

# CITY OF BOWMAN

The Zoning Ordinance for the City of Bowman, Georgia

**Adopted by the Mayor and Council as of  
01/30/18**

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# **ARTICLE I: PURPOSE AND ENACTMENT**

## **1.1. Objectives**

This ordinance is for the purpose of setting forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of the City of Bowman, Georgia; health, aesthetics, morals, convenience, order, prosperity and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing the City into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this ordinance.

## **1.2. Legislative Authority**

The Mayor and Council of the City of Bowman, Georgia under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and under the general police powers of local governments in the State of Georgia, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the county and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to avoid undue concentration of population; and to promote implementation of the vision and goals for the City of Bowman as described in the most recently adopted Comprehensive Plan for the City of Bowman, hereby ordains and enacts into law the official Zoning Ordinance for the incorporated area of the City of Bowman, Georgia (for planning, zoning and subdivision control purposes).

## **1.3. Method of Regulation**

The City of Bowman, Georgia, as authorized by the Constitution of the State of Georgia, adopts zoning regulations for the following purposes: to define certain words used therein; to create zoning districts; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes.

## **1.4. Jurisdiction**

This zoning ordinance shall govern the use of all land and development within the incorporated limits of the City of Bowman, Georgia in accordance with O.C.G.A. §36-70-5.

**ARTICLE II: SHORT TITLE**

This ordinance shall be known and may be cited as "The Zoning Ordinance for the City of Bowman, Georgia".

## **ARTICLE III: DEFINITION OF TERMS**

### **3.1. Definitions**

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "shall" is always mandatory. 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". The term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved". The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "adjacent" means "nearby" and not necessarily "contiguous". The word "map" means the "Official Zoning Map of the City of Bowman, Georgia", dated 2017, and as may be amended. "City" means the City of Bowman, Georgia. "City Council" means the Mayor and City Council of the City of Bowman, Georgia.

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section.

**ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. The accessory building shall be of a size and nature customarily incidental and subordinate to the principal. Accessory buildings shall include solid roofs open air structures such as gazebos and pavilions. Signs and fences are not to be considered as accessory buildings. A "detached" accessory building shall be one that does not have a common wall or roof connection with the main building on the same lot.

**ACCESSORY STRUCTURE:** Any structure subordinate to the principal building on a lot which are open in nature such as a deck, fence, landscape wall, trellis (open roof), swimming pool, or other similar structures. Pools and spas are also considered to be accessory structures for zoning purposes.

**ACCESSORY USE:** A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

**AGRICULTURE or AGRICULTURAL:** A parcel used primarily for soil-dependent cultivation of agricultural small scale crop production, growth of a field, or forestry, excluding the raising of livestock, poultry and other Confined Animal Feeding Operations.

**ALLEY:** A platted service way providing a secondary means of access to abutting properties.

**ALTERATION:** Any change in the supporting member of a building, any modification or change in construction, any addition which increases the area or height, any change in use of or moving of a building from one location to another, or any increase in the amount or volume of space used for any activity.

**ANIMAL HOSPITAL:** A facility for the treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian.

**ANIMAL SHELTER:** A public or private facility exclusively for the temporary housing of stray or unwanted domestic animals.

**APARTMENT:** A building on a single parcel arranged, intended, or designed to be occupied by three or more families living independent of each other.

**APPLICANT:** Any person who applies for a rezoning action, variance, conditional use permit, sign permit, or building permit, and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

**ASSISTED LIVING HOME:** See Personal Care Home.

**AUTOMOBILE SALES LOT:** A premises designed or used for storage and display for sale of automobiles, motorcycles, recreational vehicles, or other motorized vehicles. Motorized vehicles for sale will typically be stored outside. All other activities must be in an enclosed building.

**AUTOMOBILE SERVICE STATION:** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.

**BED AND BREAKFAST:** A dwelling unit, other than a hotel, motel or boarding house, or portion thereof, where short-term lodging rooms and meals are provided to registered guests for compensation. The operator of the Bed and Breakfast must live on the premises.

**BLOCK:** A contiguous piece or parcel of land entirely surrounded by public highways or streets, but excluding alleys.

**BUFFER AREA:** A landscaped or naturalized area used to separate and partially obstruct the view of a development from adjacent or contiguous development. This area shall be in addition to any required area, yard, and height requirements for the zoning district as specified in Article VIII.

**BUILDING:** Any structure, either permanent or temporary, above or below ground having roof or other covering, designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

**BUILDING, HEIGHT OF:** The vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the average grade of the house plan, front to back and end to end.

**BUILDING INSPECTOR:** The individual designated by the Mayor and Council to serve as Building Inspector for the City of Bowman.

**BUILDING LINE:** A line, parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

**BUILDING, PRINCIPAL:** A building, in which the primary use of the lot on which the building is located, is conducted.

**BUSINESS ENTITY:** Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

**CAMPAIGN CONTRIBUTION:** A contribution as defined in paragraph (6) of O.C.G.A. §21-5-3.

**CEMETERY, RELIGIOUS INSTITUTION:** A plot of ground, building, mausoleum, or other enclosure owned by a religious institution and used for the burial of deceased persons who are generally members of that religious institution.

**CEMETERY, PRIVATE:** Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

**CEMETERY, PUBLIC:** A plot of ground, building, mausoleum, or other enclosure not located on property owned by a religious institution but used for the burial of deceased persons.

**CHURCH:** See "Religious Institution."

**CITY:** Bowman, Georgia



**CITY CLERK:** The City Clerk of Bowman, Georgia

**CITY OFFICIAL:** Any member of the Mayor and Council.

**CLINIC:** A building where human patients, who are not lodged overnight, are admitted for examination and treatment.

**CLUB:** Buildings and facilities owned or operated by a corporation, association, or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is generally carried on as a business.

**COMMUNITY CENTER:** A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**COMPREHENSIVE PLAN:** The Joint City/County "Comprehensive Plan for Elbert County and the cities of Carlton, Colbert, Comer, Bowman, Hull and Ila, adopted August, 2001," and as may be amended.

**CONDITIONAL USE:** A use which is not permitted inherently but which may be permitted within a zoning district subject to approval by the Mayor and Council.

**CONDITIONAL USE PERMIT:** The permit issued as a precondition to allowing any conditional use in a zoning district.

**CONDOMINIUM:** An estate in real property consisting of an undivided interest with other purchasers in the common grounds together with a separate interest in a dwelling unit located on the common grounds.

**COMMERCIAL USE:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**CONSERVATION AREAS:** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include groundwater recharge areas, watersheds, wetlands, and river corridors.

**CONTIGUOUS PROPERTY:** Two or more parcels of land with a common boundary or separated solely by a public or private roadway, or other public or private right of way.

**CONVENIENCE STORE:** A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by "7-11" and "Golden Pantry." Gas pumps are an accessory use to a convenience store.

**DAY CARE CENTER:** A building operated by a person, society, agency, corporation, institution, or group that receives for group care fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age.

**DAY CARE HOME:** A private dwelling operated by any person who receives pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, 3 but not more than 6 children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private dwelling.

**DENSITY:** The number of dwelling units permitted per net acre of land. (Net acre equals gross acre less streets, easements, water, open space, etc.)

**DISTRICT:** A section of the City of Bowman, Georgia where the zoning ordinance is uniform.

**DOMESTIC ANIMAL:** A pet; dogs, cats or other tame animals or birds and which serve some purpose for its owner or others, excluding horses, chickens, or other livestock within the corporate limits of Bowman.

**DWELLING, TWO-FAMILY (DUPLEX):** A structure containing 2 dwelling units designed and arranged for residential use by 2 families living independently of each other.

**DWELLING UNIT:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**EASEMENT:** A grant of 1 or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**FAÇADE:** Any side of a building facing a public street, way, or space. Most commonly the front side of a building.

**FAMILY:** One (1) or more individuals consisting of parents and children permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, or hotel, as defined in this ordinance.

**FINANCIAL INTEREST:** All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

**FLEA MARKET:** An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**FLOOR AREA:** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings, including stairwells and elevator shafts, but not including: attic space providing headroom for less than six (6) feet six (6) inches, unusable basement or cellar space not used for retailing, uncovered steps or fire escape, open porches, accessory water or cooling towers, accessory off-street parking spaces, or accessory off-street loading berths.

**FRONTAGE:** The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

**FRONTAGE STREET:** The Street coincident to the front boundary line of the parcel.

**GARAGE, PARKING:** A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which general automotive servicing may be performed as distinguished from automotive repairs.

**GARAGE, PRIVATE:** An accessory building or a portion of a principal use building used for parking or storage of motor vehicles of the principal building's occupants. A carport is considered a private garage.

**GARAGE, REPAIR:** A building and premises designed or used for the purpose of service or commercial repair of motor vehicles. All body work and painting shall be conducted within fully enclosed buildings. The storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose of repairing motor vehicles and not as a salvage or junkyard business. The

storage of junk, wrecked or unclaimed vehicles, dismantled parts or supplies shall not be visible beyond the premises.

**GARAGE APARTMENT:** A dwelling unit for 1 family erected above a private garage detached from the principal dwelling.

**GROSS FLOOR AREA:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**GROUP HOME:** A residence under the ownership and supervision of a public, educational, or governmental institution occupied or intended for occupancy by several unrelated persons or families but where separate cooking facilities are not provided for such resident persons or families.

**GUEST HOUSE:** A lodging unit for temporary guests in a building accessory to a detached, single-family dwelling unit, and which is not rented or otherwise used or occupied as a separate dwelling. A guest house is an accessory use to a detached, single-family dwelling.

**HEALTH DEPARTMENT:** Elbert County Health Department.

**HOME OCCUPATION, RESIDENTIAL:** An occupation or profession conducted in accordance with §9.7 of this ordinance and for financial gain, which is clearly subordinate to the use of the dwelling and which does not change the character thereof.

**HOME OFFICE:** An office use conducted entirely within a dwelling unit, which is carried on solely by the unit's occupant and is incidental and secondary to the principal use of the dwelling. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. "Home Office" shall not include any business that involves the sale, manufacture or repair of merchandise on the premises. Home Offices shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors.

**HOTEL:** A building or group of buildings (single or multiple ownership) offering transient lodging accommodations for more than 20 persons on a daily rate which may provide additional services such as restaurants, meeting rooms, and recreational facilities.

**INDUSTRIAL PARK:** A tract of land subdivided and developed according to a comprehensive development plan in a manner that provides a park setting for industrial establishments.

**13.1.1.1**

**INSTITUTION:** A non-profit corporation or a non-profit establishment.

**JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris or waste, junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and old scrap ferrous or nonferrous metal.

**JUNK YARD:** A lot, land or building, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

**13.1.1.2**

**13.1.1.3 JUNKED VEHICLE:** Any wrecked, dismantled, or non-operating motorized vehicle that does not bear a current license plate. Also includes non-operational farm equipment and farm implements.

**13.1.1.4**

**KENNELS:** Any location where, for commercial purposes, 4 or more adult dogs, cats, rabbits or other domestic animals are kept for the purpose of boarding, caring for, raising, grooming, breeding, training or sale.

**KINDERGARTEN:** A school for pre-elementary school children ranging in age from 4 through 6 years.

**LAUNDROMAT:** A business that provides home-type washing, drying, ironing machines or coin operated dry cleaning machines for hire and use by customers on the premises.

**LAUNDRY AND DRY CLEANING PICK-UP:** A business that provides only for the convenience of taking and picking up laundry and which does not have any on-site equipment for processing laundry.

**LODGING HOUSE:** See "Boarding House".

**LOADING SPACE:** A space within the principal use or on the same lot that provides for standing, loading or unloading of trucks and other carriers.

**13.1.1.5**

**LOT:** A portion of, or parcel of land separated from other portions or parcels by description, metes and bounds, intended for transfer of ownership or for building development and having a separate tax parcel reference number designated in the office of Elbert County Tax Commissioner or Elbert County Tax Assessor.

**LOT, CORNER:** A lot abutting 2 or more public streets or roads at their intersection.

**LOT, DOUBLE FRONTAGE or THROUGH LOT:** A lot with frontage on 2 public streets and/or roads that do not intersect at a point abutting the property.

**LOT, INTERIOR:** A lot other than a corner lot.

**13.1.1.6**

**13.1.1.7 LOT LINE, REAR:** The rear lot line is generally opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than 10 feet long, and lying wholly within the lot and farthest from the front lot line.

**13.1.1.8**

**LOT OF RECORD:** A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the office of the Clerk of the Superior Court of Elbert County.

**LOT WIDTH:** The horizontal distance between one side lot line and the other side lot line measured at the minimum front setback line.

**13.1.1.9**

**13.1.1.10 LUNCH COUNTER:** A retail establishment where the preparation and serving of food is not the principal business of the retail establishment, defined as not generating the largest percentage of gross sales or occupying the largest percentage of the retail floor area. Food served in the establishment shall be unpackaged, in individual servings, and in a ready-to-consume state. Customers shall be served while seated at tables or counters located within the building.

**13.1.1.11**

**MANUFACTURED HOME:** Any home factory-built in the U.S. to the HUD Title 6 construction standards (commonly known as "the HUD-code"). The HUD-code took effect June 15, 1976. A manufactured home is built on a permanent chassis to ensure transportability. However, typically a manufactured home is not moved from its initial installed site. Although a manufactured home is 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; all manufactured homes within the corporate limits of Bowman must have a permanent foundation.

**13.1.1.12 MANUFACTURING, PROCESSING AND ASSEMBLING:** The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in

these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

**13.1.1.13**

**13.1.1.14**MEMBER OF THE FAMILY: The spouse, mother, father, brother, sister, son, or daughter of a city official. This definition applies to Article XIV only.

**13.1.1.15**

MINI-WAREHOUSE: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

MOBILE HOME: A transportable, factory-built structure designed to be used as a year-round residential dwelling that is 1) built before June 15, 1976, and 2) not built to a uniform construction code.

MODULAR HOME: A dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto, and meeting the following development standards:

- A. A minimum width in excess of twenty-eight (28) feet.
- B. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run.
- C. Modular homes are built to the same or higher building standards as on-site stick-built homes and must be on a permanent foundation.
- D. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
- E. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, or stone, comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.
- F. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.

**13.1.1.16**

MOTEL: A building or a group of buildings designed and used primarily for offering transient lodging accommodations and having a parking place adjacent to each sleeping room and having separate outside entrances for each guest room. A motel is used primarily for automobile transients and includes such terms as "auto court" and "motor lodge" but not "boarding house" as defined in this section.

**13.1.1.17**

**13.1.1.18**NON-CONFORMING BUILDING OR STRUCTURE: Any lawfully existing building or structure which does not conform to these ordinances governing the type, bulk, location, height or size of buildings or structures permitted in the district prior to the adoption of this ordinance but which is in full compliance with all applicable federal, state and local laws, rules and ordinances, and for which all required federal, state and local permits have been issued.

**13.1.1.19**

NON-CONFORMING LOT: A lot, the area, width, or other characteristics of which fails to comply with applicable ordinances and which was of record and in full compliance with all applicable federal, state and local laws, rules and ordinances prior to the enactment of these or other ordinances, but which does not comply with the requirements of this ordinance.

NON-CONFORMING USE: A lawful use of land that does not comply with the use ordinance for its zoning district but which complied with applicable ordinances at the time the use was established.

**NURSING HOME:** A facility for 3 or more unrelated ill or aged persons not operating as the functional equivalent of a family, that provides food, shelter, and 24 hour medical care for compensation in addition to meeting the physical, emotional, and social needs of the unrelated aged or ill persons.

**13.1.1.20**

**13.1.1.21 OFF STREET PARKING:** An area exclusive of a public or private thoroughfare where motor vehicles may be stored for the purposes of temporary, daily, or overnight parking. Parking within the road or street right of way is not Off Street Parking.

**13.1.1.22**

**OPEN SPACE:** Land used for recreation, resource protection, amenity, or buffers. In no event must any area of a privately owned lot nor any part of an existing or future road, right-of-way, off street parking, loading space, or area immediately underneath electrical transmission lines be counted as open space.

**OPPONENT:** Any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

**13.1.1.23**

**13.1.1.24 OPPOSE:** To appear before, discuss with, or contact, either orally or in writing, a City of Bowman official and argue against a rezoning action.

**13.1.1.25**

**PERMITTED USE:** Any use by right that is specifically authorized in a particular zoning district.

**PERSON:** An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

**PERSONAL CARE HOME:** A building or group of buildings, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for 2 or more adults who are not related by blood or marriage to the owner or administrator of the home. The facility must meet all requirements of Article 9.18 of this ordinance and must comply with all regulations and requirements of the State of Georgia Department of Human Resources and of the Federal Government. Personal services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. This term does not include buildings that are devoted to independent living units that include kitchen facilities where residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

Personal Care Homes are categorized as follows:

- Family Personal Care Home means a home for adults in a family-type residence, non-institutional in character, which offers care to 2 through 6 persons.

**13.1.1.26**

- Group Personal Care Home means a home for adults in a residence or other type building(s), non-institutional in character, which offers care to 7 through 15 persons.

- Congregate Personal Care Home means a home for adults offering care to 16 or more persons.

**13.1.1.27**

- Memory Care Unit or Home means the specialized unit within any personal care home or home that either holds itself out as providing additional or specialized care to persons with diagnoses of probable Alzheimer's Disease or other dementia who may be at risk of engaging in unsafe wandering activities outside the unit or home (eloping) or charges rates in excess of those charged other residents because of cognitive deficits which may place the residents at risk of eloping. Any personal home containing memory care unit or units must be located in a district that designates memory care units or homes as a permitted or conditional use.

**13.1.1.28**

PLAT: A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon.

PRESCHOOL: A school for pre-kindergarten children ranging in age from 3 to 4 years of age.

PRINCIPAL USE: The primary purpose for which land or a building is used.

PROFESSIONAL: When used in connection with "use" and "occupancy", a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the building nor any use that would create any loud noise or noxious odors within the City of Bowman.

PROPERTY INTEREST: The direct ownership of real property, including any percentage of ownership less than total ownership.

**13.1.1.29**

**13.1.1.30** PUBLIC UTILITY: Any structure or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the Georgia Public Service Commission and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**13.1.1.31**

REAL PROPERTY: Any tract or parcel of land and, if developed, any buildings or structures located on the land.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed for recreation, camping, travel or seasonal use that has its own motor power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and custom van conversions.

RELIGIOUS INSTITUTION: A religious institution that has been granted 501-C tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the Elbert County Tax Assessor.

**13.1.1.32**

**13.1.1.33** REMOVAL: means the actual process of digging or otherwise removing the substance being moved.

**13.1.1.34**

RESTAURANT: An establishment where food and beverages is sold for consumption on the premises. A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility is not a restaurant.

RESTAURANT, DRIVE-IN: An eating or drinking establishment that caters to motor-driven vehicle business where the person being served consumes his food or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

RESTAURANT, FAMILY: Establishment, privately owned and operated where food & beverage are sold primarily for consumption on the premises and is not part of a chain restaurant or franchise.

**13.1.1.35**

**13.1.1.36** RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

**13.1.1.37**

**REZONING ACTION:** An action by the Mayor and Council adopting an amendment to the zoning map that has the effect of rezoning real property from one zoning district to another.

**RIGHT-OF-WAY:** That area, distinguished from an easement, for the present or future use of roads, streets, highways and utilities, together with its drainage facilities and other supporting uses and structures.

**RIGHT-OF-WAY LINE:** Designated limits of a right-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by an official right-of-way map of City of Bowman, Elbert County, Georgia.

**ROOMING HOUSE:** A building other than a hotel where lodging for 3 but not more than 20 persons is provided for compensation or by pre-arrangement but no meals are served.

**13.1.1.38**

**13.1.1.39 SCHOOL:** A public or private facility that provides a curriculum of elementary and secondary academic instruction including kindergartens and pre-kindergartens.

**13.1.1.40**

**SCREENING:** A method where a view of one site is shielded, concealed, or hidden from another site. Screening techniques include fences, walls, berms, densely planted vegetation, natural vegetation or other features. Screening must provide a visual and acoustical barrier that is of such nature and density that it provides year-round maximum shielding, concealment or hiding from the ground to a height of at least eight (8) feet or from view from the normal level of a first story window on an abutting lot.

**SELF-STORAGE FACILITY:** See "mini-warehouses."

**SETBACK:** The minimum horizontal distance between the lot or property right-of-way line and the nearest front, side or rear line of the building, including terraces or any covered projections but excluding steps.

**SHOPPING CENTER:** A group of retail business and service uses on a single site planned and developed as a unit, with common off-street parking facilities.

**13.1.1.41 SIGN:** A structure or device designed or intended to convey information to the public in written or pictorial form.

**13.1.1.42**

**SIGN AREA:** The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports or uprights on which this sign is placed, provided, however, that any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or fixture of any kind composing the display face shall be included in the computation of the area of the sign whether this open space is enclosed or not by a frame or border.

**SIGN FACE:** The surface of the sign upon, against or through which the message of the sign is exhibited.

**SIGN HEIGHT:** The vertical measurement from the highest part of a sign, including all support structures, to the average ground level. Any earth berm or elevated foundation that supports a sign, sign post, or sign support is included in the height of the sign.

**SIGN STRUCTURE:** Any construction used or designed to support a sign.

**SITE BUILT:** A building constructed on-site with approved building materials, inspected periodically during construction, and constructed according to locally adopted building codes.



**13.1.1.43**

**13.1.1.44**SMALL-SCALE CROP FARMING: The production of crops on a small-piece of land without using advanced and expensive technologies.

**13.1.1.45**

SOLID FENCE: An artificially constructed barrier of any material or combination of materials generally manufactured for fencing, erected to enclose or screen areas of land in a manner where the area inside the fencing is not readily visible at any distance.

SOLID WALL: A wall constructed in such a manner to prohibit viewing of land, materials, buildings, etc., located behind the wall, from an individual standing outside and parallel to the wall.

