

# Thomasville

## FORM BASED UNIFIED DEVELOPMENT CODE UPDATE



AUGUST 2019



## TABLE OF CONTENTS

<b>ARTICLE 22.1 GENERAL PROVISIONS</b>	<b>1</b>
SECTION 22.1.1 SHORT TITLE	1
SECTION 22.1.2 PURPOSE	1
SECTION 22.1.3 AUTHORITY	1
SECTION 22.1.4 APPLICABILITY	1
SECTION 22.1.5 EFFECTIVE DATE AND TRANSITION EFFECTIVE DATE	2
SEC. 22.1.5.A. VIOLATIONS CONTINUE	2
SEC. 22.1.5.B. USES, STRUCTURES, AND LOTS RENDERED CONFORMING	2
SEC. 22.1.5.C. USES, STRUCTURES, AND LOTS RENDERED NONCONFORMING	2
SEC. 22.1.5.D. APPLICATIONS COMMENCED OR APPROVED UNDER PREVIOUS ORDINANCE	2
SECTION 22.1.6 OFFICIAL ZONING MAP	2
SECTION 22.1.7 INTERPRETATION	3
SECTION 22.1.8 RELATIONSHIP TO OTHER REGULATIONS	3
SECTION 22.1.9 RELATIONSHIP TO PRIVATE AGREEMENTS AND COVENANTS	3
SECTION 22.1.10 DEFINITIONS	3
SECTION 22.1.11 SEVERABILITY	3
<b>ARTICLE 22.2 ZONING DISTRICT</b>	<b>5</b>
SECTION 22.2.1 ZONING DISTRICTS ESTABLISHED	5
SECTION 22.2.2 SUMMARY TABLE OF ZONING DISTRICTS	5
SECTION 22.2.3 COMPLIANCE WITH OTHER STANDARDS	6
SECTION 22.2.4 SUBURBAN NEIGHBORHOOD DISTRICTS	7
SEC. 22.2.4.A. T3-SF SUBURBAN NEIGHBORHOOD, SINGLE FAMILY	7
SEC. 22.2.4.B. T3-LD SUBURBAN NEIGHBORHOOD, LOW DENSITY	8
SEC. 22.2.4.C. T3-MH SUBURBAN NEIGHBORHOOD, MANUFACTURED HOUSING	9
SECTION 22.2.5 TRADITIONAL NEIGHBORHOOD DISTRICTS	10
SEC. 22.2.5.A. T4-E TRADITIONAL NEIGHBORHOOD EDGE	10
SEC. 22.2.5.B. T4-O TRADITIONAL NEIGHBORHOOD EDGE-OPEN	12
SEC. 22.2.5.C. T4-C TRADITIONAL NEIGHBORHOOD CENTER	14
SEC. 22.2.5.D. T5-H MIXED-USE HIGHWAY	16
SEC. 22.2.5.E. T5-C MIXED-USE CENTER	18
SEC. 22.2.5.F. MU-FBC MIXED-USE FORM-BASED CODE	20
SECTION 22.2.6 SPECIAL PURPOSE DISTRICTS	60
SEC. 22.2.6.A. M MIXED-USE MANUFACTURING	60
SEC. 22.2.6.B. M-1 GENERAL MANUFACTURING	61
SEC. 22.2.6.C. T2 LAND CONSERVATION	62
SECTION 22.2.7 OVERLAY DISTRICTS	63
SEC. 22.2.7.A. H-O HISTORIC DISTRICT OVERLAY	63
SEC. 22.2.7.B. NC-O NEIGHBORHOOD CONSERVATION DISTRICT OVERLAY	79
SEC. 22.2.7.C. FP-O FLOODPLAIN OVERLAY	80
SEC. 22.2.7.D. MC-O MIXED-USE CAMPUS/INSTITUTIONAL OVERLAY	86

**ARTICLE 22.3 USE REGULATIONS 97**

**SECTION 22.3.1 GENERAL 97**  
 SEC. 22.3.1.A. TABLE LEGEND 97  
 SEC. 22.3.1.B. MULTIPLE USES 97  
 SEC. 22.3.1.C. UNLISTED USES 97  
 SEC. 22.3.1.D. REQUIRED STATE LICENSES OR PERMITS 98  
 SEC. 22.3.1.E. ADDITIONAL USE REGULATIONS IN SECTION 22.2 (ZONING DISTRICTS) 98  
 SEC. 22.3.1.F. PROHIBITED USES 98  
**SECTION 22.3.2 PERMITTED USE TABLE 99**  
**SECTION 22.3.3 USE-SPECIFIC STANDARDS 103**  
 SEC. 22.3.3.A. GENERAL 103  
 SEC. 22.3.3.B. RESIDENTIAL USES 103  
 SEC. 22.3.3.C. CIVIC & INSTITUTIONAL USES 107  
 SEC. 22.3.3.D. COMMERCIAL USES 110  
 SEC. 22.3.3.E. INDUSTRIAL USES 114  
 SEC. 22.3.3.F. ACCESSORY USES 116  
 SEC. 22.3.3.G. TEMPORARY USES 122

**ARTICLE 22.4 DEVELOPMENT STANDARDS 123**

**SECTION 22.4.1 DIMENSIONAL STANDARDS 123**  
 SEC. 22.4.1.A. APPLICABILITY 123  
 SEC. 22.4.1.B. GENERAL 123  
 SEC. 22.4.1.C. DIMENSIONAL STANDARDS SUMMARY TABLES 125  
 SEC. 22.4.1.D. ZONE SPECIFIC DIMENSIONAL STANDARDS 126  
 SEC. 22.4.1.E. INCENTIVES AND AFFORDABLE HOUSING REQUIREMENTS 127  
 SEC. 22.4.1.F. ENCROACHMENTS AND EXCEPTIONS 128  
**SECTION 22.4.2 ARCHITECTURAL STANDARDS 129**  
 SEC. 22.4.2.A. PURPOSE 129  
 SEC. 22.4.2.B. APPLICABILITY 129  
 SEC. 22.4.2.C. COMPATABILITY OF INFILL, ADDITIONS, AND EXPANSIONS 129  
 SEC. 22.4.2.D. BUILDING DESIGN STANDARDS 129  
 SEC. 22.4.2.E. STREETScape STANDARDS 137  
**SECTION 22.4.3 PARKING AND LOADING 138**  
 SEC. 22.4.3.A. APPLICABILITY 138  
 SEC. 22.4.3.B. REQUIRED OFF-STREET PARKING 139  
 SEC. 22.4.3.C. PARKING ALTERNATIVES AND ADJUSTMENTS 143  
 SEC. 22.4.3.D. PARKING RESTRICTIONS 145  
 SEC. 22.4.3.E. PARKING LOT AND GARAGE DESIGN STANDARDS 146  
 SEC. 22.4.3.F. BICYCLE PARKING STANDARDS 149  
 SEC. 22.4.3.G. OFF-STREET LOADING STANDARDS 149  
 SEC. 22.4.3.H. DRIVE-THROUGH VEHICLE STACKING STANDARDS 150  
**SECTION 22.4.4 LANDSCAPING, SCREENING AND BUFFERING 152**  
 SEC. 22.4.4.A. PURPOSE 152  
 SEC. 22.4.4.B. APPLICABILITY 152

SEC. 22.4.4.C. GENERAL LANDSCAPING STANDARDS	152
SEC. 22.4.4.D. PRESERVATION OF EXISTING LANDSCAPING	154
SEC. 22.4.4.E. STREET TREES AND LOT FRONTAGE LANDSCAPING	156
SEC. 22.4.4.F. SIDE AND REAR LOT LINE BUFFERS	157
SEC. 22.4.4.G. PARKING LOT LANDSCAPING	158
SEC. 22.4.4.H. WALLS AND FENCES	160
SEC. 22.4.4.I. SCREENING OF SERVICE AREAS AND EQUIPMENT	161
SEC. 22.4.4.J. VISION CLEARANCE AND PUBLIC SAFETY	162
SEC. 22.4.4.K. STORMWATER MANAGEMENT	162
SECTION 22.4.5 OUTDOOR LIGHTING	163
SEC. 22.4.5.A. PURPOSE	163
SEC. 22.4.5.B. APPLICABILITY	163
SEC. 22.4.5.C. STANDARDS APPLICABLE TO ALL DEVELOPMENT	163
SEC. 22.4.5.D. ADDITIONAL STANDARDS APPLICABLE TO CERTAIN MIXED USE AREAS	164
SECTION 22.4.6 SIGNS	165
SEC. 22.4.6.A. GENERAL PROVISIONS	165
SEC. 22.4.6.B. SIGNS EXEMPT FROM PERMIT REQUIREMENTS	165
SEC. 22.4.6.C. PROHIBITED SIGNS GENERALLY	166
SEC. 22.4.6.D. STANDARDS APPLICABLE TO ALL SIGNS	167
SEC. 22.4.6.E. ADDITIONAL STANDARDS FOR SIGNS IN THE URBAN CENTER AREA	168
SEC. 22.4.6.F. STANDARDS FOR SPECIFIC TYPES OF SIGNS	169
SEC. 22.4.6.G. ADDITIONAL STANDARDS FOR NONCONFORMING SIGNS	184
SEC. 22.4.6.H. ADDITIONAL STANDARDS FOR MAINTENANCE;	185
SEC. 22.4.6.I. ENFORCEMENT AND REMOVAL PROCEDURES	185
SEC. 22.4.6.J. ADMINISTRATIVE ADJUSTMENTS	187
SEC. 22.4.6.K. ADDITIONAL STANDARDS FOR SEVERABILITY	187
SECTION 22.4.7 ACCESS, CIRCULATION, AND CONNECTIVITY	188
SEC. 22.4.7.A. PURPOSE	188
SEC. 22.4.7.B. GENERAL STANDARDS APPLICABLE TO ALL APPLICATIONS	188
SEC. 22.4.7.C. STANDARDS APPLICABLE DURING SUBDIVISION OF LAND	188
SEC. 22.4.7.D. STANDARDS APPLICABLE ON PLATTED LOTS IN THE MU-FBC DISTRICT	190
SEC. 22.4.7.E. STANDARDS APPLICABLE ON PLATTED LOTS IN ALL ZONE DISTRICTS	190
SECTION 22.4.8 SUBDIVISION OF LAND	193
SEC. 22.4.8.A. APPLICABILITY	193
SEC. 22.4.8.B. PURPOSE	193
SEC. 22.4.8.C. GENERAL STANDARDS	193
SEC. 22.4.8.D. AVOIDANCE OF SENSITIVE AREAS	193
SEC. 22.4.8.E. LOTS AND BLOCKS	194
SEC. 22.4.8.F. STREETS, ALLEYS AND SIDEWALKS	195
SEC. 22.4.8.G. OPEN SPACE	195
SEC. 22.4.8.H. RECREATION VEHICLE PARKS	195
SEC. 22.4.8.I. EASEMENTS.	197
SEC. 22.4.8.J. REQUIRED IMPROVEMENTS	197
SECTION 22.4.9 OPERATING AND MAINTENANCE	201
SEC. 22.4.9.A. OPERATING STANDARDS	201

SEC. 22.4.9.B. PROPERTY MAINTENANCE STANDARDS	202
SEC. 22.4.9.C. COMPLIANCE WITH OTHER PORTIONS OF THE CITY CODE	204
<b>ARTICLE 22.5 ADMINISTRATION AND ENFORCEMENT</b>	<b>205</b>
SECTION 22.5.1 PURPOSE AND ORGANIZATION	205
SECTION 22.5.2 PROCEDURE SUMMARY CHART	205
SECTION 22.5.3 GENERAL PROCEDURES	207
SEC. 22.5.3.A. PURPOSE	207
SEC. 22.5.3.B. APPLICATION SUBMITTAL, ACCEPTANCE, REVISIONS, AND WITHDRAWAL	207
SEC. 22.5.3.C. STAFF REVIEW AND ACTIONS	209
SEC. 22.5.3.D. SCHEDULING AND NOTICE OF PUBLIC HEARINGS	212
SEC. 22.5.3.E. PLANNING AND ZONING COMMISSION REVIEW AND ACTION	214
SEC. 22.5.3.F. HISTORIC PRESERVATION COMMISSION REVIEW AND ACTION	215
SEC. 22.5.3.G. ARCHITECTURAL REVIEW & ZONING APPEALS BOARD REVIEW AND ACTION	215
SEC. 22.5.3.H. TREE AND LANDSCAPE COMMITTEE REVIEW AND ACTION	215
SEC. 22.5.3.I. CITY COUNCIL REVIEW AND ACTION	215
SEC. 22.5.3.J. CONDITIONS OF APPROVAL	216
SEC. 22.5.3.K. POST-DECISION ACTIONS AND LIMITATIONS	216
SEC. 22.5.3.L. CONSTRUCTION OF IMPROVEMENTS	218
SEC. 22.5.3.M. TIME PERIODS FOR CITY PERFORMANCE	218
SECTION 22.5.4 SPECIFIC PROCEDURES	219
SEC. 22.5.4.A. AMENDMENTS TO ZONING MAP OR UDO TEXT	219
SEC. 22.5.4.B. DESIGNATION OF HISTORIC LANDMARKS	220
SEC. 22.5.4.C. COMPREHENSIVE PLAN AMENDMENT	221
SEC. 22.5.4.D. REZONING	222
SEC. 22.5.4.E. MAJOR DEVELOPMENT PLAN REVIEW	224
SEC. 22.5.4.F. CONDITIONAL USE PERMIT	225
SEC. 22.5.4.G. DEMOLITION PERMIT	225
SEC. 22.5.4.H. SUBDIVISION OF LAND	226
SEC. 22.5.4.I. DEVELOPMENT STANDARD OR USE VARIANCE	228
SEC. 22.5.4.J. FLOODPLAIN VARIANCE	228
SEC. 22.5.4.K. HISTORIC PROPERTY HARDSHIP MODIFICATION	230
SEC. 22.5.4.L. BUILDING PERMIT	231
SEC. 22.5.4.M. DEVELOPMENT PERMIT	231
SEC. 22.5.4.N. MINOR DEVELOPMENT PLAN REVIEW	231
SEC. 22.5.4.O. SIGN PERMIT	232
SEC. 22.5.4.P. FLOODPLAIN DEVELOPMENT PERMIT	235
SEC. 22.5.4.Q. LOT ADJUSTMENT	236
SEC. 22.5.4.R. REVOCABLE SIDEWALK PRIVILEGES	237
SEC. 22.5.4.S. CURB CUT PERMIT	237
SEC. 22.5.4.T. LANDSCAPE PERMIT	238
SEC. 22.5.4.U. STORMWATER MANAGEMENT PERMIT	238
SEC. 22.5.4.V. CERTIFICATE OF APPROPRIATENESS	240

