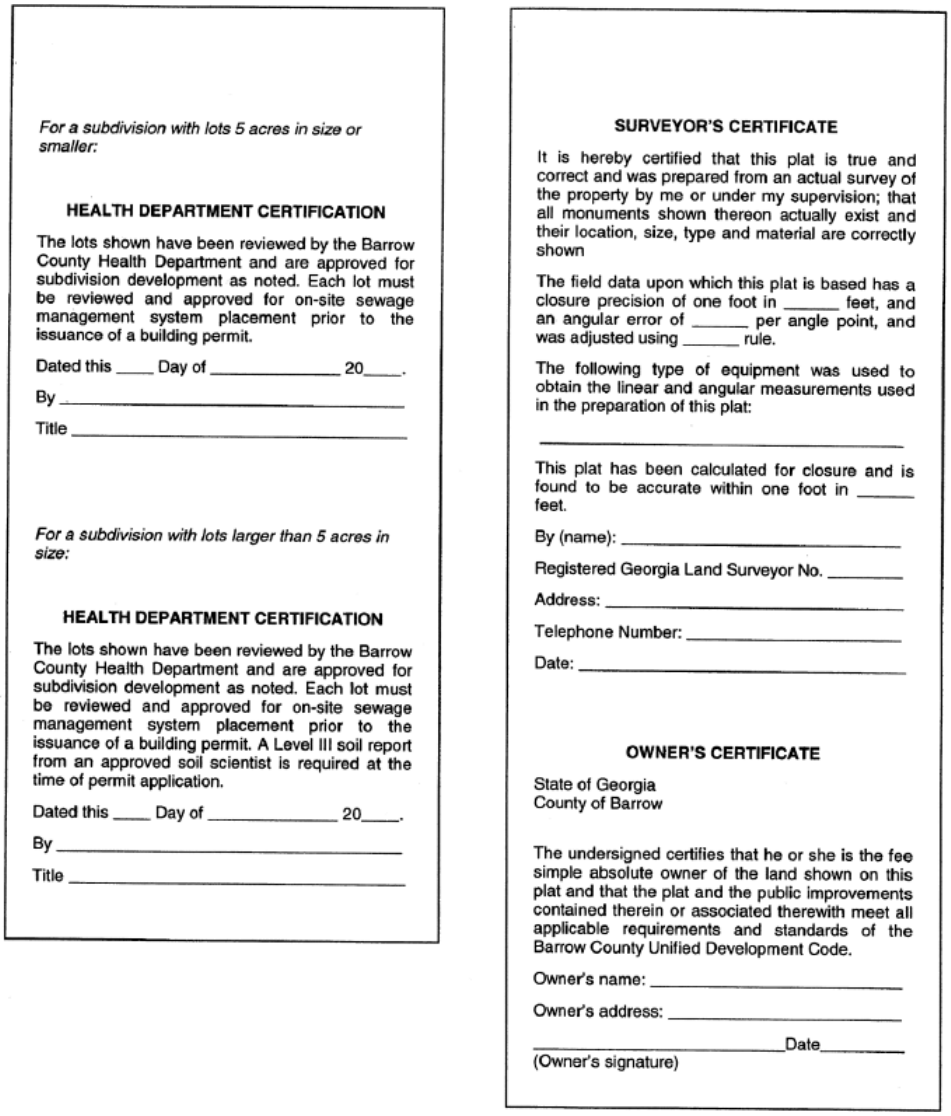
(f) *Surveyor and owner certificates.* Each final subdivision plat shall carry the following certificates printed or stamped on the plat to read as shown on Figure 12.5. The original certificates on the reproducible copy of the final plat shall be signed and dated.

(1) Surveyor's certificate, signed in blue ink on the original drawing.

(2) Surveyor's seal. The reproducible final subdivision plat drawing shall bear the original signature, in black ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.

(3) Owner's certificate, signed in blue ink on the original drawing.

(g) *Statement of private covenants.* A statement of the private covenants, if applicable and if they are brief enough to be put directly on the plat; otherwise, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby becomes part of this plat".



For a subdivision with lots 5 acres in size or smaller:

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Barrow County Health Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit.

Dated this ____ Day of _____ 20____.

By _____

Title _____

For a subdivision with lots larger than 5 acres in size:

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Barrow County Health Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit. A Level III soil report from an approved soil scientist is required at the time of permit application.

Dated this ____ Day of _____ 20____.

By _____

Title _____

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist and their location, size, type and material are correctly shown

The field data upon which this plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.

The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat:

_____

This plat has been calculated for closure and is found to be accurate within one foot in _____ feet.

By (name): _____

Registered Georgia Land Surveyor No. _____

Address: _____

Telephone Number: _____

Date: _____

OWNER'S CERTIFICATE

State of Georgia
County of Barrow

The undersigned certifies that he or she is the fee simple absolute owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Barrow County Unified Development Code.

Owner's name: _____

Owner's address: _____

_____Date_____
(Owner's signature)

Figure 12.9 Health Department, Surveyor, and Owner Certificates (NOTE: Any reference in the form to the Barrow County Unified Development Code shall be changed to the Town of Bethlehem Unified Development Code.)

(h) *Certificate of final subdivision plat approval.* The certificate of final plat approval shall be stamped or printed on the final subdivision plat for execution upon its approval by the Town Council. Appropriate certificates for different types of subdivisions are shown in Figure 12.10.



For Exempt and Minor Subdivisions:

CERTIFICATE OF FINAL PLAT APPROVAL

FOR RECORDATION

All requirements of the Barrow County Unified Development Code having been represented as being fulfilled by this plat, the undersigned acting under authority of the Board of Commissioners of Barrow County, Georgia, hereby approves this plat for recordation by the Clerk of the Superior Court.

_____ Date_____
(Signature, Director of Planning)

For Major Subdivisions:

CERTIFICATE OF FINAL PLAT APPROVAL

FOR RECORDATION

All requirements of the Barrow County Unified Development Code having been represented as being fulfilled by this plat [and the related as-built surveys approved on (date)], the undersigned acting under authority of the Board of Commissioners of Barrow County, Georgia, hereby approves this plat for recordation by the Clerk of the Superior Court [along with the accompanying deeds of dedication of all streets, easements and other public areas and improvements shown thereon], subject to maintenance and guarantee by the owner for two years from the date of this approval.

This approval recognizes the receipt of appropriate surety by the Board of Commissioners of Barrow County in the amount of $_____ to assure the completion and maintenance of all streets and drainage facilities appurtenant to this subdivision.

_____ Date_____
(Signature, Director of Planning)

Figure 12.10 Certificate of Plat Approval (NOTE: Any reference in the form to the Barrow County Unified Development Code shall be changed to the Town of Bethlehem Unified Development Code. Any reference to the Barrow County Board of Commissioners shall be changed to the Bethlehem Town Council.)

(i) *Creation of homeowners association.* If required by provisions of this Development Code, a homeowners' association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. A copy of the recorded instruments shall be filed with the Town or its designee.

(j) *Acceptance of public improvements*.

(1) If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed within nine months.

(2) The developer shall maintain the improvements in the development for a period of 1.5 years. The 1.5-year maintenance period shall begin upon recordation of the final subdivision plat or upon completion of all deferred improvements, whichever occurs later.

(3) Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the Town or its designee.

(4) The owner 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. If any lands are shown on the

final plat for dedication to Town of Bethlehem other than street rights-of-way or easements, a warranty deed transferring title of said land in fee simple shall be submitted with the final plat applications.

(5) Upon certification by the Town's designee that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the Town Council shall release the maintenance bond and accept the public improvements into perpetual maintenance.

(k) *Erosion control plan* prepared in accordance with the requirements of the soil erosion and sediment control ordinance. Erosion control measures may be shown on the grading plan, if desired.

Sec. 89-1325. Building permitting.

(a) *Building permit required.* A building permit issued by the building official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance the provisions of the Building Code. No building permit shall be issued and no building shall be erected on any lot in the Town unless access has been established in accordance with this Development Code. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of this Development Code, whether or not a building permit is required.

(b) *Procedures to obtain a building permit*.

(1) *Procedure for approval.* The building official is responsible for administering and enforcing the building codes of the town.

a. Prior to issuance of a building permit the owner shall have received a development permit if required by this Development Code.

b. Zoning verification shall be obtained from the Town or its designee. The following shall be attached to or included within the zoning verification application:

1. A street address number as shown on the final plat or as assigned by the town; the tax map and parcel number, verified by tax office; and a plat, location sketch map or other graphic indication of the location of the lot.

2. For a single-family detached or two-family dwelling, a building site plan drawn to scale shall be submitted with the application, showing the following:

i. Identity, address and phone number of the owner of the lot, the applicant for the building permit, and the person responsible for all construction and land-disturbing activities on the property;

ii. Lot dimensions with property line monuments located thereon, minimum principal building setback lines, the lot width measured at the minimum front setback line, and the lot frontage measured along the street right-of-way line;

iii. Shape, size, height and location of the structure(s) proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot;

iv. The use of structures, including the number of dwelling units and minimum floor area within each structure;

v. Easements (public and private) including natural resource or conservation easements established under the requirements of the environmental protection article of this Development Code;

vi. Watercourses, stream buffers and the limits of the 100-year floodplain;

vii. Erosion control and tree protection measures proposed to be placed and maintained on the property;

viii. Street names and street right-of-way lines; and

ix. Other information regarding abutting property as directly affects the application;

3. For a multi-family or nonresidential building, the site plan upon which was granted project approval by the Town or its designee under subsection 89-1315(9).

(2) Application for a building permit shall be made to the building official. The application shall include:

a. Application on the form furnished by the building official, requesting issuance of a building permit.

b. A copy of the zoning verification approved by the planning and community development department.

c. Architectural plans for principal multi-family or nonresidential buildings, prepared in conformance with this Development Code and the applicable building codes. Plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.

d. County health department approval if an on-site sewage disposal system has been allowed.

e. Payment of the building permit application and review fee.

f. Water meter receipt issued by the applicable public water jurisdiction, if applicable.

g. For applications to move a house, structure or building, the following additional information is required:

1. The name of the person performing the moving;

2. The origin and destination of the moving;

3. The names of the owners of the property from which the house is removed and of the property to which it is moved;

4. A detailed outline of the route to be followed and the equipment to be used; and

5. An estimate of the time involved, including the time of the day when said operation shall be conducted.

6. Any application for a permit must be made at least 48 hours prior to the proposed moving.

7. In addition to a fee charged for permits, the mover of any house, building or structure shall deposit with the building official $400.00 for each house, to be returned to the mover within five days after such moving if no damage is done to public property.

8. The Town marshal or sheriff's department shall furnish a police escort if he deems it necessary

(3) *Issuance of building permit*.

a. The application will be checked by the building official for completeness within five days of receipt. Incomplete applications will be returned to the applicant.

b. Within two weeks following receipt of a complete application, the building official shall indicate on the architectural plans approval or disapproval and attest to same by his signature. One copy shall be returned to the applicant and the original copy shall be retained by the building official.

c. The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the building official. Notwithstanding the town's role in accepting and approving submissions specified in this ordinance, the owner is not entitled to rely on approval from the Town of any documents as evidence that the development and building plans are all internally consistent or compliant with applicable health and safety codes. Nothing herein is intended to create an actionable duty on the part of Town staff.

d. At such time as the owner has addressed the comments to the satisfaction of the building official and the state fire marshal, a building permit will be issued for the structure.

e. Plumbing, electrical and mechanical permits shall be issued separately by the building official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.

f. If the work authorized by a building permit has not begun within six months from the date of issuance the permit shall expire, unless it is renewed under the provisions of the building code.