**13.1.1.46**

STORAGE TRAILER: A prefabricated portable storage building commonly attached to a cab or chassis for transportation.

STORY: That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

STREET: A public or private thoroughfare which affords the principal means of ingress and egress to abutting property and is classified in §6.8of this ordinance.

STREET, PUBLIC: A street that is titled by description or deed and vested in the City of Bowman.

STREET LINE: The legal line between street right-of-way and abutting property.

STRUCTURE: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site built buildings, manufactured, mobile and modular homes, swimming pools, and signs.

**13.1.1.47**

**13.1.1.48**SUBDIVISION: The division of a tract, lot or parcel into 3 or more lots, building sites, or other divisions for the immediate or future purpose of sale, lease, offer or development. Also see City of Bowman Subdivision Ordinance.

**13.1.1.49**

TEMPORARY STRUCTURE: Any structure used in conjunction with construction work which may not be used as a residence, and must be removed immediately upon completion of construction.

THEATER: An indoor commercial facility used for the sole purpose of showing commercially produced movies to a paying audience. Generally theaters contain a concession facility.

**13.1.1.50**

**13.1.1.51**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. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

**13.1.1.52**

TOWNHOUSE: A single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each separated from the adjoining unit or units by approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door, which opens to the outdoors, and shall have a minimum of 2 floors. There is no access between adjoining units.

TRANSFER STATION: A facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation. The purpose of this type facility is to allow consolidation of smaller loads into larger vehicles, thereby reducing overall community truck traffic. A transfer station must comply with the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, §391-3-4, Solid Waste Management, effective June 27, 1993, and as amended.

**13.1.1.53**

VARIANCE: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading ordinances as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of the owner of said property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

YARD: An open space on the same lot with a principal use, unoccupied and unobstructed by buildings or structures from ground to sky except where projections and accessory buildings are expressly permitted in these ordinances.

YARD, FRONT: An open, unoccupied space on the same lot with the principal use, extending the full width of the lot and situated between the right-of-way line and the building line projected to the side lines of the lot. Covered porches, whether enclosed or unenclosed, are considered part of the principal use and shall not project into a required front yard. On corner lots, the front yard is considered parallel to the street upon which the lot has its largest dimension.

**13.1.1.54**

**13.1.1.55**YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

**13.1.1.56**

YARD, SIDE: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

ZONING ACTION: A request for any action under the Zoning Ordinance, including, but not limited to, rezoning, variance, conditional use permits, tower ordinances, and sign ordinance.

**13.1.1.57**

**13.1.1.58**ZONING ADMINISTRATOR: The city clerk or his/her designated representative, who is vested with the duty of administering land use regulations within the incorporated areas of the City of Bowman.

## ARTICLE IV: ESTABLISHMENT OF DISTRICTS

### 4.1. Establishment of Districts

For the purpose of this ordinance, the incorporated area of the City of Bowman, Georgia is divided into zoning districts as follows:

BOW-A	AGRICULTURAL DISTRICT
BOW-B	BUSINESS
BOW-R1	LOW DENSITY RESIDENTIAL
BOW-R2	MEDIUM DENSITY RESIDENTIAL
BOW-R3	MULTI-FAMILY RESIDENTIAL

DISTRICT	DESCRIPTION	PURPOSE	MINIMUM LOT SIZE
BOW-A AGRICULTURAL	Comprised primarily of open land with low density residential and is noted by its agricultural character.	To encourage a compatible relationship between agriculture and low density, single family rural residential development.	5 Acres
BOW-B BUSINESS	Intended for all business types of professional, retail sales and service establishments	To meet the needs of the citizens of the City of Bowman and surrounding areas. This excludes home base businesses.	Lot Sizes Vary
BOW-R1 LOW DENSITY RESIDENTIAL	Low-Density Single-Family Dwelling in a rural setting	To allow for low-density single-family residential	1.5Acres
BOW-R2 MEDIUM DENSITY RESIDENTIAL	Medium-density Single-Family Dwelling in a sub-division or neighborhood setting.	To allow for medium-density single-family residential developments that utilizes a municipal/public water system.	15,000 sq. ft. (Ex: Subdivisions, Neighborhoods)
BOW-R3 MULTI-FAMILY RESIDENTIAL	High-Density, Multi-Family Dwelling	To allow for high-density multi-family residential developments that utilizes a municipal/public water system.	15,000 sq. ft. per dwelling building. Requirements Vary (Ex. Apartments, Townhomes, or Condominiums)

### 4.2. Zoning Map

#### 13.1.1.59

**13.1.1.60** The boundaries of these districts are hereby established as shown in the "The Official Zoning Map of Bowman, Georgia". Said map is hereby made a part of this Ordinance. As evidence of its authenticity, the official zoning map shall be signed by the Mayor and attested to by the City Clerk. The map is a public record and shall be kept in the City Clerk's Office and accessible to the general public during normal business hours.

### 4.3. Map Amendment

If, in accordance with provisions of this Ordinance, changes are made in the boundaries or other information portrayed in the Official Zoning Map, such changes must be made on the Official Zoning Map within 30 days after the amendment has been approved by the Mayor and Council

together with a numerical entry on the Official Zoning Map referring to the application on file which states the date of the official action and the brief description of the nature of the change(s). No amendment to this Ordinance that involves a matter portrayed on the Official Zoning Map is effective until after such change and entry is made on the map. All changes made to the official zoning map or matters shown thereon must be in conformity with the procedures set forth in this zoning ordinance. Any unauthorized change by any person is considered a violation of this Ordinance and punishable as provided by law and this ordinance.

#### **4.4. Rules for Determining Boundaries**

The following rules apply where uncertainty exists with respect to the boundaries of any of the zoning districts shown on the Official Zoning Map for Bowman, Georgia.

- 4.4.1** Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys or railroads, center lines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- 4.4.2** Where district boundaries are approximately parallel to or extend to the center lines of streets, highways, railroads, including their rights-of-way, or the center lines of streams, reservoirs, or other bodies of water, district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, dimensions shall be determined by the scale shown on the Official Zoning Map.
- 4.4.3** Where a district boundary line divides a lot that is under single ownership at the time of enactment of this Ordinance, the use classification of the larger portion may be extended by the Mayor and Council to the remainder without recourse to the amendment procedure.
- 4.4.4** Where a public road, street or alley is officially abandoned, the ordinances applicable to the parcel to which it reverts shall apply.
- 4.4.5** In case the exact location of a boundary cannot be determined by the foregoing methods, the Mayor and Council shall, upon application, determine the location of the boundary.

## **ARTICLE V: APPLICATION OF ORDINANCES**

### **5.1. Use**

No building, structure, premises, or land shall be used or occupied and no building or part thereof shall be erected, extended, enlarged, constructed, moved, or altered except in conformity with these ordinances for the district in which it is or will be.

### **5.2. Building Height**

No building or structure shall be erected, constructed, or altered that exceeds the height limit for the district in which it is located.

### **5.3. Lot Area and Lot Size**

Unless acquired for public use, no lot shall be reduced in size so that it does not comply with the applicable provision of this ordinance. 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 Zoning Code, whichever is greater. The building inspector is authorized to increase minimum lot sizes and otherwise vary zoning district development standards to accommodate the need to use septic tanks and health department regulations in this regard. The site location on the lot of these facilities shall be approved by the county health department in accordance with all applicable requirements. The county health department will require larger lot sizes in individual cases based on a variety of factors, in accordance with their regulations. The unavailability of public sewer shall preclude the ability to develop projects which cannot utilize septic tanks.

### **5.4. Yards**

No part of a yard or lot required for one building shall be included as part of a yard or lot similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections do not extend more than 2 feet into the yard area requirements.

### **5.5. Corner Lots**

Minimum side yard requirements for corner lots shall not be less than the minimum front yard requirements for such lots.

### **5.6. Principal Buildings**

- 5
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6.5

**5.6.1** In the Agricultural zones, no more than two (2) principal residential dwellings may be erected on a single lot or tract of land provided all yard and other space requirements of this Ordinance are met for each structure and each building shall be located on a lot or parcel which abuts a public street or road or has access to a public street or road by means of a recorded easement.

**5.6.2** In the Business and Light Industrial zones more than one (1) principal building containing a permitted or conditional use may be erected on a single lot or tract of land provided that all yard and other space requirements of this Ordinance are met for each structure as though it were on an individual lot.

**5.6.3** In the Medium Density Residential and Low Density Residential zones, only one (1) principal residential dwelling may be erected on a single lot or tract of land provided that all yard and other space requirements of this Ordinance are met.

**5.6.4** In the Multi-Family Residential zones, more than one (1) principal building containing a permitted use may be erected on a single lot or tract of land provided that all yard and other space requirements of this Ordinance are met for each structure as though it were on an individual lot.

All property owners wishing to subdivide lot(s) must present the proposed plat(s) to the city clerk's office for approval by the Mayor, prior to recording such plat(s) with the Elbert County Clerk of the Superior Court and before a building permit can be issued. A parcel of land divided into 3 or more lots for sale or legacy may be subjected to the Bowman Subdivision Regulations.

**5.7. Minimum Distance between Buildings**

The following minimum distances between structures are required unless otherwise specified within this Ordinance.

**5.7.1** There shall be a distance of not less than 10 feet between a principal and accessory building located on the same lot or parcel.

**5.7.2** All principal and accessory buildings shall be located within the setbacks required for the zoning district.

See Article VIII to view a quick reference table of Area, Yard, and Height Requirements.

**5.8. Temporary Structures**

Temporary structures used in conjunction with construction work only may be permitted in any district and shall be removed within seven (7) days of the issuance of a Certificate of Occupancy.

**5.9. Substandard Lots of Record**

Any platted lot of record which legally existed prior to the adoption of this Ordinance, which has an area or width less than required by this Ordinance, may be used, subject to the following:

**5.9.1** When two or more such lots with continuous frontage are in one ownership at any time after the adoption of this Ordinance, such lots shall be considered as a single lot or several lots of the minimum width and area required in the district.

## ARTICLE VI: GENERAL CONDITIONS

6.

### 6.1. Non-Conforming Lots, Use, and Structures/Buildings

#### 13.1.1.61

**13.1.1.62** Within the zoning districts established by this article there may exist lots, structures, and uses of both land and structures which were lawful before the ordinance from which this section is derived was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this article as adopted or subsequently amended. It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this article that nonconformities shall not be enlarged upon, extended or expanded, nor be used as grounds for adding other structures or uses prohibited in the same district.

#### 13.1.1.63

**13.1.1.64** Nonconforming lots, uses, and structures may continue in their nonconforming status with the following limitations and/or requirements:

#### 13.1.1.65

##### 6.1.1 Non-conforming Lot

**13.1.1.66** A single, lawful lot-of-record which does not meet the requirements of this article for area or dimensions, or both, may be used for the buildings and accessory buildings necessary to carry out permitted uses subject to the following provisions:

#### 13.1.1.67

a. Off-street parking requirements as provided for in section 6.32, section 6.34, and section 6.35 of this article are met; and

#### 13.1.1.68

- b. Such lot does not adjoin another vacant lot(s) or portion of a lot in the same ownership.
- c. If two or more adjoining lots or portions of lots in single ownership do not meet the requirements established for lot width, frontage or area, the property involved shall be treated as one lot, and no portion of said lot shall be used or sold in a manner which diminishes compliance with this article.
- d. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this article is derived, notwithstanding limitations imposed by other provisions of this chapter only so long as it is used for a single-family residence. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Mayor and Council.

## **6.1.2 Non-conforming Uses of Land**

**13.1.1.69** When a use of land is nonconforming pursuant to the provisions of this article, such use may continue as long as it remains otherwise lawful and complies with the following provisions:

### **13.1.1.70**

- a. Off-street parking requirements as provided for in section 6.3.2, section 6.3.4, and section 6.3.5 of this article are met; and

### **13.1.1.71**

- b. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than that which was occupied at the time the use became nonconforming;

### **13.1.1.72**

- c. No nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the time the use became nonconforming; and

### **13.1.1.73**

- d. Any nonconforming use of land which has been discontinued for a continuous period of six (6) months, shall not be reestablished. Any future use shall be in conformance with this Ordinance.

### **13.1.1.74**

## **6.1.3 Non-conforming Uses of Structures/Buildings**

**13.1.1.75** If a lawful use of structure/building, or of a structure and lot in combination, exists at the effective date of adoption of the ordinance from which this section is derived or its subsequent amendment that would not be allowed under provisions of this article as adopted or amended, to avoid undue hardship, the lawful but nonconforming use may be continued so long as it complies with other regulations, subject to the following conditions:

### **13.1.1.76**

- a. Such nonconforming use of structure/building:

### **13.1.1.77**

1. Shall not be changed to another nonconforming use.

### **13.1.1.78**

2. Shall not be reestablished after its removal from the property.

### **13.1.1.79**

3. Any nonconforming use of structure/building which has been discontinued for a continuous period of six (6) months shall not be reestablished. Any future use shall be in conformance with this Ordinance.

### **13.1.1.80**

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

5. 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 the ordinance from which this section is derived and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.



- b. If an existing use was lawfully established in a zoning district that is subsequently amended to require a conditional use permit approval for such use, pursuant to article XI, the existing use shall not be subject to the provisions of this subsection.

**13.1.1.81**

- c. Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of the ordinance from which this section is derived 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 the ordinance from which this section is derived or the adoption of an amendment to it, regardless of the intent or expectation to commence or abandon such nonconforming use.

**6.1.4 Non-conforming Structures/Buildings**

When a lawful structure exists on the effective date of adoption or amendment of the ordinance from which this section is derived or its amendments that could not be built under the terms of this article because of restrictions on building area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may continue and remain as long as it complies with all other zoning regulations, subject to the following conditions:

- a. No structure/building may be enlarged or altered in a way which increases its nonconformity; but any structure or portion may be altered to decrease its nonconformity.

**13.1.1.82**

- b. Any structure/building which is moved, for any reason and for any distance whatever, shall conform to the regulations for the district in which it is located.

**13.1.1.83**

- c. Destruction by any means of more than 50 percent of the appraised valuation of the structure shall require that the structure be reconstructed in conformity with the provisions of this article. The "appraised valuation" is the value of the structure prior to such destruction or damage having occurred, and shall be the appraised value established by the county tax assessor.

**13.1.1.84**

- d. Destruction by any means of 50 percent or less of the appraised valuation of the structure shall not require that the structure be reconstructed in conformity with the provisions of this article. However, if a building permit to reconstruct the structure is not obtained within 12 months from its destruction, the structure shall be reconstructed in conformity with the provisions of this article.
- e. Accessory structures. Nonconforming, accessory structures shall be subject to the same provisions as govern the primary structure to which they are an accessory.

**6.1.5 Unsafe Structures**

Any structure or portion thereof declared unsafe by an appropriate governing authority may be restored to a safe condition, provided the requirements of all applicable laws are met.

**6.1.6 Alterations to Non-Conforming Structures/Buildings**

Any change in a lawfully existing non-conforming structure/building is subject to the following:

1. No lawfully existing non-conforming building can be structurally altered, except:
  - Maintenance & Repairs on the building
  - Installation of plumbing fixtures required by law,
  - The changing of interior partitions, and

- Interior remodeling.

Improvements on a lawfully existing non-conforming building shall not exceed 50 percent of the value of the building as determined by the Building Inspector.

2. Whenever an owner of a lawfully existing non-conforming residential dwelling must make repairs on or installation of plumbing fixtures which will force the location of the future addition of the dwelling nearer the lot line, the addition to the dwelling shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of the dwelling.

## **6.2. Minimum Building Standards – Architectural Standards**

Exterior building materials and colors comprise a significant part of the visual impact of a building; therefore, they should be aesthetically pleasing. The following design guidelines and standards apply to all newly constructed and remodeled buildings used for multifamily residential, office or commercial purposes. These standards do not apply to single-family residential, duplex, industrial, storage or warehouse uses.

### **6.2.1 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 City or its designated building inspector to ensure adherence with this Section 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. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited.
- e. Contrasting accent colors on any single facade shall be limited to no more than 10 percent of the total wall area for any single facade.
- f. Permanent mounted exterior neon lights shall not be allowed.
- g. Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building with which they are associated.
- h. 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.

6.2.2 Building Materials.

**13.1.1.85**

Table 6.2.2 and this sub-section outlines allowed building materials that may be used and combined to create a consistent, attractive, interesting and long-lasting building design:

**Table 6.2.2**

Brick	Stone	Glass	Tilt Pre-Cast	Stucco	Concrete Blocks	CMU/Split-Face Block	Siding	Metal	Tile
Yes	Yes	Yes	No	Max. 50% per façade	No	Yes	No*	No	No

Note: \* Allowed for residential buildings. Buildings must have a minimum 4:12 roof pitch.

**a. Allowed Building Materials.**

**13.1.1.86**

- i. Brick, except brick veneers that are intended to simulate brick exteriors are not acceptable;
- ii. 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;
- iii. Split-face block/concrete masonry unit (CMU) is acceptable;
- iv. Tilt/architectural pre-cast concrete is not allowed;
- v. High grade stucco is restricted to 50% of the surface area of a façade;
- vi. Natural wood and/or cement-based artificial wood siding are allowed only for residential buildings;
- vii. Glass;
- viii. Exposed concrete block, metal, and tile are not allowed as building materials on a façade

**13.1.1.87**

**b. Ratios and Amounts of Allowed Building Materials.**

**13.1.1.88**

- i. Accent/Trim Exterior Building Material. Small amounts of building materials such as wood, tile, etc., may be used to enhance the façade of the building or for decorative elements, but should not exceed 10% of total wall area per façade.
- ii. Façade 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% of the total. The allowed façade materials shall not apply to entry doors and/or roll-up doors.

**13.1.1.89**

- 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 façade with a gross façade 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 façade [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 10% or 120 square feet.

### 6.2.3 Roof Requirements

#### 13.1.1.90

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. 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.
- d. **Other.** Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.

### 6.2.4 Arcade/Structural Canopy for Retail Use

#### 13.1.1.91

**13.1.1.92** 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 Planning Director.

### 6.2.5 Street Orientation

#### 13.1.1.93

**13.1.1.94** Principal building entrances shall be oriented to public streets.

### 6.2.6 Building Height

#### 13.1.1.95

**13.1.1.96** No building shall exceed 35 feet in height. Height of any building or structure should blend aesthetically with the existing and surrounding buildings located within the district.

## 6.2.7 Pedestrian Accessibility&Safety

### 13.1.1.97

**13.1.1.98** Pedestrian accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier, more inviting image.

- a. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
- b. All pedestrian walkways, entryways, patio and seating areas internal to the site shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials, such as pavers, bricks or colored, patterned concrete, to enhance pedestrian safety and comfort and to provide an attractive walkway.
- c. All pedestrian crosswalks which cross vehicular traffic internal to the site and at the perimeter of the site shall be distinguished from driving surfaces through the use of terra cotta colored, stamped, patterned concrete or at a minimum reflective stripping or paint.
- d. Sidewalks must comply with all requirements of the federal Americans with Disabilities Act.

## 6.2.8 Access Management Standards

### 6.2.8.1 Driveways

**13.1.1.99** Driveway connections to public streets shall be consistent with the following standards:

### 13.1.1.100

- a. 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.
- b. Driveway connections shall not be permitted within the controlled access zone of an intersection.
- c. Outparcels with less than 200 feet of road frontage are restricted to internal access only.
- d. No developed property may have a curb cut in excess of 30 feet in width, without approval of the Mayor and Council or the City Building Inspector. See Section 6.7.1.
- e. 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.
- f. Whenever possible, driveways on undivided arterials, collector streets, or local streets should align with driveways (if any) on the opposite side of such street.
- g. 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.
- h. 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 6.2.8.1 are generally acceptable guidelines intended for the major entrance driveway of a commercial development.

**Table 6.2.8.1: Driveway Throat Length for Commercial Centers**

<b>Commercial Center Total Gross Floor Area</b>	<b>Throat Length of Principal Driveway*</b>
Under 25,000 square feet	50 feet - 60 feet
25,000 - 50,000 square feet	60 feet - 85 feet

**13.1.1.101**

6.2.8.2 Deceleration Lanes

**13.1.1.102**

**13.1.1.103** A deceleration lane and any other access improvements as deemed necessary by the Mayor and Council or the City Building Inspector shall be installed at all entrance roads into a commercial or industrial development.

**13.1.1.104**

- 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.
- 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.
  - c. 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 the City. Deceleration lanes and tapers may be required to be of greater length, based on the design speed of the road.
  - d. Curb and gutter along all deceleration lanes and tapers are required. 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.
  - e. Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall also be required.
  - f. The developer will pay the cost of any catch basins that must be constructed along an existing city road as a result of the deceleration lane.
  - g. All utilities and drainpipes shall be relocated at the developer's expense outside of the deceleration lane.
  - h. 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 Mayor and Council or the City Building Inspector following accepted engineering practice.

### **6.3. Off-Street Automobile Parking**

Within Bowman, Georgia, off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this ordinance.

#### **13.1.1.105 6.3.1 General Requirements**

For the purpose of this Ordinance the following general requirements are specified:

**13.1.1.106** **A.** If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within 600 feet of the property line of the principal use. The parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

**13.1.1.107** **B.** The required number of parking spaces for any 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.

**13.1.1.108** **C.** Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, and unless equivalent parking space is provided to the satisfaction of the Building Inspector.

**13.1.1.109** **D.** Off-Street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

**E.** In all zoning districts, excluding single-family dwellings and accessory buildings or accessory dwelling units (Guest Home), off-street parking facilities for motor vehicles for the use of occupants, employees, and patrons of the building or structures hereafter erected, altered, or extended shall be provided and maintained as follows:

#### **6.4.1 Surface & Drainage**

**A.** All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete, porous pavement or similar materials unless the parking and driveway areas are overflow parking areas.