<b>ARTICLE 22.6 PRE-EXISTING DEVELOPMENT AND NONCONFORMITIES</b>	<b>242</b>
SECTION 22.6.1 RESPONSIBILITY OF THE APPLICANT/PROPERTY OWNER	242
SEC. 22.6.1.A. CERTIFICATE	242
SEC. 22.6.1.B. EVIDENCE	242
SECTION 22.6.2 NONCONFORMING LOTS	242
SECTION 22.6.3 NONCONFORMING USES	242
SEC. 22.6.3.A. CONTINUATION WITHOUT EXPANSION OF STRUCTURE	242
SEC. 22.6.3.B. HOURS OF OPERATION	242
SEC. 22.6.3.C. REESTABLISHMENT	242
SEC. 22.6.3.D. SUBSTITUTION	243
SEC. 22.6.3.E. DAMAGE OR DESTRUCTION	243
SEC. 22.6.3.F. REPAIR AND MAINTENANCE	243
SEC. 22.6.3.G. ENLARGEMENT OF STRUCTURE	243
SEC. 22.6.3.H. MULTIFAMILY DWELLINGS	243
SECTION 22.6.4 NONCONFORMING STRUCTURES	243
SECTION 22.6.5 NONCONFORMING SIGNS	244
SECTION 22.6.6 NONCONFORMING PARKING OR SITE IMPROVEMENTS	244
<b>ARTICLE 22.7 ENFORCEMENT AND PENALTIES</b>	<b>245</b>
SECTION 22.7.1 COMPLIANCE REQUIRED	245
SECTION 22.7.2 INSPECTIONS	245
SECTION 22.7.3 COMPLIANTS OF VIOLATIONS	245
SECTION 22.7.4 VIOLATIONS AND RESPONSIBLE PARTIES	245
SEC. 22.7.4.A. VIOLATIONS GENERALLY	245
SEC. 22.7.4.B. SPECIFIC VIOLATIONS	245
SECTION 22.7.5 REMEDIES AND PENALTIES	246
SEC. 22.7.5.A. DENY OR WITHHOLD PERMITS AND APPROVALS	246
SEC. 22.7.5.B. REVOKE PERMITS AND APPROVALS	246
SEC. 22.7.5.C. STOP-WORK ORDERS	246
SEC. 22.7.5.D. CRIMINAL AND CIVIL PENALTIES	247
SEC. 22.7.5.E. RESTORATION OF THE PROPERTY	247
SEC. 22.7.5.F. PENALTIES FOR VIOLATION OF SECTION 22.2.7.C	247
SEC. 22.7.5.G. ABATEMENT	247
<b>ARTICLE 22.8 REVIEW AND DECISION-MAKING BODIES</b>	<b>248</b>
SECTION 22.8.1 CITY STAFF	248
SEC. 22.8.1.A. GENERAL	248
SEC. 22.8.1.B. CITY PLANNER	248
SEC. 22.8.1.C. CHIEF BUILDING OFFICIAL	248
SEC. 22.8.1.D. CITY ENGINEER	249
SECTION 22.8.2 PLANNING AND ZONING COMMISSION	249
SEC. 22.8.2.A. CREATED	249
SEC. 22.8.2.B. APPOINTMENT OF MEMBERS	249
SEC. 22.8.2.C. TERMS, REMOVAL AND COMPENSATION OF MEMBERS; VACANCIES.	249

SEC. 22.8.2.D. OFFICERS; RULES OF PROCEDURE; MEETINGS AND RECORDS TO BE PUBLIC.	250
SEC. 22.8.2.E. EMPLOYEES AND STAFF; CONTRACTS; EXPENDITURES.	250
<b>SECTION 22.8.3 HISTORIC PRESERVATION COMMISSION</b>	<b>250</b>
SEC. 22.8.3.A. CREATED	250
SEC. 22.8.3.B. OPERATIONAL RESPONSIBILITY AND STAFF FUNCTION	250
SEC. 22.8.3.C. APPOINTMENT OF MEMBERS AND TERMS	250
SEC. 22.8.3.D. POWERS	250
SEC. 22.8.3.E. POWER TO ADOPT RULES AND STANDARDS	251
SEC. 22.8.3.F. CONFLICT OF INTEREST	251
SEC. 22.8.3.G. RECORD.	251
<b>SECTION 22.8.4 ARCHITECTURAL REVIEW &amp; ZONING APPEALS BOARD</b>	<b>251</b>
SEC. 22.8.4.A. CREATED	251
SEC. 22.8.4.B. MEMBERSHIP AND APPOINTMENTS	251
SEC. 22.8.4.C. TERM OF OFFICE	252
SEC. 22.8.4.D. COMPENSATION	252
SEC. 22.8.4.E. RULES AND PROCEDURES	252
SEC. 22.8.4.F. ADMINISTRATIVE ASSISTANCE.	252
<b>SECTION 22.8.5 CITY COUNCIL</b>	<b>252</b>
<b>SECTION 22.8.6 FLOODPLAIN MANAGEMENT BOARD OF APPEALS</b>	<b>252</b>
SEC. 22.8.6.A. MEMBERSHIP AND APPOINTMENTS	252
SEC. 22.8.6.B. TERMS OF OFFICE	252
SEC. 22.8.6.C. COMPENSATION	252
SEC. 22.8.6.D. RULES AND PROCEDURES	252
SEC. 22.8.6.E. ADMINISTRATIVE ASSISTANCE	252

## **ARTICLE 22.9 DEFINITIONS AND RULES OF CONSTRUCTION 253**

SECTION 22.9.1 RULES OF CONSTRUCTION AND CALCULATION	253
SECTION 22.9.2 DEFINITIONS	254

## **ARTICLE 22.10 APPLICATION FEES 293**

SEC. 22.10.1.A. ARCHITECTURAL REVIEW AND ZONING APPEALS BOARD	293
SEC. 22.10.1.B. ADDITIONAL ZONING RELATED FEES	294

## **ARTICLE 22.11 APPENDIX A-1**

<b>SECTION 22.11.1 VP-O VICTORIA PLACE OVERLAY</b>	<b>A-1</b>
SEC. 22.11.1.A. INTENT	A-1
SEC. 22.11.1.B. APPLICABILITY	A-1
SEC. 22.11.1.C. GENERAL TO ALL DEVELOPMENT	A-2
SEC. 22.11.1.D. BUILDING TYPES	A-5
SEC. 22.11.1.E. FRONTAGES AND BUILDING ELEMENTS	A-18
SEC. 22.11.1.F. ARCHITECTURE	A-21
SEC. 22.11.1.G. FENCE AND FENCE WALL DESIGN	A-25
SEC. 22.11.1.H. PARKING	A-26
SEC. 22.11.1.I. LIGHTING	A-29
SEC. 22.11.1.J. USES	A-30
SEC. 22.11.1.K. ADMINISTRATION	A-33
SEC. 22.11.1.L. DEFINITIONS	A-35



## ARTICLE 22.1 GENERAL PROVISIONS

### SECTION 22.1.1 SHORT TITLE

This Chapter shall be known and cited as the “City of Thomasville Form Based Unified Development Ordinance” or “UDO.”

### SECTION 22.1.2 PURPOSE

This UDO is adopted in order to:

- A. Implement the policies of the adopted Comprehensive Plan, as may be amended from time to time;
- B. Promote economic reinvestment in the City;
- C. Protect and preserve the City’s residential neighborhoods;
- D. Promote, preserve, and encourage the aesthetic quality and reinforce the historic urban form and fabric of the City;
- E. Promote energy conservation and low impact development, and environmentally sensitive development;
- F. Secure safety from fire, floodwaters, panic, and other dangers;
- G. Facilitate the provision of adequate transportation, water, sanitary and sewers, schools, parks, and other community facilities needed to serve new and existing development;
- H. Promote the public health, safety, and general welfare.

### SECTION 22.1.3 AUTHORITY

The City Council enacts the ordinance from which this section derives under the exercise of the powers conferred upon it by Georgia Laws, Acts 1957, page 420 et seq. and the acts amendatory thereof, (O.C.G.A. §§ 69-1201 through 1231 inclusive as amended), which act became effective to the City by an ordinance creating the Thomasville planning commission adopted by the City Council and a resolution creating the Thomasville planning commission adopted by the commissioners of roads and revenues of Thomas County, Georgia.

### SECTION 22.1.4 APPLICABILITY

- A. This UDO shall apply to all land, buildings, structures, and uses of land, buildings, and structures in the City, unless an exemption is provided by or granted pursuant to the terms of this UDO.
- B. Unless otherwise provided in this UDO, no building or land shall be used or occupied, and no building or structure or part of a building or structure shall be erected, moved or altered, except in conformity with the UDO regulations for the district and any overlay district in which it is located.
- C. No building shall be erected or altered to exceed the height, accommodate or house a greater number of families, accommodate a larger or more intense land use than is permitted, occupy a greater percentage of lot area or have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is permitted by this UDO for the district and any overlay district in which the building is located.
- D. No part of a yard or other open space around any building required for the purpose of complying with the provisions of this UDO shall be included as a part of the yard or other open space similarly required for another building.

## SECTION 22.1.5 EFFECTIVE DATE AND TRANSITION EFFECTIVE DATE

This UDO shall be effective on [DATE].

### Sec. 22.1.5.A. VIOLATIONS CONTINUE

Any violation of the previous City of Thomasville Zoning Ordinance shall continue to be a violation under this UDO and shall be subject to the penalties and enforcement set forth in Article 22.7 (Enforcement and Penalties), unless the use, development, construction, or other activity complies with this UDO. Payment is required for any penalty assessed under the previous ordinance, even if the original violation is no longer considered a violation under this UDO.

### Sec. 22.1.5.B. USES, STRUCTURES, AND LOTS RENDERED CONFORMING

A use, structure, or lot that was legally nonconforming at the time of the adoption of this UDO will be deemed lawful and conforming as of the effective date of this UDO if it conforms to all requirements of this UDO.

### Sec. 22.1.5.C. USES, STRUCTURES, AND LOTS RENDERED NONCONFORMING

1. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this UDO, and this UDO no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Article 22.6 (Pre-existing Development and Nonconformities).
2. Where any building, structure, or lot that legally existed on the effective date of this UDO does not meet all standards set forth in this UDO, such building, structure, or lot shall be considered nonconforming and shall be controlled by Article 22.6 (Pre-existing Development and Nonconformities).

### Sec. 22.1.5.D. APPLICATIONS COMMENCED OR APPROVED UNDER PREVIOUS ORDINANCE

#### 1. PENDING APPLICATIONS

- (a) Any complete application that has been submitted for review, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this UDO, shall be reviewed in accordance with the applicable provisions of the Thomasville zoning ordinance and subdivision regulations in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this UDO. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- (b) An applicant with a complete application that has been submitted for approval, but where no final action has been taken prior to the effective date of this UDO, may submit a written request to the City Planner to have the application reviewed under this UDO.

#### 2. APPROVED PROJECTS

Permits, development plans, building permits, and variances that are valid on the effective date of this UDO shall remain valid until their expiration date. Projects with valid approvals or permits shall be completed pursuant to the development standards in effect at the time of approval. If the approval or permit (including any extensions of time permitted and approved under the prior zoning ordinance and/or subdivision regulations) expires, future development shall comply with the requirements of this UDO.

## SECTION 22.1.6 OFFICIAL ZONING MAP

The location and boundaries of the zoning districts established by this UDO are shown on the official Zoning Map, which is hereby incorporated into the provisions of this UDO. The Zoning Map, including all amendments, shall be the latest electronic version of the Map as amended by City Council. All special requirements plans and form-based district regulating plans contained within this UDO are part of the Zoning Map. The City Planner shall keep the Zoning Map up-to-date as changes and amendments are made.

### **SECTION 22.1.7 INTERPRETATION**

The City Planner shall be authorized to interpret the provisions of this UDO, including but not limited to the location of zoning district boundary lines, unless a different City official is specifically designated in this UDO to make a particular interpretation. The decisions of the City Planner are subject to appeal to the Architectural Review and Zoning Appeals Board. An applicant may request a formal written interpretation of this UDO be made by the Architectural Review and Zoning Appeals Board.

### **SECTION 22.1.8 RELATIONSHIP TO OTHER REGULATIONS**

If provisions of this UDO are inconsistent with one another, with provisions of other adopted codes or ordinances of the City, or with provisions of applicable county, state, and federal laws, the more restrictive provision shall govern to the extent permitted by law. However, if standards in an overlay zoning district conflict with other provisions of this UDO, or with provisions of other adopted codes or ordinances of the City, the provisions of the overlay zoning district shall apply regardless of whether they are more restrictive or more permissive than the standards with which they conflict.

### **SECTION 22.1.9 RELATIONSHIP TO PRIVATE AGREEMENTS AND COVENANTS**

Nothing in this UDO is intended to supersede, annul, or interfere with any easement, covenant, or other agreement between private parties, but such private agreements shall not excuse any failure to comply with this UDO. The City shall not be responsible for enforcing private agreements.

### **SECTION 22.1.10 DEFINITIONS**

Definitions and Rules of Construction used in this UDO are in Article 22.9 (Definitions and Rules of Construction).

### **SECTION 22.1.11 SEVERABILITY**

If any clause, sentence, paragraph, section or part of this UDO shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. Without affecting this general statement, each section of the sign regulations in Section 22.4.9 (Signs) are specifically severable, and the invalidity of any regulation in that section shall not affect the validity or enforceability of other regulations in that section.



# ARTICLE 22.2 ZONING DISTRICT

## SECTION 22.2.1 ZONING DISTRICTS ESTABLISHED

The zoning districts listed in Section 22.2.2 (Summary Table of Zoning Districts) are hereby created. These districts shall have the boundaries shown on the official Zoning Map maintained by the Thomasville Planning Department and available on the City of Thomasville’s website.

## SECTION 22.2.2 SUMMARY TABLE OF ZONING DISTRICTS

The following table shows the zoning districts created by this UDO.

Table 22.2.1: Summary Table of Zoning Districts	
<b>Base Zoning Districts</b>	
<b>Suburban</b>	
T3-SF	Suburban Neighborhood, Single Family
T3-LD	Suburban Neighborhood, Low Density
T3-MH	Suburban Neighborhood, Manufactured Housing
<b>Traditional</b>	
T4-E	Traditional Neighborhood Edge
T4-O	Traditional Neighborhood Edge-Open
T4-C	Traditional Neighborhood Center
T5-H	Mixed-Use Highway
T5-C	Mixed-Use Center
MU-FBC	Mixed-Use Form Based Code
<b>Special Purpose</b>	
M	Mixed-Use Manufacturing
M-1	General Manufacturing
T2	Land Conservation
<b>Overlay Districts</b>	
H-O	Historic District Overlay
NC-O	Neighborhood Conservation District Overlay
FP-O	Floodplain Overlay
VP-O	Victoria Place Overlay
MC-O	Mixed-Use Campus/Institutional Overlay

### SECTION 22.2.3 COMPLIANCE WITH OTHER STANDARDS

All zoning districts shall comply with the permitted uses as shown in Table 22.3.1 (Permitted Use Table) and the standards set forth in Section 22.4 (Development Standards). A reference table for all development and design standards applicable to the specific district is below.