(4) *Standards for approval*.

a. Building permits shall be issued only on buildable lots of record, as defined in this Development Code.

b. Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the town's building code. Conformance to this Development Code is also required as a prerequisite to issuance of a building permit.

(c) *Certificate of occupancy*.

(1) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.

(2) A certificate of occupancy shall be required for any of the following:

a. Occupancy and use of a building or structure constructed or enlarged.

b. Change in use of existing buildings to uses of a different classification.

c. Any change in use of a nonconforming use, lot or building.

(3) Upon completion of construction but prior to occupancy or use for the purpose constructed and prior to utility hookup, the property owner or his agent shall notify the building official and request final inspection of the premises.

(4) The building official shall conduct such inspection as quickly as is reasonably practicable after said request and shall issue a certificate of occupancy only if he finds said construction comports with all applicable local, state or national rules, regulations, statutes, laws, ordinances, and the terms of this resolution.

(5) Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the building official.

(6) A record of all certificates of occupancy shall be maintained by the building official and a copy shall be furnished upon request to any person.

Sec. 89-1326. Sexually oriented establishment permit.

[Note: Sexually oriented businesses are prohibited in the Town of Bethlehem as there is sufficient opportunity for such expression outside the Town's limits. The provisions below shall apply if, and only if, a court of competent jurisdiction rules that the Town is required to allow such businesses]

(a) *Filing of application; application fee*.

(1) Any person desiring to obtain a permit to operate, engage in, conduct or carry on any sexually oriented establishment shall make application to the Town or its designated representative. Prior to submitting such application, a nonrefundable fee, established by resolution of the Town Council, shall be paid to the Town to defray, in part, the cost of investigation and report required by this section. The Town shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the Town at the time such application is submitted.

(2) The application for a permit does not authorize the engaging in, operation of, conduct of or carrying on of any sexually oriented establishment.

(b) *Contents of application*.

(1) Each application for a sexually oriented establishment permit shall contain the following information:

a. The full true name and any other names used by the applicant.

b. The present address and telephone number of the applicant.

c. The previous addresses of the applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each.

d. Acceptable written proof that the applicant is at least 18 years of age.

e. The applicant's height, weight, color of eyes and hair, and date and place of birth.

f. Two photographs of the applicant at least two inches by two inches in size, taken within the last

six months.

g. Business, occupation or employment history of the applicant for the five years immediately preceding the date of application; and business or employment records of the applicant, partners in a partnership, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent of the shares of corporate stock outstanding.

h. The business license history of the applicant, and whether such applicant, in previous operations in this or any other town, state or territory under license, has had such license or permit for an sexually oriented business or similar type of business revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.

i. All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions.

j. If the applicant is a corporation, the name of the corporation, set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Town clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this section, but only one application fee shall be charged.

k. The names and addresses of the owner and lessor of the real property upon which the business is to be conducted and a copy of the lease or rental agreement.

l. Such other identification and information as the sheriff's department may require in order to discover the truth of the matters specified in this subsection as required to be set forth in the application.

m. The age and date of birth of the applicant, of any partners, or of any and all officers, of any stockholders of more than five percent of the shares of the corporation stock outstanding and directors of the applicant, if the applicant is a corporation.

n. Whether the applicant, any partners or any of the officers or stockholders holding more than five percent of the outstanding shares of the corporation, or the directors of the applicant, if the applicant is a corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five years, and, if so, a complete description of any such crime, including the date of violation, the date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed.

o. For individual applicants, the fingerprints of the applicant, furnished by the applicant.

p. If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded; and if the applicant is a corporation, a copy of authority to do business in Georgia, including the articles of incorporation, trade name affidavit, if any, and last annual report, if any.

q. At least three character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the permit is granted and who have not been convicted of any felony or a violation of this Development Code involving moral turpitude in the past five years. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms.

r. The address of the premises for which the permit is to be issued.

s. Whether the premises are owned or rented and if the applicant has a right to legal possession of the premises, copies of those documents giving such legal rights.

t. A plat by a registered land surveyor licensed by the state, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning and its proximity to any church, school, public park, governmental building or site or other business regulated under this section.

(2) Each application for a sexually oriented establishment permit shall be verified and acknowledged under oath to be true and correct as follows:

a. If the applicant is an individual, by the individual.

b. If the applicant is a partnership, by the manager or general partner.

c. If the applicant is a corporation, by the president of the corporation.

d. If the applicant is any other organization or association, by the chief administrative official.

(c) *Personal appearance by applicant.* The applicant for a permit under this section, if an individual, or designated responsible managing officer if a partnership or corporation, shall personally appear at the Town and produce proof that a nonrefundable application fee, established by resolution of the Town Council, has been paid and shall present the application containing the information described in subsection (b).

(d) *Investigation*.

(1) The Town shall have 30 days to investigate the application and the background of the applicant. Upon completion of the investigation, the Town's designee may grant the permit if it finds that:

a. The required fee has been paid.

b. The application conforms in all respects to the provisions of this section.

c. The applicant has not knowingly made a material misrepresentation in the application.

d. The applicant has fully cooperated in the investigation of his application.

e. The applicant, if an individual, or any of the stockholders of the corporation or any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct or convicted of an attempt to commit any of the offenses mentioned in subsection (b), or convicted in any state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses mentioned in subsection (b), or any crime involving dishonesty, fraud, deceit or moral turpitude.

f. The applicant has not had a sexually oriented establishment permit or other similar license or permit denied or revoked for cause by this Town or any other Town located in or out of this state prior to the date of application.

g. The building, structure, equipment or location of such business as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards.

h. The applicant is at least 21 years of age.

i. The applicant or his employee, agent, partner, director, officer, stockholder or manager has not, within five years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined in this Development Code to be committed or allowed in or upon the premises where such sexually oriented establishment is to be located or allowed the premises to be used as a place in which solicitations for the specified sexual activities as defined in this Development Code openly occur, except as allowed under a previous adult entertainment permit or sexually oriented establishment permit issued by Town of Bethlehem.

j. On the date the business for which a permit is required in this section commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open.

k. The proposed premises meets the standards for distancing and location as set forth in subsection 89-135(e) of this Development Code.

l. The grant of such permit will not cause a violation of this section, this Development Code, or any other ordinance or regulation of the town, the state or the United States.

(2) The Town may make any other inquiry deemed necessary or desirable by the Town to ensure the health, safety, and welfare of the citizens of the public or the preservation of its neighborhoods.

(e) *Restrictions on permit issuance*.

(1) *Persons ineligible for permit.* No permit provided for by this section shall be issued to or held by:

a. An applicant who has not paid all required fees and taxes for a business at that location, or property taxes.

b. Any person who is not of good moral character.

c. Any corporation, any of whose officers, directors or stockholders holding over five percent of the outstanding issued shares of capital stock are not of good moral character.

d. Any partnership or association, any of whose officers or members holding more than five percent interest therein are not of good moral character.

e. Any person employing, assisted by or financed in whole or in part by any person who is not of good moral character.

f. Any applicant who is not qualified to hold and conduct a business according to the laws of the United States, the state or the town.

(2) *Number of permits.* Should there be a sufficient number of current permits to meet the needs and desires of the inhabitants of the town, no new permit shall be issued. In determining the needs and desires of the inhabitants, the standard of review shall be that the market is virtually unrestrained as defined in *Young v. American Mini Theaters, Inc.*

(f) *Issuance or denial*; appeals; compliance with zoning regulations.

(1) The process for application for a permit to operate an enterprise regulated as a sexually oriented establishment shall be the procedure set forth in this Development Code for approval of special uses, and the procedure for review and appeals shall be governed by the provisions of the appeals article of this Development Code. No sexually oriented establishment permit shall be issued until special use approval has been granted by the Town Council.

(2) Nothing in this section shall be construed as relieving any applicant of the terms, conditions or strictures of the zoning district within which the sexually oriented establishment is located, and all other requirements and restrictions of this Development Code.

(g) *Renewal.* Permits for sexually oriented establishments may be renewed on a year-to-year basis, provided that the permittees continue to meet the requirements set out in this section relating to the issuance of such permits, and the requirements of this Development Code for sexually oriented establishments. The renewal fees for sexually oriented establishment permits shall be established by resolution of the Town Council from time to time.

(h) *Transfer.* No sexually oriented establishment permit may be sold, transferred, or assigned by a permittee, or by operation of law, to any other person. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the town, shall be placed in the name of the surviving partner. An sexually oriented establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

(i) *Change of location or name; expansion of business*.

(1) No sexually oriented establishment shall move from the location specified on its permit until a change of location fee, as established by resolution of the Town Council, has been deposited with the Town and approval has been obtained from the planning and community development director and the planning and community development director. Such approval shall not be given unless all requirements and regulations as contained in this Development Code have been met.

(2) No permittee shall operate, conduct, manage, engage in, or carry on a sexually oriented establishment under any name other than his or her name and the name of the business as specified on his or her permit.

(3) Any application for an extension or expansion of a building or other place of business where a sexually oriented establishment is located shall require inspection and shall comply with the provisions and regulations of this section and this Development Code.

(j) *Employees*.

(1) *Qualifications.* Employees of a sexually oriented establishment shall not be less than 18 years of age. Every employee must be of good moral character as defined in this Development Code. Any employee who is convicted of a crime constituting a felony or a crime not a felony involving moral turpitude while employed as an sexually oriented establishment employee shall not thereafter work on any premises for which a permit has been issued under this section for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, the term "convicted" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime, and the terms "employed on the premises for which a permit has been issued under this section" and "work on any premises for which a permit has been issued under this section" shall include work done or services performed while in the scope of employment elsewhere than on the premises for which a permit has been issued under this section.

(2) *Investigation; approval of employment.* Before any person may work on premises for which a permit has been issued under this section, he or she shall file a notice with the licensing officer of his or her intended employment on forms supplied by the licensing officer and shall receive approval of such employment from the licensing officer. The prospective employee shall supply such information as the licensing officer requires, including a set of fingerprints, on regular county or United States Department of Justice forms. Upon approval, the employee may begin working on the premises. If approval is denied, the prospective employee may, within ten days of the denial, apply to the licensing officer for a hearing. The decision of the licensing officer after hearing may be appealed to the Town Council, which may issue such order as is proper on the premises. An investigation fee of $50.00 shall accompany the notice of intended employment or a receipt of the licensing officer evidencing the payment of such fee shall be presented at the time the notice is filed.

(3) *Suspension or revocation of license.* Violation of the provisions of this Development Code, the ordinances of the town, the laws and regulations of the state or the rules and regulations of the Town shall subject an employee of a sexually oriented establishment to suspension or revocation of his or her license.

(4) *Independent contractors.* For the purpose of this section, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any sexually oriented establishment.

Sec. 89-1327. Developments of regional impact.

(a) *Types of approvals covered.* The provisions of this section apply to any type of governmental action requested by a private party related to a development project, such as a land use plan amendment, rezoning or special use approval, special exception variance or hardship variance approval, project approval of a subdivision or site plan, issuance of a development permit or building permit, or hookup to a public utility.

(b) *Thresholds for regional review.* Any development project for which any governmental action is requested that meets or exceeds any of the development thresholds adopted by the Georgia Department of Community Affairs (DCA) shall be considered a development of regional impact (DRI).

(c) *Process for DRI review*.

(1) Submission to the regional commission.

a. First request for project approval.

1. Upon determination by the Town or its designee that an application qualifies for DRI review, the applicant shall provide such information as necessary for the DRI review on forms available from DCA.