**B.** Overflow parking shall be constructed of gravel, crush and run gravel, or porous pavement. For porous pavement, the site shall meet the following criteria:

**(1)** Soils should have a permeability between 0.5 and 3.0 inches perhour.

**(2)** The bottom of the stone reservoir should be completely flat so that infiltrated runoff will be able to infiltrate through the entire surface.

**(3)** Porous pavement should be located at least 2 to 5 feet above the seasonally high groundwater table, and at least 100 feet away from drinking water wells.

**C.** All off-street parking shall be properly drained and surfaced to avoid water and dust problems.

**13.1.1.110**

#### **6.4.2 Parking Area Design & Dimensions**

**A.** All off-street parking areas, excluding driveways associated with residential development shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available due to topography or lot configuration.

**13.1.1.111**

**B.** Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

**13.1.1.112**

**C.** Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility, or structure.

**13.1.1.113**

**D.** No signage shall be placed within the public right-of-way. Signs and planting strips shall not obstruct the visibility of drivers or pedestrians.

**13.1.1.114**

**E.** All parking lots must be maintained in a clean, litter free condition.

**13.1.1.115**

**F.** Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

**13.1.1.116**

**G.** Tandem parking for off-street parking – where one vehicle is parking in front of another and effectively blocked from moving without first moving the other –

1. Is permissible only for residential uses.
2. Is permissible for non-residential uses where valet parking, or fleet parking or other similar attended parking use is provided when approved by the Mayor and Council.

**13.1.1.117**

**H.** Parking Dimensions Table:

**13.1.1.118**

A Angle	B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang (See Note)
0 <sup>0</sup>	8'	8'	12'	22'	0'
30 <sup>0</sup>	10'	17.7'	14'	20'	1'
45 <sup>0</sup>	10'	19.8'	14'	14.1'	1.5'
60 <sup>0</sup>	10'	20.6'	18'	11.5'	1.5'
90 <sup>0</sup>	10'	18'	24'	10'	1.5'

Note: Overhang (Dimension "F") may be utilized to reduce parking length if a solid curb is installed and the overhang is landscaped with plant material that does not exceed 12 inches mature height. If an attached sidewalk and curb are proposed as a wheel stop, the sidewalk must be a minimum of 4' wide plus the overhang width.

**6.4.3 Lighting**

All parking area lighting shall be full cutoff-type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from adjacent residential properties and away from the vision of passing motorists.

**6.4.4 Parking Space Requirements for All Districts**

**13.1.1.119**



**13.1.1.120** Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to the minimum requirements for the specific land use set forth in the tables shown on the following pages.

**13.1.1.121**

**13.1.1.122** The required minimum parking shall not be encroached upon by refuse containers, signs or other structures, nor used for parking of equipment or outdoor storage of goods for sale or storage.

**13.1.1.123**

OFF STREET PARKING		
	Land Use	Parking Requirements
1.	One and Two Family Dwellings	2 spaces for each dwelling unit.
2.	Multi-family Dwellings	1½ space per dwelling unit except for efficiency apartments for which one space per dwelling unit shall be provided.
3.	Hotels/Motels	1 space for each lodging accommodation plus 1 additional space for each 5 employees on the largest work shift, plus 50 percent of the spaces otherwise required for accessory uses (e.g. restaurants and bars).
4.	Boarding and Rooming Houses, Bed & Breakfast, and Dormitories	1 space for each guest bedroom plus 1 space for every 3 employees on the largest work shift.
Public Assembly:		
	Land Use	Parking Requirements
1.	Religious institutions and other places of worship	One (1) space for each three (3) seats in the main auditorium or sanctuary.
2.	Community Center	One (1) space for each five (5) active members.
3.	Theaters, Auditoriums Stadiums and similar Places of Assembly	1 space for each 4 seats.
4.	Libraries, Museums	1 space for each 500 square feet of gross floor area.
5.	Schools, including kindergarten, Preschools and day care Centers	1 space for each 4 seats in assembly hall, or 1 space for each employee, including teachers and administrators, whichever is greater, plus 5 spaces per classroom for high school and colleges.
6.	Skating Rinks, Dance Halls, Pool Rooms and Other Places of Amusement or Assembly without Fixed Seating Arrangements.	1 space for each 4 persons based on occupancy load calculated by the Building Code.
7.	Bowling Alleys	4 spaces for each alley or lane.

<b>Health Facilities:</b>		
1.	Hospitals, Sanitariums, Nursing Homes, Homes for the Aged and Similar Institutional Uses	1 space for each 4 beds (not including bassinets), plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees, including nurses, plus 1 space for each hospital vehicle.
2.	Kennels and Animal Hospitals	A parking area equal to 25 percent of the total enclosed or cover area.
3.	Medical, Dental and Health Offices and Clinics	1 space for each 200 square feet of floor area used for offices and similar purposes.
4.	Mortuaries and Funeral Parlors	5 spaces per parlor or chapel unit, or 1 space per 4 seats, whichever is greater.
<b>Businesses:</b>		
	<b>Land Use</b>	<b>Parking Requirements</b>
1.	Automobile Repair Establishments	1 space for each regular employee plus 1 space for each 250 square feet of floor area.
2.	Food Stores (including convenience and grocery store)	1 space for each 200 square feet of floor area designated for retail sales only.
3.	Restaurants, including Bars, Grills, Diners, Cafes, Taverns, Night Clubs, Lunch Counters and similar Dining and/or Drinking Establishments	1 space for each 4 seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use but not containing seats.
4.	Office Buildings, including Banks, Business, Commercial and Professional Offices and Buildings but excluding Medical, Dental and Health Offices and Clinics	1 space for each 350 square feet of ground floor area, plus 1 for each 500 square feet of upper floor area.
5.	General Business, Commercial or Personal Service Establishment Catering to the Retail Trade but excluding Food stores	1 space for each 350 square feet of floor area designated for retail sales only.
6.	Shopping Centers	2.8 spaces for each 1,000 square feet of floor area designated for retail sales only.
7.	Furniture Stores	1 for each 1,000 square feet of gross floor area.
8.	Automobile Sales Lot, new and used	1 space per 600 sq. ft. of enclosed floor space, plus 1 space for each 3,000 sq. ft. of outside display area. Car display area does not have to be paved but must, at a minimum, be covered with 4 inches of gravel or crusher run.
9.	Public Utilities, such as Telephone Exchanges and Substations, Radio and floor area in the building TV Stations, and Electric Power and Gas Substations	A parking area equal to 25 percent of the gross floor area.

Industries:		
	Land Use	Parking Requirements
1.	Commercial, Manufacturing and Industrial Establishment, not Catering to the Retail Trade	1 space for each 3 employees on the maximum working shift, plus 1 for each company vehicle on the premises.
2.	Wholesale Establishments	1 space for every 50 square feet of customer service area, plus 2 spaces for each 3 employees on the maximum working shift plus 1 space for each company vehicle operating from the premises.

For specific buildings or uses not scheduled above, the Building Inspector shall apply the unit of measurement set forth in the above schedule which is deemed to be the most similar to the proposed building or use, or approve site specific parking based on developer submitted data (subject to Building Inspector approval), or apply an appropriate standard from an accepted reference manual.

#### **6.4.5 Shared Off Street Parking**

Two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use, provided the following conditions are met:

- a. The minimum required number of parking spaces for the combined uses may be reduced by 20 percent where hours of operation overlap and the uses within the businesses share general customer traffic.
- b. Off-site spaces shall be within 600 feet of the property line of the principal use. If the pedestrian access is to cross an arterial street, appropriate safety measures must be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the parking lot.
- c. The parking facility to be shared must contain at least the minimum required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being paved and striped according to the standards of this ordinance.
- d. The parking facility to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served.
- e. No changes shall be made to the shared parking facility which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without approval of the Zoning Administrator.
- f. Parking spaces to be shared must not be reserved for a specific person, individual, or use on a twenty-four hour basis.
- g. Handicap parking spaces cannot be shared, unless the establishments that are to share the spaces are adjacent to the handicap spaces and not inconvenient to the users of such spaces.

- h. Loading space shall not be used for general parking.
- i. Any proposed change in the use of a structure that shares a parking facility will require proof that adequate parking is available.
- j. Off-site and shared parking may be used in combination to develop parking facilities, provided all the requirements of this section are met.

**6.4.6 Stacking Space for Drive-through Facilities**

1. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:

- a. Stacking spaces and lanes for drive-through stations shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- b. Drive-through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- c. Approach lanes for drive-through facilities shall have the following minimum widths:
  - (1) One lane: 12 feet per lane
  - (2) Two or more lanes: 10 feet per lane
  - (3) All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.
  - (4) Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
  - (5) Each stacking space shall be a minimum of 10 feet by 20 feet.
- d. The number of stacking spaces shall be provided as follows:

Activity Type	Minimum Stack	Measured From
Automated Teller Machine	3 per machine	Teller Machine
Bank teller lane	3 per lane	Teller Window
Car Wash Stall, automatic	4	Entrance

Activity Type	Minimum Stack	Measured From
Car Wash Stall, self-service	1	Entrance
Gasoline Pump Island	20 Feet from each end of the pump island	
Other	To be determined by the Building Inspector	

### 6.4.7 Handicap Parking Spaces

1. Handicap parking spaces shall be required for all retail, office, business, industrial and institutional uses, as well as attached residential units.
2. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.
3. Handicap parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, handicap parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance to the parking area. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
4. Number of handicap parking spaces requirements:

HANDICAP PARKING SPACES	
Total Parking Space in Lot	Minimum Required Number of Handicap Parking Spaces
1-25	1 (Must be Van-Accessible)
26-50	2
51-75	3
76-100	4
101-150	5
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 every 100 over 1,000

5. For every eight handicap parking spaces, there must be at least 1 van-accessible space. If there is only 1 handicap parking space, that space must be van-accessible.

6. Parking space dimensions.

- a. Parking spaces must be 8 feet by 18 feet with a five-foot-wide access aisle.
- b. Van-accessible spaces must be 8 feet by 18 feet with an eight-foot-wide access aisle.
- c. Parking spaces that are parallel to a pedestrian walk which is handicap-accessible may have the same dimensions as those of standard vehicles.

### 6.4. On-Street Automobile Parking

On-street parking for guests shall be permitted on all local streets with the R1, R2, and MU districts. 90-degree (perpendicular parking) on-street parking is only permitted on local streets.

### 6.5. Landscape Standards for Parking Lots

Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties.

In addition, parking lots should be adequately shaded to reduce the amount of reflected heat. When a lot is located adjacent to a public right-of-way, a minimum of 10 feet of landscaped land will be provided between the right-of-way and the parking lot to reduce the visual impact of the parking lot. The landscaping site plan must be approved by the Building Inspector.

**6.5.1** Along the perimeter of the parking lot, to reduce its visual impact:

**(a)** Provide a ten-foot wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. Provide a minimum of one shade tree per every 40 feet of lot perimeter. However, this does not mean that shade trees must be located 40 feet on center. Additional shade trees may be necessary to effectively shade/screen the parking lot.

**6.5.2** For the purpose of calculating off-street parking lot squarefootage, all areas within the lot's perimeter are counted, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement. Landscape provisions only apply to parking areas for customers or employees. The amount of landscaping required is based on the following sliding scale:

Total Area of Lot	Percent of the Total Area (sq. ft.) of Lot that must be an Interior Planting Area
0 - 15,000	5.0%
15,001 - 29,999	7.5%
30,000 or greater	10.0%

The above percentage must be planted in shade trees. This is necessary to break up the visual expansiveness of lots and to reduce glare and heat. Landscaping requirements will be to plant a minimum of 1 overstory or 2 understory trees per 200 square feet of required interior planting area. The trees shall be the following criteria:

- a. Overstory trees shall be a minimum of 2-1/2 inches caliper. Overstory trees include but are not limited to oaks, pines, and maples.
- b. Understory trees shall be a minimum of 1 inch caliper. Understory trees include but are not limited to dogwoods, crepe myrtles, and redbuds.

**13.1.1.124**

- c. No more than one third of the trees can be understory trees.
- d. No more than 50 percent of the trees can be of a single variety.

To achieve these objectives, the following alternatives should be considered:

- a. Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and overstory trees.
- b. Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.
- c. Provide planting islands (a minimum of nine feet wide) between every 10 to 15 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet.

6.5.1.6

Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot.

**6.5.3** The general guidelines listed below should be followed for all parking lots.

**13.1.1.125**

1. Use shade trees with ground cover or low shrubs as the primary landscape material within parking lots. Avoid tall shrubs or low branching trees that will restrict visibility.
2. For planting islands that are parallel to spaces, islands should be a minimum of nine feet wide to allow doors to open.
3. For planting islands that are perpendicular to spaces, islands should be a minimum of eight feet wide to allow for overhang of parked cars. If parking is only on one side of the island, an eight foot width is still required.
4. Screening of mechanical equipment, trash, and loading areas should be provided. This can be achieved using walls, fences, and/or landscaping.
5. Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.

**13.1.1.126**

**6.6.1 Maintenance of Perimeter and Interior Parking Lot Landscaping**

The owner, tenant, and their agent, if any, are jointly and severally responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. All landscaped areas must be watered via an underground sprinkler systems or be provided with a readily available water supply with at least one (1) outlet located within one hundred fifty (150) feet of all plant material to be maintained.

**6.5.4.1** All plant growth in landscaped areas must be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

**6.5.4.2** All planted areas must be maintained in a relatively weed free condition and clear of undergrowth.

**13.1.1.127**

**6.5.4.3** All planting must be fertilized and irrigated at such intervals as necessary to promote optimum growth.

**13.1.1.128**

**6.5.4.4** All trees, shrubs, ground cover, and other plant materials must be replaced during the next suitable planting period if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

**13.1.1.129**

**6.5.4.5** Replacement plants must conform to all standards that govern the original installation of plantings.

**13.1.1.130**

## **6.6. Off Street Loading and Unloading Space**

Off street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

### **6.6.1 Size of Off Street Loading Spaces**

Each off-street loading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Building Inspector may reduce the minimum length accordingly to as little as 35 feet.

### **6.6.2 Connection to Street or Alley**

Each required off street loading space shall have direct access to a street or alley or have a driveway that offers satisfactory ingress and egress for trucks.

### **6.6.3 Floor Area Over 10,000 Square Feet**

Sufficient space for off-street loading and unloading must be provided for each hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 square feet of floor space. Such space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

### **6.6.4 Floor Area less than 10,000 Square Feet**

Sufficient off street loading space (not necessarily a full space if shared by adjacent establishments) must be provided for each commercial or industrial building requiring the receipt or distribution of materials for merchandise and having a floor area of less than 10,000 square feet. The space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

### **6.6.5 Location of Off Street Loading Spaces**

All required off street loading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot when the loading spaces are shared with the use occupying said adjacent lot.

### **6.6.6 Permanent Reservation**

Area reserved for off-street loading in accordance with this Ordinance must not be reduced or changed to any other use unless the permitted use that the off-street loading serves is discontinued or modified. However, equivalent loading space may be provided and approved by the Building Inspector.

## **6.7. Control of Curb Cuts and Vision Clearance**

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

### **6.7.1 Curb Cuts**

No curb cut shall be less than 9 feet nor exceed 30 feet in length unless the property will primarily serve tractor-trailer traffic. Except in residential districts, no curb cut shall be closer than 25 feet to another curb cut or access point. At street intersections, no curb cut or other access point shall be



located closer to the intersection than is necessary to serve the property but in no case shall be closer than 25 feet from the intersecting point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

A permit must be obtained from the Georgia Department of Transportation before curb cuts or any other point of access is authorized onto state owned highway rights-of-way from abutting property. Individuals requesting a development permit for property that abut a state owned highway must contact the District Traffic Engineer for consultation and DOT permit issuance before a local permit will be issued.

6

### **6.7.6**

#### **6.7.2 Vision Clearance**

In all zoning districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of 2½ and 10 feet from the ground level is permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroad lines, of a street intersection with a railroad line, or of curb cuts or driveways.

### **6.8. Classification of Streets**

**13.1.1.131** All streets in Bowman, Georgia, are divided into four (4) classes.

#### **13.1.1.132**

**6.8.1** Arterial streets and highways which are used primarily for fast or heavy through traffic.

**6.8.2** Collector streets which carry traffic from minor streets to the arterial streets and highways.

**6.8.3** Minor local streets used by residential or commercial, including cul-de-sacs, which are used primarily for access to the abutting properties.

**6.8.4** Alleys which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

#### **13.1.1.133**

### **6.9. Storage and Parking of Recreational Vehicles, Trailers, and Other Vehicles**

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot or parcel in any residential zoning district except in accordance with the following requirements:

**6.9.1** No commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products is permitted in any residential district.

**6.9.2** Recreational vehicles, hauling trailers, and boat trailers are permitted if parked or stored behind the front yard building line (in side or rear yards) in residential districts.

**6.9.3** A recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area.

**6.9.4** No automobile, recreational vehicle, trailer, or any other vehicle shall be parked in the right-of-way.

#### **13.1.1.134**

**6.9.5** All automobiles, recreational vehicles, trailers, and any other vehicles required to have a tag shall display a current Department of Motor Vehicle Tag.

#### **13.1.1.135**

**6.9.6** In all residentially zoned districts it is prohibited to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, commercial vehicles (except

those on a service call). For the purposes of this subsection, an abandoned vehicle shall be a vehicle without current state license.

**13.1.1.136**

**6.9.7** In all business and light industrial zoned districts it is prohibited to park or store abandoned, wrecked or junked vehicles. For the purposes of this subsection, an abandoned vehicle shall be a vehicle without current state license.

**13.1.1.137**

**6.10. Buffer Areas and Lighting**

All required buffer areas and landscape strips are in addition to area, yard, and height requirements for the zoning district as specified in Article VIII.

**6.10.1** In any business (B) or light industrial (LI) district, any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a solid wall, solid fence or tight evergreen hedge.

**13.1.1.138**

**13.1.1.139** Along the side and rear property lines the buffer shall not be less than eight (8) feet in height. If fencing is used, the bottom of the fence must be no higher than four (4) inches from the ground. The top of the fence must not evidence significant elevation changes (i.e. the top of the fence at the highest topographic elevation will determine the height of all portions of the fence, regardless of elevation changes). If constructed from wood, the fence height must be achieved by the installation of one continuous eight (8) foot, or greater, board.

**13.1.1.140**

**13.1.1.141** Along the front property line a ten (10) foot vegetated landscaped buffer area shall be maintained. The area should consist of landscaped materials of not less than two (2) feet tall or a decorative fence of not less than two (2) feet in height.

**13.1.1.142**

**13.1.1.143** The Mayor and Council shall, based on the character of the area, determine the type of buffer the applicant must install. All non-operating inventory must be stored behind the buffered area.

**13.1.1.144**

**6.10.2** A buffer shall be required on any lot with a non-residential use that abuts a lot with a residential use.

**13.1.1.145**

**6.10.3** In any district not subject to the requirements of §6.10.1 but requiring screening of a specified operation, said screening shall be a solid wall or solid fence or tight evergreen hedge not less than six (6) feet in height. The tight evergreen hedge shall grow to at least six (6) feet in height within five (5) years. There shall be a perimeter landscape strip at least ten (10) feet wide, unless otherwise specified, that conforms to the planting requirements of §6.5.1.3(2). Prior to any site construction or grading, the City Building Inspector must approve a landscaping plan.

**13.1.1.146**

**6.10.4** All outdoor lighting must reflect away from all residential dwellings and shall be situated to not directly reflect into any public rights-of-way.

**6.10.5** Any grading, improvement or construction adjacent to the buffer must not disturb or encroach on the buffer area.

**6.10.6** A ten (10) feet rear and side yard vegetated buffer is required for all (R3) multi-family developments in addition to required side and rear yards specified in Article VIII or IX.

# ARTICLE VII: USE REQUIREMENTS BY DISTRICT

7.

## 7.1. A Agricultural District

This zoning district is composed primarily of limited agricultural activities in areas where compatible low density, rural, single-family residential development has occurred or is occurring. The regulations for this district are designed to provide the landowner an opportunity to engage in limited hobby type agricultural activities for personal use, with the exception of fresh fruits, flowers or vegetables raised on the property that may be sold to the public. A farm or farming operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agriculture and management practices. The intent of this ordinance is to prevent the non-agricultural resident from encroaching on existing, approved, or projected expansion of farms or farming operations. All accessory agricultural buildings or structures to be used for storage or operations, not involving the housing of animals, when constructed or established must be at least 150 feet from any property line adjacent to a residential structure or zoning district. 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 section, 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.

### 7.1.1 Permitted Uses

Within the Agriculture District, the following uses are permitted:

- 7.1.1.1** Dwelling, Single family detached.
- 7.1.1.2** Manufactured home used as a single-family dwelling.
- 13.1.1.147** **7.1.1.3** Modular home used as a single-family dwelling.
- 13.1.1.148** **7.1.1.4** Accessory Dwelling.
- 7.1.1.5** Accessory buildings and accessory uses provided the requirements of §9.4 are met.
- 7.1.1.6** Agricultural uses including small scale crop farming, truck gardening, forestry, but excluding livestock, poultry houses and feedlots.
- 7.1.1.7** Home swimming pools, above and below ground, for home use, provided that the location meets the setback requirements provided for the district in §5.7.
- 7.1.1.8** Home office.

**7.1.2 Conditional Uses.**

Within the Agriculture District, the following uses may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

**7.1.2.1** Bed and Breakfast provided the requirements of §9.12 are met.

**7.1.2.2** Cemeteries.

**7.1.2.3** Community center or club, provided that the requirements of §9.13 are met.

**7.1.2.4** Nurseries, for the production and sale of plants and their related products.

**7.1.2.5** Sale of agricultural products grown or processed on the premises owned by the seller, provided that adequate pull off lanes and parking are provided at the site, and the use does not adversely affect existing or future adjacent residential uses or seriously impede traffic in the area.