<b>Table 22.2.2: Compliance with Other Standards Required</b>	
<b>Standard</b>	<b>UDO Section</b>
Use Regulation	22.3
Dimensional Standards	22.4.1
Architectural Standards	22.4.2
Parking and Loading	22.4.3
Landscaping, Screening, and Buffering	22.4.4
Outdoor Lighting	22.4.5
Signs	22.4.6
Access, Circulation, and Connectivity	22.4.7
Operating and Maintenance	22.4.9

## SECTION 22.2.4 SUBURBAN NEIGHBORHOOD DISTRICTS

The following Section describes the Suburban Neighborhood districts, which are districts in which the primary use is residential with some accessory uses allowed on residential lots. This Section provides an image illustrating the overall district concept, the overall purpose of the district, the dimensional standards (illustrated and tabled), as well as any district standards.

### Sec. 22.2.4.A. T3-SF SUBURBAN NEIGHBORHOOD, SINGLE FAMILY



**1. PURPOSE**

The purpose of the T3-SF district is to provide for neighborhoods of low density, single-family residences on large lots.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.3: T3-SF Suburban Neighborhood, Single Family**

	Lot Standards		
	A	Lot area, min.	15,000 sq. ft.
	B	Lot width, min.	100 ft.
	C	Impervious lot coverage, max.	30%
	Setbacks		
	D	Front, min.	40 ft.
	E	Side, min.	10 ft.
	F	Rear, min.	40 ft.
	Building Standards		
	G	Height, principal building, max.	35 ft.
		Height, accessory building, max.	Less than height of principal dwelling
		Number of dwelling units, max.	1 Principal + 1 ADU

**3. DISTRICT STANDARDS**

**(a) NONRESIDENTIAL USES**

(i) No primary nonresidential use shall operate before 8:00 am or after 10:00 pm.

**Sec. 22.2.4.B. T3-LD SUBURBAN NEIGHBORHOOD, LOW DENSITY**



**1. PURPOSE**

The purpose of the T3-LD district is to provide for neighborhoods of single-family residences on smaller to medium sized individual lots.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.4: T3-LD Suburban Neighborhood, Low-Density**

	Lot Standards		
	<b>A</b>	Lot area, min.	5,000 sq. ft.
	<b>B</b>	Lot width, min.	40 ft.
	<b>C</b>	Impervious lot coverage, max.	40%
	Setbacks		
	<b>D</b>	Front, min.	30 ft.
	<b>E</b>	Side, min.	8 ft.
	<b>F</b>	Rear, min.	30 ft.
	Building Standards		
	<b>G</b>	Height, principal building, max.	35 ft.
	Height, accessory building, max.	Less than height of principal dwelling	
	Number of dwelling units, max.	1 Principal + 1 ADU	

**3. DISTRICT STANDARDS**

**(a) NONRESIDENTIAL USES**

- (i) No primary nonresidential use shall operate before 8:00 am or after 10:00 pm.
- (ii) A structure that was originally designed and constructed for a nonresidential use may be occupied for any use in the “Residential” or “Civic and Institutional” categories in Table 22.3.1 (Permitted Use Table) upon the issuance of a Conditional Use Permit.



**Sec. 22.2.4.C. T3-MH SUBURBAN NEIGHBORHOOD, MANUFACTURED HOUSING**



**1. PURPOSE**

The purpose of the T3-MH district is to provide an area where lots may be purchased by individuals for the purpose of permanently locating a manufactured home or constructing a single-family residence.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.5: T3-MH Suburban Neighborhood, Manufactured Housing**

	<b>Lot Standards</b>		
	<b>A</b>	Subdivision size, min.	5 Acres
	<b>B</b>	Lot area, min.	5,000 sq. ft.
	<b>C</b>	Lot width, min.	40 ft.
	<b>D</b>	Impervious lot coverage, max.	50%
	<b>Setbacks</b>		
	<b>E</b>	Front, min.	30 ft.
	<b>F</b>	Side, min.	General: 8 ft. Corner Lot: 20 ft.
	<b>G</b>	Rear, min.	30 ft.
	<b>Building Standards</b>		
	<b>H</b>	Height, principal building, max.	N/A
	Height, accessory building, max.	Less than height of principal dwelling	
	Number of dwelling units, max.	1 Principal	

**3. DISTRICT STANDARDS**

**(a) NONRESIDENTIAL USES**

(i) No primary nonresidential use shall operate before 8:00 am or after 10:00 pm.

## SECTION 22.2.5 TRADITIONAL NEIGHBORHOOD DISTRICTS

The following Section describes the Traditional Neighborhood districts, which are districts in which both residential and nonresidential principal uses of land are permitted in the same structure or on the same lot. This Section provides an image illustrating the overall district concept, the overall purpose of the district, the dimensional standards (illustrated and tabled), as well as any district standards.

### Sec. 22.2.5.A. T4-E TRADITIONAL NEIGHBORHOOD EDGE



#### 1. PURPOSE

The purpose of the T4-E district is transition from Thomasville’s residential neighborhoods to the downtown. The T4-E district provides for neighborhoods containing a mix of medium density residential housing types in character with the existing building typologies and built fabric of the area. A mix of uses are permitted where the building typologies and built fabric are consistent with the district’s residential structures.

#### 2. DIMENSIONAL STANDARDS

**Table 22.2.6: T4-E Tradition Neighborhood Edge**

	Lot Standards		
	<b>A</b>	Lot area, min.	One-Family: 4,000 SF Two-Family: 5,000 SF Multi-Family: 3,630 SF per DU
	<b>B</b>	Lot width, min.	40 ft.
	<b>C</b>	Impervious lot coverage, max.	70%
	Setbacks		
	<b>D</b>	Front, min.	20 ft.
		Front, max.	None
	<b>E</b>	Side, min.	8 ft.
	<b>F</b>	Rear, min.	20 ft.
	Building Standards		
	<b>G</b>	Height, principal building, max.	35 ft.
		Height, accessory building, max.	Less than height of principal dwelling
		No. of dwelling units, max.	1 per 750 sq. ft. of GFA

### 3. DISTRICT STANDARDS

#### (a) NONRESIDENTIAL USES

- (i) Each nonresidential permitted use in the T4-E district, as shown in Table 22.3.1 (Permitted Use Table), with a gross floor area of more than 3,000 square feet shall require Conditional Use approval under Section 22.5.3.F.
- (ii) No primary nonresidential use shall operate before 6:00 am or after 11:00 pm.

#### (b) CONVERSION OF A RESIDENTIAL STRUCTURE FOR NONRESIDENTIAL USE

- (i) No modifications to residential structures (including but not limited to altering windows, adding a shopfront, or removing porches or other residential character features) shall be permitted to accommodate nonresidential uses.
- (ii) Conversions of a residential structure to a nonresidential use shall be done so that the structure is indistinguishable from a structure containing a residential use, except for permitted signage.
- (iii) Interior modifications shall allow easily conversion back to residential use in the future.

**Sec. 22.2.5.B. T4-O TRADITIONAL NEIGHBORHOOD EDGE-OPEN**



**1. PURPOSE**

The purpose of the T4-O district is to provide for moderate density in housing options, limited mixed-use development, and opportunities for start-up businesses in a live-work environment. Such districts often closely abut Suburban Neighborhood districts. The character of these areas consists of a blend of uses including single-, two-, and multi-family dwellings, community and cultural facilities, professional offices, services, and limited retail uses.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.7: T4-O Mixed-Use Neighborhood Edge-Open**

	Lot Standards		
	<b>A</b>	Lot area, min.	None
	<b>B</b>	Lot width, min.	None
	<b>C</b>	Impervious lot coverage, max.	70%
	Setbacks		
	<b>D</b>	Front, min.	20 ft.
		Front, max.	None
	<b>E</b>	Side, min.	8 ft.
	<b>F</b>	Rear, min.	20 ft.
	Building Standards		
	<b>G</b>	Height, max.	None
		Height, accessory building, max.	Less than height of principal dwelling
	No. of dwelling units, max.	1 per 750 sq. ft. of GFA	

### 3. DISTRICT STANDARDS

#### (a) NONRESIDENTIAL USES

- (i) Each nonresidential permitted use in the T4-O district, as shown in Table 22.3.1 (Permitted Use Table), with a gross floor area of more than 3,000 square feet shall require Conditional Use approval under Section 22.5.3.F.
- (ii) No primary nonresidential use shall operate before 6:00 am or after 11:00 pm.

#### (b) CONVERSION OF A RESIDENTIAL STRUCTURE FOR NONRESIDENTIAL USE

- (i) No modifications to residential structures (including but not limited to altering windows, adding a shopfront, or removing porches or other residential character features) shall be permitted to accommodate nonresidential uses.
- (ii) Conversions of a residential structure to a nonresidential use shall be done so that the structure is indistinguishable from a structure containing a residential use, except for permitted signage.
- (iii) Interior modifications shall allow easily conversion back to residential use in the future.

**Sec. 22.2.5.C. T4-C TRADITIONAL NEIGHBORHOOD CENTER**



**1. PURPOSE**

The purpose of the T4-C district is to provide for a mixture of residential options, local retail, and small-scale commercial uses providing support services to the surrounding residential neighborhoods. Primary land uses include a variety of predominantly non-destination and non-auto-oriented retail and commercial establishments, as well as complementary residential uses.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.8: T4-C Mixed-Use Neighborhood Center**

	Lot Standards		
	A	Lot area, min.	None
	B	Lot width, min.	None
	C	Impervious lot coverage, max.	100%
	Setbacks		
	D	Front, min.	None
		Front, max.	None <sup>1</sup>
	E	Side, min.	General: 0 ft.; Adjacent to T3 district: 12 ft.
	F	Rear, min.	General: 0 ft.; Adjacent to T3 district: 12 ft.
	Building Standards		
G	Height, principal building, max.	None	
	Height, accessory building, max.	Less than height of principal dwelling	
	No. of dwelling units, max.	1 per 750 sq. ft. of GFA	
<sup>1</sup> See Special Requirements Plan for Build-to-Zone			

### 3. DISTRICT STANDARDS

#### (a) NONRESIDENTIAL USES

- (i) Each nonresidential permitted use in the T4-C district, as shown in Table 22.3.1 (Permitted Use Table), with a gross floor area of more than 5,000 square feet shall require Conditional Use approval under Section 22.5.3.F.

#### (b) FOOD AND BEVERAGE USES

- (i) No use categorized as a Food and Beverage use in Table 22.3.1 (Permitted Use Table) shall operate before 5:00 am or after 2:00 am.

**Sec. 22.2.5.D. T5-H MIXED-USE HIGHWAY**



**1. PURPOSE**

The purpose of the T5-H district is to provide for a wide variety of retail, residential, and commercial uses intended to serve an area larger than a specific neighborhood, in areas characterized by large blocks with arterial street access, and designed for convenient access by automobile.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.9: T5-H Mixed-Use Highway**

	Lot Standards		
	A	Lot area, min.	None
	B	Lot width, min.	None
	C	Impervious lot coverage, max.	100%
	Setbacks		
	D	Front, min.	None
		Front, max.	None
	E	Side, min.	12' one side unless abutting an alley
	F	Rear, min.	12' one side unless abutting an alley
	Building Standards		
G	Height, principal building, max.	None; Adjacent to T3 district: 3 Stories	
	No. of dwelling units, max.	1 per 750 sq. ft. of GFA	



### 3. DISTRICT STANDARDS

#### (a) DEVELOPMENT STANDARDS

- (i) No parking garage or surface parking lot shall be located within 50 feet of a boundary with a T3 or T4 district.
- (ii) No local street adjacent to or passing through a T3 or T4 district shall be used to access a parking garage or a parking lot containing more than 100 vehicle spaces in the T5-H district.

**Sec. 22.2.5.E. T5-C MIXED-USE CENTER**



**1. PURPOSE**

The purpose of the T5-C district is to provide for a wide range of uses and encourage infill redevelopment while reinforcing existing, well-defined urban character of Thomasville’s historic downtown area.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.10: T5-C Mixed-Use Center**  
 See Section 22.4.1 for more details

	Lot Standards		
	<b>A</b>	Lot area, min.	None
	<b>B</b>	Lot width, min.	None
	<b>C</b>	Impervious lot coverage, max.	100%
	Setbacks		
	<b>D</b>	Front, min.	None
		Front, max.	None <sup>1</sup>
	<b>E</b>	Side, min.	General: 0 ft.; Adjacent to T3 district: 12 ft.
	<b>F</b>	Rear, min.	General: 0 ft.; Adjacent to T3 district: 12 ft.
	Building Standards		
<b>G</b>	Height, principal building, max.	None	
	No. of dwelling units, max.	1 per 750 sq. ft. of GFA	
<sup>1</sup> See Special Requirements Plan for Build-to-Zone			

### 3. DISTRICT STANDARDS

#### (a) DESIGN REVIEW OF TALL BUILDINGS

- (i) Any new building exceeding ten stories in height shall require Design Review pursuant to Article 22.5.

#### (b) RETAIL FRONTAGE REQUIREMENT

- (i) Ground floor street frontage of a primary building shall be constructed to accommodate retail or personal service uses. This requires a minimum first floor height of 11 feet and an occupiable space extending at least 20 feet from the street frontage façade and at least one pedestrian entrance on that frontage.
- (ii) Where there is no market demand, as demonstrated by competent financial and market evidence to the satisfaction of the Planning and Zoning Commission, a raised floor for a residential walk-up use may be constructed instead of a space for retail or personal service uses, provided that the design and construction allows for future conversion to retail or personal service use should market demands change.

### Sec. 22.2.5.F. MU-FBC MIXED-USE FORM-BASED CODE



#### 1. PURPOSE

The purpose of the MU-FBC district is to allow for the incremental development of mixed-use neighborhoods that are consistent with Thomasville’s Historic Districts and Downtown by either a single or multiple developers. This district requires the creation of a regulating plan and street hierarchy atlas that will regulate future development by one or more property owners. The MU-FBC district can be applied across multiple parcels of various ownership.

#### 2. DISTRICT STANDARDS

##### (a) GENERAL STANDARDS

The minimum contiguous size for a rezoning to the MU-FBC district is 10 acres. This can be either a single or multiple parcels. Each area zoned as MU-FBC is known as a neighborhood.

##### (b) REGULATING PLAN

Development planning within the MU-FBC district begins with the creation of a Regulating Plan.

