

# **UNIFIED DEVELOPMENT CODE**

**TOWN OF BETHLEHEM, GEORGIA**

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## Article 1. General

### Sec. 101 Purpose of Article 1.

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. 102 Title and Authority.

#### 102 (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 "Development Code" or "this Code."

#### 102 (b) Authority.

This Development Code is adopted under authority of Article 9, Section 2, Paragraphs 2, 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. 103 Adoption.

#### 103 (a) Repeal of conflicting laws.

- (1) The Bethlehem Zoning Resolution of 1996 adopted October 7, 1996, including any amendments thereto, and the Development Regulations of the Bethlehem, Georgia adopted October 7, 1996 including any amendments thereto, are hereby specifically repealed.
- (2) 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the code of laws of the Town of Bethlehem, Georgia, in conflict with these regulations shall be and the same are hereby repealed in their portions so in conflict.
- (3) Where this Development Code overlaps with other requirements adopted by the Town Council of the Town of Bethlehem, whichever imposes the more stringent restrictions shall prevail.
- (4) 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.
- (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.

#### 103 (b) 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.

103 (c) 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. 104 Purpose and intent.

104 (a) Purpose.

This Development Code is made with reasonable consideration, among other things, of the character of each zoning district contained herein 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 county; and
- (9) improve the quality of life through protection of the county's total environment including, but not limited to, the prevention of air, water and noise pollution.

104 (b) Intent in interpretation.

- (1) In the interpretation and application of this Development Code all provisions shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the property owner; and,
  - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- (2) Certain terms in the Barrow County Unified Development Code adopted by reference in this Development Code shall be interpreted as follows:

- a. Any reference to the Barrow County Unified Development Code shall mean the Bethlehem Unified Development Code;
- b. Any reference to the "Board of Commissioners" and to the "Board of Appeals" shall mean the Town Council of the Town of Bethlehem;
- c. Any reference to the "Planning Commission" and any provision in the Barrow County Unified Development Code relating to the "Planning Commission" shall not apply to the Town of Bethlehem;
- d. Any reference to the "County's Land Use Plan" shall mean the Land Use Plan adopted by the Town of Bethlehem, and any reference to the "Comprehensive Plan" or to the "Future Land Use Map" shall mean the Comprehensive Plan or the Future Land Use Map adopted by the Town of Bethlehem, respectively;
- e. Any reference to the "Official Zoning Map" or to the "Zoning Map" shall mean the Official Zoning Map of the Town of Bethlehem; and
- f. Any reference to the "Planning Director," the "Director of Public Works," the "Building Official" or any other departmental official shall mean the so-named director or official of Barrow County, Georgia, or his or her designee.

104 (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 of Barrow County, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this Development Code.

**Sec. 105 General applicability.**

105 (a) **Lands to which this Code applies.**

This Development Code shall apply only in the incorporated areas of the Town of Bethlehem, Georgia.

105 (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 spaces 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.

105 (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.

**105 (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.

**105 (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.

**105 (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 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.

**105 (g) Requirements for moving a building.**

No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of this Development Code and other city code requirements and is first approved by the Planning Director and such approval confirmed by the Mayor.

**Sec. 106 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. 107 Adoption of Article 1 provisions by reference.**

Article 1 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 1 of the Bethlehem Unified Development Code, except as follows:

- (1) Sections 101 through 106, inclusive, of this Article 1 are adopted in lieu of Sections 101 through 106 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.



## Article 2. Use of Land and Structures

### Sec. 201 Purpose of Article 2.

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 3 of this Code.

### Sec. 202 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.

#### 202 (a) Official Map adopted.

- (1) The "Official Zoning Map of the Town of Bethlehem, Georgia" (referred to in this 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 of the Town of Bethlehem in office at the time of adoption, and attested by the Clerk of the Town Council. 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.

#### 202 (b) Amendments.

- (1) The Zoning Map, as adopted by the Town Council and amended from time to time by its action, shall be available for inspection in the office of the Town Clerk and shall be maintained and available in the office of the Barrow County Planning 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 the Town of Bethlehem. Such amendments shall be spread upon the minutes of the 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. 203 Adoption of Article 2 provisions by reference.