**13.1.1.149**

**7.1.2.6** Home Occupation.

**7.1.2.7** Public and private schools provided that a complete site development sketch is submitted with the application. The school must be located on a lot fronting an arterial or collector street. All buildings must be at least fifty (50) ft. from any property line. The property must be bordered by a ten (10) ft. wide buffer area along its exterior boundary lines that do not border the frontage street. The buffer must not extend into the required front yard. The buffer area should be planted with evergreen trees or shrubs that grow at least eight (8) ft. tall within three (3) years and provide an effective visual screen.

**7.1.2.8** Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than a 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certified by the Health Department if septic tanks are involved and a time schedule setting for a development program.

**13.1.1.150**

**7.1.2.9** Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 5 acres and fronts on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) ft. wide buffer area is required along any property line abutting residentially zoned property.

**13.1.1.151**

**7.2. B Business District**

This zoning district is intended for the development of business and professional offices, retail sales and service establishments.

**7.2.1 Permitted Uses**

Within the Business District, only the following uses are permitted:

- 1
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- 5
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- 7
- 7.1
- 7.2

- 7.2.1**
- 7.2.1.1** Accessory buildings and accessory uses provided the requirements of § 9.4 are met.
- 7.2.1.2** Art Studio or Arts and Crafts store.
- 7.2.1.3** Automobile service areas provided the requirements of §9.8 are met.
- 7.2.1.4** Automobile repair garage when in conjunction with an automobile service station.
- 7.2.1.5** Bakery.
- 7.2.1.6** Barber and Beauty Shops.
- 7.2.1.7** Bed and Breakfast.
- 7.2.1.8** Book, Stationary, and Card Shop.
- 7.2.1.9** Business Offices.
- 7.2.1.10** Car Wash.
- 7.2.1.11** Catering Service.
- 7.2.1.12** Clothing Alterations.
- 7.2.1.13** Community Center & Community Based Services.
- 7.2.1.14** Convenience store/gas station/fast food.
- 7.2.1.15** Daycare center.
- 7.2.1.16** Drug store.
- 7.2.1.17** Educational Institutions.
- 7.2.1.18** Financial Institutions.
- 7.2.1.19** Florist, nursery and gift shop.
- 7.2.1.20** Frame shop.
- 7.2.1.21** Funeral Home/Mortuary.
- 7.2.1.22** Grocery store.
- 7.2.1.23** Hardware store.
- 7.2.1.24** Hotel/Motel.
- 7.2.1.25** Landscape Contractor/ Lawn Maintenance Services.
- 7.2.1.26** Medical Office & Clinic.
- 7.2.1.27** Museum.
- 7.2.1.28** Nurseries, for the production and/or sale of plants and their related products.
- 7.2.1.29** Professional office.
- 7.2.1.30** Religious Institution.
- 7.2.1.31** Restaurant.
- 7.2.1.32** Retail.
- 7.2.1.33** Laundromat.
- 7.2.1.34** Service occupation (Appliance Repair, Animal Grooming, Glass Repair).

- 7.2.1.35** Shopping centers with permitted uses in the Business District and a total leasable floor area of less than seventy-five thousand (75,000) square feet.
- 7.2.1.36** Signs, provided the requirements of Article X are met.
- 7.2.1.37** Temporary commercial use, including the sale of Christmas trees or the sale of seasonal fruit, but not to exceed a period of two consecutive months in a calendar year.
- 7.2.1.38** Veterinary hospitals, clinics and kennels, provided no unenclosed structure for the keeping of animals is located within two hundred (200) feet of a property boundary.
- 7.2.1.39** Utility facility, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area (an appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within 3 years.)

**13.1.1.152**

**7.2.2 Conditional Uses**

Within the Business District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.2.2.1** Assisted Living Home
- 7.2.2.2** Automobile Sales Lot
- 7.2.2.3** Cemetery
- 7.2.2.4** Club
- 7.2.2.5** Crematorium
- 7.2.2.6** Convalescent or nursing homes.
- 7.2.2.7** Dry Cleaners
- 7.2.2.8** Personal Care Home
- 7.2.2.9** Second floor may be used as a residential dwelling unit provided it is served by a private entrance.
- 7.2.2.10** Self-storage facility

**13.1.1.153**

**7.3. LI Light Industrial District**

The LI zone is established to protect and promote a suitable environment for light industrial purposes. Industrial uses that cause obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, glare, fire hazards or other objectionable environment conditions are prohibited from this district.

**7.3.1 Permitted Uses**

Within the LI District, only the following uses are permitted.

- 7.3.1.1** Accessory buildings and accessory uses provided the requirements under §9.4 are met.
- 7.3.1.2** Any establishment for manufacture, repair, assembly or processing totaling less than 100,000 square feet in floor area, and employing less than 200 employees, including, but not restricted to the following:

**13.1.1.154**

- Confectionery manufacture;
- Clothing and garment manufacture;
- Laboratories for testing materials, chemical analysis, photography procession;
- Manufacturing and assembly of scientific, optical and electrical equipment;

- Manufacture of musical instruments and parts;
- Manufacture of souvenirs and novelties;
- Manufacture of toys, sporting and athletic goods.

- 7.3.1.3** Baking and food processing plants, but not including theon-site slaughter or processing of animals.
- 13.1.1.155**
- 7.3.1.4** Cold storage plants.
- 13.1.1.156**
- 7.3.1.5** Permanent sawmills and planning mills.
- 13.1.1.157**
- 7.3.1.6** Contractor's storage and equipment yards when locatedentirely within a building or fenced area asrequiredby §9.13.
- 13.1.1.158**
- 7.3.1.7** Dyeing plants.
- 13.1.1.159**
- 7.3.1.8** Industrial Parks and Planned Industrial Parks, provided that the provisions of §9.9 are met.
- 13.1.1.160**
- 7.3.1.9** Printing and publishing plants.
- 13.1.1.161**
- 7.3.1.10** Processing of raw or semi-finished materials.
- 13.1.1.162**
- 7.3.1.11** Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of 8 feet within 3 years.)
- 13.1.1.163**
- 7.3.1.12** Radio stations.
- 13.1.1.164**
- 7.3.1.13** Retail sales of goods or products produced or processed on the site, provided sufficient paved off-street parking and loading space is constructed to accommodate retail customers.
- 13.1.1.165**
- 7.3.1.14** Signs, provided the requirements of Article X are met.
- 13.1.1.166**
- 7.3.1.15** Towers provided the requirements of §9.17 are met.
- 13.1.1.167**
- 7.3.1.16** Manufactured home sales.

### **7.3.2 Conditional Uses**

Within the Light Industrial District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.3.2.1** Truck terminals, provided that acceleration and deceleration lanes of at least two hundred (200) feet, including 50 feet flare, are provided for trucks entering or leaving the site and that generated truck traffic will not create safety hazard or unduly impede traffic.
- 13.1.1.168**
- 7.3.2.2** Crematorium.
- 13.1.1.169**
- 7.3.2.3** Transfer Stations.
- 7.3.2.4** Borrow Pits.

## **7.4. R1 Low-Density Residential District**

The R-1 District is composed primarily of low density residential areas where similar developments appear likely to occur. The district is designed to encourage single-family development in a rural setting and certain uses allied to or customarily incidental to residential developments in a rural area.

### **7.4.1 Permitted Uses**

Within the R1 District, only the following uses are permitted.

- 7.4.1.1** Dwelling, single-family, detached.  
**13.1.1.170**
- 7.4.1.2** Manufactured home qualifying as dwelling, single-family, detached.  
**13.1.1.171**
- 7.4.1.3** Modular home qualifying as dwelling, single-family, detached.  
**13.1.1.171**
- 7.4.1.4** Accessory buildings and accessory uses provided the requirements of §9.4 are met.  
**13.1.1.172**
- 7.4.1.5** Home office and occupation provided the requirements of §9.5 are met.  
**13.1.1.173**
- 7.4.1.6** Utility facility, provided a site development plan is submitted and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of six (6) within three (3) years.)  
**13.1.1.174**
- 7.4.1.7** Swimming pools, above and below ground, provided the location is not closer than twenty (20) feet to any property line; the pool is enclosed by a wall or fence of at least six (6) feet in height. Only home swimming pools and private community swimming pools are permitted.

### **7.4.2 Conditional Uses**

Within the R1 District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.4.2.1** Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and fronts on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) ft. wide buffer area is required along any property line abutting residentially zoned property
- 7.4.2.2** Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than a 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.



## **7.5. R2 Medium-Density Residential District**

The R-2 District is comprised of medium density residential areas plus certain open areas where similar development appears likely to occur in the near future. The district is designed to encourage similar and complementary uses which may be desirable in a neighborhood.

### **7.5.1 Permitted Uses**

With the R-2 District, only the following uses are permitted:

- 13.1.1.175**      **7.5.1.1**      Dwelling, single-family, detached.
- 13.1.1.176**      **7.5.1.2**      Dwelling, two-family.
- 13.1.1.177**      **7.5.1.3**      Modular home qualifying as Dwelling, single-family, detached.
- 13.1.1.178**      **7.5.1.4**      Accessory buildings and accessory uses provided the requirements of §9.6 are met.
- 13.1.1.179**      **7.5.1.5**      Daycare home.
- 13.1.1.180**      **7.5.1.6**      Home Office.
- 13.1.1.181**      **7.5.1.7**      Utility facility, provided that a site development plan is submitted and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of six (6) feet within 3 years.)
- 13.1.1.182**      **7.5.1.8**      Swimming pools, above and below ground, provided the location is not closer than twenty (20) feet to any property line; the pool is enclosed by a wall or fence of at least six (6) feet in height. Only home swimming pools and private community swimming pools are permitted.
- 13.1.1.183**      **7.5.1.9**      Residential home occupation provided the requirements of §9.7 are met.
- 13.1.1.184**      **7.5.2 Conditional Uses.**  
Within the R2 District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.
  - 13.1.1.185**      **7.5.2.1**      Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than a 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.
  - 13.1.1.186**      **7.5.2.2**      Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and front on a public right-of-way or a private street which connects with a public right-of-way. A ten (10) ft. wide buffer area is required along any property line abutting property in residential zoning districts.

**7.5.2.3** Public and private primary and secondary schools provided that a complete site development sketch is submitted to and approved by the Planning and Zoning Board.

## **7.6. R3 Multi-Family Residential District**

The R3 District is composed of areas with existing or proposed high density residential use. The ordinance is designed to accommodate open space, convenience services, and community facilities needed for high density living.

### **7.6.1 Permitted Uses**

Within the R3 District, only the following uses are permitted:

- 7.6.1.1** Apartments.
- 7.6.1.2** Condominiums.
- 7.6.1.3** Duplexes.
- 7.6.1.4** Townhouses.
- 7.6.1.5** Retirement/Assisted Living Community
- 7.6.1.6** Accessory buildings and accessory uses provided the requirements of §9.4 are met.
- 7.6.1.7** Residential home office and occupation provided the requirements of §9.5 are met.
- 7.6.1.8** Swimming pools, above and below ground, provided the location is not closer than twenty (20) feet to any property line; the pool is enclosed by a wall or fence of at least six (6) feet in height. Only home swimming pools and private community swimming pools are permitted.
- 7.6.1.9** Utility facility, provided that a site development plan is submitted and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within 3 years.)

### **7.6.2 Conditional Uses**

Within the R3 District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.6.2.1** Kindergartens, Preschools, and daycare centers. A complete site development sketch must be submitted with the application.
- 7.6.2.2** Family or group personal care homes provided that a complete sitedevelopment sketch is submitted with the application showing adequate paved and lined off-street parking. All buildings must be placed at least fifty (50) feet from any property line and bordered by a ten (10) ft. wide buffer area along the front, side and back lot lines. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen.
- 7.6.2.3** Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive planfor the area is submitted which

includes the location of the site on plats of not less than a 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.

**7.6.2.4** Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and fronts on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) ft. wide buffer area is required along any property line abutting residentially zoned property.

**13.1.1.187**

District	Minimum Lot Size			Min. Sq. Ft. per Dwelling Unit/ Min Heated Floor Area	Minimum Yard Requirements			Maximum Height of Building (ft.) *See Note 4	
	Lot Area (Acres or sq. ft.)	Lot size per dwelling unit	Lot Width (ft.)		Front setback edge of ROW		Minimum Side Yard *See note 3		Minimum Rear Yard
<b>BOW - A1</b>	5 Acres	43,560	150	1000/1000	50	30	120	140	35
<b>BOW - B</b> with W with W & S	543,560 --	543,560 --	-- --	-- --	25 25	20 20	6No setback required if common building walls for adjoining B-zoned lots, otherwise 10'	610 610	35 35
<b>BOW - LI</b> with W with W & S	543,560 --	543,560 --	100 --	-- --	25 25	20 20	6No setback required if common building walls for adjoining B-zoned lots, otherwise 10'	610 610	35 35
<b>BOW - R1</b> with W with W & S	565,340 65,340	565,340 65,340	125 125	1000/1000 1000/1000	85 25	55 20	15 15	20 20	35 35

**ARTICLE VIII: AREA, YARD AND HEIGHT REQUIREMENTS**

This Article is established to show the minimum size, width, and maximum height requirements for the land uses within each designated district. Lot size shall be based on factors including the size of the building required for that use, required parking, and ground water flow. The Planning and Zoning Board is authorized to increase minimum lot sizes and otherwise vary district development standards to accommodate the need to use septic tanks and/or wells and Health Department regulations in this regard. The unavailability of public sewer and/or water shall preclude the ability to develop projects which cannot utilize septic tanks.

District	Minimum Lot Size			Min. Sq. Ft. per Dwelling Unit/ Min Heated Floor Area	Minimum Yard Requirements				Maximum Height of Building (ft.) *See Note 4
	532,670	532,670	90		30	15	20	35	
<b>BOW – R2</b> with W	532,670	532,670	90	1000/1000	30	15	20	35	
with W & S	15,000	15,000	90	1000/1000	30	15	20	35	
<b>BOW – R32</b> Per building with W & S	15,000	15,000	100	750/750	50	20	20	35	

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2. must comply with section 7.1
3. All multi-family development must comply with section 9.3
4. Corner lots must comply with section 5.5
5. Excludes church steeples
6. Lots utilizing septic systems must comply with section 5.3
7. Required buffer areas and landscape strips are in addition to area, yard, and height requirements

## ARTICLE IX: SPECIAL PROVISIONS

### 9.1. Individual Manufactured Homes and Mobile Homes

All manufactured homes, located to or moved within Bowman, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by O.C.G.A. §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Safety Fire Commissioner. (See O.C.G.A. §8-2-160 et seq.)

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### 9.1

#### 9.1.1 Pre-Owned Manufactured Homes– Safety & Health Inspection

All pre-owned manufactured homes that are relocating in or into the City of Bowman, or which change ownership at their current location with or without being relocated, must pass a safety and health inspection by the City Building Inspector at fees set by the governing authority. The inspection shall cover, but not be limited to:

##### A. Exterior Conditions:

- 1) The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior walls or living space.
- 2) The exterior must be uniform in appearance.
- 3) The roof shall be structurally sound with no obvious defects which might allow rain or cause moisture to the interior walls or living space.

##### B. Interior Conditions:

- 1) The floors, walls and ceiling shall be in sound condition and appearance.
- 2) The doors and windows shall be operable and in good working condition. There must be at least one escape window per bedroom.
- 3) Operable smoke detectors must be in place in any common hallway and in each bedroom.
- 4) Bathrooms and kitchens without a window must have an operable ventilation device.
- 5) The home shall contain a kitchen sink and an approved electrical hookup for an electric range type stove or approved natural gas or propane piping for a gas stove.
- 6) Each bathroom in the home shall contain a lavatory and water closet; and at least one bathroom shall contain a tub and/or shower facility.



**C. Utilities:**

- 1) All plumbing fixtures must be in working condition and free of leaks and obstructions.
- 2) All plumbing fixtures in sinks, tubs, showers, and washing machine hookups must have both hot and cold water supplied and shall be properly connected to the sewer or septic system.
- 3) The hot water heater must be in safe working condition and free of leaks.
- 4) Heating units must operate in a safe working condition. If the heating system is of type which requires venting, the system or heating unit shall be properly vented.
- 5) Electrical panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with blank covers approved and listed for that purpose. All breakers shall be correctly labeled as to the portion of the electrical system that breaker protects. The electrical system must meet the requirements of the National Electrical Code and the electric utility company providing electrical service to the new location, whichever is more stringent. All panels must be accessible. All switches, receptacles, fixtures, etc., must be properly installed, wired and shall be in working condition.

**D. Set-Up:**

- 1) Meet the requirements of the International Residential Code (IRC) Appendix E, the Georgia State Fire Marshall and the manufacturers specifications prescribed for the set-up of such dwelling unit, whichever is more stringent. These include, but are not limited to: footings, piers, tie downs and anchors;
- 2) Meet the requirements of the National Electrical Code (NEC) and the electric utility company providing electrical service, whichever is more stringent;
- 3) Be provided with prefabricated or permanent stairs and landing, constructed of pressure treated lumber, masonry or metal sufficient to provide safe ingress and egress from two (2) exterior doors of the unit. Individual landings shall be a minimum of sixteen (16) square feet (4' x 4') and contain side rails if over thirty inches (30") from the ground.
- 4) The area beneath the ground floor of the structure shall be enclosed around the exterior of the structure with a non-load bearing curtain wall constructed of masonry block, brick, poured concrete, or stone finish, at least four inches (4") thick. The curtain wall shall be penetrated only by openings for installed vents and access doors and approved cold weather faucets. The use of vinyl or metal curtain walls is prohibited.
- 5) Have utility meters mounted to the structure rather than on a utility pole, where roof construction will allow, in compliance with the applicable building and electrical codes.
- 6) Have no electrical power supplied to the dwelling unit until all these requirements are satisfied as determined by the City Building Inspector or his authorized agent;
- 7) Meet all other state and city statutes, regulations and ordinances; and
- 8) Shall not be occupied until all standards are herein met.

**9.1.2 Relocating Pre-Owned Manufactured Homes**

A person desiring to relocate a pre-owned mobile, modular, or manufactured home in the City of Bowman shall apply for a letter of intent from the City Clerk of the City of Bowman and pass the required safety and health inspection outlined in Item 3 (A) – (C) above prior to being located within the corporate limits of the City.

### **9.1.3 Rental of Manufactured Homes**

It shall be unlawful for any person, corporation, partnership or other entity to rent, lease or otherwise convey to another person for use as a primary residence any manufactured home that does not meet the following minimum requirements:

#### **A. Exterior Conditions:**

- 1)** The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior walls or living space.
- 2)** The exterior must be uniform in appearance.
- 3)** The roof shall be structurally sound with no obvious defects which might allow rain or cause moisture to the interior walls or living space.

#### **B. Interior Conditions:**

- 1)** The floors, walls and ceiling shall be in sound condition and appearance.
- 2)** The doors and windows shall be operable and in good working condition. There must be at least one escape window per bedroom.
- 3)** Operable smoke detectors must be in place in any common hallway and in each bedroom.
- 4)** Bathrooms and kitchens without a window must have an operable ventilation device.
- 5)** The home shall contain a kitchen sink and an approved electrical hookup for an electric range type stove or approved natural gas or propane piping for a gas stove.
- 6)** Each bathroom in the home shall contain a lavatory and water closet; and at least one bathroom shall contain a tub and/or shower facility.

#### **C. Utilities:**

- 1)** All plumbing fixtures must be in working condition and free of leaks and obstructions.
- 2)** All plumbing fixtures in sinks, tubs, showers, and washing machine hookups must have both hot and cold water supplied and shall be properly connected to the sewer or septic system.
- 3)** The hot water heater must be in safe working condition and free of leaks.
- 4)** Heating units must operate in a safe working condition. If the heating system is of type which requires venting, the system or heating unit shall be properly vented.
- 5)** Electrical panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with blank covers approved and listed for that purpose. All breakers shall be correctly labeled as to the portion of the electrical system that breaker protects. The electrical system must meet the requirements of the National Electrical Code and the electric utility company providing electrical service to the new location, whichever is more stringent. All panels must be accessible.
- 6)** All switches, receptacles, fixtures, etc., must be properly installed, wired and shall be in working condition.

#### **D. Set-Up:**

- 1)** Meet the requirements of the International Residential Code (IRC) Appendix E, the Georgia State Fire Marshall and the manufacturers specifications prescribed for the set-up of such dwelling unit, whichever is more stringent. These include, but are not limited to: footings, piers, tie downs and anchors;
- 2)** Meet the requirements of the National Electrical Code (NEC) and the electric utility company providing electrical service, whichever is more stringent;
- 3)** Be provided with prefabricated or permanent stairs and landing, constructed of pressure treated lumber, masonry or metal sufficient to provide safe ingress and egress from two (2) exterior doors of the unit. Individual landings shall be a minimum of sixteen (16) square feet (4' x 4') and contain side rails if over thirty inches (30") from the ground.

- 4) The area beneath the ground floor of the structure shall be enclosed around the exterior of the structure with a non-load bearing curtain wall constructed of masonry block, brick, poured concrete, or stone finish, at least four inches (4") thick. The curtain wall shall be penetrated only by openings for installed vents and access doors and approved cold weather faucets. The use of vinyl or metal curtain walls is prohibited.
- 5) Have utility meters mounted to the structure rather than on a utility pole, where roof construction will allow, in compliance with the applicable building and electrical codes.
- 6) Meet all other state and city statutes, regulations and ordinances; and
- 7) Shall not be occupied until all standards are herein met. Upon the complaint of a tenant of any rental manufactured home used as a private residence, the City Building Inspector is hereby authorized to inspect, with the permission of the tenant, and if the home is found to be in violation, to instruct the City Clerk to notify, by certified mail, the owner of the property for violation of this section to correct and/or repair the City Building Inspector's Notice of Corrections within (10) days. The notice shall further state that unless the corrections/repairs are voluntarily completed within the specified time, the matter will be turned over to the Police Chief to cite the property owner for violation of this section and to cause a summons to be issued requiring the party notified to appear in the municipal court. The fine for violation of this section shall be no more than Twenty-five Dollars (\$25.00) for each day of violation for the first ten (10) days of violation and, for the same continuous period of violation, not more than One Hundred Dollars (\$100) per day for each additional day thereafter. After 45 days, the City of Bowman may take further legal action [see Chapter 33 Nuisances] to rectify the issue of the violation up to and including condemnation of the home. All expenses incurred due to such legal action would be the property owner's responsibility.