- (i) The Regulating Plan establishes the general location, size and type of streets, blocks, and lots within the neighborhood, the transect zones, and other important elements that define the overall structure of the proposed development.
- (ii) The Regulating Plan shall clearly illustrate the following:
  - 1) The location and type of streets
  - 2) The location of alleys
  - 3) Civic and Open Space
  - 4) Block structure
  - 5) Transect Zones
- (iii) The Regulating Plan is a regulatory document that can be adjusted administratively so long as it meets the requirements of this Section 22.2.5.F.
- (iv) Development within a MU-FBC district shall be consistent with the Regulating Plan.

##### (c) TRANSECT ZONES

- (i) The Transect is a planning and zoning tool that organizes zones in a continuum from rural to urban. Additional Special District zones cover building types and uses that do not fit into the previous categories. Each Transect Zone has a different set of characteristics that correspond with building placement, building

form, and frontage standards, all of which influence the level of walkability and vibrancy in a particular place.

- (ii) The Transect Zones to be mapped on a MU-FBC district Regulating Plan are hereby established in Table 22.2.11 Frontage Standards Summary Chart.

**(d) DEVELOPMENT STANDARDS**

**(i) NEIGHBORHOOD STANDARDS**

- 1) Each neighborhood shall contain a mix of at least three Transect Zones.
- 2) Each neighborhood shall assign at least 5 percent of its area to Civic Space.
- 3) Each neighborhood shall contain at least one Civic Open Space (not a Playground) and that Primary Civic Open Space shall be within 800 feet of the geographic center of the neighborhood.
- 4) Every neighborhood shall have at least one Playground.
- 5) Dead-end streets and cul-de-sacs shall not be permitted.

**(ii) BLOCK STANDARDS**

To facilitate connectivity and pedestrian accessibility, the Blocks within a MU-FBC district shall conform to the following standards:

- 1) Maximum block sizes shall not exceed the maximum block perimeter established for each Transect Zone.
- 2) The average perimeter of all blocks in a neighborhood shall not exceed 1,800 linear feet.
- 3) Any block face that exceeds 600' in length shall have a mid-block pedestrian access of at least 8' in width.

**(iii) TERMINATED VISTAS.**

In order to improve spatial definition and orientation on each street, terminated vistas shall be encouraged using buildings, civic spaces, roundabouts, statues, ornamentation, or natural features.

**(iv) LOT FRONTAGE.**

The primary frontage of a lot shall be along one of the following:

- 1) A thoroughfare right-of-way;
- 2) A thoroughfare with development on one side and a civic space on the other (see diagram below, left);
- 3) Directly upon a civic space in which there is no thoroughfare located between the primary frontage and the civic space (see diagram below, center); or
- 4) Directly upon a pedestrian passage or rear alley / lane (see diagram below, right).

**(v) REVERSE FRONTAGE LOTS.**

Reverse frontage lots shall be prohibited. Arterials, collectors, and local streets shall be incorporated into the structure of all future blocks, with access to the first tier of lots provided directly from the thoroughfare, a perpendicular street, or a rear alley / lane.

**(vi) RETAIL FRONTAGE REQUIREMENT**

- 1) In areas designated as a Mixed-Use Core or Walkable Center in the Regulating Plan, at least one ground floor street frontage of a primary building shall be constructed to accommodate retail or personal service uses when there is a market demand for those uses.
- 2) Where there is no market demand, as demonstrated by competent financial and market evidence to the satisfaction of the Planning and Zoning Commission, a raised floor for a residential walk-up use may be constructed instead of a space for retail or personal service uses, provided that the design and construction allows for future conversion to retail or personal service use should market demands change.

### 3. FORM BASED STANDARDS

#### (a) PURPOSE & INTENT

This 22.2.5.F contains standards that apply to the MU-FBC districts, specifying standards for buildings that impact walkability and the quality of the public realm as well as parking requirements and the design of signage, lighting, and public open space.

#### (b) APPLICABILITY

The provisions of this 22.2.5.F apply to all development and redevelopment in the MU-FBC districts that involves the construction of a new principal structure on the site, except:

- (i) Where Article 22.6 (Pre-existing Development and Nonconformities) permits the continued use and/or expansion of a structure without compliance with some or all of the standards of this UDO; and
- (ii) Where the structure is a landmark designated by the City, in which case the standards of Section 22.2.7.A (H-O Historic Resources Overlay) and procedures related to historic landmarks in Section 22-5 (Administration and Enforcement) shall apply.

#### (c) NEW BUILDINGS

##### (i) PRIMARY ENTRANCES

- 1) The primary entrance of every principal building giving access to a principal use of the property must directly face a street or a public space. Public space may include a central garden or courtyard when that public space opens directly onto the primary street.
- 2) Buildings shall be designed and oriented with an emphasis on the primary street on which they front.
- 3) Buildings located on corner lots shall use design elements that emphasize the importance of both streets.
- 4) The primary public entrance shall be prominently located, easily identifiable, relate to the human scale, and contribute to the overall design intent.
- 5) The primary public entrance shall be at grade or seamlessly integrate required handicap accessibility into the design of the building.

##### (ii) BUILDING MATERIALS

- 1) Masonry walls, whether load-bearing or veneer, should be of brick, natural stone, manufactured or cultured stone, cast stone, decorative CMU, or products of similar quality of manufacture. Brick masonry should generally be comprised of a standard unit size and height. Oversized or utility dimensions are prohibited. Brick masonry may be painted.
- 2) Permitted siding types include horizontal lap siding of wood or composition board (such as Hardiplank), Vertical board and batten of wood or composition board (such as Hardiplank), or Shingles of wood or composition board (such as Hardiplank). Vinyl siding is not permitted. All siding types must incorporate vertical corner boards on outside building corners. Corner boards should be a minimum of three inches in width.
- 3) Surfaces finished in stucco should be smooth in texture and painted. Sprayed-on stucco finishes and stucco panels (pre-fabricated stucco board) are prohibited.
- 4) When materials are combined on a building façade horizontally, heavier materials must naturally occur below lighter materials.
- 5) E.I.F.S., Fiberglass (as cornice material), and composite materials must be located out of reach of pedestrians and must visually appear to have a hand troweled finish.
- 6) Cornices shall be required on all buildings to delineate the tops of the façades. Cornices shall include roof overhangs or eaves where a sloped roof meets the top of a wall and shall either extend a minimum of twelve inches beyond the wall plane, or include jogs in the surface plane of the building wall greater than twelve inches.

##### (iii) BRICK AND MASONRY DETAILING

- 1) Headers
  - a) All openings in masonry construction shall be spanned by a header.
  - b) Permitted header forms shall be the lintel, arch, and jack arch. The header shall visually appear able to carry the wall load above.
  - c) Headers may be comprised of a variety of materials. Permitted materials include: brick, stone, cast stone, reinforced cast concrete, wood, and metal.
  - d) All headers on a building shall be of a matching style and material.
  - e) Headers shall be a minimum of four inches in height and shall be slightly wider than the opening they span.
- 2) Sills
  - a) All window and door openings in masonry construction shall have a sill at their base.
  - b) Sills shall be generally rectangular in form, and slope slightly away from the opening to shed water.
  - c) Sills may be comprised of a variety of materials. Permitted materials include: brick, stone, cast stone, and concrete. All sills on a building shall be of a matching style and material.
  - d) Sills shall be a minimum of two inches in height and should project from the wall surface a minimum of one half inch beyond the vertical casing. Sills shall be slightly wider than the opening, the same as the header.
- 3) Caps
  - a) A cap shall protect the tops of all masonry structures exposed to the weather including: garden walls, stair treads, planter edges, parapets, and freestanding piers.
  - b) Caps shall be comprised of stone, cast stone, brick, concrete, or slate.
  - c) The edges of caps may be rectangular, or may be more ornate.
  - d) Caps shall project past the edge of the masonry structure below by a minimum of one half inch.

**(iv) WIDE BUILDINGS**

- 1) The Primary Façade of buildings wider than 150 feet shall be varied with a change of architectural expression.
- 2) These changes in expression may be a vertical element running from the ground plane to the roof, a change in fenestration, color, or texture, or a break in building façade plane or roof line.
- 3) These changes may be subtle or significant, but should soften the visual effect of very wide buildings directly across the street from narrower buildings and in general, continue the rhythm of the existing buildings.

**(v) FACADE TRANSPARENCY**



Figure 22.4.1: Minimum Facade Transparency Requirements

All building façades that face onto a street (including secondary or side streets) or public space shall meet the minimum transparency requirements outlined below. The percentage of transparency per Story shall be calculated within the area between finished floor and finished ceiling and shall be a total percentage of doors and windows along that portion of the façade. An example of appropriate façade transparency is shown in Figure 22.4.2.

- 1) Minimum building façade transparency for ground Story (retail) = 60 percent
- 2) Minimum building façade transparency for ground Story (uses other than retail) = 30 percent
- 3) Minimum building façade transparency for upper Stories = 30 percent

**(vi) ROOF FORMS**

- 1) Roof types shall be typical to the chosen style of building. These permitted roof types may include gable, Dutch gable, hipped, shed, barrel vaulted, domed, and mansard. Shed roofs shall be concealed with parapets along the street frontage. Applied mansard roofs are not permitted.
- 2) Ensure that visible roofs are designed to complement the composition and form of the building.
- 3) Rooftop mechanical or other equipment that does not contribute to the overall design intent must be screened from public view utilizing screening techniques that either blend with the building or complement its design.

**(vii) FRONTAGE ELEMENTS**

Frontage Elements are semi-private elements of the building typically located in the area between the primary façade and the lot line. Frontage elements may occur forward of the build-to zone or setback. In some instances, such as galleries and arcades, they may encroach into the right-of-way with City approval. Frontage Elements create the transition between the public building and the private or commercial buildings. Frontage Elements establish the physical and functional relationship between the street and the private lot. The following are common Frontage Elements and the basic standards for those elements:

1) Arcade

A frontage element with a colonnade supporting habitable space that overlaps the sidewalk, while the building façade at sidewalk level remains at or behind the build-to zone or setback. This frontage element type is conventional for retail uses.

- a) Minimum Arcade Depth = ten feet (measured from face of building to inside column face)
- b) Minimum Underside Clearance = ten feet
- c) Length = 75 to 100 percent of building frontage
- d) Arcades shall be supported by columns, piers or arches. Support columns can be spaced no farther apart than they are tall.
- e) Arcades shall occur forward of the build-to zone or setback and may encroach within the right-of-way with the approval of the City. When an arcade extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement, in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.
- f) Arcades shall not extend closer than two feet from the curb line, nor farther than five feet from the curb line.
- g) Enclosed usable space shall be permitted above the arcade, and within the right-of-way with the approval of the City.
- h) On corner lots, arcades may wrap around the side of the building facing the secondary street.

2) Gallery

A frontage element in which the building façade is aligned close to the lot line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This frontage element type is conventional for retail use.



- a) Minimum Gallery Depth = eight feet (measured from face of building to inside column face)
- b) Minimum Underside Clearance = nine feet
- c) Length = 75 to 100 percent of building frontage
- d) Support columns can be spaced no farther apart than they are tall.
- e) Galleries shall occur forward of the build-to zone or setback and may encroach within the right-of-way with approval of the City. When a gallery extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement, in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.
- f) Galleries shall not extend closer than two feet from the curb line, nor farther than five feet from the curb line.
- g) Galleries shall be only one story in height and may have flat or pitched roofs, up to an 8:12 slope.
- h) On corners lots, galleries may wrap around the side of the building facing the secondary street.
- i) Open balconies are permitted on galleries above the sidewalk level.

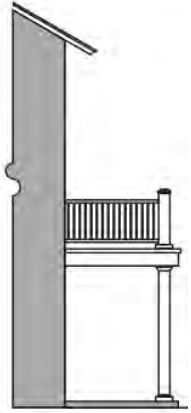


Figure 22.4.2: Gallery

3) Shopfront

A frontage element in which the building façade is aligned close to the lot line with the building entrance at sidewalk grade. This frontage element type is conventional for retail use.

- a) A habitable space at least 15 feet in depth shall be provided behind each shopfront on the Primary Façade.
- b) Shopfronts shall have an expression line between the first and second story (see diagram below). Expression lines shall either be moldings extending a minimum of two inches outward from the Primary Façade, or jogs in the surface plane of the building wall greater than two inches.
- c) The entrances to all shopfronts shall be covered, either by an awning, canopy, second floor balcony, arcade/colonnade, gallery, or by being inset into the main body of the building.
- d) Entrances for public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the City Planner.



Figure 22.4.3: Shopfront Transparency Requirements

- e) Shopfront doors shall contain at least 50 percent transparent glass. Solid doors are prohibited.
- f) The top of all shopfront window sills shall be between one and three feet above the adjacent sidewalk.
- g) Shopfront windows shall extend up from the sill at least eight feet above the adjacent sidewalk.
- h) The ground floor of a shopfront shall have untinted transparent shopfront windows and/or doors covering no less than 50 percent of the wall area. See Façade Transparency for additional requirements.
- i) Shopfront windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). Reflective and frosted glass is prohibited on shopfronts. Low emissivity glass with high visual light transmittance may be permitted.
- j) Shopfronts must remain unshuttered at night to provide views of display spaces and are encouraged to remain lit from within from dusk to dawn at minimum light levels to provide additional security to pedestrians.

4) Stoop

A frontage element wherein the building façade is aligned close to the lot line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.

- a) Minimum Stoop Depth = four feet
- b) Minimum Stoop Length = four feet
- c) Minimum Underside Clearance = eight feet
- d) Minimum Finished Stoop Floor Height = At or up to eight inches below the first interior finished floor level, but not to exceed 42 inches above the finished grade of the sidewalk.
- e) Stoops may extend into the right-of-way with the approval of the City, but the location of the stoop must leave at least five horizontal feet of the sidewalk unobstructed for pedestrian travel.
- f) Stoop stairs may run to the front or to the side.
- g) Stoops shall be covered, either with a roof, or area inset into the main body of the building.
- h) Partial walls and railings on stoops may be no higher than 42 inches.

5) Forecourt

A frontage element in which a portion of the building façade is close to the lot line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type shall be allocated in conjunction with other frontage element types.

6) Terrace or Lightwell

A frontage element in which the building façade is set back from the lot line by an elevated terrace or a sunken lightwell. This frontage element type tends to buffer residential uses from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for use or conversion to outdoor cafes.

7) Porch

A frontage element type typically with a planted frontage along the applicant's side of the lot line in which the building façade may be set back from the lot line with an attached porch permitted to encroach forward of the build-to zone or setback. A fence or low knee wall may be located at the lot line to maintain street spatial definition.

- a) Minimum Porch Depth = eight feet (measured from face of building to inside column face)
- b) Minimum Underside Clearance = eight feet
- c) Minimum Finished Porch Floor Height = At or up to eight inches below the first interior finished floor level not to exceed 42 inches above the finished grade of the sidewalk.