Article 2 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 2 of the Bethlehem Unified Development Code, except as follows:

- (1) Sections 201 through 202, inclusive, of this Article 2 are adopted in lieu of Sections 201 through 202 of the Barrow County UDC.
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.
- (3) Table 2.2, as set forth below, is adopted in lieu of Table 2.2 of the Barrow County UDC:

Table 2.2: Conversion of Previous Zoning Districts

Previous Zoning District Designation	Zoning District Designation under this Code
PCFD Planned Commercial Farm District*	AG Agricultural District
AG Agricultural District	AG Agricultural District
AR Agricultural-Residential District	AR Agricultural Residential District
R-1 Single-Family Residential Low-Density District	R-1 Low Density Single-Family Residential District
R-2a Single-Family Residential Medium-Density District	R-2 Medium Density Residential District
R-2b Single-Family Residential Medium-Density District*	R-2 Medium Density Residential District
R-2c Single-Family Residential Medium-Density District*	R-2 Medium Density Residential District
R-2d Single-Family Residential High-Density District*	R-2 Medium Density Residential District
R-2e Single-Family Residential High-Density District*	R-2 Medium Density Residential District
R-3a Multi-Family Residential Low Density District	R-3 High Density Residential District
R-3b Multi-Family Residential Medium Density District	R-3 High Density Residential District
R-3c Multi-Family Residential High Density District*	R-3 High Density Residential District
R-4 Mobile Home Park District	MH Manufactured Housing District
AC Agricultural-Commercial District	AC Agricultural-Commercial District**
O-1 Office and Institutional District	O-1 Office and Institutional District
C-1 Local Commercial District	C-1 Neighborhood Commercial District
C-2 General Commercial District	C-2 Community Commercial District
C-3 Heavy Commercial District*	C-3 Intensive Commercial District
M-1 Light Industrial District	M-1 Light Industrial District
M-2 Heavy Industrial District*	M-2 Heavy Industrial District
AHD Airport Hazard District	AHO Airport Hazard Overlay District
FH Flood Hazard District	Deleted. See Flood Damage Prevention in Article 11.
HCO Highway Overlay District*	HCO Highway Overlay District

\* These districts were established but not in use in the Town of Bethlehem.

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

- (4) Table 2.3, Principal Uses Allowed in Each Zoning District, is adopted with the following deletions:
  - a. Bars, taverns and other drinking places (alcoholic beverages).
  - b. Sexually oriented business.

## Article 3. Restrictions on Particular Uses

### Sec. 301 Purpose of Article 3.

The purpose of Article 3 is to provide land use and development regulations for specific uses that will then be applicable to sites throughout the Town of Bethlehem. 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. 302 Adoption of Article 3 provisions by reference.

Article 3 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 3 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 301 of this Article 3 is adopted in lieu of Section 301 of the Barrow County UDC.
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.
- (3) Section 311(a) of the Barrow County UDC is deleted in its entirety and the following Section 311(a) is adopted in lieu thereof:

#### Sec. 311(a) Findings and purpose.

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.

- (4) Sections 311(c) through 311(j) inclusive of the Barrow County UDC are deleted in their entirety and the following Section 311(c) is adopted in lieu thereof:

Sec. 311(c) Sexually oriented businesses prohibited.

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

- (5) Section 359 of the Barrow County UDC is amended by adding a new paragraph (6), to read in its entirety as follows:

(6) Sexually oriented businesses.

## Article 4. Lot and Building Standards

### Sec. 401 Purpose of Article 4.

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. 402 Adoption of Article 4 provisions by reference.

Article 4 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 4 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 401 of this Article 4 is adopted in lieu of Section 401 of the Barrow County UDC.
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.
- (3) The following Table 4.2 is adopted in lieu of Table 4.2 of the Barrow County Unified Development Code:

**Table 4.2: Residential Floor Area Restrictions**

Zoning District	Use	Minimum Floor Area (square feet)
AG Agricultural	Single-Family Detached or Manufactured Home	1,200
AR Agricultural-Residential	Single-Family Detached or Manufactured Home	1,200
R-1 Low Density Single Family	Single-Family Detached or Manufactured Home:	
	Single story	1,600
	Two story	1,850
R-2 Medium Density Residential	Single-Family Detached or Manufactured Home, Duplex or Townhome unit:	
	Single story	1,600
	Two story	1,850
R-3 High Density Residential	Single-Family Detached or Manufactured Home, Duplex or Townhome unit:	
	Single story	1,600
	Two story	1,850
	Apartments*	
	1 bedroom	650
	2 bedroom	800
MH Manufactured Housing	3 bedroom or more	1,000
	Manufactured Home	1,200

\* A maximum of 20 percent of the total units constructed in any single development of more than one building may be one bedroom units having floor areas of less than 650 square feet but not less than a minimum floor area of 520 square feet.