#### **9.1.4 Building and Occupancy Permits**

Building and Occupancy Permits issued by the City of Bowman Building Inspector or his/her authorized agent are required for any mobile or manufactured home:

- 1) For any mobile, modular, manufacture, or pre-owned manufactured home to be located to the corporate limits of Bowman.
- 2) For any mobile, modular, manufacture, or pre-owned manufactured home that is moved from one location to a second location within the corporate limits;
- 3) For any mobile, modular, manufacture, or pre-owned manufactured home which has changed ownership in the same location;
- 4) For any mobile, modular, manufacture, or pre-owned manufactured home which has not been occupied within the preceding twelve (12) months;
- 5) For any mobile, modular, manufacture, or pre-owned manufactured home which is structurally altered or added to (including porches or decks).
- 6) For any mobile, modular, manufacture, or pre-owned manufactured home where an accessory building is to be placed on the lot.

7.1.4.1

8.1.4.1

**9.1.4.1 Application Requirements for Building and Occupancy Permits**

An application for a Building and Occupancy Permit for a Mobile, Modular, or Manufactured Home must be filed by the owner or owner's agent, with the City Clerk's Office before any permits can be issued. The application shall include the following information:

- 1) A description of the mobile, modular or manufactured home as to:
  - size and dimension year and model of the unit
  - the zoning district and classification
  - tax map and parcel number of the planned location
  - the intended use of the home
  - the name of the owner
  - the name of the intended occupant
  - the source of water
  - the type of waste disposal system
- 2) If the intended use of the mobile, modular, or manufactured home is an accessory use, hardship use or farm caretaker, then details of such proposed use shall be provided by the applicant.
- 3) The applicant must provide a copy of a plat recorded in the Office of the Clerk of the Superior Court of Elbert County of the tract where the mobile or manufactured home will be located and a sketch plan of where on the tract the structure itself, the components of the sewer or septic system, and the drive and parking areas are to be located.
- 4) An access letter from the Georgia Department of Transportation for all new driveways accessing from a state highway.
- 5) Approval of the septic system must be obtained from the Elbert County Health Department before any permits can be issued.
- 6) Current registration with the Elbert County Tax Commissioner must be obtained before any permits can be issued.

A building permit shall not be issued for a mobile home containing aluminum wiring.

Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to any mobile, modular, manufacture, or pre-owned manufactured home within the corporate limits of the city.

Prior to issuing an occupancy permit it is unlawful to occupy or otherwise use as a residence any mobile, modular, manufacture, or pre-owned manufactured home within the corporate limits of the city.

**9.1.5 Temporary Usage**

A mobile, manufactured, or pre-owned manufactured home used in conjunction with construction work may be permitted in any nonresidential zoning district provided that no temporary building shall be used for a residential purpose and the building shall be removed immediately upon completion of construction. All temporary uses must be requested in writing, be for a period not to exceed twelve (12) months, and have prior written approval from the city. The City Clerk, with the approval of the Mayor and Council, may extend the twelve (12) month period one time where necessary for up to an additional six (6) month period. All setback requirements for the lot on which the temporary usage is allowed must be satisfied.

**9.1.6 Penalties for Improper Installation**

Failure by the owner of a manufactured home or modular home to properly install the said

manufactured home or modular home placed in the corporate limits of Bowman, Georgia, according to the requirements of this ordinance after the effective date of this ordinance shall constitute a misdemeanor, punishable by a fine of not more than \$500.

## **9.2. Townhouses, Condominiums, Apartments, and Multi-Family Dwellings**

### **9.2.1 Townhouses and Condominiums.**

- 13.1.1.188** **9.2.1.1** No more than ten (10) nor fewer than three (3) continuous townhouses or condominiums shall be built in a row with approximately the same front line.
- 13.1.1.189** **9.2.1.2** Density shall not exceed eight (8) dwelling units per acre of buildable land and no more than fifty (50) percent of the lot area shall be occupied by dwelling units and accessory buildings.
- 13.1.1.190** **9.2.1.3** No side, or rear yard as such is required in connection with any townhouse or condominium, except that the front yard shall be no less than twenty (20) feet in depth from the street right-of-way of a minor or local residential street, including cul-de-sacs, and where the parking is not directly in front of each dwelling unit. If the parking for the dwelling unit is in front of the dwelling unit, front setback shall conform to Article VIII. Corner lots shall have the same side yard as established in Article VIII, and the end buildings in any townhouse or condominium grouping shall conform to the side yard requirements of that district. 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. Such yard shall not be used for any accessory building.
- 13.1.1.191** **9.2.1.4** Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for firefighting purposes.
- 13.1.1.192** **9.2.1.5** Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in interior blocks; and no off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve. All parking shall be paved.
- 9.2.1.6** All multi-family buildings shall be a maximum height of 35 feet. Height of any building or structure should blend aesthetically with the existing and surrounding buildings located within the district.
- 9.2.1.7** All townhouse or condominium complexes shall be served by a sanitary sewer system and a central water system. No other means of waste disposal shall be permitted or authorized.
- 9.2.1.8** All other requirements within the district in which the townhouses are located shall prevail.
- 9.2.1.9** A preliminary plat prepared in ink or pencil on a reproducible medium shall be submitted to the Planning Commission prior to any grading, construction, or installation of improvements. No grading, construction, or installation of improvements shall be had until the Mayor and Council formally approves the preliminary plat.

The preliminary plat shall illustrate the ultimate development of the entire plat owned by the applicant and shall identify the section for which formal plat approval will initially be requested. The preliminary plat shall be prepared at a scale of one (1) inch equal one hundred (100) feet and shall, at a minimum, include the following.

1. Development name if within an existing development.
  2. Proposed name, if not within a previously platted development.
  3. Name, address, and telephone number of legal owner or agent of the property.
  4. Name, address, and telephone number of registered professional responsible for development design, design of improvements, and for survey.
  5. Date, scale, and north arrow.
  6. Vicinity map including zoning classification of all adjacent parcels.
  7. Total acreage.
  8. Location of existing property lines, major easement/right-of-way, required setbacks, watercourses, drainage areas and ditches, and distinctive natural features.
  9. Existing buildings and roads.
- 13.1.1.193** 10. The location of all proposed buildings, the number of dwelling units per building, the square footage of each building, the square footage of each dwelling unit, and all proposed roads.
- 13.1.1.194** 11. The location of flood hazard areas as taken from FEMA, FIRM or HUD maps. Where no such map exists, Soil Conservation Service maps may be used.
- 13.1.1.195** 12. Statement of proposed water/sewer supply or collection method.
- 13.1.1.196** 13. Information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas.
- 13.1.1.197** 14. If development is to be located in the Watershed Protection District, the percentage of impervious surface must be shown.
- 9.2.1.10** All townhouse or condominium complexes must receive approval from the Mayor and Council after review by the City Building Inspector prior to any grading, construction, or installation of improvements.
- 9.2.2 Apartments and Multi-Family Dwellings.**
- 9.2.2.1** Density of apartments and multi-family dwellings shall not exceed ten (10) units per acre of buildable land.
- 13.1.1.198** **9.2.2.2** All parking shall be off-street parking and shall be grouped in bays, either adjacent to the street or in interior blocks; The developer shall demonstrate that distances from parking to the units have been taken into consideration in the overall design of the project. All parking shall be paved.
- 13.1.1.199**

**9.2.2.3** All streets, drives or alleys in the development shall have a pavement width of twenty (20) feet, and have a bituminous, concrete surface, or asphalt surface.

**13.1.1.200**

**9.2.2.4** Minimum building setback shall be the minimum setback for the district in which the apartments are located, provided that if required parking is in the front of the apartment, then the building setback shall be twenty-five (25) feet from street right-of-way.

**13.1.1.201**

**9.2.2.5** All other requirements within the districts in which the apartments and multi-family dwellings are located shall prevail.

**13.1.1.202**

**9.2.2.6** All apartments and multi-family dwellings shall be required to tie into a sanitary sewer and central water system. No other method of waste disposal shall be authorized or permitted.

**13.1.1.203**

**9.2.2.7** All apartment and multi-family dwellings must receive approval from the Mayor and Council after review by the City Building Inspector and prior to any grading, construction, or installation of improvements.

**13.1.1.204**

**9.2.2.8** All apartments and multi-family developments must meet the buffer requirements of Section 6.7.7.

### **9.3. Accessory Buildings, Accessory Structures, and Temporary Buildings.**

#### **9.3.1 Accessory Buildings**

##### **13.1.1.205**

Attached and detached accessory buildings must meet the following requirements:

9.3

##### **9.3.1**

**9.3.1.1** No storage trailer shall be used as a temporary or accessory structure except in an emergency. A variance may be applied for from the Mayor and Council.

**9.3.1.2** No temporary or permanent living or sleeping quarters are permitted in a structure that is a basement without a house above. No temporary or permanent living or sleeping quarters are permitted in a garage unless it is attached to a dwelling and meets codes and ordinances pertaining to same.

##### **13.1.1.206**

**9.3.1.3** Mobile or manufactured homes shall not be used as accessory buildings on any lot.

##### **9.3.1.4 Setbacks & Building Heights:**

All accessory buildings shall be located within the setbacks for the district and meet all requirements of section VIII. For structures to be constructed near a setback line, a surveyor should be utilized to establish the property and setback lines prior to construction.

**9.3.1.5** All accessory buildings shall be of a size and nature customarily incidental and subordinate to the principal building.

##### **13.1.1.207**

**9.3.1.6** No detached garage and/or accessory building, or portion thereof, may be built upon a public easement.

**9.3.1.7** There shall be a distance of not less than (10) feet between a principal and accessory building located on the same lot or parcel unless the principal and the accessory share a common wall.

##### **13.1.1.208**

#### **9.3.2 Attached Accessory Buildings**

The location of attached accessory buildings and uses in residential and commercial districts must meet the following requirements:

Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore meet requirements applicable to the main building.

#### **9.3.3 Detached Accessory Buildings**

The location of detached accessory buildings and uses in residential and commercial districts must meet the following requirements:

**9.3.3.1** Accessory buildings shall not be built on lots without a principal building except may be built before a principal building when both are submitted together for a building permit and a surety bond is submitted and approved by the Building Official.

**9.3.3.2** A detached accessory building in a B and LI district, shall not be more than two (2) stories in height or the height of the principal building, whichever is less.



**9.3.3.3** The accessory buildings must maintain an architecturally compatible appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

**9.3.3.4** Accessory buildings shall not be built on lots without a dwelling except may be built before a dwelling when both are submitted together for a building permit and a surety bond is submitted and approved by the Building Official.

**9.3.3.5** No accessory building shall be utilized unless the principal structure is occupied. No accessory building shall be used for any type of human habitation except for guest houses.

**9.3.3.6** Residential accessory buildings and structures such as garages, greenhouses or workshops, shall not be rented or occupied for commercial purposes.

**9.3.3.7** Detached Accessory Buildings shall not be permitted in the front side of the Principal Building.

**9.3.3.8** Size for all detached accessory buildings:  
The total square footage of all detached accessory buildings shall not exceed two (2) percent of lot square footage or 600 square feet, whichever is greater.  
No single detached accessory building will exceed sixty- seven (67) percent of the square footage of the footprint of the principal building.

**9.3.3.9** Number of Detached Accessory Buildings - The number of detached accessory buildings shall be limited to:

<u>Lot Size</u>	<u>Max. Number</u>
Less than 2 ac.	2
Less than 5 ac.	3
Less than 10 ac.	4
Over 10 ac.	5

The maximum number count does not include in the count one (1) dog house, or playhouses consisting of 70 square feet or less

**9.3.3.10** Exterior Finishes - Detached accessory buildings must conform to one of the following:

a. The exterior design, roof pitch, and color of the accessory structure shall be compatible with the exterior design and color of the principal structure;  
or

**13.1.1.209**

b. The accessory building must be surrounded by a screening fence and vegetation which conceals the building from views from adjacent properties. Said fence must be designed and constructed of a material designed or intended for such purpose and meet requirements of section 9.5.1.3.

### **9.3.3.11 Guest Houses**

Guest houses shall comply with the following:

- a. A guest house is an accessory use to a detached, single family dwelling or religious institution.
- b. Guest houses are permitted only as a conditional use.
- c. No more than one guest house shall be located on any lot.
- d. Maximum Floor Area. The gross building floor area of the guest house may not exceed 50 percent of the floor area of the main house (principal building).
- e. Use. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on the premises.

### **13.1.1.210**

#### **9.3.4 Accessory Structures**

Accessory structures must meet the following requirements:

9

**9.3**

**9.4**

**9.5.1**

#### **9.3.4.1 Accessory Structures Requiring a Building Permit:**

The following structures do require a Building Permit and shall not be permitted to encroach within required setbacks.

- a. Structural retaining walls.
- b. Pergolas, trellises and arbors.
- c. Decks
- d. Swimming pools and spas.
- e. Flag poles – must meet all setback requirements.
- f. Fire pits, outdoor fireplaces and grills – must meet all setback requirements.
- g. Fountains and other water features.

### **13.1.1.211**

#### **9.3.4.2 Accessory Structures Not Requiring a Building Permit:**

The following structures do not require a Building Permit:

- a. Tennis courts and other fenced recreational courts.
- b. The following accessory structures do not require a building permit and are permitted to encroach within required setbacks, unless specifically provided for in this section.
  1. Gardens, wood piles or landscape materials.
  2. Uncovered patios, driveways and other paved areas.
  3. Fences and landscape walls – see Section 9.5.3.3.
  4. Basketball hoops provided they are installed outside of the right-of-way and any temporary road or cul-de-sac easements. No such basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
  5. Mail boxes and newspaper tubes.
  6. Non-fenced recreational courts.
  7. Statuary or art objects less than 3 feet tall.
  8. Swing sets, trampolines and similar recreational equipment.
  9. Freestanding air conditioning or heating units or backup generators.
  10. Bird baths.



### **13.1.1.212**

#### **9.3.4.3 Fences and Walls:**

Fences and walls shall comply with the following requirements:

1. Fences and walls are accessory structures and shall meet requirements of Section 9.5.1.
2. Fences shall be maintained in good condition and be structurally sound at all times without any advertising thereon without proper sign permits.
3. Fences shall be constructed so as not to obstruct visibility or cause an unsafe condition for motor vehicles, cyclists or pedestrians along any adjacent road right(s)-of-way
4. For walls or fences to be constructed near a property line, a surveyor should be utilized to establish the property line prior to construction.
5. Property located between the fence and any property lines shall also be regularly maintained. Fences shall be split rail, basket-weave, picket, board of batten, baffle, stockade, estate rail or solid wood, chain link, woven welded lawn, hinge- joint, stone, and/or brick masonry and other comparable types.
6. The smooth finished side of the fence or wall shall be the side that faces outward from the yard being fenced, and any horizontal, diagonal, or supporting members shall be on the interior side of the fence.
7. No fence in any side or rear yard shall exceed eight (8) feet in height. Where side yards adjoin public right(s)-of-way, excluding controlled access highways, fences shall comply with the regulations for fences in front yards.
8. Walls, Fences, and Entrance Structures located in a front yard:
  - a. No wall or fence shall be constructed in a public right-of- way, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant.
  - b. Any vehicular driveway shall have a minimum clearance of 14 feet in width and 14 feet in height to allow for the passage of emergency vehicles.
  - c. No fence in any front yard, or in any yards adjacent to the public right(s)-of-way, excluding controlled access highways, shall exceed four (4) feet in height.
  - d. No fence on any residential lot shall be constructed, in whole or in part, of chain link, barbed wire, concertina wire, or guard rail.

### **13.1.1.213**

#### **9.3.5 Temporary Buildings and Structures:**

- 9.3.5.1** Temporary structures shall include storage units, trailers, tents, and construction dumpsters.

### **13.1.1.214**

- 9.3.5.2** Temporary buildings, or structures, construction equipment, and materials used in conjunction with construction work, maintenance or repair on site shall be permitted only during construction activity occurring on the property and shall immediately be removed upon completion of the work. Also see Section 5.8 regarding the removal of temporary structures.

### **13.1.1.215**

- 9.3.5.3** Temporary buildings and structures shall not be used for living or sleeping quarters and shall be removed immediately upon completion of construction.

### **13.1.1.216**

- 9.3.5.4** No temporary building or structure shall be used to store flammable or explosive materials.

### **13.1.1.217**

- 9.3.5.5** No temporary building or structure shall be used to store materials related to an off premise business or a home occupation.

**13.1.1.218**

**9.3.5.6** Temporary outdoor storage units are prohibited from being placed within the right-of-way, on the frontage of a property, or in any temporary road or cul-de-sac easements. Units must be kept in the driveway, or on a paved surface, at the furthest accessible point from the street, or as otherwise approved by the Building Official.

**13.1.1.219**

**9.3.5.7** Tents

- 1.** Tents shall be in compliance with the International Fire Code.
- 2.** Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the City Building Inspector.

**13.1.1.220**

**9.3.5.8** Exceptions

- 1.** Tents used exclusively for recreational camping purposes.
- 2.** Tents open on all sides which comply with all of the following:
  - o Individual tents having a maximum size of 700 square feet.
  - o The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet, not exceeding 700 square feet total.
  - o A minimum clearance of 12 feet to all structures and other tents.
- 3.** Regardless of size, tents to be used for greater than 10 consecutive days shall require a special use permit.
- 4.** Erection of tents shall be completed no more than forty eight(48) hours before the event is scheduled to occur.
- 5.** Removal of tents shall be completed within forty eight (48) hours after event, weather permitting.
- 6.** Tents shall not encroach on any established setback lines.
- 7.** Any event shall have adequate parking and sanitation facilities available as determined by the Building Official.
- 8.** Additional requirements for tents on residential lots:
  - a.** Use is restricted to one event. Approved uses are weddings and wedding receptions, family reunions, holiday celebrations, private parties.
  - b.** Sale of food or beverages at the event is not permitted.
  - c.** Tents shall not be used for any commercial purpose.
  - d.** The event shall not exceed 50 people.
- 9.** Additional requirements for tents in areas other than residential lots:
  - a.** Tents shall not be erected on any road right-of-ways without a Special Use Permit.

**9.4. Reserved**

**9.5. Reserved**

**9.6. Reserved**

## **9.7. Home Occupation.**

### **9.7.1 Residential Home Occupation**

#### **13.1.1.221**

The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to: ensure the compatibility of home occupations with other uses permitted in the applicable districts; maintain and preserve the character of residential neighborhoods; and provide peace, quiet, and domestic tranquility within all residential neighborhoods within the district, in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effect of commercial uses being conducted in this district. Residential home occupations, where permitted, must meet the following special requirements:

**9.7.1.1** The operator of a home occupation must reside on the premises.

#### **13.1.1.222**

**9.7.1.2** A home occupation is subordinate to the use of a dwelling unit for residential purposes.

#### **13.1.1.223**

**9.7.1.3** The home occupation carried on within the dwelling unit shall be restricted to the heated floor space and shall not occupy an excess of 25% of the heated floor space. The occupation shall be conducted entirely within the dwelling.

**9.7.1.4** No more than one (1) home occupation shall be permitted within a single dwelling unit.

**9.7.1.5** The home occupation shall be conducted by members of the family who are living in the residence and a maximum of one additional employee.

**9.7.1.6** A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure.

#### **13.1.1.224**

**9.7.1.7** There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence. Chemical equipment shall also include any chemicals which are not normally found in a purely domestic residence.

**9.7.1.8** A home occupation which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors, or other circumstances is not be permitted.

**9.7.1.9** On the premises, retail sales are prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.

#### **13.1.1.225**

**9.7.1.10** There shall be no exterior indication of the home occupation or variation from the residential character of the principal use. This includes external display of products or storage of equipment.

#### **13.1.1.226**

**9.7.1.11** There shall be no signs on the property advertising the home occupation.

#### **13.1.1.227**

**9.7.1.12** No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in a front yard.

**9.7.1.13** No on-street parking of business related vehicles (either marked or commercially equipped) shall be permitted at any home. No business vehicles larger than a van, panel truck, or pick-up truck is permitted to park overnight on the premises. The number of business related vehicles shall be limited to (1) one.

**9.7.1.14** Permitted residential home occupations:

1. Accountant
2. Alterations
3. Architectural Services
4. Arts & Crafts Studio
5. Attorney
6. Barber & Beauty Shops (1 chair and no more than 2 customers at one time)
7. Consulting Services
8. Contractor Offices (no outside storage of equipment or materials)
9. Data Processing
10. Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, and Herbalife)
11. Drafting and graphic services
12. Electronic assembly
13. Engineering service
14. Financial planning or investment services
15. Flower arranging
16. House cleaning service
17. In-home Child Care, but no more than 6 children at a time, including the caregiver's own preschool-aged children.
18. Insurance Agents
19. Interior design
20. Locksmith
21. Real Estate Agents
22. Tutoring, but limited to 4 pupils at one time.
23. Writing, computer programming
24. Other similar uses as approved by the Mayor and Council.

**9.7.1.15** Prohibited residential home occupations:

1. Ambulance service
2. Antique Sales
3. Appliance repair
4. Automobile or boat repair, parts sales, upholstery, or detailing, washing service (including businesses working at customer's home)
5. Boarding house
6. Carpentry, cabinet makers
7. Contracting, masonry, plumbing, or painting
8. Medical or dental office (nor any practice of physical or medical application, including chiropractors)
9. Restaurants, food preparation
10. Tow truck services
11. Veterinary uses (including care, grooming or boarding)

**9.7.2 Rural Home Occupation**

Rural home occupations in the agricultural district may be permitted under the provisions of this section. It is the intent of this section to ensure the compatibility of rural home occupations with other uses permitted in the applicable districts; maintain and preserve the agricultural or rural character of the area and not create a nuisance for residents in the area by excessive traffic, smoke, and noise or be a fire hazard.