- d) Front porches may occur forward of the build-to zone or setback, but shall not extend into the right-of-way or any easement.
  - e) Side porches may extend past the side setback requirements, but not into any easement or public right-of-way.
  - f) Porches that encroach into applicable setback requirements, as described in Subsections 4 and 5 above, must comply with the conditions applicable to unenclosed porches in Section 22.4.1(5) (Encroachments and Exceptions).
  - g) Front and side porches may be screened; however, if screened, all architectural expression (columns, railings, etc.) must occur on the outside of the screen (facing a street or public space).
- 8) Additional Shading of Sidewalks

Each building with a shopfront on the ground story is required to have awnings, balconies, colonnades, or arcades facing the primary streets. When providing a required awning or balcony, or one that extends into a street right-of-way, the following design requirements apply:

- a) Awnings
  - i) Awnings over ground-story doors or windows minimum depth = five feet
  - ii) Minimum Underside Clearance = eight feet
  - iii) Awnings must extend over at least 25 percent of the width of the Primary Façade or over the full width of all windows and transparent portions of the Primary Façade.
  - iv) Back-lit, high-gloss, or plasticized fabrics are prohibited.
- b) Second-story Balconies
  - i) Minimum depth = six feet
  - ii) Minimum Underside Clearance = ten feet
  - iii) Balconies must extend over at least 25 percent of the width of the Primary Façade.
  - iv) Balconies may have roofs but must be open toward the primary and side street.
- c) A colonnade or arcade may extend forward of the build-to zone and over public sidewalks provided it maintains two feet of horizontal clearance from the curb.
- d) When an awning, balcony, colonnade, or arcade extends over a public sidewalk, the property owner may be required to enter into an agreement in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.

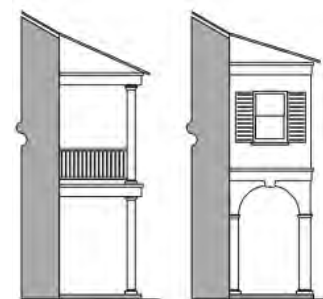


Figure 22.2.4: Shading of Sidewalks

#### (d) SPECIALTY BUILDINGS

Within the MU-FBC districts, the following criteria shall be applied to ensure that any auto-oriented uses permitted in the district do not detract from the overall walkability of the district.

##### (i) PARKING STRUCTURES

Parking structures shall be built within the parking location footprint permitted by the frontage standards. A liner building should be used to mask the parking from primary and side streets.

##### (ii) LINER BUILDINGS

The character and intended use of some buildings, such as warehouses and parking structures, may prevent them from complying with the Façade Transparency requirements (See Figure 2.4.5). Such buildings may be constructed so that they are separated from adjacent streets (but not alleys) by liner buildings:

- 1) Liner buildings must be at least 2 stories in height with no less than 15 feet in depth;

- 2) Liner buildings may be detached from or attached to the primary building;
- 3) Liner buildings may be used for any purpose allowed in that zone district by Table 22.3.1: Permitted Use Table except for parking; and
- 4) Liner buildings must meet the Primary Façade transparency requirements in 22.2.5.F.3(c)(v).

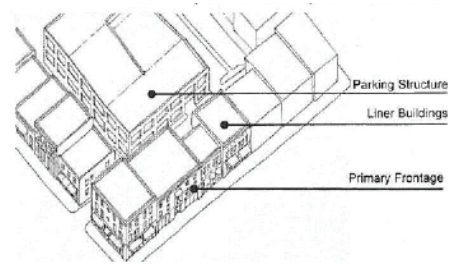


Figure 22.4.5: Liner Building Configuration

**(iii) GAS STATIONS**

- 1) A ground-floor shopfront shall face the Primary Street and define the corner of the lot.
- 2) All pumps, parking, and drive-through areas must be located behind the building.
- 3) An example of an appropriate gas station configuration is shown in Figure 22.4.6.

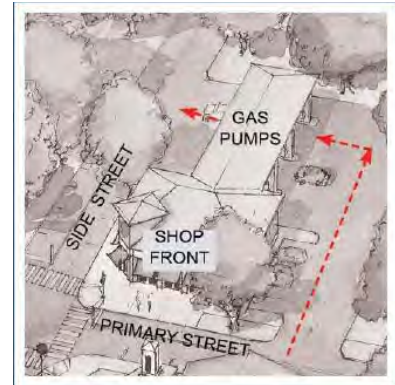


Figure 22.4.6: Gas Station Configuration

**(iv) DRIVE-THROUGHS**

- 1) A ground-floor shopfront must face the Primary Street. All parking shall be located in the rear of the building and accessed from a rear alley when present. Drive-thru windows shall be located to the side or rear of the building.
- 2) An example configuration of an appropriate building with a drive-thru is shown in Figure 22.4.7.

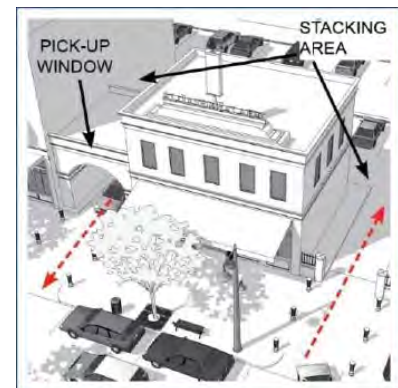


Figure 22.4.7: Drive-thru Building Configuration

**(e) PARKING ACCESS**

The provisions of Section 22.4.5.B (Parking and Loading) shall apply in the MU-FBC districts.

**4. FRONTAGE STANDARDS**

Dimensional Standards are established in Table 22.2.11 Frontage Standards Summary Chart.

**(a) PURPOSE**

The Frontage Standards establish the physical and functional relationships between buildings and the street. The standards set forth rules related to building placement (build-to-zones, setbacks, location of parking, etc.) and building heights. All new buildings in Form-Based Districts must comply with the Frontage Standards in this section based on the Frontage designation shown on the regulating plan.

**(b) APPLICABILITY**

The MU-FBC district Regulating Plans are shown at the end of this Section. Each street frontage within each regulating plan is color coded to a Frontage Type. All new buildings constructed in the MU-FBC districts must comply with the standards for that Frontage Type in this Section 22.2.5.F.3(a). The basic standards applicable to each Frontage Type are shown in Table 22.2.11, which uses the same color-coding used on the Regulating Plans. More detailed standards for each frontage type are shown after Table 22.2.11 Frontage Standards Summary Chart.

**(c) FRONTAGE STANDARDS SUMMARY CHART**

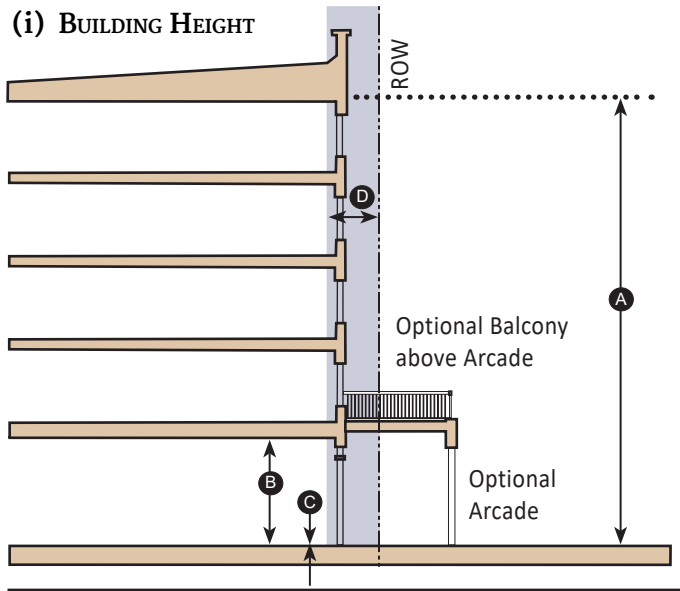
The Frontage Standards establish the physical and functional relationships between buildings and the street. The standards set forth rules related to building placement (build-to-zones, setbacks, location of parking, etc.) and building heights. All new buildings in Form-Based District must follow the prescribed Frontage Standards set forth herein based on their designation on the regulating plan.

**Table 22.2.11: Frontage Standards Summary Chart**

Zones	Mixed-use Core	Walkable Center	Neighborhood General	Connected Edge	Highway Edge	Industrial
<b>Heights</b>						
Building Height	1 Story min	1 Story min	1 Story min	1 Story min	2 Story min	1 Story min
	5 Stories max	4 Stories max	3.5 Stories max	2.5 Stories max	10 Stories max	3 Stories max
First Floor Height (Floor to Floor)	13' min	13' min	10' min	10' min	13' min	No min
Ground Finished Floor above sidewalk or finished grade	0' min (Commercial) 24" min (residential)	0' min (Commercial) 24" min (residential)	0' min (Commercial) 24" min (residential)	24" min (residential)	0' min (Commercial) 24" min (residential)	0' min
<b>Building Placement</b>						
Front Build-to Zone	0' min to 8' max*	0' min to 10' max*	6' min to 18' max	10' min (setback)	0' min to 8' max*	8' min (setback)
Frontage Build-out	80% min	60% min	60% min	40% min	80% min	N/A
Side Setback (mid-block)	0' min	0' min	0' min	5' min	0' min	8' min
Side Build-to Zone (corner)	0' min to 10' max	0' min to 10' max	6' min to 18' max	10' min	0' min to 10' max	8' max
Rear Setback (lot or alley)	5' min	5' min	5' min	5' min	5' min	24' min
Rear Build-to Zone (street)	0' min to 10' max	6' min to 18' max	6' min to 18' max	12' min (setback)	0' min to 10' max	8' min (setback)
Rear Frontage Build-out (street ONLY)	60% min	60% min	40% min	no min	60% min	N/A
Lot Coverage	90% max	75% max	70% max	60% max	90% max	90% max
<b>Parking Location</b>						
Front Setback	30' min	30' min	20' min	24' min	30' min	20' min
Side Setback (mid-block)	0' min	0' min	0' min	0' min	0' min	0' min
Side Setback (corner)	30' min	30' min	20' min	20' min	30' min	20' min
Rear Setback (lot)	5' min	5' min	5' min	5' min	5' min	0' min
Rear Setback (alley)	0' min	0' min	3' min	3' min	0' min	0' min
Rear Setback (street)	30' min	20' min	20' min	20' min	20' min	0' min
<b>Frontage Elements</b>						
Allowed Frontage Elements	Forecourt, Stoop, Shopfront, Gallery, Arcade	Terrace or Light-well, Forecourt, Stoop, Shopfront, Gallery, Arcade	Porch, Terrace or Lightwell, Forecourt, Stoop, Shopfront	Porch, Stoop, Common Yard	Terrace or Light-well, Forecourt, Stoop, Shopfront, Gallery, Arcade	N/A
<p><b>Notes:</b></p> <p><b>HEIGHTS:</b>                      Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 30 feet above the designated height limit in the Mixed-Use Core, Walkable Center, Waterfront Edge, and Warehouse Districts.                      Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 20 feet above the designated height limit in the Neighborhood General and Connected Edge Districts.</p> <p><b>PARKING LOCATION:</b>                      Parking shall be accessed from rear alleys or side streets whenever possible.</p> <p><b>FRONTAGE ELEMENTS:</b>                      Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.                      See Section 22.2.5.F.3 (Form Based Standards) for requirements of frontage elements.</p> <p><b>MISCELLANEOUS:</b>                      All buildings must have a Primary Pedestrian Entrance along the front façade.                      Loading docks and other service entries shall not be located on primary frontages. Where alternatives exist, they should not be located along secondary streets or frontages. All loading docks and service entrances should be integrated into the overall building and site design along the rear of the building.</p>						

# Frontage Standards | Mixed-use Core

## (i) BUILDING HEIGHT



Key



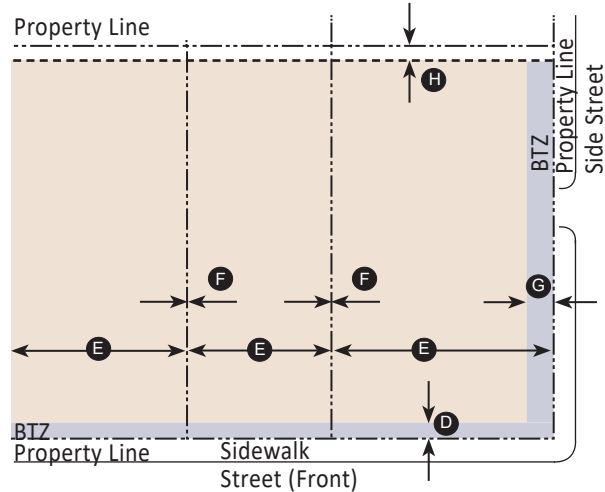
### Building Heights

Building Height	1 Story minimum 5 Stories maximum	<b>A</b>
First Floor Height (floor to floor)	13' minimum	<b>B</b>
Ground Finished Floor above sidewalk or finished grade	0' min. (commercial) 24" minimum (residential)	<b>C</b>

#### NOTES:

- Basements and attics shall not count as a story.
- Towers, cupolas, and other rooftop features with a footprint smaller than twenty (20) feet by twenty (20) feet may extend up to thirty (30) feet above the designated height limit.

## (ii) BUILDING PLACEMENT



Key



### Building Placement

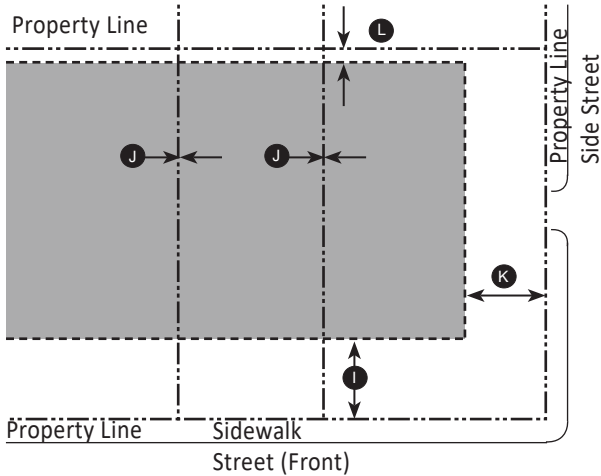
Front Build-to Zone	0' minimum to 6' maximum	<b>D</b>
Frontage Build-out	80% minimum	<b>E</b>
Side Setback (mid-block)	0' minimum	<b>F</b>
Side Build-to Zone (corner)	0' minimum to 10' max.	<b>G</b>
Rear Setback (lot or alley)	5' minimum	<b>H</b>
Rear Build-to Zone (street)	0' minimum to 10' maximum	
Rear Frontage Build-out (street ONLY)	60% minimum	

#### NOTES:

- A minimum front 13' setback shall be provided in the Mixed-Use Core, Walkable Center, and Waterfront Edge. The sidewalk may be a combination of public and private property.