### (4) Residential Architectural Design Standards

Architectural design of all buildings constructed in an R-3 zoning district shall comply with the following performance guidelines:

- a. Front facades shall be of architectural treatments of brick, stone or stucco.
- b. All building facades (front, side and/or rear) visible from Christmas Avenue (Ga. Hwy. 11) and/or East and West Star Street shall comply with the architectural design standards set forth in this Sec. 402(4).
- c. Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.
- d. Metal sided or portable buildings are prohibited.
- e. Buildings shall incorporate live plant material growing immediately in front of or on the building.
- f. Roofing material for pitched or mansard roofs shall be limited to the following:
  - Metal standing seam of brick red, dark green or silver in color.
  - Tile, slate or stone.
  - Wood shake.
  - Shingles with a slate, tile or metal appearance.
- g. All mechanical, HVAC and like systems as well as refuse dumpsters shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.
- h. Any accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall complement the building design and style.
- i. Architectural treatments of each building elevation shall be a minimum of 50% brick, stone or stucco. The balance of each building elevation may be wood, wood shake or fiber cement-type siding.

Building plans shall be subject to review and approval of the Barrow County Building Official, or his/her designee, prior to the issuance of a building permit. Designs which are inconsistent with these performance guidelines may be denied.

(5) Nonresidential Architectural Design Standards

Architectural design of all nonresidential buildings shall comply with the following performance guidelines:

- a. Front facades shall be of architectural treatments of brick, stone or stucco.
- b. All building facades (front, side and/or rear) visible from Christmas Avenue (Ga. Hwy. 11) and/or East and West Star Street shall comply with the architectural design standards set forth in this Sec. 402(5) and in Sec. 402(6).
- c. Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.
- d. Metal sided buildings shall be non-reflective and a neutral color, such as beige or gray.
- e. Buildings shall incorporate live plant material growing immediately in front of or on the building.
- f. Roofing material for pitched or mansard roofs shall be limited to the following:

- Metal standing seam of brick red, dark green or silver in color.
  - Tile, slate or stone.
  - Wood shake.
  - Shingles with a slate, tile or metal appearance.
- g. All mechanical, HVAC and like systems as well as refuse dumpsters shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.
- h. Any accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall complement the building design and style.

Building plans shall be subject to review and approval of the Barrow County Building Official, or his/her designee, prior to the issuance of a building permit. Designs that are inconsistent with these performance guidelines may be denied.

(6) Additional Architectural Design Standards:

All office, institutional, commercial, industrial and retail buildings shall comply with the following additional performance guidelines:

- a. To lend the appearance of multi-tenant occupancy, facades of multi-tenant buildings shall be varied in depth or parapet height.
- b. Within planned shopping centers, distinct architectural entry identity for individual tenants' entrances shall be provided for suites exceeding 10,000 square feet of leasable area.
- c. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefront every 150 linear feet.
- d. Roof parapets shall be articulated to provide for visual diversity. Parapets shall include articulations or architectural features at least every 100 linear feet. The minimum height of articulations or features shall be one foot, and may be provided in height offset or facade projections such as porticoes or towers.
- e. Building design shall include minimum one-foot deep cornices extending along the entire front of buildings and the sides of buildings at least 10 feet.
- f. Building design shall include minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings at least 10 feet.

Building plans shall be subject to review and approval of the Director of Licensing and Permits, or his/her designee, prior to the issuance of a building permit. Designs that are inconsistent with these performance guidelines may be denied.



## **Article 5. Subdivisions and Master Planned Developments**

### **Sec. 501 Purpose of Article 5.**

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 master planned developments which allow a wider variety of housing types in a well-planned mixed-use environment while also preserving green space and natural features.

### **Sec. 502 Adoption of Article 5 provisions by reference.**

Article 5 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 5 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 501 of this Article 5 is adopted in lieu of Section 501 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## **Article 6.     Parking and Loading Requirements**

### **Sec. 601       Purpose of Article 6.**

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. 602       Adoption of Article 6 provisions by reference.**

Article 6 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 5 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 601 of this Article 6 is adopted in lieu of Section 601 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## **Article 7. Sign Regulations**

### **Sec. 701 Purpose of Article 7.**

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 of Bethlehem.