2. The DRI review forms prepared by the applicant shall be submitted by the Town or its designee to the Northeast Georgia Regional Commission (NEGRC).

3. Once the NEGRC has accepted the DRI forms as complete, the 30-day review period officially begins.

4. Throughout the DRI process, the applicant shall coordinate with the Town or its designee and the NEGRC and provide such additional information as may be needed to complete the DRI evaluation.

b. Subsequent requests for project approval. Once the development project has been reviewed by the NEGRC and the first governmental action has been granted, no further reviews by the NEGRC of subsequent governmental actions need to be reviewed by the NEGRC unless the project is revised by an increase of ten percent or more in the applicable threshold factor.

(2) *Final action by the town.* Approval of the first request for governmental action by the Town shall not be made on a development of regional impact until either:

a. Any interjurisdictional conflicts related to the DRI have been brought to a conclusion; and

b. A report has been received from the NEGRC reflecting its public findings and comments, if any; or

c. Said report is not received within 30 days of official determination by the NEGRC that the DRI application is complete.

Sec. 89-1328. Temporary suspension of permitting during zoning change.

Upon initiation or submission of a valid application for a rezoning or special use approval on a property, or the initiation of a text amendment, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Secs. 89-1329.—89-1380. Reserved.

ARTICLE XIII. APPEALS

Sec. 89-1381. Purpose of article.

This article describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Development Code, including appeals from an administrative decision, for a special exception, for unique hardships restricting reasonable use of a property, and for relief from flood damage prevention restrictions.

Sec. 89-1382. Appeals; general.

(a) *Types of appeals.* Persons may appeal to the Town Council for relief under the following circumstances:

(1) When aggrieved by an action or an interpretation by any administrative official of the Town or designee thereof made under this Development Code, including the denial of a permit authorized under this Development Code.

(2) When an exception is desired for a particular property from certain requirements of this Development Code, as specified in this article.

(3) When compliance with the requirements of this Development Code would create a particular and unique hardship.

(4) When the requirements for flood damage prevention would create an exceptional hardship or adversely affect an historic structure.

(b) *Restrictions*.

(1) The Town Council on an appeal shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.

(2) The Town Council on an appeal shall not be authorized to grant a variance to any condition of approval established by the Town Council for a particular rezoning or special use approval. Changes to conditions of approval established by the Town Council shall be considered only through the same process through which the conditions were first approved (See the procedures and permits article of this Development Code).

Sec. 89-1383. Appeals of an administrative decision.

(a) *Initiation of administrative appeal*.

(1) Any person aggrieved by an administrative decision affecting their property or request for a permit may initiate an appeal of the administrative action or interpretation to the Town Council. Such appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Town Clerk. The Town Clerk shall transmit a notice of said appeal to the Town Council specifying the grounds thereof.

(2) It is the intention of this Development Code that all questions arising in connection with the enforcement of this Development Code shall be presented first to the designated administrative official and that such question shall be presented to the Town Council only on appeal from the decision of the administrative official.

(3) The holder of or applicant for a development permit or a building permit may appeal any of the following actions taken by an administrative official:

a. The suspension, revocation, modification or approval with conditions of a development permit by the planning and community development department upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.

b. The determination that the holder is in violation of a development permit or building permit conditions.

c. The determination that the holder is in violation of any other provision of this Development Code.

(4) Advance notice of the Town Council's hearing on appeal shall take the form of such notice or advertising as is required by state or other local laws or ordinances.

(b) *Action by board of appeals.* The Town Council, upon appeal of an aggrieved party or at the request of the administrative official, shall:

(1) Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code is alleged.

(2) Interpret the use of words or phrases within the context of the intent of this Development Code.

(3) Determine the boundaries of the various zoning districts where uncertainty exists.

(4) Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.

(c) *Temporary suspension of legal proceedings.* An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the officer or department head from whom the appeal is made certifies to the Towns Council, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction.

(d) *Decision final.* A decision of the Town Council shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the Town Council.

Sec. 89-1384. Special exception variances.

(a) *Generally.* General limitations on relief special exception variances shall be limited to relief from the following requirements of this Development Code:

(1) Minimum building setbacks.

(2) Maximum building height.

(3) Minimum lot width.

(4) Minimum separation between agricultural and residential uses.

(5) Public street frontage.

(6) Buffers and screening.

(7) Signage, in accordance with a master sign plan.

(8) Minimum or maximum parking requirements.

(9) Underground utilities installation required in the HCO district.

(b) *Standards for approval.* A special exception variance may be granted upon a finding that the relief, if granted:

(1) Would not cause substantial detriment to the public good; and

(2) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and

(3) Would not diminish or impair property values within the surrounding neighborhood; and

(4) Would not impair the purpose and intent of the Development Code.

(c) *Administrative approval*.

(1) Special exception variances shall be considered by the Town Council unless the variance is approved administratively. Only those variances listed in this subsection, below, and within the parameters stated, may be considered for administrative approval.

(2) The Town's designee, upon a finding that a special exception variance meets the standards for approval contained in this section, may administratively approve such special exception variance within and not exceeding the following parameters:

a. Minimum building setbacks, not to exceed a reduction in the minimum setback required by 25

percent and may not be approved for more than 25 percent of the lots in the recorded subdivision.

b. Variance not to exceed ten feet for distance between buildings on same lot.

c. Maximum building height, not to exceed an additional five feet above the maximum allowed.

d. Parking requirements, not to exceed a reduction from the minimum required by five percent, nor an increase in the maximum allowed by five percent.

e. Variance limited to reducing minimum single-family lot area required to be above intermediate regional flood contour elevation to 50 percent and distance of dwelling unit from intermediate regional flood contour elevation to minimum yard requirements of applicable zoning districts and only upon written approval of the director of public works.

(3) In granting a variance, the Town's designee may attach thereto any conditions which may be deemed advisable so that the purpose of this Development Code will be served, public safety and welfare secured, and substantial justice done.

(d) *Restriction on refiling if denied.* If denied, an appeal for a special exception variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Town Council may reduce the waiting period under extenuating circumstances or on its own motion.

(e) *Limitations on approval.* In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the Town Council.

Sec. 89-1385. Hardship variances.

(a) *Hardship variances; general*.

(1) Relief from the application of the provisions of this Development Code may be granted by the Town Council upon a finding that compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety or general welfare, and the need for consistency among all properties similarly zoned.

(2) Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

(3) *Concurrent variance and rezoning consideration*. A hardship variance associated with a rezoning application may be heard by the Town Council which may concurrently grant approval of rezoning and variance, if warranted, in accordance with Article XII.

(b) *Standards for approval.* A hardship variance may be granted in whole or in part, or with conditions, in individual case of unnecessary hardship only upon a finding by the board of appeals that all of the following conditions exist:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

(2) There are conditions that are peculiar to the property involved which adversely affect its reasonable use or usability as currently zoned; and

(3) The application of this Development Code to the particular piece of property would create an unnecessary hardship; and

(4) The variance will not result in an increase of the impervious surface of the development beyond that prescribed in the environmental protection article of this code; and

(5) Relief, if granted, would not cause substantial detriment to the water quality of the Mulberry River, protected watersheds or stream buffers; and

(6) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Development Code.

(c) *Conditions.* The Town Council may, as a condition of the variance approval, require that alternative measures be taken by the applicant such that the purposes of this Development Code may be achieved through alternative means.

(d) *Limitations on approval.* In no case shall a hardship variance be granted for any of the following:

(1) A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.

(2) A change in the conditions of approval imposed through a zoning change granted by the Town Council.

(3) Reduction of a minimum lot size required by a zoning district.

(4) A use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.

(5) Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

(e) *Restriction on refiling if denied.* If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Town Council may reduce the waiting period under extenuating circumstances or on its own motion.

(f) *Fair Housing Act accommodation variance.* Notwithstanding any other provisions in this article XIII to the contrary, the Town Council may grant a variance to the limitations on personal care homes contained in section 89-179 and the definitions referenced therein if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the UDC, that the requested accommodation does not impose an undue burden or expense on the Town or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of hardship variances.

Sec. 89-1386. Flood protection variances.

(a) *Flood damage prevention variances; general*.

(1) A flood damage prevention variance may be considered when there is an alleged error in any requirement, decision or determination made by the Town in the enforcement or administration of the flood damage prevention provisions of this Development Code.

(2) A flood damage prevention variance may be considered for the reconstruction, rehabilitation or restoration of a building listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation or restoration will not result in the building losing its historical designation.

(b) *Standards for approval.* In passing upon a flood damage prevention variance, the Town Council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Development Code relating to flood damage prevention, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;

(2) Danger to life and property due to flooding or erosion damage;

(3) Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) Importance of the services provided by the facility to the community;

(5) Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) Compatibility of the use with existing and anticipated development;

(8) Relationship of the use to the comprehensive plan and floodplain management program for that area;

(9) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(c) *Limitations on approval*.

(1) Upon consideration of the standards listed above, and the purposes of this Development Code, the Town Council may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Conditions for variances are as follows:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.

b. Variances shall only be approved upon:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional hardship; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or development codes.

(d) *Requirements if approved*.

(1) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(2) The Town shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Sec. 89-1387. Process for granting an appeal.

(a) *Application and initial actions*.

(1) Upon receiving a notice of an appeal, the Town Clerk or administrative official shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.

(2) An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The administrative official may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.

(3) Once the record has been assembled, the administrative official shall:

a. Review appeals from an administrative decision and special exception variances eligible for administrative approval for possible resolution or approval, respectively; and

b. Schedule unresolved appeals for consideration at the next meeting of the Town Council for which adequate public notice can be given.

(b) *Public notice*. Before the Town Council may take final action on a proposed appeal, the Town Council shall hold a public hearing on the proposal pursuant to the notice and hearing requirements of the Georgia Zoning Procedures Act.

(1) At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the town. The notice shall state the time, place and purpose of the hearing.

(2) A request for an unresolved special exception variance, a hardship variance or a flood damage prevention variance shall be heard at a public hearing only upon:

a. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the nature of the requested action;

and

b. At least 15 days prior to the public hearing, the planning and community development department shall post a sign or signs on the property stating the date, time and place for the public hearing, the present zoning classification and the nature of the requested action, and shall send a letter by first class mail to the applicant or his attorney notifying the appellate of the date, time and place of the public hearing. One such sign shall be placed in a conspicuous location along each street frontage of the subject property. If the property has no street frontage, the sign shall be placed on each street at the location from which access will be gained to the property.

(c) *Withdrawal.* Any appellant wishing to withdraw an appeal prior to the meeting of the board of appeals shall file a written request for such withdrawal with the planning and community development director. The appeal shall thereupon be removed from the board's agenda and the request shall have no further effect.

(d) P*ublic hearing on Appeals*.

(1) The Mayor, who shall act as the presiding official, shall convene the public hearing at the scheduled time and place.

(2) The presiding official may administer oaths and compel the attendance of witnesses by subpoena.

(3) The administrative official shall submit the assembled record of the appeal to the Town Council. The administrative official, or other appropriate party if the appeal was taken from an administrative action or interpretation, shall provide such information or explanation as appropriate to the circumstances of the appeal.

(4) At the public hearing, the appellant may appear in person or may be represented by counsel. The following rules shall obtain in the conduct of the public hearing:

a. The presiding official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required. A goal is a fair hearing.

b. The appellant shall first present evidence to the board. After the appellant has completed the presentation of evidence, opponents shall present such relevant evidence as they think appropriate after being recognized by the presiding official.

c. All parties participating in the public hearing shall introduce only relevant evidence.

d. All parties participating shall have the right to present witnesses and to cross-examine witnesses.

e. The appellant shall have an opportunity to present rebuttal evidence, but such evidence shall be limited to points or issues raised by the opponents.

f. The public hearing shall be recorded in order to provide a verbatim record of the hearing.