# Frontage Standards | Mixed-use Core

## (iii) PARKING LOCATION



Key

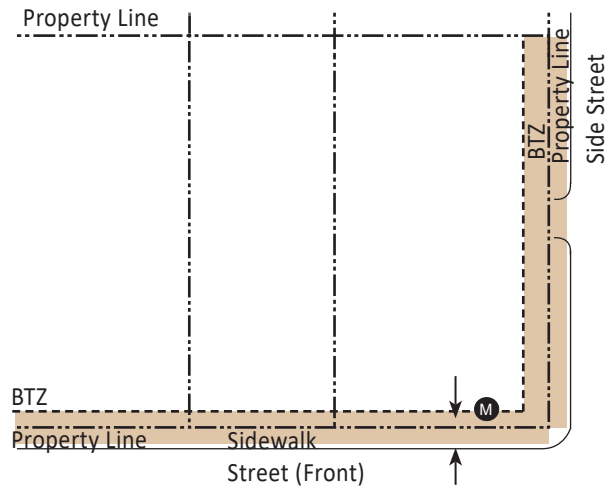
-----	Property Line	-----	Setback Line
■	Parking Area		

Parking Location		
Front Setback	30' minimum	I
Side Setback (mid-block)	0' minimum	J
Side Setback (corner)	30' minimum	K
Rear Setback (lot)	5' minimum	L
Rear Setback (alley)	0' minimum	
Rear Setback (street)	30' minimum	

**NOTES:**

- Parking shall be accessed from rear alleys or side streets whenever possible.

## (iv) FRONTAGE ELEMENTS



Key

-----	Property Line	■	Encroachment Area
-----	Max Build-to Zone (BTZ)		

Frontage Elements	
Allowed Frontage Elements	Forecourt, Stoop, Shopfront, Gallery, Arcade <span style="float: right;">M</span>

**NOTES:**

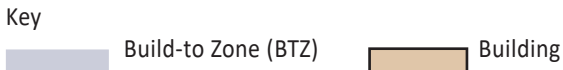
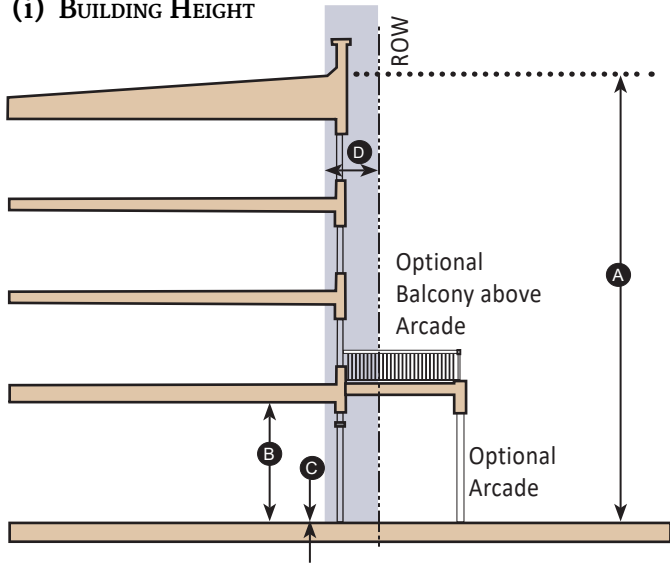
- Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.
- See General Standards for requirements of frontage elements.

### Miscellaneous Notes

- All buildings must have a Primary Pedestrian Entrance along the front facade.
- Loading docks and other service entries shall not be located on Mixed-use Core Frontages.

# Frontage Standards | Walkable Center

## (i) BUILDING HEIGHT

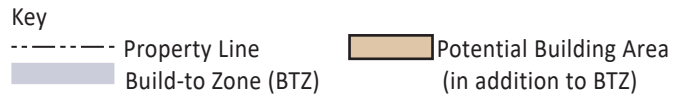
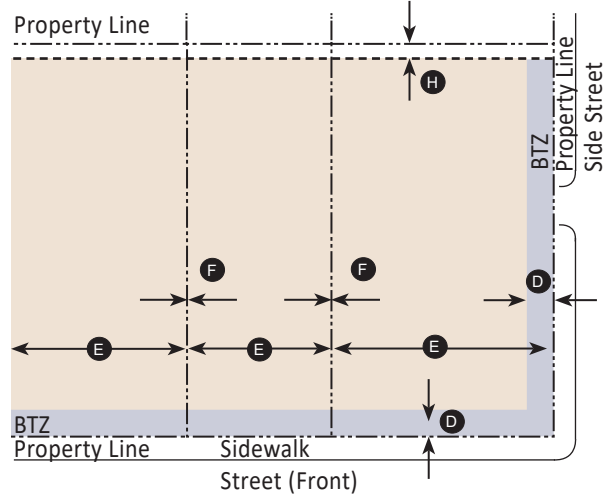


Building Heights		
Building Height	1 Story minimum 4 Stories maximum	A
First Floor Height (floor to floor)	13' minimum	B
Ground Finished Floor above sidewalk or finished grade	0' min. (commercial) 24" minimum (residential)	C

**NOTES:**

- Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 30 feet above the designated height limit.

## (ii) BUILDING PLACEMENT

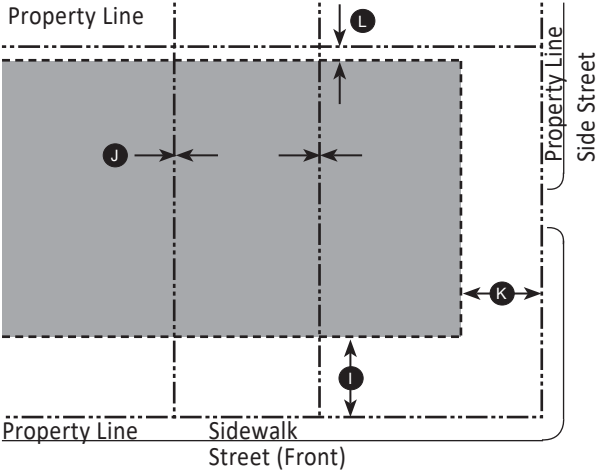


Building Placement		
Front Build-to Zone	0' minimum to 10' max.	D
Frontage Build-out	60% minimum	E
Side Setback (mid-block)	0' minimum	F
Side Build-to Zone (corner)	0' minimum to 10' max.	G
Rear Setback (lot or alley)	5' minimum	H
Rear Build-to Zone (street)	6' minimum to 18' maximum	
Rear Frontage Build-out (street ONLY)	60% minimum	



# Frontage Standards | Walkable Center

### (iii) PARKING LOCATION



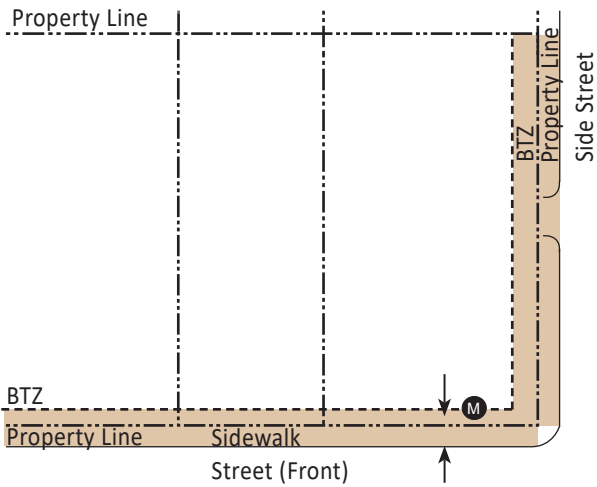
Key

-----	Property Line	-----	Setback Line
■	Parking Area		

Parking Location		
Front Setback	30' minimum	I
Side Setback (mid-block)	0' minimum	J
Side Setback (corner)	30' minimum	K
Rear Setback (lot)	5' minimum	L
Rear Setback (alley)	0' minimum	
Rear Setback (street)	20' minimum	

- NOTES:
- Parking shall be accessed from rear alleys or side streets whenever possible.

### (iv) FRONTAGE ELEMENTS



Key

-----	Property Line	■	Encroachment Area
-----	Max Build-to Zone (BTZ)		

Frontage Elements	
Allowed Frontage Elements	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade <span style="float: right;">M</span>

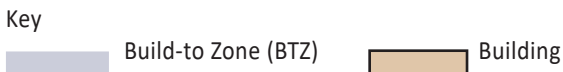
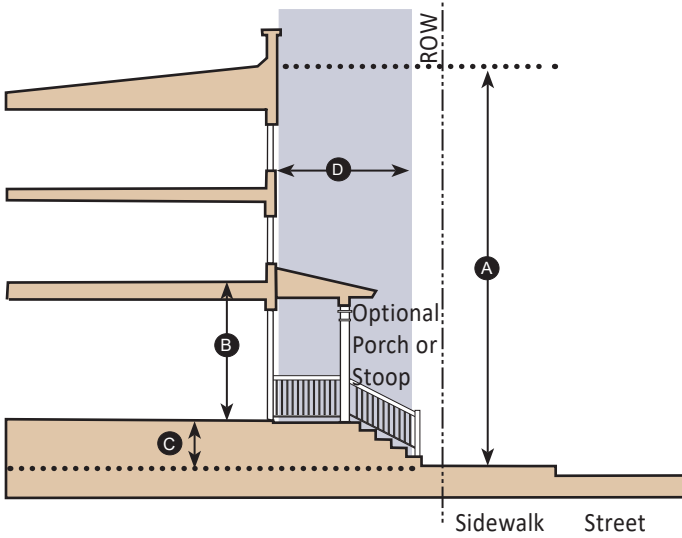
- NOTES:
- Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.
  - See Section 375-2(B)(1) (General Standards) for requirements of frontage elements.

### Miscellaneous Notes

- All buildings must have a Primary Pedestrian Entrance along the front facade.

# Frontage Standards | Neighborhood General

## (i) BUILDING HEIGHT

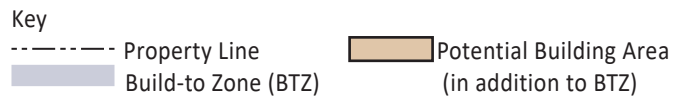
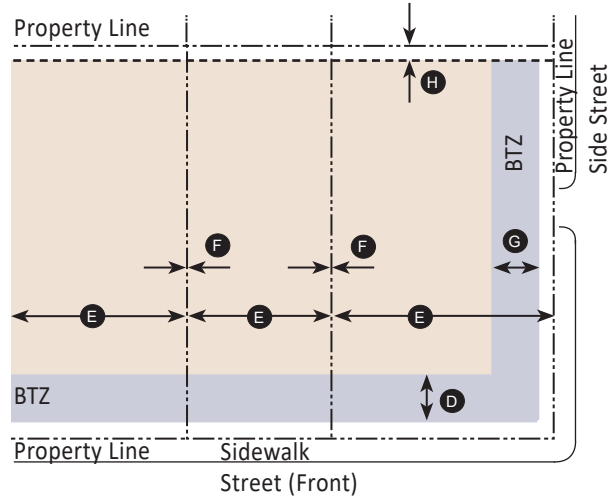


Building Heights		
Building Height	1 Story minimum 3.5 Stories maximum	A
First Floor Height (floor to floor)	10' minimum	B
Ground Finished Floor above sidewalk or finished grade	0' min. (commercial) 24" minimum (residential)	C

**NOTES:**

- Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to thirty 30 feet above the designated height limit.

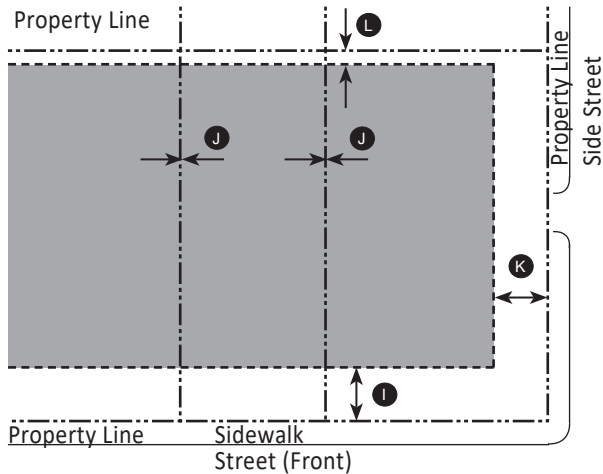
## (ii) BUILDING PLACEMENT



Building Placement		
Front Build-to Zone	See Section 375-4(A)(3)(a)(iii)	D
Frontage Build-out	60% minimum	E
Side Setback (mid-block)	0' minimum	F
Side Build-to Zone (corner)	0' minimum to 10' max.	G
Rear Setback (lot or alley)	5' minimum	H
Rear Build-to Zone (street)	6' minimum to 18' maximum	
Rear Frontage Build-out (street ONLY)	40% minimum	

# Frontage Standards | Neighborhood General

### (iii) PARKING LOCATION

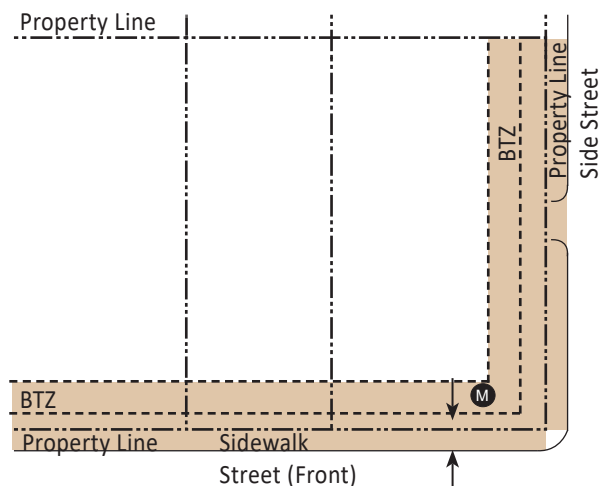


Key	----- Property Line	----- Setback Line
	█ Parking Area	

Parking Location		
Front Setback	20' minimum	Ⓛ
Side Setback (mid-block)	0' minimum	Ⓝ
Side Setback (corner)	20' minimum	Ⓚ
Rear Setback (lot)	5' minimum	Ⓛ
Rear Setback (alley)	3' minimum	
Rear Setback (street)	20' minimum	

- NOTES:
- Parking shall be accessed from rear alleys or side streets whenever possible.