### **Sec. 702 Adoption of Article 7 provisions by reference.**

Article 7 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 7 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 701 of this Article 7 is adopted in lieu of Section 701 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## **Article 8. Buffers and Tree Conservation**

### **Sec. 801 Purpose of Article 8.**

The purpose of this Article is to improve the aesthetic qualities of the town and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- (1) Providing for the separation of incompatible types of land use.
- (2) Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.

### **Sec. 802 Adoption of Article 8 provisions by reference.**

Article 8 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 8 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 801 of this Article 8 is adopted in lieu of Section 801 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## **Article 9. Environmental Protection**

### **Sec. 901 Purpose of Article 9.**

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:

- (1) Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the State;
- (2) Protect the natural habitat of animal and plant life relative to water resources; and
- (3) 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.

### **Sec. 902 Adoption of Article 9 provisions by reference.**

Article 9 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 9 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 901 of this Article 9 is adopted in lieu of Section 901 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## **Article 10. Project Design Standards**

### **Sec. 1001 Purpose of Article 10.**

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.

### **Sec. 1002 Adoption of Article 10 provisions by reference.**

Article 10 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 10 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 1001 of this Article 10 is adopted in lieu of Section 1001 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## **Article 11. Land Development Activities**

### **Sec. 1101 Purpose of Article 11.**

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. 1102 Adoption of Article 11 provisions by reference.**

Article 11 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 11 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 1101 of this Article 11 is adopted in lieu of Section 1101 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.

## Article 12. Procedures and Permits

### Sec. 1201 Purpose of Article 12.

This Article describes the process through which a rezoning or special use 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. 1202 Adoption of Article 12 provisions by reference.

Article 12 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 12 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 1201 of this Article 12 is adopted in lieu of Section 1201 of the Barrow County UDC.
- (2) Sections 1217(a) through 1217(j) inclusive of the Barrow County UDC are deleted in their entirety, and the title of Section 1217 is hereby changed from "Sexually oriented establishment permit" to "Reserved."
- (3) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.
- (4) All actions allowing administrative approval of 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, except as provided under Sec. 1202(10) herein.
- (5) All actions to be taken by the Barrow County Board of Commissioners shall be taken by the Town Council of the Town of Bethlehem in lieu of such action by the Board of Commissioners.
- (6) For any application for rezoning or special use approval affecting a property or portion thereof located in the Town of Bethlehem, the Planning Director shall submit a written record of his investigation and recommendations to the Town Council, which report shall be a matter of public record. At least 30 days prior to the public hearing, the Town Council shall have the opportunity to review any documents submitted by the initiating party, if any, and the report prepared by the planning department. The Planning Director or his/her designee shall appear before the Town Council to present his/her report, unless excused by the Town Council.
- (7) An applicant may file site plans, renderings, construction specifications, written development restrictions, and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application provided, however, that any such conditions or alterations or changes thereto shall be filed with the Barrow County Director of Planning with a copy to the Town of Bethlehem at least seven days prior to the public hearing before the Town Council. If any such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this subsection, the Town Council, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date. The date designated for the action on the application shall be set at a time that will allow the applicant to comply with the filing requirements of this subsection.



- (8) No official action shall be taken except upon the affirmative vote of at least three members of the Town Council.
- (9) Conflict of interest and disclosure rules.

- a. A Town of Bethlehem official who knows or reasonably should have known he or she:

- 1. Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;
- 2. Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or
- 3. Has a spouse, mother, father, brother, sister, son, or daughter having any interest described in paragraph 1 or 2 of this subsection

shall immediately disclose the nature and extent of such interest, in writing, to the Town Council. The Town of Bethlehem official who has an interest as defined in paragraph 1, 2 or 3 of this subsection shall disqualify himself from voting on the rezoning action. The disqualified official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosures provided for in this subsection shall be a public record and available for public inspection at any time during normal working hours. Where one or more disqualifications required by this subsection result in the inability of the Town Council to attain a quorum for the purpose of making a final decision when considering a rezoning action, the Town Council shall initiate and follow the special master process as outlined in O.C.G.A. § 36-67a-5, as amended.

- b. When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to an elected official of the Town of Bethlehem which will consider the application, it shall be the duty of the opponent to file a disclosure with the Town Council at least five calendar days prior to the first hearing by the Town Council or any of its agencies on the rezoning application showing:
  - 1. The name and official position of the local government official to whom the campaign contribution was made; and
  - 2. The dollar amount and description of each campaign contribution made by the opponent to the Town of Bethlehem official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

- (10) Alteration of rezoning conditions.