(5) Within 30 days of the public hearing, the Town Council shall provide a written decision with reasons supporting the decision. Such decision shall reflect the vote of the board, as follows:

a. A motion to approve or deny an appeal must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.

b. If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.

c. A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.

(6) In taking action on an appeal, the board of appeals may:

a. Approve, approve with changes, or deny the request; or,

b. Table the appeal for consideration at its next scheduled meeting; or,

c. Allow withdrawal of the appeal at the request of the appellant.

Sec. 89-1388. Temporary suspension of permitting during appeals.

Upon submission of a valid application for the granting of an appeal on a property, no permits shall be issued

nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Secs. 89-1389—89-1440. Reserved.

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Sec. 89-1441. Purpose of article.

This article sets out the structure for administering and enforcing this Development Code, including the responsibilities and procedures of the various enforcement officers in carrying out enforcement activities and in amending the text of this Development Code.

Sec. 89-1442. Schedules and fees.

(a) *From time to time, the Town Council may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.*

(b) *It is the intent of the Town Council to adopt such fees as are adopted from time to time by Barrow County, to adopt such schedules to regulate the application and review processes required by this Development Code, and to adopt schedules for required public hearings by the Town Council as appropriate.*

Sec. 89-1443. Administrative roles.

(a) *Planning and community development director*. The Town of Bethlehem, through intergovernmental agreement, has designated Barrow County officials, including the planning and community development Director, as responsible for the receipt, review and processing of all applications for rezoning, special use approval, project approval of subdivisions and site plans, text amendments, and appeals filed for properties within the Town of Bethlehem. The official is responsible for administrative and enforcement activities related to the use or occupancy of land and buildings, and continuing conformance to the provisions of this Development Code.

(1) Upon receipt of a complete and actionable application for rezoning, special use approval or an appeal relating to a property within the Town of Bethlehem, the Planning Director shall forward a copy of the application to the Bethlehem Town Clerk.

(2) Upon receipt of a complete and actionable application for a text amendment to the Barrow County Unified Development Code or the Bethlehem Unified Development Code, the Planning Director shall forward a copy of the application to the Bethlehem Town Clerk.

(3) Upon receipt of a complete and actionable application for project approval of a subdivision or site plan relating to a property within the Town of Bethlehem, the Planning Director shall notify the Bethlehem Town Clerk of receipt of the application, its nature and location.

(b) *Public works director*. The Town of Bethlehem, through intergovernmental agreement, have designated Barrow County officials, including the public works Director, as responsible for the review of submittals related to land disturbance and the development of projects; the construction of streets, drainage facilities and other public facilities; the control of erosion and sedimentation; and any other activities within public rights-of-way.

(1) The Barrow County Director of Public Works is responsible for enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets and stormwater management systems, their continued maintenance and operation, and coordination of the installation of public utilities.

(c) Building official. As the issuing agent for all building and sign permits, the building official is responsible for the proper construction of buildings and structures, and continuing compliance with permit

requirements after construction is complete. While building officials examine land development project plans for compliance with the technical codes and all other pertinent laws or ordinances, the owner shall ultimately remain responsible for the design of the project. Notwithstanding the building official's role in accepting and approving submissions specified in this ordinance, the owner is not entitled to rely on approval from the Town or its designee of any documents as evidence that the plans are all internally consistent or compliant with applicable health and safety codes and standards. Nothing herein is intended to create an actionable duty on the part of the building officials.

(d) Town Marshal. The Town Marshal provides support to the primary enforcement officers of the County through investigations and issuance of warnings and citations.

(e) Town Council. The Town Council of the Town of Bethlehem shall have sole authority to hear and decide any application for rezoning or special use approval affecting any property or portion thereof located within the Town of Bethlehem.

Sec. 89-1444. Appeals

This Article describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Development Code, including appeals from an administrative decision, for a special exception, for unique hardships restricting reasonable use of a property, and for relief from flood damage prevention restrictions.

(a) All special exception variances shall be filed with the Planning Director. Any special exception variance that may be approved administratively by the Planning Director first shall be confirmed for approval by the Mayor or his or her designee or, if the Mayor defers, by the Town Council of the Town of Bethlehem.

(b) All special exception variances that are not approved by the Planning Director, and all appeals of an administrative decision, hardship variances and flood protection variances shall be filed with the Planning Director and shall be directed to the City Clerk or his or her designee.

Sec. 89-1446. Inspection and enforcement.

(a) *Enforcement officer*.

(1) Representatives of the Town, Barrow County and the sheriff's office shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Development Code, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.

(2) No person shall refuse entry or access to any authorized representative or agent of the Town of Bethlehem, Barrow County, the Georgia Soil and Water Conservation Commission, the soil and water conservation district, or the Georgia Environmental Protection 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.

(b) *Citations.* Any violation of this Development Code may be tried upon a citation issued by the sheriff or any other authorized representative of the Town of Bethlehem pursuant to the provisions of this development code and state law. Without limitation, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Development Code.

(c) *Land development activities*.

(1) *Periodic inspections*.

a. The Town and the planning and building officials may periodically inspect the sites of land-disturbing activities for which development permits have been issued to determine if the activities are being conducted in accordance with the erosion and sediment control plan and if the measures required in the plan are effective in controlling erosion and sedimentation.

b. In addition, the appropriate regulatory agency and/or the Town's designee shall regulate both primary and secondary 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.

(2) *Notice of violation.* If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with any other provisions relating to land development activities of this Development Code, a written notice to comply shall be served upon that person (which notice may consist of a stop-work order). 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 Development Code and deemed to have forfeited any required performance bond if required to post one under the provisions of this Development Code. The Town of Bethlehem may call the performance 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.

(3) *Stop-work orders*.

a. For the first and second violations of the provisions of this article, the planning and community development director (or designee) 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 planning and community development director 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 planning and community development director shall issue an immediate stop-work order in lieu of a warning;

b. For a third and each subsequent violation, the planning and community development director shall issue an immediate stop-work order; and;

c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Stop-work orders may be either personally served or posted at the primary entrance of the land-disturbing activity.

d. 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 planning and community development 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 planning and community development 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.

e. Upon the issuance of a stop-work order, the permittee shall also be served with a citation and summons specifying the violation(s) and returnable to the county magistrate court.

(4) *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 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 article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 89-1329 of this Development Code. The Town 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.

(d) *Land use and other provisions*.

(1) *Inspection.* If the Town's designee for inspections finds that a provision of this Development Code is being

violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, tree conservation, parking, signage, flood damage prevention or any other standard or provision (other than land development activities as may be authorized by a development permit), or relating to a condition of approval established in connection with a grant of variance or zoning change, he or she shall authorize notification to the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation). The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Town or its designee shall have authority to prosecute violations in court.

(2) *Cease and desist orders.* The Town or its designee shall order discontinuance of illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this Development Code.

(e) *Removal of illegal signs.* The building official may order the removal of any sign in violation of this Development Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within seven days after the Town gives written notice of noncompliance.

(1) *Procedure following removal order.* An aggrieved party may appeal the removal order within ten days from the date that the notice was mailed. Such appeal shall be made to the Town Council. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the building official is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

(2) *Removal without notice*.

1. The building official or any other agent of the Town of Bethlehem having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Development Code, without giving notice to any party, if:

2. Said sign is upon the public right-of-way or upon other public property; or

3. Said sign poses an immediate safety threat to the life or health of any members of the public.

4. Following such removal, the Town may collect the costs as provided in the following section.

(3) *Costs of removal*.

a. Removal of any sign found in violation shall be without liability to the town, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.

b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the building official shall certify the amount thereof for collection to the Town attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.

c. Costs of removal shall be charged in accordance with a fee schedule adopted by the Town Council from time to time, or at the actual cost to the town, whichever is more appropriate to the action taken.

(f) *Referral to law enforcement.* Any violation alleged under this Development Code may be referred to the Town Marshal or the sheriff's office for investigation, citation and enforcement.

Sec. 89-1447. Violation and penalties.

(a) *Violation of an ordinance.* Violation of any provision of this Development Code, including violation of

conditions of approval established in connection with grants of variance or zoning changes, shall constitute an ordinance violation.

(b) *Failure to obtain a development permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a development permit as prescribed in this Development Code without first obtaining said development permit, the person shall be subject to revocation of his authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Town of Bethlehem.

(c) *Monetary penalties.* Any person who is determined by the court to have violated any provisions of this Development Code, or any permit condition or limitation established pursuant to this Development Code, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the planning and community development director issued as provided in this Development Code shall be liable for a civil penalty as follows:

(1) Pursuant to O.C.G.A. § 12-7-15, the magistrate court shall be authorized to impose a penalty not to exceed $1,000.00 for each violation. Each day during which a violation or failure or refusal to comply continues shall be a separate violation.

(2) Notwithstanding any other provision of law as to penalties that can be assessed for violations of Town laws, the court shall be authorized to impose monetary penalties for such violations in accordance with the maximum penalty provided by state law, but not to exceed $1,000.00 for each violation. Each day the violation continues shall constitute a separate offense.

(d) *Additional remedies.* Nothing contained in this section shall prevent the Town from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

(e) *Administrative appeal/judicial review*.

(1) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the Town of Bethlehem upon finding that the holder is not in compliance with the approved erosion and sediment 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 Town of Bethlehem within 60 days after receipt by the planning and community development director of written notice of appeal. Unless enjoined by a court of competent jurisdiction, all work must cease during the appeal process.

(2) *Judicial review.* Any person, aggrieved by a decision or order of the Town Council , after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Barrow Council.

Sec. 89-1448. Liability.

(a) Neither the approval of a plan under the provisions of this Development Code, nor the issuance of a permit, nor the compliance with provisions of this Development Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Town for damage to any person or property.

(b) The fact that a land-disturbing activity for which a development 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 Development Code or the terms of the development permit.

(c) No provision of this Development Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the state as defined by said acts.

Secs. 89-1449—89-1500. Reserved.

ARTICLE XV. RESERVED

Secs. 89-1501—89-1600. Reserved.

ARTICLE XVI. HIGHWAY CORRIDOR OVERLAY DISTRICT

Sec. 89-1601. Purpose of article.

The purpose of the Highway Corridor Overlay District is:

(a) To promote the general health, safety, and welfare of the community.

(b) To improve the efficient operation of traffic around the Town of Bethlehem.

(c) To promote safe and efficient movement within the Overlay District for persons using all modes of travel - motorized vehicles, bicycles, and walking.

(d) To create an attractive gateway that is aesthetically appealing and environmentally responsible.

(e) To encourage innovative development projects that set standards for landscaping, open space, community design, streetscapes, and public amenities.

(f) To establish consistent and harmonious design standards for public improvements and private property development within the Overlay District so as to unify the distinctive visual quality of the Highway Corridor.

Sec. 89-1602. Boundaries.

This article applies to land parcels of record within incorporated Bethlehem as depicted on Exhibit "A" which is attached hereto and incorporated herein by reference. All property contained within any parcel subject to this ordinance on the date of adoption of this Ordinance shall continue to be subject to this article, even if the parcel is subdivided in the future.

(a) The Highway Corridor Overlay District shall include all properties within the boundaries of the Town of Bethlehem with frontage along the following corridors: SR 11 or Hwy 316/US 29.