### (iv) FRONTAGE ELEMENTS



Key	----- Property Line	█ Encroachment Area
	----- Build-to Zone (BTZ) Boundaries	

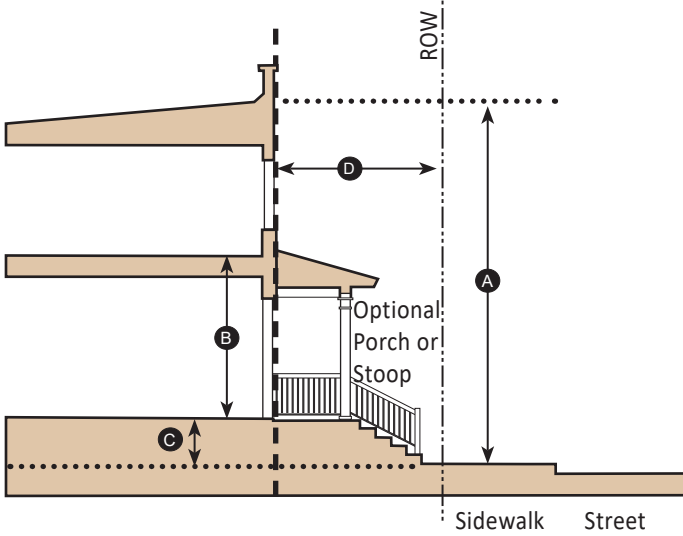
Frontage Elements	
Allowed Frontage Elements	Porch, Terrace or Lightwell, Forecourt, Stoop, Shopfront <span style="float: right;">Ⓜ</span>

- NOTES:
- Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.
  - See Section 375-2(B)(1) (General Standards) for requirements of Frontage Elements

Miscellaneous Notes
<ul style="list-style-type: none"> <li>All buildings must have a Primary Pedestrian Entrance along the front facade.</li> </ul>

# Frontage Standards | Connected Edge

## (i) BUILDING HEIGHT



Key  
 Building

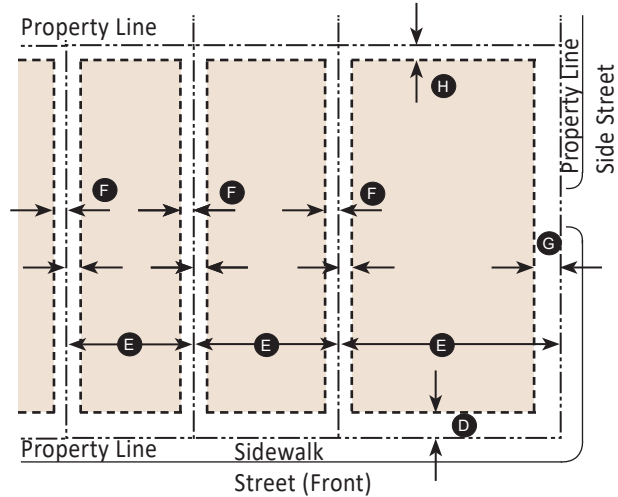
### Building Heights

Building Height	1 Story minimum 2.5 Stories maximum	<b>A</b>
First Floor Height (floor to floor)	10' minimum	<b>B</b>
Ground Finished Floor above sidewalk or finished grade	24" minimum (residential)	<b>C</b>

**NOTES:**

- Towers, cupolas, and other rooftop features with a footprint smaller than twenty (20) feet by twenty (20) feet may extend up to thirty (30) feet above the designated height limit.

## (ii) BUILDING PLACEMENT



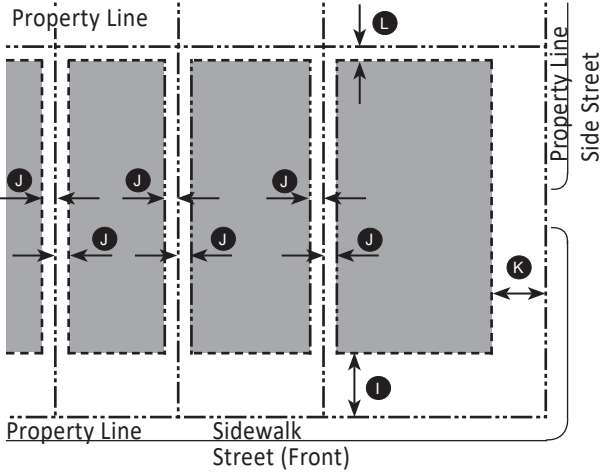
Key  
 - - - - - Property Line  
 - - - - - Building Setback  
 Potential Building Area

### Building Placement

Front Build-to Zone	See Section 375-4(A)(3)(a)(iii)	<b>D</b>
Frontage Build-out	40% minimum	<b>E</b>
Side Setback (mid-block)	5' minimum	<b>F</b>
Side Build-to Zone (corner)	10' minimum	<b>G</b>
Rear Setback (lot or alley)	5' minimum	<b>H</b>
Rear Build-to Zone (street)	12' minimum (Setback)	
Rear Frontage Build-out (street ONLY)	no minimum	

# Frontage Standards | Connected Edge

### (iii) PARKING LOCATION



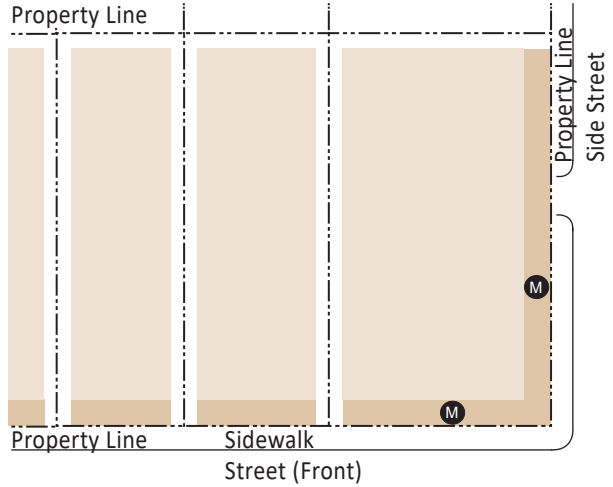
Key

-----	Property Line	-----	Setback Line
■	Parking Area		

Parking Location		
Front Setback	24' minimum	I
Side Setback (mid-block)	0' minimum	J
Side Setback (corner)	20' minimum	K
Rear Setback (lot)	5' minimum	L
Rear Setback (alley)	3' minimum	
Rear Setback (street)	20' minimum	

- NOTES:
- Required parking may be located on-street or in a district parking lot or structure within 800 feet of the building's front door.
  - Parking shall be accessed from rear alleys or side streets whenever possible.

### (iv) FRONTAGE ELEMENTS



Key

-----	Property Line	■	Encroachment Area
-----	Max Build-to Zone (BTZ)		

Frontage Elements		
Allowed Frontage Elements	Porch, Stoop, Common Yard	M

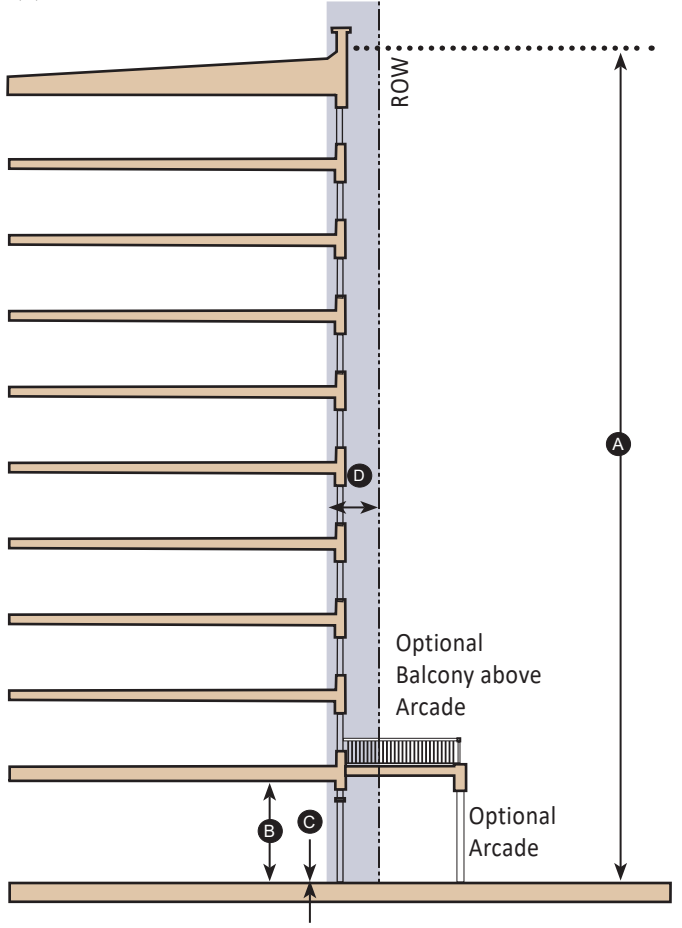
- NOTES:
- Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.
  - See Section 375-2(B)(1) (General Standards) for requirements of frontage elements.

#### Miscellaneous Notes

- All buildings must have a Primary Pedestrian Entrance along the front facade.

# Frontage Standards | Highway Edge

## (i) BUILDING HEIGHT



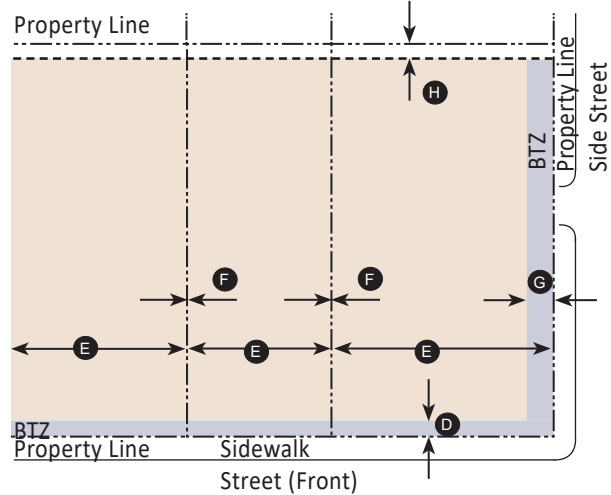
### Building Heights

Building Height	2 Story minimum 10 Stories maximum	A
First Floor Height (floor to floor)	13' minimum	B
Ground Finished Floor above sidewalk or finished grade	0' min. (commercial) 24" minimum (residential)	C

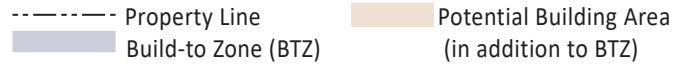
### NOTES:

- Towers, cupolas, and other rooftop features with a footprint smaller than twenty (20) feet by twenty (20) feet may extend up to thirty (30) feet above the designated height limit.

## (ii) BUILDING PLACEMENT



### Key

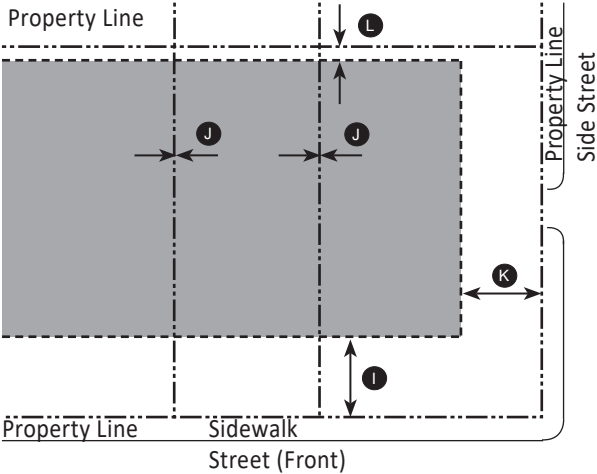


### Building Placement

Front Build-to Zone	0' minimum to 6' maximum	D
Frontage Build-out	80% minimum	E
Side Setback (mid-block)	0' minimum	F
Side Build-to Zone (corner)	0' minimum to 10' max.	G
Rear Setback (lot or alley)	5' minimum	H
Rear Build-to Zone (street)	0' minimum to 10' maximum	
Rear Frontage Build-out (street ONLY)	60% minimum	

# Frontage Standards | Highway Edge

## (iii) PARKING LOCATION



Key

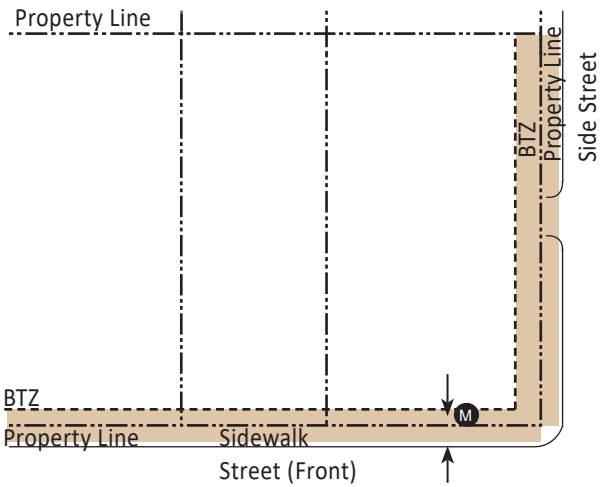
-----	Property Line	-----	Setback Line
■	Parking Area		

Parking Location		
Front Setback	30' minimum (groundfloor only)	Ⓛ
Side Setback (mid-block)	0' minimum	Ⓧ
Side Setback (corner)	30' minimum	Ⓚ
Rear Setback (lot)	5' minimum	Ⓛ
Rear Setback (alley)	0' minimum	
Rear Setback (street)	20' minimum	

NOTES:

- Parking shall be accessed from rear alleys or side streets whenever possible.

## (iv) FRONTAGE ELEMENTS



Key

-----	Property Line	■	Encroachment Area
-----	Max Build-to Zone (BTZ)		

Frontage Elements	
Allowed Frontage Elements	FTerrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade Ⓜ

NOTES:

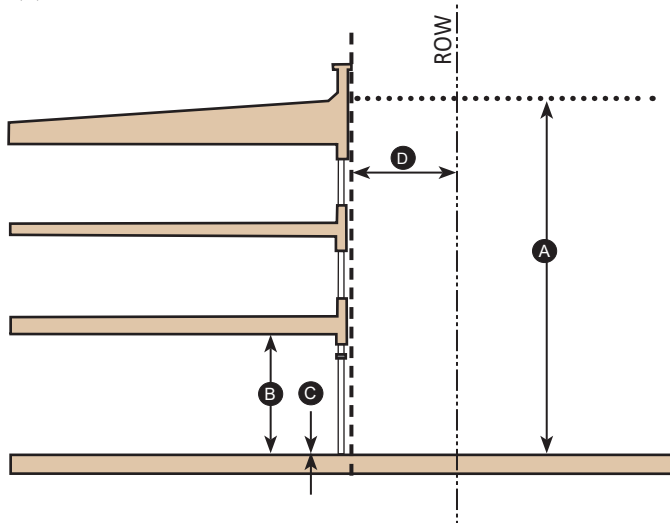
- Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.
- See General Standards for requirements of frontage elements.