The purpose of rural home occupations are to provide a means for residents in the larger lot agricultural districts to participate in the type of businesses permitted in residential districts, be able to conduct the home occupation in an accessory building where necessary, and to park, on-

site, vehicles required for the home occupation.

Rural home occupations, where permitted, must meet the following special requirements:

**9.7.2.1** The minimum lot size is five (5) acres. For lots less than five (5) acres, the home occupation is limited to the provision of section 9.7.1.10

**9.7.2.2** The rural home occupation must be clearly subordinate to the principal use of the parcel for dwelling and agricultural purposes and must not change the residential and agricultural character of the area.

**9.7.2.3** The rural home occupation may be conducted within a dwelling or within an accessory building provided that all structures used are harmonious in appearance with the zoning district where the rural home occupation will locate.

**9.7.2.4** One accessory building not exceeding the ground floor living area of the principal dwelling may be used in connection with the home occupation.

**9.7.2.5** Unless otherwise determined by the Mayor and Council, no sales of products or service not produced on the premises is permitted.

**9.7.2.6** The existence of the rural home occupation must not be apparent outside the dwelling or accessory building in which the rural home occupation is conducted, except that one (1) display sign limited to 9 sq. ft. of sign area is permitted. The display sign added to all other signs on the parcel shall not exceed the maximum signage allowed in the district.

**13.1.1.228**

**9.7.2.7** No outside storage of equipment or materials used in the conduct of the rural home occupation, other than trade vehicles, is permitted.

**13.1.1.229**

**9.7.2.8** The home occupation shall be conducted by members of the family who are living in the residence and a maximum of three additional employees.

**9.7.2.9** No additional points of access to any street shall be permitted, unless necessary to provide safe and proper access to the proposed use.

**9.7.2.10** The use has not been found likely to become a nuisance by reason of odor, dust, smoke, gas, vibrations, or may impose a hazard to health or property.

**9.7.2.11** Additional requirements or conditions may be added as deemed necessary to insure that the rural home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the city or in any way adversely affect the character of the area.

**9.7.2.12** Permitted home occupations:

- 1.** All occupations permitted in section 9.7.1.
- 2.** Appliance repair.
- 3.** Ceramics.
- 4.** Contracting, masonry, plumbing or painting.
- 5.** Greenhouse or nursery associated with small scale crop farming (limited to 1 building).
- 6.** Produce Stand
- 7.** Tow truck services.
- 8.** Upholstery.
- 9.** Other similar uses as approved by the Mayor and Council.



**9.7.2.13** Expiration of Permit. A permit for home occupation shall expire under the following conditions:

1. Whenever the applicant ceases to occupy the premises for which the home occupation was issued, no subsequent occupant of such premises shall engage in any home occupation until he/she has been issued a new permit after proper application.
2. Whenever the holder of such a permit discontinues the home occupation for a period of six (6) consecutive months.

**13.1.1.230**

**9.8. Automobile Service Areas**

Within the districts permitting gasoline service areas, the following requirements shall apply:

**9.8.1 Location**

The property on which a gasoline service areas is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.

**9.8.2 Site Requirements**

Gasoline service areas shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.

**9.8.3 Access to Site**

Vehicular entrances or exits at gasoline service areas:

**9.8.3.1** Shall not be provided with more than two curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.

**9.8.3.2** Shall contain an access width along the curb line of the street of not more than thirty (30) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty-five (25) feet from the intersecting point of the two streets rights-of-way or ten (10) feet to the adjoining property.

**13.1.1.231**

**9.8.3.3** Shall not have any two (2) driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the edge of the pavement.

**9.8.4 Gasoline Pump Islands**

All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than thirty (30) feet from the right-of-way line; however, the pump island shall be at least sixty (60) feet from the center line of an arterial street; fifty-five (55) feet from the center line of a collector street; and forty-five (45) feet from the center line of other streets.

**9.8.5 Off-Street Parking**

A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.

### **9.8.6 Other Site Improvements**

In addition to the above requirements, the following additional site improvements shall be adhered to:

**9.8.6.1** A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.

#### **13.1.1.232**

**9.8.6.2** Buffers required along property lines shall meet the requirements of section 6.10.1.

#### **13.1.1.233**

**9.8.6.3** A solid fence or wall six (6) feet in height shall be erected along all property lines adjacent to a residential zoned lot or a lot used for residential purposes.

**9.8.6.4** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets and the requirements of section 6.10 are met.

**9.8.6.5** Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

**9.8.6.6** All drives, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

#### **13.1.1.234**

### **9.8.7 Storage of Inflammable Products**

**9.8.7.1** Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any service station. All used motor oil shall be stored in underground tanks. However, storage tanks for the retail sales of propane gas shall be permitted.

#### **13.1.1.235**

### **9.9. Reserved**

### **9.10. Cemeteries**

#### **9.10.1 Public Cemeteries**

#### **13.1.1.236**

Within the districts permitting public cemeteries, the following requirements shall apply:

**9.10.1.1** The site proposed for a cemetery must not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, the site must have direct access to a thoroughfare.

**9.10.1.2** All structures must be set back no less than thirty-five (35) feet from any property line or street right-of-way line.

**9.10.1.3** All graves or burial lots must be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector, or arterial right-of-way line.

**9.10.1.4** The entire cemetery property must be landscaped and maintained by the owner of the cemetery.

#### **13.1.1.237**

**9.10.1.5** Any new cemetery shall be located on a site containing at least ten (10) acres.  
**13.1.1.238**

**9.10.1.6** Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the City Building Inspector for review and recommendation to the Mayor and Council.

1. Said cemetery may front only on a collector, Major Street, or State highway, and the entrance to and exit from such cemetery shall be only on the street on which it fronts.
2. A site development sketch must be submitted with the application which shows adequate paved off-street parking. All buildings must be placed not less than fifty (50) feet from any property line. Property must be bordered by a ten (10) ft. wide buffer area along its exterior boundary line, not bordering the frontage street and not extending into the required front yard. This buffer area is in addition to any setbacks, etc., required in Article VIII. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen.

### **9.10.2 Religious institution Cemetery**

Within the districts permitting public cemeteries, the following requirements shall apply.

**9.10.2.1** The cemetery is located on the same property as the religious institution, is in addition to the minimum lot requirement for the religious institution and adequate off-street parking is provided.

**9.10.2.2** If the entrance and exit to the cemetery is other than that used as entrance and exit for the religious institution, then the cemetery may front only on a collector, major street or a state highway, and the entrance and exit to such cemetery shall be only from the street on which it fronts.

**9.10.2.3** All graves and burial lots must be at least twenty-five (25) feet from any property line, and at least fifty (50) feet from any collector, major street or state highway right-of-way line.

**9.10.2.4** The cemetery must be bordered by a 10' wide buffer area along its exterior boundary lines that do not border the frontage street. The buffer must not extend into the required front yard. The buffer area should be planted with evergreen trees or other evergreen shrubs that grow at least eight (8) feet tall within 5 years and provide an effective visual screen.

### **9.11. Bed and Breakfast**

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**9.11.1** The acceptance of paying guests shall be an accessory use to the dwelling unit

**9.11.2** The only uses permitted shall be the renting of rooms and the serving of foods to guests renting said rooms (accessory uses commonly associated with hotels and motels, i.e. laundry services, gift shops, banquet halls, barber and beauty shops, shall not be permitted);

**9.11.3** All parking shall be off-street; and

**9.11.4** One (1) wall sign, not exceeding four (4) sq. ft. in area, motionless, non-lighted, shall be permitted. No other signs shall be permitted on the premises.

**9.11.5** The owner/operator must live on the premises.

## **9.12. Community Center or Club**

The buildings are placed not less than fifty (50) feet from any property line;

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- 9.12.1** There shall be a planted buffer area ten (10) feet wide along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen.
- 9.12.2** A complete development sketch must be submitted with the application.
- 9.12.3** Adequate paved and lined off-street parking must be provided.

## **9.13. Outdoor Storage Yards**

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- 9.12.1** The storage yard must not be located within a required front yard.
- 9.12.2** The storage yard must be setback at least twenty-five (25) feet from any side or rear property lines and shall be screened by a solid fence of material commonly manufactured for fencing, at least eight (8) feet high and appropriately landscaped and maintained.
- 9.12.3** If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.

#### **9.14. Non-Operating or Junked Vehicles**

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- 9.13.1** Vehicles not in operating condition shall not be parked between the residence and the street or streets the residential parcel adjoins.
- 9.13.2** All vehicles not in operating condition must be parked in the rear yard, carport, or garage so as to be out of view from the public right-of-way.
- 9.13.3** All automobile parts must be stored within a garage or enclosed building.

#### **9.15. Satellite Dish Antenna**

Satellite Dish Antenna shall not be located on the dwelling's front property line in any manner. Satellite Dish Antennas may be located on either a roof plane or dwelling wall of the rear building line. Larger satellite dish antennas must be located behind the rear building line and in compliance with the side yard setback in residential districts.

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- 9.15.1** If a satellite dish antenna cannot be located as per §9.15.1 to receive adequate signal, a request may be made to the Mayor and Council in order to facilitate adequate signal.

#### **9.16. Reserved.**

#### **9.17. Reserved.**

#### **9.18. Personal Care Home**

- 9.18.1** Prior to application for a conditional use permit the Applicant shall obtain qualification inspection from the City Building Official to determine if any existing building proposed for use as any type Personal Care Home will be satisfactory for the requested use.
- 9.18.2** The application for a conditional use permit shall be accompanied by a site plan based upon a boundary survey by a Georgia Registered Land Surveyor. The site plan shall show all existing or proposed improvements on the property including water source, sewage disposal, electric or other public utilities, driveways, parking and distances from any structure to the nearest boundary line. This site plan must be drawn to scale and shall be on media no smaller than 8.5"x11" and no larger than 24"x36".
- 9.18.3** Any type personal care home under this ordinance must be on a minimum lot size that conforms to the zoning district in which it is located.
- 9.18.4** Personal care homes must be located on a paved road.
- 9.18.5** Parking shall be limited to one space per bedroom plus one per paid on-duty staff member. Parking areas shall have adequate turn-around areas so that all vehicles may enter the street in a forward manner.
- 9.18.6** Parking areas shall be designed so that sanitation, emergency and other public service vehicles can serve the facility without the necessity of backing unreasonable distances or having to make hazardous or dangerous turning movements.
- 9.18.7** Prior to receiving a Certificate Of Occupancy the applicant must furnish to the City Clerk an official report from the Elbert County Health Department that any on-site septic systems are adequate for the number of residents to be served by the facility.
- 9.18.8** An operating permit for a Personal Care Home from the Georgia Department of Human Resources must be issued and a copy of said permit filed with the City Building Inspector prior to issuance of a Certificate of Occupancy or the connection of permanent power to said building.

**9.18.9**A personal care home will be subject to an annual inspection by the City Building Official.

## ARTICLE X:SIGNS

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### 10.1. GENERAL PURPOSES AND FINDINGS.

The City of Bowman Mayor and Council finds that signs and outdoor advertising provide an important medium for individuals or entities to convey messages if displayed in a reasonable, safe, non-distracting and orderly manner. Failure to regulate the placement, installation and maintenance of signs and outdoor advertising, which are intentionally designed to attract attention and be unavoidable, threatens the health, safety, welfare and general well-being of the citizens of Bowman. Unbridled placement, installation and maintenance activities create traffic hazards due to the visual distractions; infringe upon the tranquility of areas; decrease overall attractiveness and aesthetics of the topography and natural resources; and fail to protect both public and private investments in streets, roadways and property. By enacting this resolution, the City of Bowman Mayor and Council regulates the placement, installation and maintenance of signs and outdoor advertising so as to:

- 10.1.1** Balance the rights of those desiring to convey their messages through signs and outdoor advertising with the right of the public to be protected against unrestricted proliferation of such;
- 10.1.2** Protect the public health, safety and welfare;
- 10.1.3** Avoid unnecessary traffic and pedestrian distractions and hazards;
- 10.1.4** Ensure compatibility among the City's scenic rural corridors, visual beauty and natural resources;
- 10.1.5** Protect property values throughout the City;
- 10.1.6** Promote economic and tourist development; and
- 10.1.7** Ensure fair and consistent enforcement of sign and outdoor advertising regulations.

### 10.2. Definitions

Except as specifically defined herein, each word used in this Article has its customary dictionary definition. For the purpose of this Article, certain words or terms used herein are defined as follows:

- 13.1.1.239** Abandoned Sign. A sign which no longer identifies or advertises bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.
- 13.1.1.240** Administrator. The City Clerk or other person designated by the Mayor and Council to administer and enforce the provisions of this Article.

**13.1.1.241 Back-to-Back Sign.** A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

**Banners, Pennants and Balloons.** Any animated, rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

**Board of Adjustment.**The duly appointed board authorized by the Board to hear and act upon any appeal of a decision of the Administrator or any request for a variance from any provision of this Article.

**13.1.1.242 Canopy.** A structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground.

**13.1.1.243 Canopy Sign.** A sign which is suspended from, attached to, supported from or forms a part of a canopy.

**Changeable Copy Sign.**A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

**Commercial or Industrial Center.**Two (2) or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat or record.

**13.1.1.244 Dilapidated Sign.** Any sign that is structurally unsound, has defective parts or is in need of painting or maintenance.

**13.1.1.245 Directional Sign.** A sign, permanently erected or permitted in the public right-of-way or private property by the City or any other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital, or other area of specific interest to the public.

**13.1.1.246**

**13.1.1.247 Directory Sign.**A sign listing only the names and/or use, or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.

**13.1.1.248 Double-Faced Sign.**A sign with two (2) faces which are usually, but not necessarily, parallel.

**13.1.1.249 Electrical Sign.**A self-illuminated sign or sign structure in which electric wiring, connections and/or fixtures are used as part of the sign proper.

**Existing Sign.**Any sign that was legally erected, mounted, or displayed prior to the adoption of this Article.

**13.1.1.250 Facade.**The entire building wall, including main street wall face, and parapet, facia, windows, doors, canopy and roof on any complete evaluation.

**13.1.1.251 Fixed Projecting Sign.**A sign, other than a flat sign, which extends outward for more than six (6) inches from the facade of any building and is rigidly affixed thereto.

**13.1.1.252 Flashing Sign.**Any lighted or electrical sign which emits light in sudden transitory bursts.



**13.1.1.253 Flat Sign.** A sign erected parallel to and extending not more than twelve inches (12") from the facade of any building to which it is attached and supported, throughout its entire length, by the facade of the building and not extending above the building.

**13.1.1.254 Free-Standing Sign.** A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

**13.1.1.255 Frontage.** The length of the property line of any one premises parcel serving as a public right-of-way line.

**13.1.1.256 Frontage Wall Face.** The building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

**13.1.1.257 Height of Sign.** The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

**13.1.1.258**

**13.1.1.259 Illuminated Sign.**

a. **External.** Any sign that is directly lighted by an external source.

b. **Internal.** Any sign that transmits light through its face or any part thereof.

**13.1.1.260 Inflatable Sign.** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

**13.1.1.261 Ingress/Egress Sign.** A sign which designates only the direction of ingress or egress of a parking area or driveway, such as "In," "Out," "One-Way," "Do Not Enter," or "No Exit."

**Nonconforming Sign.** Any sign which has a valid permit, was erected or displayed prior to the effective date of this Article or any subsequent amendment hereto and does not conform to any provision of this Article.

**Occupancy.** Any use of or activity upon the premises.

**Painted Wall Sign.** A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

**Panel.** The primary surface of a sign upon which the message of the sign is carried.

**Parapet.** A vertical false front or wall extension above the roof line.

**Pennant:** See Section 10.2.D.

**Permitted Sign.** A sign for which a valid permit has been issued.

**Portable Sign.** Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

**Premises.** The plat of record which is affected, either directly or indirectly, by the contents of this Article.

**Project Sign.** Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or

materials vendor upon which property such individual is furnishing labor, services or material.

Public Right-of-Way Line.The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

Public Way.Any street, highway, road, path or right-of-way, whether privately or publicly owned, which is designed or used for vehicular or pedestrian traffic, either by public right or custom, or by invitation of two (2) or more common owners.

Real Estate Sign. A temporary sign erected by the owner, or his/her agent, identifying the real property upon which the sign is located for rent, lease or sale.

Roof. The exterior upper covering of the top of a building.

Roof Sign.A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

Rotating Sign. Any sign which revolves around one or more fixed areas.

Seasonal/Holiday Sign. A sign used for emphasizing the celebration of a nationally recognized holiday which is erected for a limited period of time.

Sidewalk or Sandwich Sign. A movable sign not secured or attached to the ground or any building or structure.

Sign. Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, which is located on or attached to premises, real property, structures on real property or a vehicle.

Sign, Area of.The square feet area enclosed by the perimeter of the Sign Face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

Sign Face.The part of the sign that is or can be used to identify, advertise or communicate information or for visual representation which attracts the attention of the public for any purpose. Sign Face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the Sign Face, provided that no message, symbol or any of the aforementioned Sign Face criteria are displayed on or designed as part of the sign structure.

Sign Structure.A supporting structure erected, used or intended for the purposes of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided however, this definition shall not include a building, fence, wall or earthen berm.

Snipe Sign. A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Swinging Sign. A sign installed on an arm, mast or spar that is not, an addition, permanently fastened to an adjacent wall or upright pole, or constructed to prevent a swinging movement.

Temporary Sign. Any sign or information transmitting structure intended to be erected or displayed for a limited period.

Time and Temperature Sign. An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

Traffic Direction/Safety Sign. A sign consisting of type and/or an arrow and is designed, sized or erected solely for the purposes of vehicular or pedestrian traffic direction or safety on a particular premise.

Vehicle Sign. A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, trailer or other device capable of being towed, which is displayed in public view.

Window Sign. Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within fifteen (15) feet of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from contiguous property or public right-of-way.

Window Sign. Temporary. A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, signs for sales, specials, going out of business, and grand openings.

### **10.3. Existing Signs.**

#### **A. Illegal Signs.**

Any sign erected as of the effective date of this Article which does not have a valid permit from the City, or any sign so reclassified pursuant to 10.3.C.1 is hereby deemed to be an illegal sign, and such sign and the person or persons responsible for such sign shall be subject to the provisions of this Article.

#### **B. Legal Signs.**

1. Any existing and permitted sign that complies with the provisions of this Article, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall not be undertaken until a permit is issued, unless the proposed alteration is specifically exempted from such permit requirement under this Article.
2. Any legal sign which does not comply with the provisions of this Article solely due to the enactment of any amendment hereto subsequent to the effective date of this Article shall, upon the effective date of such amendment, become a nonconforming sign and subject to the provisions of Section 10.3.C.

#### **C. Nonconforming Signs.**

1. Any sign erected or existing as of the effective date of this Article which has a valid permit from the City, but which does not conform to the provisions of this Article, or any sign pursuant to 10.3.B.2, is hereby deemed to be a nonconforming sign. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued or the City permit tag affixed. Upon a determination by the Administrator and notice to the permittee that a nonconforming sign has become dilapidated or structurally unsound, such sign shall

be moved within twenty (20) days, unless an appeal of such determination has been previously filed with the Mayor and Council.

2. Any nonconforming sign may become a legal sign if; after compliance with the provisions of Section 10.6 of this Article, it is brought into conformity with the provisions of this Article.
3. Any nonconforming sign, (whether permanent or changeable) is considered an unnecessary and undesirable sign if for a period of six (6) months it meets one or more of the following conditions:
  - a. Requires repainting or structural repairs.
  - b. Contains no advertising message or only a message to make a contact to place an advertisement.
  - c. Has an advertising message, which is badly worn and/or dilapidated.

The City Clerk will notify the owner of the sign (only if the sign is registered with the City) and the property owner where the signs located, that in thirty (30) days the sign must have the above conditions(s) corrected or the sign will be removed. If the condition is not corrected or the sign removed within thirty (30) days, the City will have the sign removed at the property owner's expense.

#### **10.4. Prohibited Signs**

##### **A. Prohibited Signs.**

Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this Article, or any amendment hereto, for any person to erect, place or use within the City, or visible from any public way, any of the following signs:

1. Swinging signs.
2. Snipe signs.
3. Sidewalk and sandwich signs.
4. Banners, pennants and balloons.
5. A sign which contains any moving, flashing, animated lights, visible moving or moving parts, or giving the appearance of animation.
6. Roof signs.
7. Vehicle signs. Prohibited vehicle signs does not include personal or company vehicles, licensed and in operable condition, with company name, phone number, address, or company logo on the vehicle.
8. Any sign which emits a sound, odor or visible matter.
9. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
10. Any sign and/or sign structure that obstructs the view of; may be confused with or purports to be a governmental or traffic direction/safety sign.
11. Any sign or sign structure, other than free-standing and vertical wall extension, which any portion extends above the parapet, building roof line or canopy against which the sign is located.
12. Signs using the words "stop," "danger," or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.
13. Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way.
14. Signs painted on or attached to trees, fence posts, rocks, or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
15. Abandoned or dilapidated signs.

**16.** Any sign on or towed behind a boat, raft, aircraft or helicopter.

17. Signs or other advertising structures that contain obscene or indecent material;
  - a. Material is obscene if both of the following apply:
    - (1) To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is a shameful or morbid interest in nudity, sex, excretion; and
    - (2) The material depicts or describes, in a patently offensive way, sexual conduct specifically defined as (a) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (b) acts of masturbation; (c) acts involving excretory functions or lewd exhibition of the genitals; (d) acts of bestiality or the fondling of sex organs of animals; or (e) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.
  - b. Material is indecent if the sign depicts the following parts of the human anatomy: (1) Any portion of the female breast below the top of the areola; (2) Any portion of the male or female pubic hair, anus, and cleft of the buttocks, vulva or genitals.
18. Portable signs.
19. Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one (1) personal identification sign not exceeding two (2) square feet and one (1) non-illuminated "For Sale" or "For Rent" sign not exceeding six (6) square feet.
20. Inflatable signs.
21. Ifilluminated, contains, includes, or isilluminated by any flashing, intermittent, or moving light or lights except those giving public service information such as time, date, temperature, weather, or other similarinformation.