(b) Upon written application pursuant to Article 13, the board of appeals may grant exemptions from these requirements for parcels or portions of a parcel that would otherwise be included in the Highway Corridor Overlay District, based on one or more of the following findings:

(1) The subject property to be exempted lies more than 750 feet from the centerline of SR 11 or Hwy 316/US 29, as applicable.

(2) The property to be exempted does not have access to SR 11 or Hwy 316/US 29 as applicable and will not require access to SR 11 or Hwy 316/US 29, as applicable when developed.

(3) Due to site topography, development of the property to be exempted will not be visible from SR 11 or Hwy 316/US 29 as applicable.

(4) Due to the location, size, and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the Highway Corridor Overlay District would present a severe and unique hardship.

Sec. 89-1603. Effect of highway corridor overlay district provisions.

(a) *Application.* This overlay district is supplemental to the underlying zoning district classifications established in the Town Unified Development Code governing all properties and approvals within this overlay district. The provisions of this article shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other Town of Bethlehem ordinances.

The Town's designee is authorized to promulgate and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable to give effect to the provisions of this article.

(b) *Relationship to underlying zoning district standards and other provisions of Unified Development Code.* In any case where the standards and requirements of the highway corridor overlay district conflict with those of the base-zoning district or with other provisions of the Unified Development Code, the standards and requirements of the highway corridor overlay district shall govern.

(c) *Reserved.*

(d) *Building plan application*.

(1) All building plans submitted pursuant to an application for a building permit should clearly indicate all of the proposed building materials and colors for each facade as described in section 89-1604(k) of this article.

(2) The plans should clearly show the location and calculate the amount/percentages of all building materials per facade.

(3) Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings.

Sec. 89-1604. Property development standards.

(a) *Prohibited uses*.

(1) Self service storage or mini-warehouse.

(2) Salvage, junk, wrecking and scrap yards.

(3) Adult bookstore.

(4) Sexually oriented businesses or establishments.

(5) Pawnshop or loan brokers, other than mortgage loan brokers.

(6) Rooming and boarding houses.

(7) Automotive repair and maintenance, except car washes.

(b) *Special uses.* The following use shall require special use approval in accordance with the procedures of article XII:

(1) Outdoor commercial recreation.

(2) Car washes.

(3) Outdoor storage or display.

(4) Commercial buildings in excess of 150,000 square feet.

(5) Exceptions to building height standards as set forth in subsection (l)(6) below.

(c) *Ground floor area limitation.* New commercial buildings may not exceed 150,000 gross square feet in ground floor area. New commercial buildings greater than 150,000 gross square feet must obtain special use approval. In determining whether to grant an increase in ground floor size beyond 150,000 square feet, the Town Council shall consider the following factors, in addition to those listed in article XII:

(1) The site has safe, immediate access to the highway corridor overlay district as applicable.

(2) The building site will provide convenient inter-connections with adjacent uses and properties that serve both pedestrians and automobiles.

(3) The floor area of the proposed building is the smallest feasible to serve the function of the proposed use.

(4) The architectural design of the building reduces the perceived size of the building by appropriate articulations and variations in the massing, façade, roofline, materials, colors, and textures of the building exterior.

(5) The building and site meets or exceeds all other standards set forth in this ordinance and by the Town of Bethlehem Unified Development Code.

(d) *Lot standards*.

(1) Minimum lot size shall be as follows:

a. For outparcels or stand-alone commercial projects: 1 acre.

b. For commercial lots within a common development with shared parking and interconnectivity: ½ acre.

(2) Minimum commercial lot frontage: 175 feet along an arterial.

(3) Non-residential lots shall be generally rectangular with a ratio of depth to frontage not greater than 4:1.

(4) Residential subdivisions shall comply with one of the following two requirements (see section 1606, Design Guidelines, Figure 1):

a. Reverse-fronting lots are required for residential subdivisions along streets classified as arterials or collectors, subject to subparagraph (b) below. Reverse-fronting residential lots shall be platted with a landscaped access easement restricting vehicular access placed adjacent to the public right-of-way. Such easement shall be a minimum of 20 feet in depth and include one of the following:

1. A continuous four-foot high solid wall constructed entirely of brick or stone masonry.

2. A four-foot high fence constructed of a combination of brick or stone masonry pillars with iron pickets.

3. A vegetated strip of canopy trees, shrubs, and groundcover that provide a full landscape buffer.

b. If a residential lot is separated from the arterial or collector street by a minimum 20-foot wide landscaped strip and a residential street, a residential lot may face an arterial or a collector street.

(e) *Access management standards*.

(1) *Driveways.* Driveway connections to public streets shall be consistent with the following standards:

a. Driveway connections shall not be permitted within the controlled access zone of an intersection (See section 1606, Design Guidelines, Figure 2)

b. Outparcels with less than 200 feet of road frontage are restricted to internal access only.

c. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 11 feet in width, and one inbound lane with a maximum width of 11 feet.

d. No residentially developed property may have a curb cut in excess of 30 feet in width, and no non-residential property may have a curb cut in excess of 40 feet without approval of the Town's designee.

e. Except for single-family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Regulations for Driveway and Encroachment Control.

f. Except where driveways are on opposite sides of a raised median, driveways on opposite sides of a street shall either directly align or have offsets of a minimum of 125 feet, as measured between the extended centerlines of such driveways.

g. Whenever possible, driveways on undivided arterials, collector streets, or local streets should align with driveways (if any) on the opposite side of such street.

h. On a divided arterial street that includes a median, driveways should align with median breaks whenever possible. Driveways not meeting this standard shall be limited to right turn access and right turn egress.

i. Driveway throat length. The length of a driveway or "throat length" for a commercial or office development shall be designed in accordance with the vehicle storage required for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site vehicle circulation. The throat lengths specified in Table 16.1 are generally acceptable guidelines intended for the major entrance driveway of a commercial development (see section 1606, Design Guidelines, Figure 3)

Table 16.1: Driveway Throat Length for Commercial Centers

Commercial Center Total Gross Floor Area	Throat Length of Principal Driveway*
Under 25,000 square feet	50 feet - 60 feet
25,000 - 50,000 square feet	60 feet - 85 feet
51,000 - 100,000 square feet	85 feet - 135 feet

101,000 - 150,000 square feet	135 feet - 180 feet
151,000 - 200,000 square feet	180 feet - 200 feet
Over 200,000 square feet	200 feet or more
Note: * For driveways that allow right turns only the throat length may be reduced by one third.	

(2) *Deceleration lanes*.

a. A major driveway entering a street with a regulated arterial speed greater than 35 miles per hour shall be required to provide a deceleration lane consistent with the standards set forth in Article X.

b. An acceleration or deceleration lane that would begin or end within 75 feet of another driveway or intersecting street shall be lengthened so that it connects with the adjacent street or driveway.

(f) *Landscaped strip to screen parking lots and loading areas*.

(1) Where a parking lot or loading area for a commercial, industrial, or institutional use is located adjacent to the public right-of-way, it shall be screened from the public right-of-way consistent with Article VIII of this Development Code.

(2) Setbacks for screening areas facing the highway corridor overlay district shall be based on future right-of-way consistent with section 1606, Design Guidelines, Figure 7.

(g) *Environmental controls.*

(1) Stormwater management design shall comply in all respects with the current edition of the Georgia Stormwater Management Manual.

(2) Parking lot landscaping. Parking areas shall incorporate landscaped areas as required in Article 6. Such landscaped areas shall cover at least 12 percent of the parking area.

(h) *Parking requirements.* Off-street parking shall be required as in Article 6 of the Town of Bethlehem Unified Development Code, except as provided in this subsection:

(1) Maximum number of parking spaces. The maximum number of parking spaces that may be constructed on impervious surfaces shall be no more than 125 percent of the minimum number of required parking spaces. Parking spaces in excess of 105 percent shall be constructed on pervious surfaces recommended in paragraph (3)(b) of this subsection.

(2) Pedestrian circulation. Parking areas shall be designed to facilitate safe and convenient use by pedestrians. Commercial and multi-family developments shall provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways. (See section 1606, Design Guidelines, Figures 4 & 5)

(3) Paving materials for parking lots.

a. All parking areas shall be paved with asphalt, concrete, or pervious materials approved by the planning and community development director.

b. Pervious paving. Recommended pervious paving materials include those described in the current edition of the Georgia Stormwater Management Manual as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.

c. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

(4) On-street parking may be permitted, where appropriate, in accordance with on-street parking standards in Article VI.

(i) *Dumpsters*.

(1) *Location*.

a. Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets.

b. Dumpsters shall be enclosed either within a building or out of sight from public streets or located outside to the rear of the principal building.

c. Dumpsters shall be set back a minimum of five feet from all property lines. If a buffer is required on the subject property line, the dumpster shall not be located within the buffer.

(2) *Pad.*

a. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.

b. Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.

(j) *Lighting*.

(1) *Streetlights.*

a. Streetlights shall be provided on all public streets; provided, however, that within the right-of-way of State Routes, SR 11 or 316 as applicable, as streetlights are not required.

b. The spacing of street lights shall be staggered, 150 feet on-center, along both sides of the roadway.

c. All street lighting shall be subject to review and approval of the Town of Bethlehem designee.

d. All roadway lighting, streetlights, and parking lights shall be the full cutoff type. Pedestrian lights shall be the semi-cutoff, cutoff, or full-cutoff type.

e. Streetlights shall be consistent with Table 16.2 and section 1607, Design Guidelines, Figure 7.

(2) *Parking lot, sidewalk, and building illumination.*

a. Lighting shall be designed to prevent light spillover on to adjacent properties. All lighting shall be fully shielded, have recessed luminaries, or be cut-off luminary fixtures mounted in such a manner that the cone of light is directed downward and does not cross any property line of the site.

b. Only incandescent, florescent, light-emitting diode (LED), metal halide, low-pressure sodium, or color corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.

c. Pedestrian lights shall be consistent with Table 16.2. and section 1606, Design Guidelines, Figure 7

d. Parking light fixtures shall be the box head type, shall have a maximum height of 35 feet, and shall employ a fluted pole. All parking light fixtures and poles shall be black.

Table 16.2: Lighting Specifications

	Streetlight	Pedestrian Light	Parking Light
Maximum Height	40'	15'	35'
Color	Black	Black	Black
Pole Type	Unspecified	Fluted	Fluted
Fixture Type	Cobra Head	See Figure 7 of the Design Guidelines	Box Head
Shielding	Full-cutoff	Semi-cutoff, cutoff, or full-cutoff	Full-cutoff
Spacing	150' on center	unspecified	unspecified
* Collector streets only. Streetlights on other streets may employ other fixture types per approval of the Town's designee.			

(3) *Security lighting restrictions*.

a. Full cutoff luminaries shall be used for all security lighting.

b. The number of luminaires remaining on for security lighting shall not exceed one fourth the total number of each type of luminaire number by four, any remainder is counted as a whole number.

(4) *Sign illumination*.

a. Neon signs and internally illuminated window signs are prohibited.

b. Signs may be illuminated with external lighting fixtures provided that fixtures are directed downward and away from streets and adjacent property and public streets. All lighting shall be fully shielded, have recessed luminaries, or be full cut-off luminary fixtures.

c. Signs may be illuminated as set forth in section 89-787.

(5) *Drive-under canopies and pump islands at fueling stations.* The luminaire shall be recessed into the canopy ceiling so that the bottom of the luminaire does not extend below the ceiling.

(k) *Architectural standards.* The following design guidelines and standards apply to all newly constructed buildings used for multifamily residential, office or commercial purposes. These standards do not apply to single-family residential, duplex, industrial, storage or warehouse uses.