- a. All applications shall be maintained by the Director of Planning as public record. The Director of Planning shall have the authority to approve minor alterations of zoning conditions or exhibits submitted with map amendments, including the following:
  - 1. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors.
  - 2. Parking design.
  - 3. Addition of accessory uses or structures.

4. Utility relocation.
  5. Other alterations that, in his opinion, would not change the intent of a conditional zoning approval or adversely affect governmental services or other properties or uses.
- b. An application to alter conditions of rezoning not approved by authority of the Director of Planning shall be submitted to the Town Council for public hearing. The application shall be processed with all provisions applicable to map amendments.

## Article 13. Appeals

### Sec. 1301 Purpose of Article 13.

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. 1302 Adoption of Article 13 provisions by reference.

Article 13 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 13 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 1301 of this Article 13 is adopted in lieu of Section 1301 of the Barrow County UDC.
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.
- (3) 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.
- (4) 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.
- (5) Any reference to the "Board of Appeals" shall mean the Town Council of the Town of Bethlehem.
- (6) All actions to be taken by the Barrow County Board of Appeals shall be taken by the Town Council of the Town of Bethlehem in lieu of such action by the Barrow County Board of Appeals.

Sec. 1401 of Article 14. Town of Bethlehem UDC

## Article 14. **Administration and Enforcement**

### Sec. 1401 Purpose of Article 14.

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. 1402 Schedules and fees.

(1) 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.

(2) It is the intent of the Town Council to adopt such fees as are adopted from time to time by the Barrow County Board of Commissioners, 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. 1403 Administrative roles.

#### 1403 (a) Director of Planning

(1) The Barrow County Planning Director is 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 Planning Director is responsible for all administrative and enforcement activities related to the use or occupancy of land and buildings, and continuing conformance to the provisions of this Development Code. The Planning Director serves as the Secretary to the Bethlehem Planning Commission.

(2) 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.

(3) 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.

(4) 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.

#### 1403 (b) Director of Public Works.

(1) The Barrow County Director of Public Works is responsible for the review of submittals related to land disturbance and the development of projects; the construc-

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tion of streets, drainage facilities and other public facilities; the control of erosion and sedimentation; and any other activities within public rights-of-way.

- (2) 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.

**1403 (c) Building Official.**

As the issuing agent for all building and sign permits, the Barrow County Building Official is responsible for the proper construction of buildings and structures, and continuing compliance with permit requirements after construction is complete.

**1403 (d) County Marshal.**

The County Marshal's Office provides support to the primary enforcement officers of the County through investigations and issuance of warnings and citations.

**Sec. 1404 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. 1405 Appeals.**

The Town Council of the Town of Bethlehem shall hear and decide all appeals relating to property within the town, except for special exception variances granted administrative approval by the Planning Director, such approval first having been confirmed by the Mayor or his designee.

**Sec. 1406 Adoption of Article 14 provisions by reference.**

Article 14 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 14 of the Bethlehem Unified Development Code, except as follows:

- (1) Sections 1401 through 1405, inclusive, of this Article 14 are adopted in lieu of Sections 1401 through 1405 of the Barrow County UDC.
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.
- (3) Section 1407(c)(2) of the Barrow County UDC is deleted in its entirety and the following Section 1407(c)(2) is adopted in lieu thereof:

- (2) Notwithstanding any other provision of law as to penalties that can be assessed for violations of county laws, the court shall be authorized to impose monetary penalties for such violations in accordance with the maximum penalty provided by State law or the charter for the Town of Bethlehem for each violation. Each day the violation continues shall constitute a separate offense.

## **Article 15. Glossary of Defined Terms**

### **Sec. 1501 Purpose of Article 15.**

This Article is a glossary of all definitions specifically used in the text of this Development Code. Refer also to Article 1 regarding the interpretation of figures, words and phrases as used in this Code. All definitions, regardless of location within an Article of this Code, apply equally to the use of such terms throughout the Code.

### **Sec. 1502 Adoption of Article 15 definitions by reference.**

Article 15 of the Barrow County Unified Development Code, as adopted January 11, 2005 (hereinafter the "Barrow County UDC"), is adopted by reference and incorporated into this Article 15 of the Bethlehem Unified Development Code, except as follows:

- (1) Section 1501 of this Article 15 is adopted in lieu of Section 1501 of the Barrow County UDC; and
- (2) Certain terms contained in the Barrow County UDC shall be interpreted in accordance with Section 104(b)(2) of this Development Code.