#### **10.5. Permissible Signs.**

##### **A. Permit Required.**

Unless specifically exempted pursuant to this Section, no sign or sign structure shall be erected, displayed, moved, relocated, or altered, unless specifically exempted pursuant to Section 10.5.C until a permit fee has been paid and a sign permit issued by the Administrator pursuant to Section 10.8 of this Article.

##### **B. Signs Exempt from Permit Requirement.**

A permit is not required for the following types of signs, after proper notification is made to the Administrator:

1. An official sign or notice issued by any court, public agency or office.
2. A traffic directional, warning or information sign authorized by any public agency.
3. An ingress/egress sign that does not exceed four (4) square feet per sign face.
4. Any sign located within a private residential community, provided that the sign is not visible to the general public from areas outside the community.

##### **C. Sign Alterations Exempt from Permit Requirements.**

A permit is not required to engage in sign alterations if such alterations involve only:

1. The changing of copy on a permitted changeable copy sign; or

2. The painting or refinishing of the surface of a sign face or sign structure of a permitted sign so as to keep the appearance of such sign as it existed on the date such sign received a permit tag.

#### **10.6. General Sign Standards.**

##### **A. Setback from Right-of-Way**

In order to provide room for future or current sidewalks, all signs shall be required to be set back at least ten (10) feet from the street right-of-way. However, if a sidewalk exists or has been planned in such a manner as to make this impractical, this setback may be reduced or waived by the Administrator. Further, this setback may be increased as deemed necessary by the Administrator for the protection of the public health, safety or welfare.

##### **B. Sign Illumination**

1. Electrical Requirements. Electrical requirements pertaining to signs shall be in accordance with all applicable codes.
2. If illuminated, signs shall be illuminated only by the following means:
  - a. By a white, steady stationary light of reasonable intensity directed solely at or from within the sign.
  - b. Light source(s) to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance to adjacent property.

##### **C. Material and Style.**

1. The various parts of a sign shall be constructed of compatible materials.
2. All signs shall be standard geometric shapes.

**D. Dimension and Quantity.**

1. Area and Quantity. The area and quantity of any sign face shall conform to the following:

a. Residential developments shall be permitted one (1) free standing sign per entrance with not more than eight (80) square feet of sign face per sign, equally divided among not more than four (4) sign faces. No single sign face shall exceed forty (40) square feet.

**13.1.1.262**

b. Commercial developments consisting of retail and public commercial uses, whether exclusively or mixed with residential uses, which contain forty thousand (40,000) square feet or less, but more than two thousand five hundred (2,500) square feet, of heated floor space open to the public shall be permitted one (1) free standing sign per entrance but no more than two (2) identification signs for the development. Said sign shall not have more than one hundred sixty (160) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed eighty (80) square feet; excepting that if the commercial use herein is mixed with residential use, the provisions of subparagraph 1. a. shall apply to said development.

**13.1.1.263**

c. A commercial development consisting of retail and public commercial uses which contains two thousand five hundred (2,500) square feet or less of heated floor space open to the public shall be permitted one (1) free standing sign. Said sign shall have not more than eighty (80) square feet of sign face, equally divided between not more than two (2) sign faces. If an applicant in this category shall waive the right to have a free standing sign the applicant shall be permitted to exceed the building sign wall graphics, and window graphics limitations of Section 10.7.A by fifty percent (50%).

2. Height. The maximum height of any free standing sign shall not exceed twelve (12) feet above the average elevation of the nearest public highway. The bottom edge of the sign face shall not exceed four (4) feet in height from average grade.

3. Width. The maximum width of the entire sign structure shall not exceed twenty (20) feet.

4. Structure Size. The size of the support structure for any free standing sign shall not exceed the sign face by more than 100%. Unless the primary purposes of the support structure is other than sign support (i.e. fences or walls).



## **10.7. Special Sign Standards**

### **A. Sign Standards (Building, Wall, Window, Freestanding).**

#### **13.1.1.264**

1. Building and wall graphics signs shall not occupy more than ten percent (10%) of the signable space on any one facade of a building with a maximum size of the sign limited to forty (40) square feet.
2. Window graphics, which otherwise comply with this Article, may be displayed, provided no more than twenty-five percent (25%) of the area of a window may be occupied by signage.
3. Free standing signs on any premises shall be spaced at a minimum two hundred (200) feet interval along each public way which views the premises. In the event that less than two hundred (200) feet of any premises is visible from any one public way, only one (1) sign shall be permitted along that public way.
4. Any sign shall be erected so as to not obstruct or impair driver vision at business ingress/egress points and intersections.

### **B. Temporary Signs and Standards.**

#### **1. Types.**

**13.1.1.265** Temporary Signs include but are not limited to the following:

- a. "Grand Opening," "Going-Out-Of-Business," and "Sale" signs of business and services;
- b. Signs for work under construction;
- c. Land subdivision or development signs;
- d. Signs advertising the sale or lease of property upon which they are located.

## 2. Area, Height. Location.

- a. Area. The total area of temporary signs shall not exceed forty (40) square feet and twenty (20) square feet per sign face, except for real estate signs for residential property, which shall not exceed the limitations of 10.7.C.
- b. Height. The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.
- c. Location.
  - (1) No temporary sign shall be located so as to obstruct or impair driver vision at business ingress/egress points and at intersections.
  - (2) No temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, and intersection of two (2) or more public streets or highways.
  - (3) Temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.
  - (4) No temporary sign is to be in the public right-of-way.

## 3. Time Limits

- a. "Grand Opening" Signs. Temporary "Grand Opening" signs shall be erected for a period not to exceed thirty (30) days.
- b. "Going-Out-Of-Business" and "Sale" Signs. "Going-Out-Of-Business" and "Sale" signs may be erected for a period not to exceed ninety (90) days for "Going-Out-Of-Business" signs and thirty (30) days for "Sale" signs.
- c. Project Signs. Signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of the certificate of occupancy.
- d. Signs Announcing the Subdivision of Land. Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when ninety percent (90%) of the development lots are conveyed.
- e. Display. The display of all other temporary signs not listed above shall not exceed sixty (60) days and shall not be displayed more than two (2) times per year.
- f. Removal. Signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised or for a term not to exceed six (6) months, whichever comes sooner. An extension may be permitted.

**C. Real Estate Signs.**

One (1) commercial real estate sign' not exceeding six (6) square feet in sign area per face and, if free-standing, not exceeding four (4) feet in height shall be permitted. Property with two (2) or more frontages shall be permitted one (1) additional sign per frontage.

**D. Canopy Signs.**

A commercial center shall be permitted one (1) canopy sign per occupancy, not to exceed six (6) feet in length and eighteen (18) inches in height, placed entirely under a canopy or marquee directly in front of said location, identifying the occupancy.

**E. Multiple-Use Shopping, Business, Office and Professional Centers; Free-Standing Directory Signs.**

1. Any multiple-use shopping, business, office and professional center or mall shall be allowed to have not more the two (2) free-standing directory signs for individual business, provided they meet the following requirements:
  - a. Information. Signs shall be for directory information purposes only.
  - b. Location. Either the area of the directory sign shall be contained within the limits for total signage area at said center or mall or the sign shall not be visible from any public way.
2. Free standing signs on outlying parcels that do not have direct traffic access to the adjacent roadway will be permitted a sign at one-half (½) the size authorized in 10.6.D.

**F. Gasoline Filling Areas.**

Any facility offering the sale of fuel as a principle component of the business shall be governed by the commercial signage regulations of this Ordinance, and by (a) and (b) below:

- a. Petroleum products pumps and dispensers which are within view of a public way shall be permitted to display only information required by law in addition to the brand name and type of product being dispensed.
- b. Premises which dispense retail bulk petroleum products by pump shall be permitted one (1) additional sign announcing the price per gallon of no more than four (4) products, with characters not exceeding twelve (12) inches in height. In lieu of the one (1) additional sign permitted above, the price per gallon may be displayed on each individual pump structure with characters not exceeding six (6) inches in height.

**G. Flags.**

1. Nongovernmental flags are deemed to be signs, except when a single project flag is flown in conjunction with governmental flags and shall be subject to the provisions of this Article, except that no such flag shall exceed forty (40) square feet per face.
2. Governmental flags must be displayed in a dignified, noncommercial manner. No such flag shall exceed forty (40) square feet per face.

## 10.8. Administration

### A. Application for Permit.

1. Where to apply. Applications for a sign permit shall be submitted by the sign owner or the owner's agent to the City Clerk.

2. Information Required. The following information shall be submitted with an application for a sign permit:

a. Name, address, telephone number and signature of the property owner of the premises granting permission for the construction, operation, maintenance, or displaying of sign or sign structure.

b. Name, address, telephone number and signature of the sign owner applying for the sign permit.

c. Street address, tax map/parcel number, and the acreage of the property upon which the sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign.

d. Name, address and telephone number of the sign contractor.

e. The total area for all existing signs located on the parcel.

f. The type of sign, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.

g. The distance of the nearest part of the footprint of the sign from:

(1) The nearest road right-of-way

(2) The nearest adjoining property line boundary along the road right-of-way

in both directions

(3) The closest adjacent in either direction along the right-of-way

h. Three (3) copies of a sketch, blueprint, blue line print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building facade, awning or canopy; provided, further, the relationship to other existing adjacent signs shall also be shown. In the case of a free-standing sign' said sketch shall include a site plan showing the sign location and any existing or proposed landscaping which is affected by such sign.

i. If requested by the Building Inspector, copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction.

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**B.** Free Standing Signs: Location Identification. The proposed location for a new free-standing sign shall be clearly identified by a white stake(s) visible above the ground line at each location at which a support pole will be embedded in the ground. This location will be reviewed by the Building Inspector prior to the issuance of the sign permit.

**C.** Fees.

1. Sign Permit Fees. The cost of a permit shall be \$40.00 per sign.

**13.1.1.273**

2. Inspection Fees. An inspection fee of \$80 shall be required for all signs, except wall and window graphics, to ensure ordinance and safety compliance.

3. Re-inspection Fee. When re-inspection is required, a re-inspection fee of \$95 shall be charged.

4. Penalty Fee. A double permit fee will be charged for sign(s) posted without prior permit.

**13.1.1.274**

5. All fees are set at the discretion of the Mayor and Council.

**D.** Contents of Permit. Upon compliance with the provisions of this Article, the City Clerk shall make a decision to issue, deny or issue with conditions a permit for such sign or sign structure within forty-five (45) days of receipt of a complete permit application. Permits shall be numbered and shall contain the following information:

1. The dimensions and type of sign as defined in this Article;

2. The street address of the property upon which said sign is proposed to be located and the proposed location of the sign on said property; in the absence of a street address, an acceptable method of location shall be used;

3. The amount of the fee paid for such permit;

4. The date of issuance; and

5. In the case of a temporary sign, the date of expiration of the permit.

**E.** Expiration of Permit. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be purchased and another fee paid in accordance with the fee schedule applicable at such time. In the case of temporary signage, the expiration date is determined by section 10.7 B 3.

**13.1.1.275**

**F. Sign Inspection.**

1. Within ten (10) working days of completion of approved work related to a permitted sign, the permittee or sign contractor shall notify the City Clerk that such sign is ready for a final inspection. The City Clerk will conduct the final inspection of all wall and window graphics and the Building Inspector will conduct the final inspection of all signs, except wall and window graphics, for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this Article.
2. Failure to notify the City Clerk within ten (10) working days of work completion that the sign is ready for inspection may result in the requirement of an additional fee.
3. Failure to obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure.

**G. Display of Permit.**

1. Display of Permit Tag. Following completion of a satisfactory final inspection, the Administrator shall issue a permit tag to the applicant which is required to be affixed to the sign.
2. Relocation of permit Tag or Sign. Under no circumstances may the permit tag be moved from one sign to another, nor may the sign to which it is attached be relocated to another location.

**13.1.1.276**

3. Transfer of Ownership: Dismantling or Removal of Sign. In the case of ownership transfer, provided no changes are made to the sign, or, if a permitted sign is dismantled or removed, the Administrator shall be notified.

**13.1.1.277**

4. Lost or Illegible Permit Tag. If a permit tag is lost, defaced, destroyed or otherwise becomes illegible through normal wear or an act of vandalism, a renewal application shall be submitted to the Administrator.

**10.9. Enforcement**

- A. Violation Notice.** The Administrator and duly authorized staff shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person subject to this Article for the purposes of enforcing the provisions herein. When a sign violation occurs the Administrator, Building Inspector and his/her staff shall use the following procedure:

1. Written Notice. The administrator shall notify one, any, or all of the following: the property owner, the tenant, lessee, or sub-lessee of the property, the permittee under this ordinance, or the person or company erecting the sign or causing the violation of this ordinance that the violation must be rectified within ten (10) days to avoid citation and/or summons to appear in the municipal court.

**13.1.1.278**

**B. Impoundment of Signs.**

1. The Administrator, Building Inspector and his/her staff shall have the authority to remove all non-permitted signs placed within any street or highway right-of-way, signs attached to trees, fence posts, telephone and utility poles, other natural features, or signs otherwise prohibited by this Article, and to impound them without notice to the owner.

2. The owner of an impounded sign may recover same upon the payment of fifty dollars (\$50.00) for each sign' within ten (10) days of impoundment. In the event an impounded sign is not claimed within ten (10) days, the Administrator shall have authority to dispose of such sign.

- C. **Penalties.** Any person who violates the provisions of this Article, upon conviction, shall be guilty of a misdemeanor and shall forfeit and pay such penalties as the court may decide, not to exceed two hundred dollars (\$200.00) or thirty (30) days imprisonment, or both, at the discretion of the court for each violation. Each day's continued violation shall constitute a separate offense.

#### **10.10.Appeals and Variances.**

- A. **Appeal.** Please see section 15.7
- B. **Variance.**Recognizing that the strict application of the requirements of this Article may work an undue hardship on certain applicants, variances from the strict application of the provisions of this Chapter may be granted by the Mayor and/or Council. Each application for a variance under this Section shall be in writing and shall state the reasons for the request for a variance in accordance with rules and fee schedules established by the Mayor and Council. The application shall be signed by the applicant and the sign company, if any, responsible for the sign for which the variance is being sought. The Mayor and Council shall grant the variance, grant the variance with conditions, or deny the application within sixty (60) days after the appeal is filed. Any applicant aggrieved by a decision of the Mayor and Council may appeal as provided by the laws of the State of Georgia.

#### **10.11.Interpretation and Conflict.**

##### **A. Minimum Requirements.**

The standards and provisions of this Article shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Article.

##### **B. Other City Requirements.**

Whenever this Article imposes a higher standard than required by any other City ordinance or requirement, the provisions of this Article shall govern. Whenever any other City ordinance or requirement imposes a higher standard than required by this Article, the provisions of such Ordinance or requirement shall govern.

##### **C. Private Restrictions.**

Whenever this Article imposes a higher standard than required by easements, covenants or agreements, the provisions of this Article shall govern.

##### **D. Statutes.**

When the provisions of any applicable state or federal statute impose a higher standard than required by this Article, the provisions of such statute shall govern.

## ARTICLE XI: CONDITIONAL USES AND VARIANCES

11.

### 11.1. Conditional Use and Variance Procedures

The property owner or its authorized agent may initiate an application for a conditional use permit or variance. When an agent is authorized to act on behalf of an owner, such certificate of authorization shall be notarized on the application. All petitions for conditional use or variance approval shall be submitted to the Administrator at least 30 days prior to a regularly scheduled Mayor and Council Meeting on application forms supplied by the Administrator along with a fee as determined by the Mayor and Council. Incomplete applications will not be placed on the agenda.

Applications for conditional uses or variance must be accompanied by the following information:

### 11.2. Conditional Use

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**11.2.1** Three (3) copies of a written description of the proposal designed to inform the City, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, water usage, sanitary waste treatment and any other relevant concerns identified by the City or applicant.

**11.2.2** Three (3) copies of preliminary building and site plans drawn to scale showing the following information:

**11.2.2.1** Three (3) copies of surveyed plat signed by a registered surveyor.

**11.2.2.2** Project name.

**11.2.2.3** Project owner.

**11.2.2.4** Date, scale, and north arrow.

**11.2.2.5** Vicinity map.

**11.2.2.6** Use of adjacent property.

**11.2.2.7** Exterior dimensions of the site.

**11.2.2.8** Total project acreage.

**11.2.2.9** Location, name and width of all existing or proposed streets.

**11.2.2.10** Location of all proposed structures

**11.2.2.11** Location of all off-street parking and driveway serving the project.

**11.2.2.12** Proposed buffers and/or screening.

**11.2.2.13** Location, height, fixture type and wattage of site lighting.

**11.2.2.14** Dumpster locations.

**11.2.2.15** Rough floor plans, including gross floor area.

**11.2.2.16** Building Height.



### **11.3. Variance**

**11.2.3** Three (3) copies of building and/or site plans drawn to scale showing the following information:

**11.2.3.1** Property owner

**11.2.3.2** Date, scale and north arrow

**11.2.3.3** Use of adjacent property

**11.2.3.4** Exterior dimensions of the site

**11.2.3.5** Proposed buffers or screening

**11.2.3.6** Exact dimensions of the requested variance with result indicated on the plat

**11.2.3.7** Correspondence from affected adjacent property owners stating their approval is recommended

**11.2.3.8** Building height

**11.2.3.9** The submittal of inaccurate or incomplete information may be cause for denial of the request, or, if said discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the Mayor and Council.

### **11.4. Procedures**

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**11.4.1** The Administrator and/or Building Inspector shall prepare information regarding the petition for consideration by the Mayor and Council at its regularly scheduled meeting.

**11.4.2** The Mayor and Council shall hold one public hearing on the proposed use in accordance with the hearing provisions governing zoning amendment set forth in Article XIII at Section 13.3.9 and 13.3.10. The Mayor and Council shall then review the report and conduct a comprehensive review of the proposed use and the building inspector's recommendation for approval, approval with condition(s), or denial.

**11.4.2.1** Not less than (15) days, and not more than forty-five (45) days prior to the date of the public hearing, the Administrator shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Bowman, GA. The notice shall also include the location of the property, the conditional use sought if the petition seeks a conditional use and the nature of the variance sought if the petition seeks a variance.

**11.4.3** The Mayor and Council shall issue its findings within ninety (90) days of the receipt of the Building Inspector's recommendation. The Mayor and Council may approve, approve with conditions, or deny the request. The city clerk shall notify the applicant by regular U.S. mail of any action (including tabling of action) taken by the Mayor and Council. All actions of the Mayor and Council shall be deemed to be effective as of the date of the action.

**11.4.4** In determining the compatibility of a conditional use with adjacent properties and the overall community, the Mayor and Council must make the following findings if the use is to be approved or approved with conditions:

**11.4.4.1** Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;

**13.1.1.279**

**11.4.4.2** Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;

**13.1.1.280**

**11.4.4.3** Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;

**13.1.1.281**

**11.4.4.4** Public facilities and utilities are capable of adequately serving the proposed use;

**13.1.1.282**

**11.4.4.5** Granting the request would not be an illogical extension of a use which would intrude a damaging volume of agricultural, commercial, industrial, or high density apartment use into a stable neighborhood of well-maintained single-family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;

**13.1.1.283**

**11.4.4.6** Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities current or planned;

**13.1.1.284**

**11.4.4.7** Granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;

**13.1.1.285**

**11.4.4.8** Granting this request would not lead to a major negative change in existing levels of public service, government employees or fiscal stability; and;

**13.1.1.286**

**11.4.4.9** Granting this request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

**13.1.1.287**

**11.4.4.10** A variance may be authorized for specific individual cases where the literal enforcement of the provisions of this ordinance will result in unnecessary hardship as long as the variance, if granted, is not contrary to the public interest, and public safety and welfare remain secured.

Variations may be granted in such individual cases of practical difficulty or unnecessary hardship only upon a finding by the Administrator and/or Building Inspector that all of the following conditions exist:

**11.4.4.10.1** There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

**11.4.4.10.2** The application of this ordinance to this particular piece of property would create an unnecessary hardship;

**11.4.4.10.3** Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance; and

**11.4.4.10.4** Such conditions are peculiar to the particular piece of property involved; and

**13.1.1.288**

**11.4.4.10.5** The special circumstances surrounding the request for a variance are not the result of known acts by the applicant.

**11.4.4.11** Unless otherwise noted, the site plan submitted in support of an approved conditional use or variance shall be considered part of the approval and must be followed.

Approval of a proposed use by the Mayor and Council does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the Administrator and not included in the original approval are subject to the provisions of this Article and the review of new detailed plans and reports for said alterations by the governing authority. The applicant for a conditional use must obtain a construction and building permit, if applicable, within one year. The Administrator, after Mayor and/or Council approval, may approve two separate one year extensions. At the end of three years, the conditional use permit will expire and the applicant must reapply.

**11.4.4.12** Building permits will not be issued without verification of the variance being recorded. The variance plat must be recorded within 30 days of the date of approval by the Mayor and Council.

## ARTICLE XII: ZONING ADMINISTRATION ENFORCEMENT AND PENALTIES

12.

### 12.1. Zoning Administrator

**13.1.1.289** The Zoning Administrator of the City of Bowman, and other persons designated by the Mayor and Council, are hereby given the authority and responsibility to act as the Code Enforcement Officer for the City of Bowman, and to administer and enforce the provisions of this Ordinance. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings. The Zoning Administrator shall keep records of all and any permits, the Certificates of Occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of Zoning Administrator's office and shall be made as public records.