(1) General architectural requirements.

a. The use of a common palette of building materials should be maintained for building facades to create a consistent and traditional architectural identity. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors. For large commercial/retail buildings and multifamily buildings, variations in façade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy. All design and construction shall be subject to architectural review by the town or its designated architect to ensure adherence with this subsection (k) and the structures of traditional architecture.

b. All ground or roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by an opaque wall or fence made of brick, stucco, split face block, or landscaping.

c. For all commercial buildings, roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.

d. Contrasting accent colors on any single facade shall be limited to no more than ten percent of the total wall area for any single facade.

e. Permanent mounted exterior neon lights shall not be allowed.

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

g. Back-lit awnings, roof-mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.

(2) Building materials. Table 16.3 and this sub-section outlines allowed building materials that are may be used and combined to create a consistent, attractive, interesting and long-lasting building design:

a. *Allowed building materials*.

1. Brick, except that brick veneers that are intended to simulate brick exteriors are not acceptable;

2. Stone. Natural stone such as, but not limited to, granite, limestone, acid marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;

3. Split-face block/concrete masonry unit (CMU) is restricted to ten percent of the surface area of the facade;

4. Tilt/architectural pre-cast concrete is not allowed;

5. High grade stucco is restricted to 50 percent of the surface area of a facade;

6. Natural wood and/or cement-based artificial wood siding are allowed only for residential buildings;

7. Glass;

8. Exposed concrete block, metal, and tile are not allowed as building materials on a façade.

Table 16.3 Allowable Building Materials

Brick	Stone	Glass	Tilt/Pre-Cast	Stucco	Concrete Blocks	CMU/Split-Face Block	Siding	Metal	Tile
Yes	Yes	Yes	No	Max. 50% per facade	No	Max. 10% per facade	No*	No	No
Note: * Allowed for residential buildings. Buildings must have a minimum 4:12 roof pitch.									

b. *Ratios and amounts of allowed building materials*.

1. *Accent/trim exterior building material*. Small amounts of building materials such as wood, tile, etc., may be used to enhance the facade of the building or for decorative elements, but should not exceed 10% of total wall area per facade.

2. *Facade calculations*. With the exception of accent/trim materials, there shall be no more than two primary building materials used. When stucco is used as a building material for a façade, it is restricted to 50 percent of the total. The allowed facade materials shall not apply to entry doors and/or roll-up doors.

c. The amount of permitted material shall be calculated using the gross square footage of wall area per façade.

For example, a building has a front facade with a gross facade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200 square feet for 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 facade [e.g. (1,200 X 50% = 600)]. The balance shall be brick or other allowed material. Trim or accent material may account for up to ten percent or 120 square feet.

(3) Roof requirements. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

a. *Pitched roofs.* All buildings less than 5,000 square feet of gross floor area must have a pitched roof with a minimum pitch of 4:12. All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 3:12 and 12:12); provided, however, that if a pitched roof is not possible, a combination of flat roof and pitched roof is required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Create arcades, drive-under canopies, porches, and other features with pitched roof.

b. *Mansard roofs.* Mansard roofs shall have a maximum pitch of 12:12 with a minimum 12-foot vertical surface length.

c. *Flat roofs.* Building materials for flat roofs shall meet local codes.

d. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. All buildings with flat roofs should include parapet articulation on the front facade(s) of such building. There shall be roof articulations/offsets at a minimum of one per each 125 linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than 125 linear feet of length, then a minimum of one roof articulation must occur.

e. *Other.* Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.

(4) Arcade/structural canopy for retail use. For any multi-tenant commercial development, a covered arcade/structural canopy shall be provided along the front facade 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 facade of the building and has the approval of the building owner and the Town's designee.

(5) Street orientation. Principal building entrances shall be oriented to public streets.

(6) Building height. Any building of which 50 percent or more is located within 250 feet of the centerline of an arterial street shall be no more than three stories in height.

A relief from height restrictions shall only be allowed if special use approval is granted by the Town Council, in accordance with procedures in Article XII of the Town of Bethlehem Unified Development Code. In deciding whether to grant a height increase, the Town Council shall consider the following factors, in addition to those listed in Article XII.

a. Proximity and relationship of the proposed building to other buildings that are more than three stories or 35 feet in height.

b. Impact of the proposed building on single-family residences on nearby tracts.

c. Topography and vegetation that screen the view of the proposed building.

d. On-site screening and/or landscaped buffers.

e. Provision of public open space in exchange for increased building height.

f. The effect of additional building height on traffic congestion.

g. Access of the site to major traffic arteries.

h. Economic development opportunities for the Town of Bethlehem.

i. The necessity of greater building height to the function of the proposed use.

j. The quality of the architectural design and its compatibility with its surroundings.

(7) *Building massing and modulation.* (See section 1606, Design Guidelines, Figure 6.) The massing of building facades longer than 150 feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, as follows.

a. Building facades that are less than 500 feet long shall be modulated at intervals no greater than 100 feet in length.

b. Building facades that are more than 500 feet long shall be modulated with intervals no greater than 20 percent of the length of the façade.

(8) No non-residential building shall have less than 2,000 square feet of heated floor space.

(9) Building design shall include minimum one-foot deep cornices along the entire front façade of buildings and extending for a distance of at least ten feet along the sides of buildings.

(10) Building designs shall include a minimum two-foot high contrasting base, along the entire front façade of buildings and extending for a distance of at least ten feet along the sides of buildings.

(11) Satellite dish antennae. No satellite dishes shall be permitted within view from public streets.

(12) Off-street loading areas. Off-street loading areas shall be located in the rear of buildings and screened from view from adjacent property or streets.

(l) *Signage.* Except as provided in this subsection, signage shall comply with the regulations in Article VII of the Town of Bethlehem Unified Development Code.

(1) Freestanding and project entrance signs shall be limited to ground signs. round signs shall be limited to base and sign structure shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building.

(2) The maximum sign area of any ground sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members shall be:

a. Ground signs on lots zoned commercial or industrial, including shared signs, on lots with more than one tenant shall be no greater than 50 square feet in sign area.

b. Ground signs on lots zoned commercial or industrial with one tenant shall be no greater than 32 square feet in sign area.

c. Ground signs on lots zoned O-I shall be no greater than 32 square feet of sign area.

d. Ground signs for single business premises shall be no greater than 32 square feet in sign area.

Sec. 89-1605. Public improvement standards.

Public rights-of-way within the Highway Corridor Overlay District shall be improved in accordance with the following standards:

(a) *Street standards*—Public rights-of-way located within the Highway Corridor Overlay District shall be classified by type (i.e. Arterial, Collector, Local, or Non-residential Access) and shall be consistent with section 1606 Design Guidelines as follows:

(1) *Arterial* (future design for Highway Corridor District—See section 1606, Design Guidelines, Figure 8):

a. 45-mph design speed.

b. Minimum 150-foot right-of-way.

c. 15-foot (minimum) wide landscaped strip outside planned right-of-way (both sides of street), including a six-foot wide sidewalk.

d. Pedestrian lights are required in landscaped strip on both sides of arterial.

e. Street trees are required in landscaped strip on both sides of arterial.

(2) *Collector* (See section 1606, Design Guidelines, Figure 9):

a. 35-mph design speed.

b. Minimum 64-foot right-of-way.

c. Depending on adjacent land use, lanes shall conform to one of the following two options:

1. Two travel lanes at 12 feet with center turn lane at 14 feet in commercial areas.

2. Two travel lanes at 12 feet with turn lane at intersection and on-street parking provided between intersections for planned developments or residential areas.

d. 24-inch wide curb and gutter.

e. Five-foot (minimum) wide landscaped strip along outside curb (both sides of street).

f. Six-foot (minimum) wide sidewalk outside landscaped strip (both sides of street).

g. Streetlights and pedestrian lights are required in landscaped strip on both sides of collector.

h. Street trees are required in landscaped strip on both sides of collector.

(3) *Local streets* (See section 1606, Design Guidelines, Figure 10):

a. 25-mph design speed.

b. Minimum 50-foot right-of-way.

c. Two travel lanes at 11 feet each.

d. 24-inch wide curb and gutter.

e. Five-foot (minimum) wide landscaped strip along outside curb.

f. Six-foot (minimum) wide sidewalk outside landscaped strip.

g. Streetlights are required in landscaped strip on both sides of local street.

h. Street trees are required in landscaped strip on both sides of local street.

(4) *Non-residential access street* (See section 1606, Design Guidelines, Figure 11):

a. 15-mph design speed.

b. Minimum 50-foot right-of-way.

c. Two travel lanes at 11 feet each.

d. 18-inch wide curb and gutter.

e. Five-foot (minimum) wide landscaped strip along outside curb.

f. Six-foot (minimum) wide sidewalk outside landscaped strip.

g. Street trees are required in landscaped strip on both sides of local street.

(5) *Underground utilities are required for all street frontages*. Upon written application pursuant to Article 13, an exception may be granted by the board of appeals in cases where, due to unique topography or the presence of rock, the installation of underground utilities would present a severe and unique hardship.

(b) *Network standards*.

(1) *Connectivity.* Within all non-residential or multi-family developments or any single-family residential development of 5 or more acres, the following standards shall apply unless a variance is sought and obtained from the board of appeals pursuant to Article XIII due to unusual topography or environmental constraints such as major streams and rivers that create a severe and unique hardship:

a. No local street may be longer than 600 feet without an intersection with another local through street. Cul-de-sac streets shall not count as through streets. (See section 1606,Design Guidelines, Figure 12)

b. Continuous pedestrian walkways shall be provided to connect building entrances to required sidewalks along street frontage.

c. A cul-de-sac street that ends within 200 feet of the right-of-way of an adjacent collector or arterial street shall provide a five-foot wide sidewalk in a ten-foot wide easement connecting the sidewalk on the cul-de-sac to the sidewalk on the adjacent collector or arterial street.

d. Dead-end streets, including cul-de-sac streets, shall not exceed 300 feet in length and shall not serve more than 30 dwelling units.

(2) *Vehicular access points:* Minimum number of driveways or streets required per Table 16.4 below.

Table 16.4: Minimum Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets
Non-residential, less than 50 required parking spaces	1
Non-residential, 50-299 required parking spaces	2
Non-residential, 300-999 required parking spaces	3
Non-residential, 1,000 or more required parking spaces	4 or more

(3) *Utilization and provision of sub-arterial street connections to and from adjacent developments and developable parcels.*

a. All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development.

b. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed 600 feet along each development plan boundary that abuts potentially developable or redevelopable land.

(4) *Interparcel access.* For developments along an arterial or collector street, except where a variance is sought and obtained from the board of appeals pursuant to Article XIII because of topographic or other site-specific constraints that create a unique and severe hardship, compatible developments, as determined by the Town's designee, shall provide a network of non-residential access streets that meet the following:

a. Access streets shall be constructed for a commercial or multifamily residential development that abuts another commercial or multi-family residential development, whether existing or planned. The development of the site shall incorporate the following:

1. Continuous non-residential access street, where necessary to connect adjacent parcels along the thoroughfare. (See section 1606, Design Guidelines, Figure 1)

2. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access.

b. New commercial or multifamily property that abuts a planned, new or existing multifamily residential property shall provide for a five-foot wide sidewalk connecting the two uses.

c. New multifamily residential development that abuts a planned, new or existing commercial property shall provide for a five-foot wide sidewalk connecting the two uses.

(5) *Crosswalks*.

a. All intersections shall contain crosswalks that connect to sidewalks in all quadrants.

b. Crosswalks shall be either demarcated with high-reflectivity thermoplastic paint or brick pavers.

(c) *Street trees.* Canopy trees shall be provided in street rights-of-way including medians and required landscaped strips adjacent to all streets.

(1) Appropriate street tree species include the following:

Large trees: Average spacing 40 feet on center:

- Nuttall Oak
- Shumard Oak
- Willow Oak
- Gingko (Variety: President, Autumn Gold, male gender)
- Princeton Elm
- Chinese Elm (varieties Allee, Athena, Drake, Bosque)
- Bald Cypress (variety: Shawnee Brave)
- Zelkova (variety Green Vase or Village Green)
- Northern Red Oak
- Red Leaf Maple

Small trees: Average spacing 20 feet on center:

- Crepe Myrtle
- Saucer Magnolia (variety: Butterflies)
- Chinese Fringe Tree
- Golden Rain Tree

- Texas Redbud (Cercis reniformis)
- Kousa Dogwood
- Washington Hawthorn 'Princeton Sentry'
- Zelkova (variety: Wires)

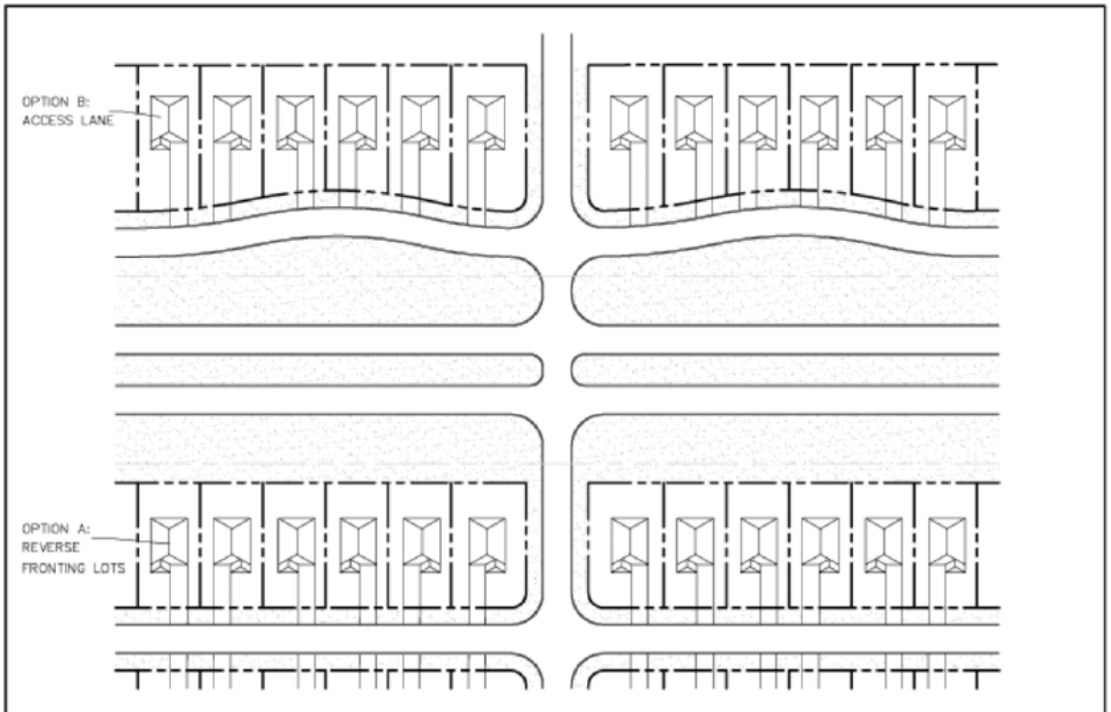
(2) No more than 25 (or 25 percent of the total number, whichever is greater) of the trees installed may be of any one genus.

(3) No more than 25 percent of the street trees used in a single development shall be of the small tree species.

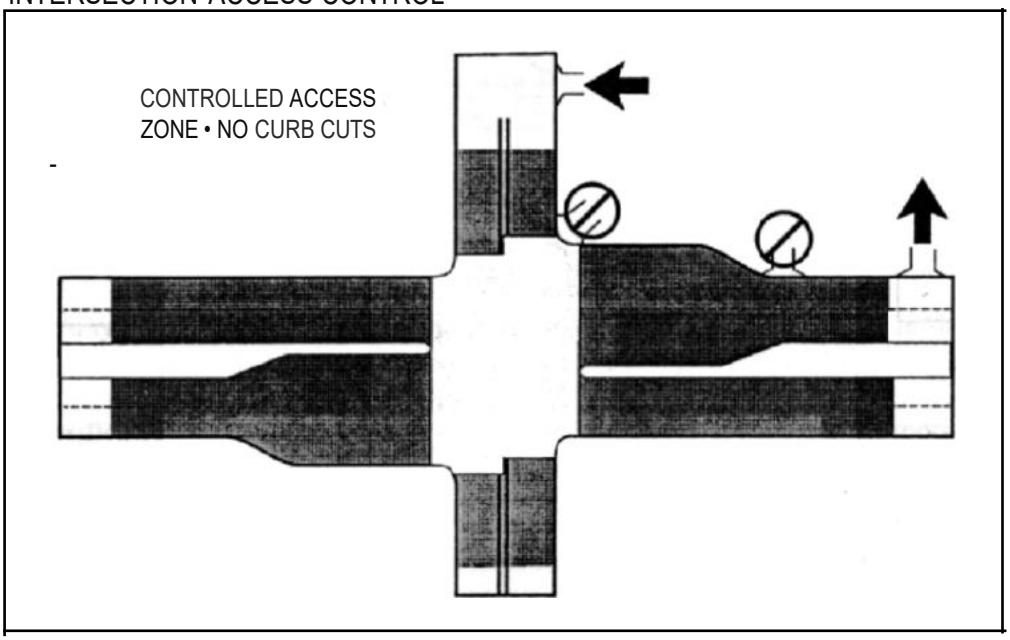
(d) *Improvement Guarantees.* At the option of Town of Bethlehem, the developer may be required to provide to the town financial security to guarantee the installation of project improvements required in this Article. The developer's financial guarantee may be any of the following: (1) An escrow of funds with the town; (2) An escrow of funds with a bank upon which the town can draw; (3) An irrevocable letter of credit or commitment upon which the town can draw; (4) A performance bond for the benefit of the town upon which the town can collect; and (5) Any other form of guarantee approved by the Town Council that will satisfy the objectives of this subsection. The guarantee shall be in an amount sufficient to secure the full costs, as determined by the Town of Bethlehem, of the construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.

Sec. 89-1606. Design guidelines.

(a) *Property development standards*.



INTERSECTION ACCESS CONTROL

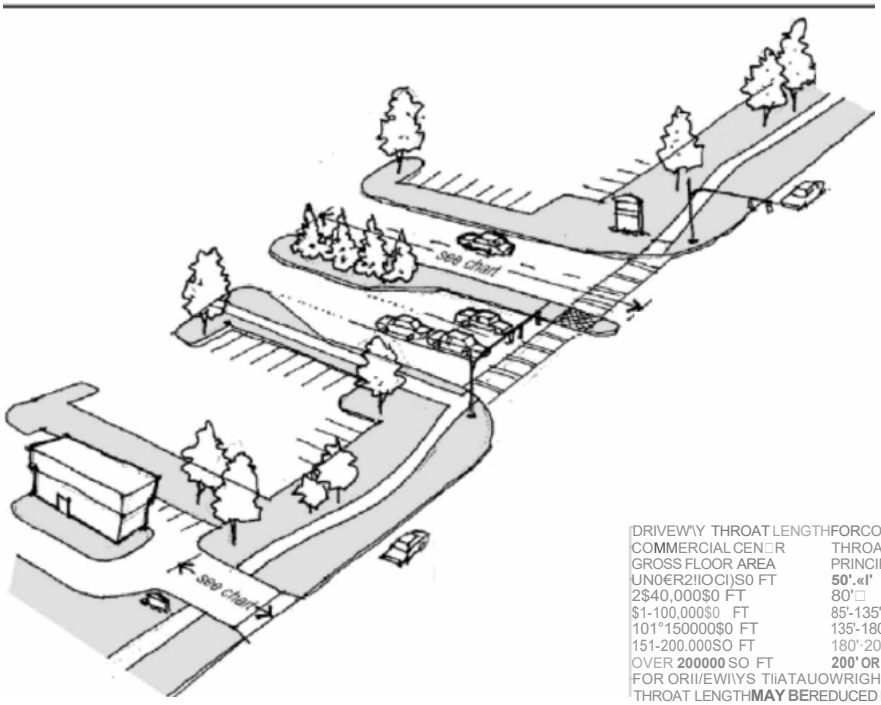


LIMITED ACCESS ZONE OF INTERSECTIONS

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY. GEORGIA

APRIL 20,2006

-BY
JOI<I)NY(JOr'.CS& GOUI.OI'IG



DRIVEW\'\Y THROAT LENGTH FOR COMMERCIAi. CENTERS

COMMERCIAL CEN□R GROSS FLOOR AREA	THROAT LENGTH OF PRINCIPAL DRIVEW>.Y
UN0€R2!IOCI)S0 FT	**50'.«I'**
2$40,000$0 FT	80'□
$1-100,000$0 FT	85'-135'
101°150000$0 FT	135'-180'
151-200.000SO FT	180'-200'
OVER **200000** SO FT	**200' OR** MORE

FOR ORII/EWI\YS TIiATAUOWRIGHTI\IRNS ONLY **THE** THROAT LENGTH **MAY BE** REDUCED BY **ONE-THRO**

DRIVEWAY THROAT **LENGTH**

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL20, 2006

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PEDESTRIAN WALKWAYS CONNECT BUILDING ENTRANCES TO SIDEWALK

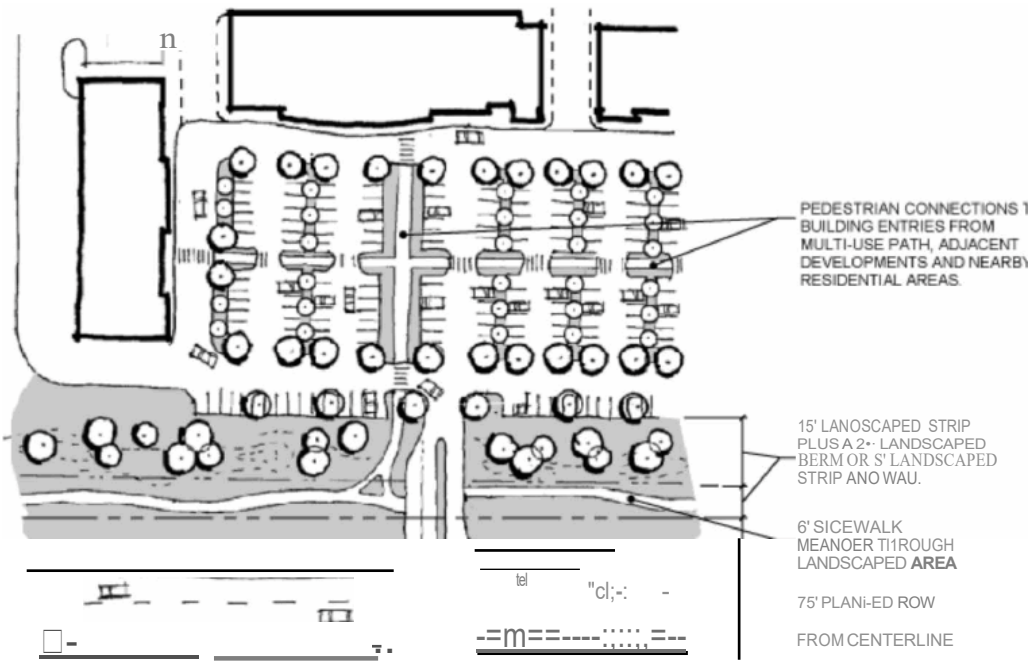
DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL20, 2006