### 12.2. Building Permits

It shall be unlawful for any building to be structurally altered and/or any building to be located, erected, moved, or added to without obtaining a Building Permit issued by the Zoning Administrator. No Building Permit shall be issued except in conformance with the provisions of this Ordinance and the adopted standard building code. This does not include repair and maintenance of an existing building.

### 12.3. Application for Permits

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**12.3.1** An application shall be accompanied by two (2) copies of a dimensional sketch or a to-schedule plan, signed by the owner, or his authorized agent, to include, as a minimum, the following:

**12.3.1.1** Lot dimensions with property line monuments located thereon;

**12.3.1.2** Shape, size, height, and location of the buildings proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot, yard dimensions and use of structures, including the number of dwelling units within each structure where appropriate;

**12.3.1.3** Easements (private and public);

**12.3.1.4** Water courses;

**12.3.1.5** Fences;

**13.1.1.290**

**12.3.1.6** Street names and street right-of-way lines; and

**12.3.1.7** Such other information regarding abutting property as directly affects the application.

**12.3.1.8** Current erosion and sedimentation requirements set by state law and county ordinances.



**12.3.2** Each permit shall be conspicuously posted and displayed on the premises described during the period of construction or reconstruction.

**12.3.2.1** If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provision of this Ordinance, and other appropriate codes and ordinances of the City of Bowman then in effect, the Zoning Administrator shall sign and return one (1) copy of the sketch plan to the applicant and shall issue a Building Permit. The Zoning Administrator shall retain one (1) copy of the Building Permit and one (1) copy of the sketch or plan for his records.

**12.3.2.2** If the sketch or plan submitted describes work which does not conform to the requirements of this Ordinance, the Zoning Administrator shall not issue a Building Permit but shall return one (1) copy of the sketch of plan to the applicant along with a signed refusal and shall cite the portions of these Ordinances with which the submitted sketch plan does not comply. The Zoning Administrator shall retain one (1) copy of the sketch plan and two (2) copies of the refusal.

**12.3.2.3** Any Building Permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the certificate or permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

#### **12.4. Issuance of Certificate of Occupancy**

The Zoning Administrator shall sign and issue a Certificate of Occupancy if the proposed use of land or buildings, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance and if the Building, as finally constructed, complies with the sketch or plan submitted for the Building Permit.

#### **12.5. Penalties for Violation**

Any person violating any provision of the Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense according to law. Each day such a violation continues shall be considered as a separate offense.

#### **12.6. Remedies**

In the event any building is erected, constructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Zoning Administrator of the City of Bowman, is authorized and required to institute injunction, mandamus, warrant for arrest, or other appropriate action or proceeding to prevent or abate the violation in the case of each building or land use. The Zoning Administrator is the Zoning Enforcement Officer.

Any person who would be damaged by such violation may also institute action to prevent or abate the violation.

## **12.7. Developments of Regional Impact (DRI)**

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's and agencies.

Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local governments' jurisdictional boundaries, impacts on other jurisdictions need to be assessed.

If a development project is submitted to Bowman for review, then the time deadlines imposed in Article XV are suspended until the DRI review process is completed.

## ARTICLE XIII: AMENDMENTS

13.

### 13.1. Authority

The Mayor and Council may from time to time amend the boundaries of the districts established on the City of Bowman Official Zoning Map and/or the ordinances set forth in this Ordinance. Amendments to this Ordinance are effective upon the final decision by the Mayor and Council, notwithstanding the provisions of Sections 2.22 and 2.24 of the Bowman City Charter (1998 Ga. Laws 3632, 3642) regarding adoption of ordinances, pursuant to Little v. City of Lawrenceville, 272 Ga. 340, 528 S.E.2d 515 (2000).

### 13.2. Application for Amendment (Rezoning Application)

An application for amendment must be filed with the Administrator at least thirty (30) days prior to the regularly scheduled Mayor and Council meeting at which the request will be heard. The Administrator, Building Inspector, the Mayor or Council, a property owner, or the authorized agent of a property owner may initiate an application to amend the official zoning map (rezone property). When an agent is authorized to act on behalf of an owner, such certificate of authorization shall be notarized on the application. An application for amendment must contain the following information:

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- 13.2.1** A survey of the property prepared by a licensed surveyor showing existing and proposed structures and uses, access drives, easements, utilities, buffers, existing zoning, and any other supporting documentation required by the Administrator and/or Building Inspector to assist the Mayor and Council in rendering a decision, including concept plans;
- 13.2.1.1** A list of adjoining property owners as shown on the tax rolls;
- 13.2.1.2** Any additional information the applicant or the Administrator or Building Inspector believes to be pertinent.
- 13.2.1.3** Additionally, the applicant, if other than the local government, must pay the required application fee, as determined by the Mayor and Council, to cover the administrative and advertising costs of the application and sign a statement certifying he/she has at least a fifty-one percent (51%) ownership interest in the property.
- 13.2.1.4** Once the application is submitted it cannot be amended. Incomplete applications will not be processed.
- 13.2.1.5** The Administrator and/or the Building Inspector shall present the application and all its supporting documents, along with a written Analysis of the requested zoning's impact, to the Mayor and Council prior to the public hearing on the application. The written analysis shall show that the Administrator and/or Building Inspector has considered the proposed change in relation to the following, where applicable.
- 13.2.1.6** What is the existing land use pattern in the area?
- 13.2.1.7** Would approval create an isolated district designation unrelated to adjacent and nearby district designations?
- 13.2.1.8** Would approval significantly increase or possibly overtax available infrastructure including, but not limited to schools, streets, and public safety services?
- 13.2.1.9** Are the existing boundaries illogically drawn in relation to existing conditions on the property proposed for change?



- 13.2.1.10** Would change or changing conditions make the passage of the proposed amendment necessary?
- 13.2.1.11** Will the proposed change adversely influence living conditions in the neighborhood?
- 13.2.1.12** Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety?
- 13.2.1.13** Will the proposed change seriously reduce light and air to adjacent areas?
- 13.2.1.14** Will the proposed change adversely affect property values in the adjacent area?
- 13.2.1.15** Will the proposed change be a deterrent to the improvement or development adjacent property in accordance with existing regulations?
- 13.2.1.16** Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?
- 13.2.1.17** Are the substantial reasons why the property cannot be used in accordance with its existing zoning?
- 13.2.1.18**
- 13.2.1.19** Is the proposed change out of scale with the needs of the neighborhood or the city?
- 13.2.1.20** To what extent is the proposed change consistent with the city's Comprehensive Plan?
- 13.2.1.21** What other factors, if any, should be considered in balancing the interest in promoting the public health, safety morality or general welfare against the right to unrestricted use of the property?

### **13.3. Public Hearings, Procedures, and Rezoning Standards**

#### **13.2.1.22**

**13.2.1.23** Public Hearing Required. Before enacting an amendment to this ordinance or to the Official Zoning Map, one (1) public hearing must be held.

**13.2.2 Applicant Notification.** The Administrator must notify the applicant of the date, time, and place of the required public hearing.

**Publication of Notice.** Not less than fifteen (15) days, and not more than forty-five (45) days prior to the date of the public hearing, the Administrator shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Bowman. The notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning of the property. The notice shall further include a statement that "Any opponent of a rezoning action that has been made within two years immediately preceding the filing of the rezoning action, campaign contributions aggregating \$250.00 or more to a city official that will consider the application, must file a disclosure with the Administrator showing:

1. The name and official position of the city official to whom the contribution was made; and,
2. The dollar amount and description of each campaign contribution made to the Bowman official. The disclosure shall be filed at least five calendar days prior to the public hearing on the zoning application."

#### **13.2.3 Sign.**

In addition to the newspaper notice, the Administrator shall cause to have posted at least one (1) sign in a conspicuous place on the lot or parcel to be rezoned. The sign shall be posted not less than fifteen (15) days prior to the public hearing. The sign shall include the application number, the present zoning classification of the property, the proposed zoning classification of the property, city hall telephone number, date, time, and location of the public hearing.

#### **13.2.4 Notice to Adjacent Property Owners.**

The Administrator shall notify in writing all property owners (as shown in the property tax rolls) within one hundred (100) feet of the property subject to the rezoning of the date, time, and place of the required public hearing. The notice herein shall be in writing and forwarded via regular U.S. Mail to the address on file with the Elbert County Tax Commissioner's Office.

#### **13.2.5 Withdrawal.**

If an application for an amendment to the Zoning Ordinance or Official Zoning Map is withdrawn in writing by the applicant at any time after the publication of the newspaper notice and posting of the required sign, but prior to the public hearing, then the same property may not be considered for zoning by the Mayor and Council until the expiration of at least sixty (60) days immediately following the withdrawal of the rezoning application. The withdrawal must be in writing and signed by the applicant.

**13.2.5.1** The application will be considered to have been withdrawn if the applicant, his/her authorized agent or his/her attorney fails to appear at the public hearing. By withdrawing in this manner, the same property may not be considered for rezoning by the Mayor and Council until the expiration of at least sixty (60) days from the date of the scheduled public hearing for which the applicant failed to appear.

#### **13.2.6 Mayor and Council Action.**

The Mayor and Council shall review the record prepared by the Administrator and/or Building Inspector and vote on the proposed amendment to the zoning map. The Mayor and Council may approve, approve with conditions, or deny the application.

Within seven (7) days of the Mayor and Council's decision, the city clerk shall notify the applicant by regular U.S. mail of any action (including tabling of action) taken by the Mayor and Council. All actions of the Mayor and Council shall be deemed to be effective as of the date of the action.

If the Mayor and Council fails to act on the application within sixty (60) days of its submission or by its next regularly scheduled meeting (whichever is later) the application is deemed to have been approved unless the application or the matter is tabled, postponed, or withdrawn.

**13.2.7 Denial.**

If the zoning ordinance amendment or Official Zoning Map amendment is denied by the Mayor and Council, then the same property may not be considered for rezoning until the expiration of at least six (6) months immediately following the denial of the rezoning by the Mayor and Council.

**13.2.8 Zoning Amendment Criteria.**

In the adoption of a zoning ordinance, an amendment to an existing zoning ordinance or amendment to the official Zoning Map, the Mayor and Council shall consider factors relevant in balancing the interest in promoting the public health, safety, morals or general welfare against the right of the individual to the unrestricted use of property and must specifically consider the following factors as they may be relevant to the application:

**13.2.8.1** The existing land use pattern;

**13.2.8.2** The possible creation of an isolated district unrelated to adjacent and nearby districts;

**13.2.8.3** The population density pattern and possible increase or over- taxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

**13.2.8.4** The cost of the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

**13.2.8.5** The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;

**13.2.8.6** Whether the proposed zoning map amendment will be adeterrent to the value or improvement or development of adjacent property in accordance with existing regulations;

**13.2.8.7** Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

**13.2.8.8** The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

**13.2.8.9** The extent to which the proposed zoning map amendment is consistent with the comprehensive plan;

**13.2.8.10**The possible effect of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

**13.2.8.11**The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

**13.2.8.12** The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

**13.2.8.13** In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

After hearing evidence at the zoning hearing, the Mayor and Council shall apply the evidence of the zoning amendment criteria in making their decision. It will not be required that the Mayor and Council consider every criteria contained in the Standards of Review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health safety, morality or general welfare.

**13.2.9 Procedure for Conducting a Public Hearing (for a Zoning Map Amendment and Petitions filed under Article XI.)**

All public hearings held pursuant to this ordinance shall be conducted as follows:

- 13.2.9.1** The presiding officer shall allow the Administrator and/or Building Inspector to present an overview of the application. Following this presentation, the applicant or the applicant agent or attorney shall be allowed to present the applicant's case and then shall be afforded an opportunity, prior to the closing of the public hearing, to answer questions and respond to objections of others in attendance. There is a minimum of ten (10) minutes for presentation of data, evidence, and opinion by proponents of each zoning decision and a minimum of ten (10) minutes for presentation by opponents of each proposed zoning decision.
- 13.2.9.2** Others desiring to speak or make a statement shall be given reasonable opportunity to do so but must first be recognized by the presiding officer. Upon rising to speak, the person recognized will state his/her name. The presiding officer may also request that the person furnish a home or business street address, as may be appropriate. The person speaking will be allowed two (2) minutes to express opinions and make points on each separate element of the proposed revision which they wish to address, with a maximum to ten (10) minutes allowed per person.
- 13.2.9.3** Groups, affiliations, and associations shall designate a spokesperson who shall speak for the group. The spokesperson will be allowed a total of thirty (30) minutes to express opinions and make points on the proposed revisions.
- 13.2.9.4** Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak.
- 13.2.9.5** All materials which proponents desire to be considered shall be submitted by the close of the presentation of the proponents' case. Notwithstanding the foregoing, applicant or his agent(s) can present materials which are clearly for rebuttal purposes if time for rebuttal was reserved.
- 13.2.9.6** All materials or evidence which persons in opposition wish to be considered must be submitted by the conclusion of the opposition portion of the hearing.
- 13.2.9.7** When proponents and opponents of the application have been heard in accordance with the foregoing procedures, the public hearing is closed and no further evidence or testimony may be presented unless either the record is left open based on a request for additional material or report, or questions are asked of the applicant or opposition in which case both sides shall be entitled to response but there is no right of rebuttal.

**13.2.9.8** Questions shall be directed only to the presiding officer who shall respond or designate another person for the response.

The presiding officer may limit or terminate the discussion, statements or comments because of time, repetitiveness or irrelevancy.

After all discussion concerning the zoning application is concluded, the presiding officer shall close the public hearing for that particular zoning application, and shall address each zoning criteria listed in §13.3.8. The rationale as well as the determination for each standard will be duly recorded in the minutes.

#### **13.2.10 Meeting Format.**

**13.2.10.1** Minutes of the meeting will be taken by the City Clerk. Should a complete transcript of the meeting be requested it will be provided at the expense of the person making the request.

**13.2.10.2** Following is an outline of how the meeting will be held:

1. Hearing called to order.
2. Proposal summarized.
3. Applicant or proponent states his case.
4. Persons in favor testify.
5. Persons against testify.
6. Hearing closed.
7. Recommendations submitted by Administrator/Building Inspector to official body.

#### **13.4. Evaluation Criteria**

The same criteria shall be used to evaluate and determine if changes proposed by the Mayor and Council are to be recommended.

#### **13.5. Publication of Standards**

The above criteria shall be available to the public to aid in the preparation for a change in the Zoning Ordinance or the Official Zoning Map of Bowman, Georgia.

#### **13.6. Reversion to previous zoning classification**

Within three years of the date the Mayor and Council approves a rezoning of property, rezoned property shall be utilized for uses allowed in the new zoning district or substantial development shall be demonstrated toward such utilization. Failure to so utilize or demonstrate substantial development may subject the property to consideration for reversion to the previous zoning classification. In such event, public hearings shall follow the established procedures for application for zoning herein and a final decision shall be rendered by the Mayor and Council.

#### **13.7. Amendments to the Zoning Ordinance**

##### **13.7.1 Intent.**

The purpose of this Section is to describe and establish procedures for making textual changes to this Code (i.e., amending the text of the ordinance from which this chapter is derived or the adoption of a new zoning ordinance), which are hereinafter collectively referred to as "legislative changes." Legislative changes require approval by the Mayor and Council in order to be implemented.

##### **13.7.2 Initiation of Legislative Changes.**

Proposed legislative changes may be initiated by the Administrator, the Building Inspector, the Mayor and Council, or by a member of the general public (not including employees of the city).

### **13.7.3 Public hearings relating to legislative changes**

- a.** Prior to a final decision by the Mayor and Council which results in legislative changes, one public hearing shall be held before the Mayor and Council pursuant to "The Zoning Procedures Law."
- b.** Public hearings on proposed legislative changes shall be conducted with 10 minutes provided for the proponents and 10 minutes provided for the opponents of the proposed legislative action. If necessary, the Mayor may allocate an equal amount of additional minutes for both the proponents and the opponents.
- c.** All materials which proponents desire to be considered shall be submitted by the conclusion of the proponent portion of the public hearing.
- d.** All materials or evidence which persons in opposition wish to be considered must be submitted by the conclusion of the opposition portion of the hearing.
- e.** When proponents and opponents of the proposed legislative changes have been heard in accordance with the foregoing procedures, the public hearing is closed and no further evidence, argument or testimony may be presented unless the record is left open based on a request for additional material or report.
- f.** The proposed legislative change shall be evaluated by considering the necessity and reasonableness of the particular legislative proposal.

### **13.7.4 Publication of Notice**

Not less than fifteen (15) days, and not more than forty-five (45) days prior to the date of the public hearing, the Administrator shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Bowman.

## ARTICLE XIV: DISCLOSURE REQUIREMENTS

### 14.1 Disclosure of Financial Interests

A city official who knows or reasonably should know him or her:

- a. Has a property interest in any real property affected by a rezoning action upon which that official's local government will have the duty to consider or,
- b. 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
- c. Has a member of the family having any interest described in paragraph(a) or (b) of this section, shall immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council.

The city official who has an interest as defined in paragraph (a), (b), or(c) of Section 14.1 of this ordinance, shall disqualify himself from voting on the rezoning action. The disqualified city official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Disclosures provided for in the section shall be a public record and available for public inspection at any time during normal working hours.

### 14.2 Disclosure of Campaign Contributions

**14.2.1** When any applicant for zoning action has made, within two (2) years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the Mayor and Council showing:

**14.2.1.1** The name and official position of the local government official to whom the campaign contribution was made; and

**14.2.1.2** The dollar amount and description of each campaign contribution made by the applicant to the city official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

**14.2.2** 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 a local government official which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

**14.2.2.1** The name and official position of the local government official to whom the campaign contribution was made; and

**14.2.2.2** The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

**14.2.3** Any disclosure required by §14.2 shall be filed at least five (5) calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**14.2.4** Any person knowingly failing to comply with the disclosure requirements or violating the provision of this section is guilty of a misdemeanor.



## **ARTICLE XV: LEGAL STATUS PROVISIONS**

### **15.1. Conflict with Other Laws**

When the provisions of this Ordinance specify more restrictive standards than required by any other statute, the requirements of this Ordinance shall govern.

Whenever, the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.

### **15.2. Separability**

Should any section or part of a section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### **15.3. Repeal of Conflict in Ordinances**

All Ordinances and parts of ordinances in conflict herewith are repealed.

### **15.4. Incorporation by Reference of Maps**

**15.4.1** The boundaries of these Zoning Districts are hereby established as shown on the map entitled "The Official Zoning Map of Bowman, Georgia". Said map is hereby made a part of this Ordinance and shall be available for public inspection in the office of the City Clerk. As evidence of its authenticity, the Official Zoning Map shall be signed by the Bowman Mayor and attested to by the City Clerk.

### **15.5. Copies**

This zoning ordinance of Bowman, Georgia shall be and is hereby executed in triplicate, each signed copy being an original to be marked and distributed as follows:

#### **15.5.1 Builder Inspector Copy.**

Delivered to the City Building Inspector and maintained in his office.

#### **15.5.2 City Work Copy.**

Shall be maintained in the City Clerk's office for day to day use in zoning and planning.

#### **15.5.3 Minute Book Original.**

Shall be incorporated into the minutes of the meeting of the Mayor and Council of Bowman and maintained by the City Clerk. The Minute Book original shall hereafter be deemed the original or official copy. Any subsequent amendment shall be made only by official action as prescribed herein. The original shall not be altered but amendments shall be identified on separate sheets each separately numbered and supported by the date and official action ordinance amendment in which the change was approved. In the case of a comprehensive amendment to the zoning ordinance, a copy of all proposed changes may be incorporated into one(1) document. Since a comprehensive amendment may incorporate substantial material changes as well as insignificant technical changes, all substantial material changes must be made available to the public separate from the complete zoning ordinance and clearly identifiable. Substantial changes must be approved individually by the Mayor and Council.

### **15.6. Enforcement**

If the Administrator or Building Inspector or his/her assistant determines that any person is in violation of this ordinance, the Building Inspector shall issue an order requiring the owner to cease and desist and/or to comply with this ordinance including orders requiring restoration of pre-existing conditions and orders requiring restitution to the city by means that are deemed appropriate by the city. In addition, the city may bring a civil action for enforcement and may seek equitable and injunctive relief under this ordinance.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction in Municipal Court shall be punished by imprisonment of not more than one (1) year or by a fine of not more than \$1,000.00, or both for each offense. Additionally, any violation of any provision of this ordinance of failure to comply with any of its requirement shall be grounds for immediate suspension or revocation of any and all permits.

## **15.7. Appeals**

### **15.7.1 Appeal from the Zoning Administrator.**

Any person or persons jointly or severally aggrieved by any decision of Administrator or Building Inspector shall have the right of appeal to Bowman Mayor and Council if such appeal is filed with the City Clerk within thirty (30) days of the rendering of the decision.

### **15.7.2 Appeal from Mayor and Council.**

Any party aggrieved by any decision of the Bowman Mayor and Council shall have the right of appeal to the Elbert County Superior Court if such appeal is filed with the Clerk of Court within thirty (30) days of the rendering of the decision.

### **15.7.3 Stay of Proceedings**

An appeal to the Court of Record stays all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the City Attorney and the Mayor that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property.

## **15.8. Effective Date**

This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it.

Art Bay  
Mayor

1-30-18  
Adoption Date

Dawn Royton  
Interim City Clerk Effective Date

January 30, 2018

[SEAL]

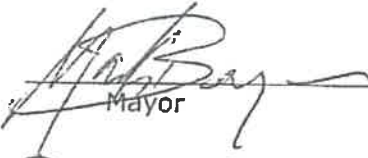
Approved as to Legal Form:

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

21-32.

21-32. 11/13/18

21-32. 11/13/18

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk Effective Date

1-30-18  
Adoption Date

January 30, 2018

[SEAL]

Approved as to Legal Form:

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