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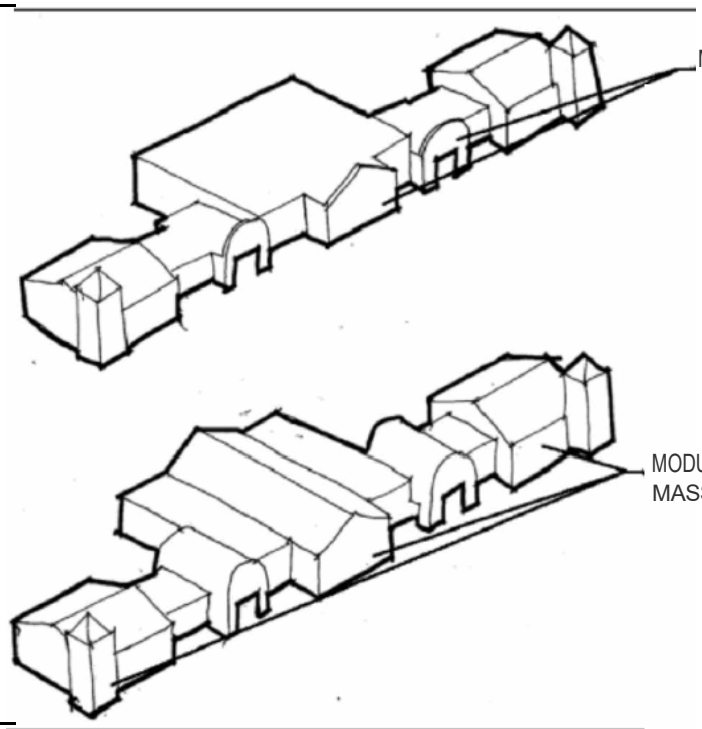
TYPICAL LANDSCAPE/TREATMENTS AND PEDESTRIAN ACCESS

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL 20, **2006**

PREPARED BY:
JORDAN, JONES & GOULDING

5

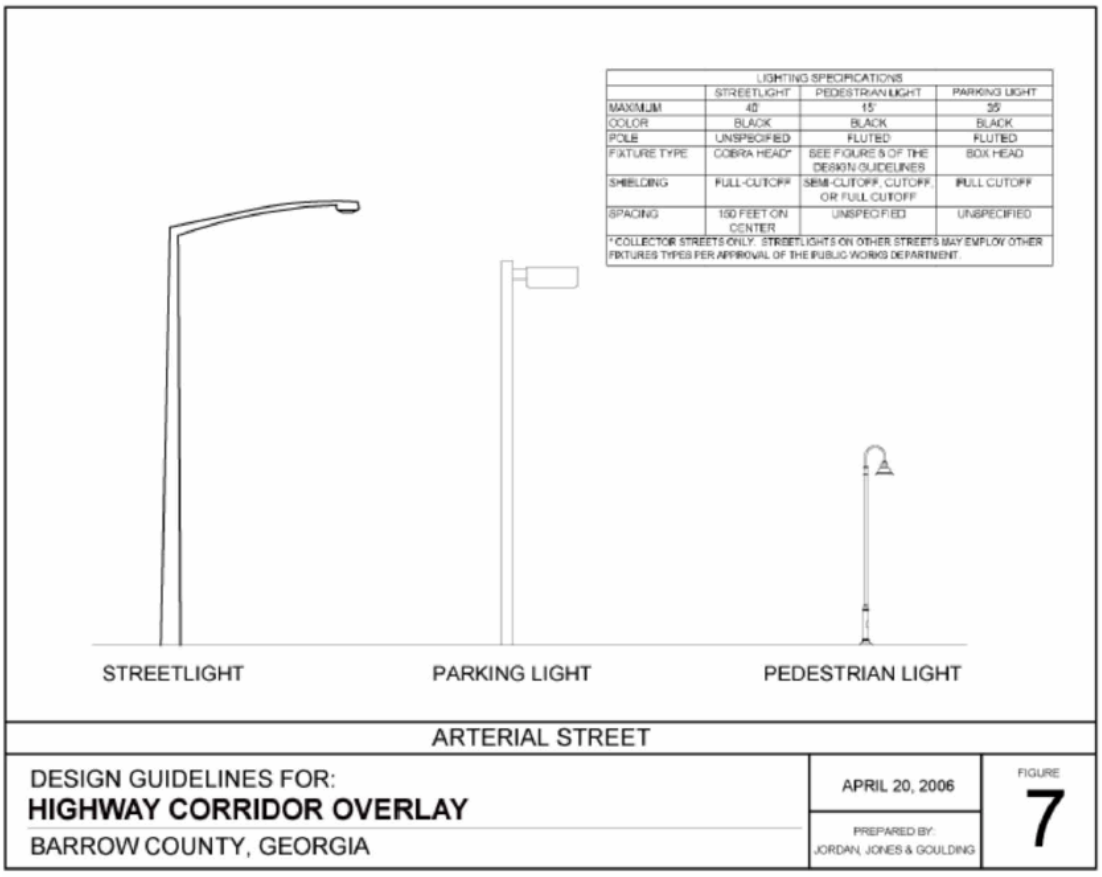


EXAMPLES OF DESIRABLE BUILDING MASSING

DESIGN GUIDELINES FOR:
I:::tIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL 20, 2006

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(b) *Public Improvements Standards.*



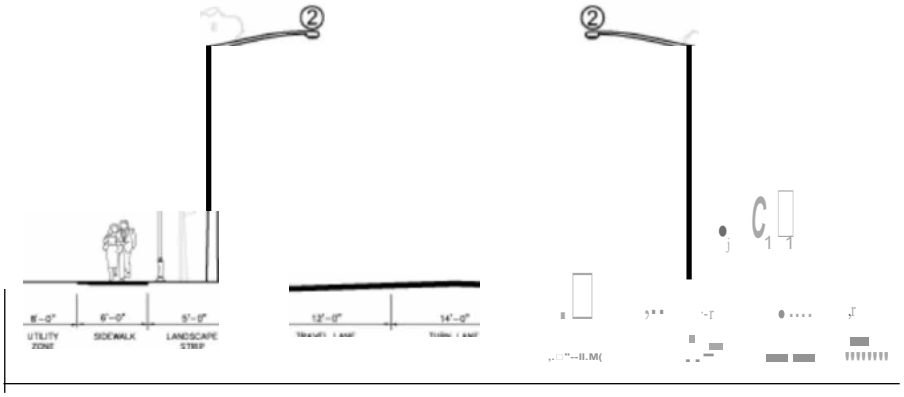
NOTES:
1. DESIGN SPEED: 45 MPH
2. PEDESTRIAN LIGHTS ARE REQUIRED. SEE FIGURE 7

ARTERIAL STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL 20, 2006

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NOTES:
1. DESIGN SPEED: 35 MPH
2. STREET LIGHTS ANO PEDESTRIAN LIGHTS ARE REQUIRED. SEE FIGURE 7

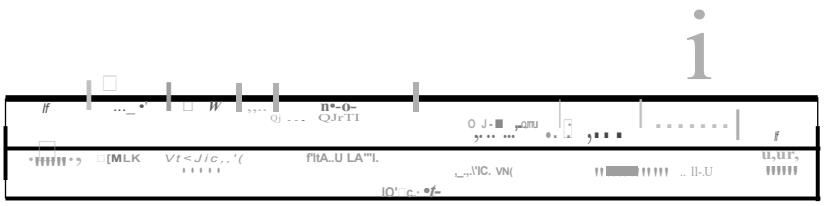
OPTIONS:
A. 3 TRAVEL LANES AS SHOWN
8. 2 TRAVEL LANES AT 12'-0" \I\/IOTH 7'-rr \I\/IDE LANES FOR ON-STREET PARKING ON BOTH SIDES

COLLECTOR STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL **20. 2006**

9



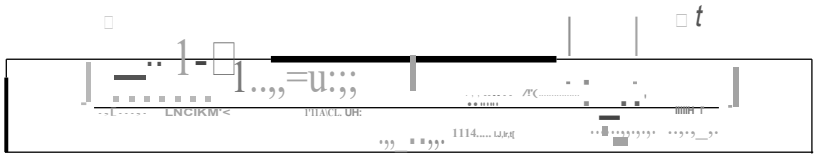
NOTES:
1. DESIGN SPEED: 25 MPH
2. STREET LIGHTS ARE REQUIRED. SEE FIGURE 7

LOCAL STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL 20 2006

10



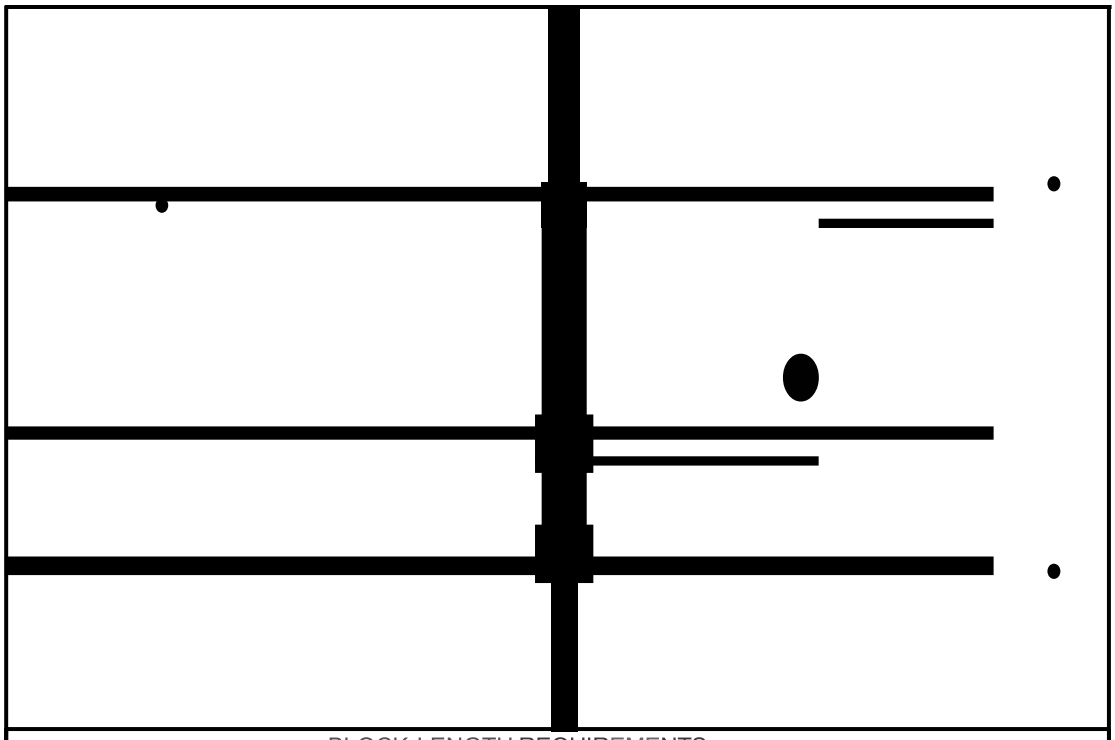
NOTES:
1. DESIGN SPEED: 15 MPH
2. MAXIMUM STREET GRADE 8%

NONRESIDENTIAL ACCESS STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL 20, 2006

11



BLOCK LENGTH REQUIREMENTS

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
BARROW COUNTY, GEORGIA

APRIL 20, 2006

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12