### Miscellaneous Notes

- All buildings must have a Primary Pedestrian Entrance along the front facade.
- Loading docks and other service entries shall not be located on Highway Edge Frontages.

# Frontage Standards | Industrial Warehouse

## (i) BUILDING HEIGHT



Key  
 - - - - - Building Setback      Building

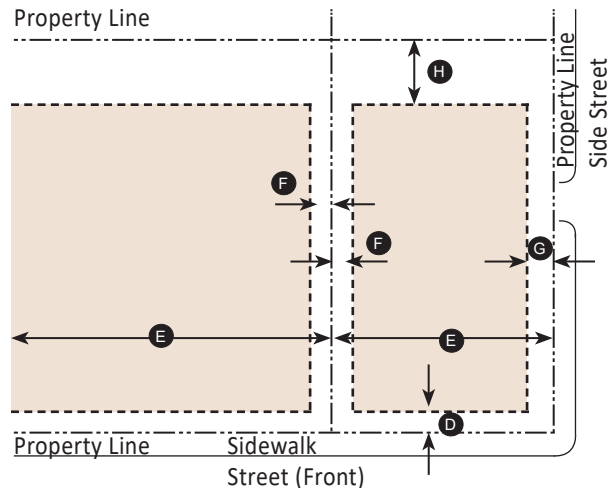
### Building Heights

Building Height	1 Story minimum 3 Stories maximum	A
First Floor Height (floor to floor)	no minimum	B
Ground Finished Floor above sidewalk or finished grade	0' min. (industrial/commercial)	C

#### NOTES:

- Towers, cupolas, and other rooftop features with a footprint smaller than twenty (20) feet by twenty (20) feet may extend up to thirty (30) feet above the designated height limit.

## (ii) BUILDING PLACEMENT



Key  
 - - - - - Property Line      Potential Building Area  
 ······· Building Setback

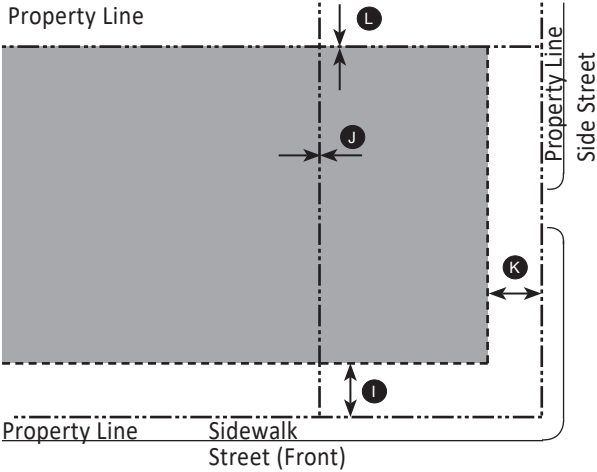
### Building Placement

Front Build-to Zone	8' minimum	D
Frontage Build-out	n/a	E
Side Setback (mid-block)	8' minimum	F
Side Build-to Zone (corner)	8' maximum	G
Rear Setback (lot or alley)	24' minimum	H
Rear Build-to Zone (street)	8' minimum	
Rear Frontage Build-out (street ONLY)	n/a	



# Frontage Standards | Industrial Warehouse

**(iii) PARKING LOCATION**



Key

- - - - -	Property Line	- - - - -	Setback Line
■	Parking Area		

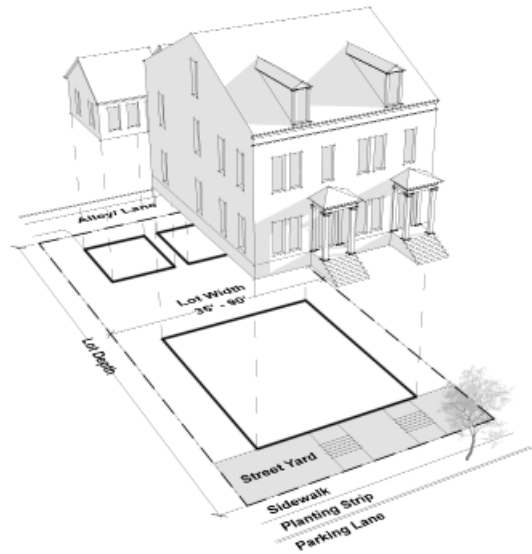
Parking Location		
Front Setback	20' minimum	● I
Side Setback (mid-block)	0' minimum	● J
Side Setback (corner)	20' minimum	● K
Rear Setback (lot)	0' minimum	● L
Rear Setback (alley)	0' minimum	
Rear Setback (street)	0' minimum	

- NOTES:
- Parking shall be accessed from rear alleys or side streets whenever possible.

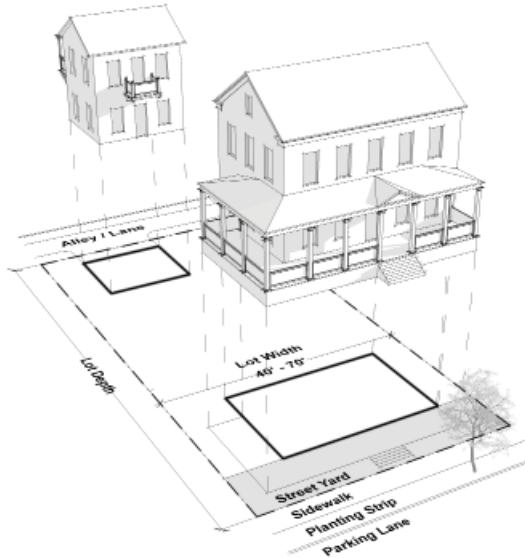
#### 4. TYPICAL BUILDING TYPE EXAMPLES

A mix of residential building types creates neighborhoods which allow a diversity of ages and incomes, and permit residents to trade up or downsize their homes without having to move away. Multi-generational neighborhoods and life-cycle neighborhoods create strong social networks, avoid concentrations of poverty or wealth, and lead to safer communities. There is a wide array of unit and building types that are appropriate in addition to the single-family homes.

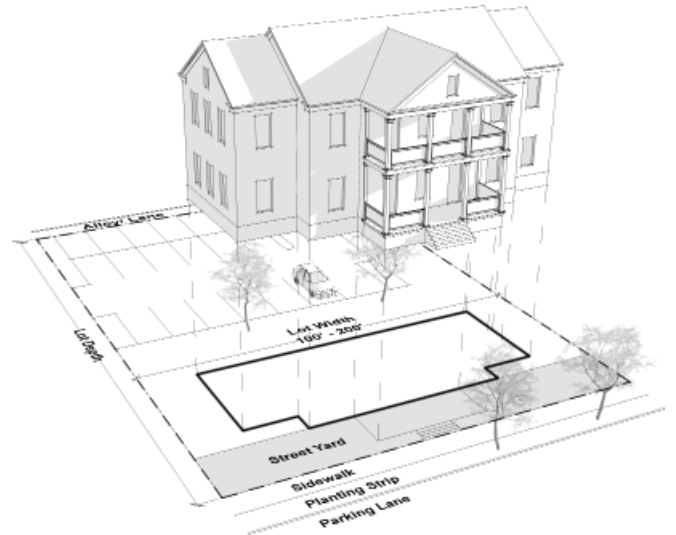
**Duplex**



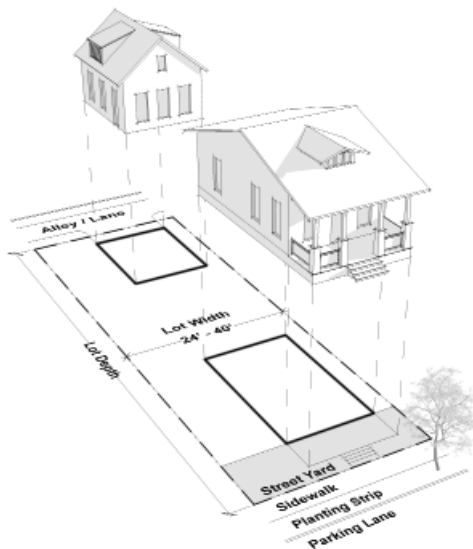
**House & Accessory Dwelling Unit**



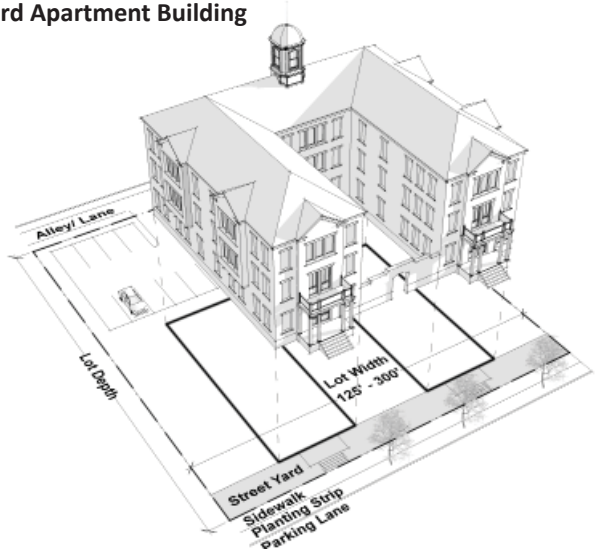
**Apartment Building**



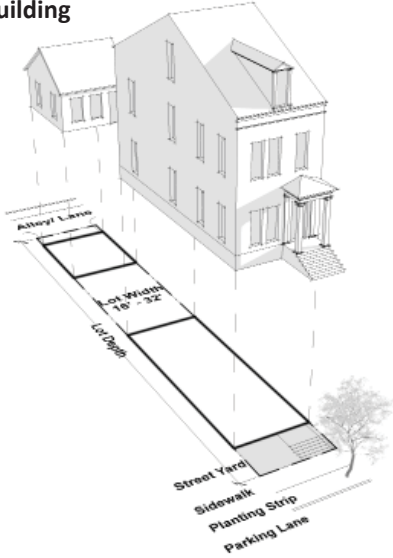
**Cottage**



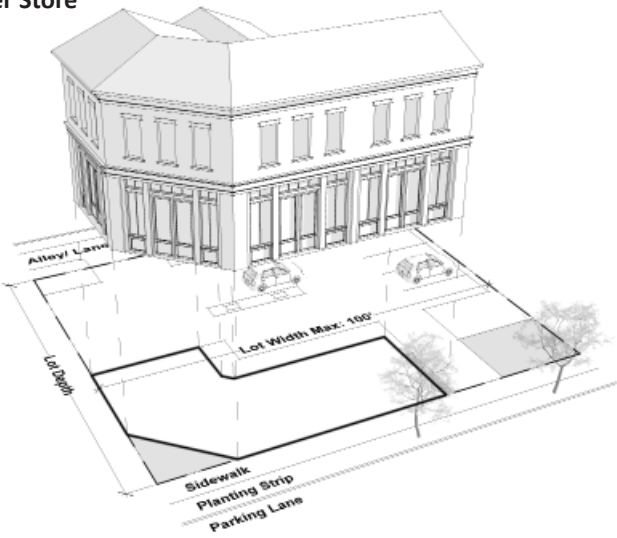
**Courtyard Apartment Building**



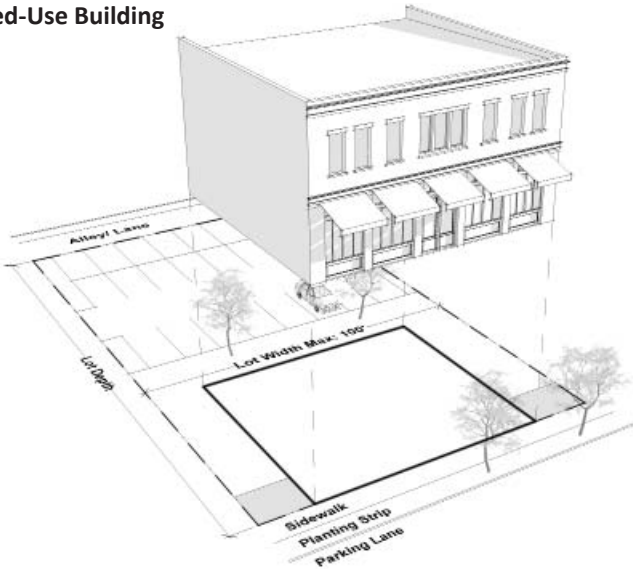
**Townhouse Building**



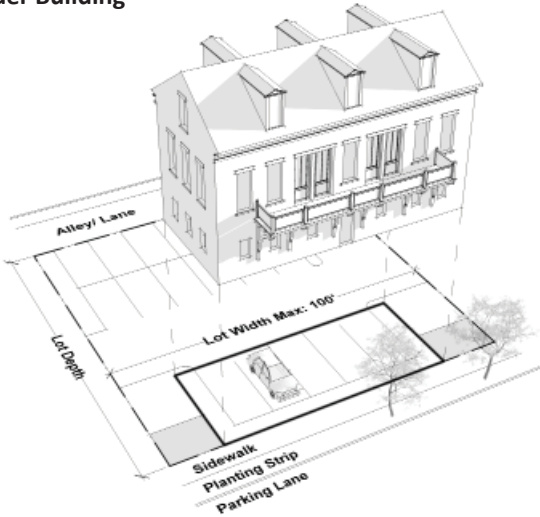
**Corner Store**



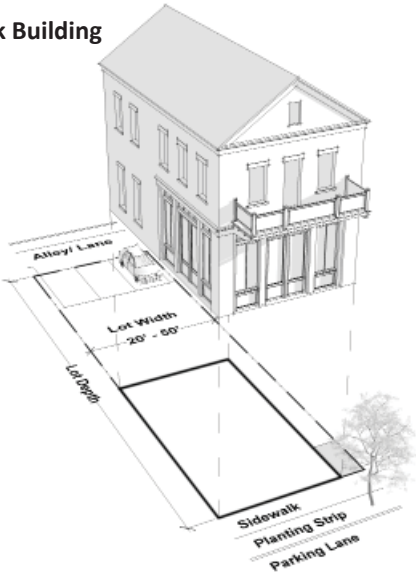
**Mixed-Use Building**



**Park-Under Building**



**Live/Work Building**



**Civic Building with Attached Residence**



4. THOROUGHFARE STANDARDS

**Table 22.4.15: Design Criteria for New & Reconfigured Thoroughfares**

Context (Future Character Area)	Compact Urban <sup>1</sup>			Drivable Suburban		
	Mixed-use Core		Walkable Center	Neighborhood General	Connected Edge	Highway Edge
	Arterial	Collector	Local	Arterial	Collector	Industrial Collector
<b>Typical Characteristics</b>						
Movement Type	Slow Flow	Slow Flow	Slow Flow or Yield Flow	Free Flow	Free Flow or Slow Flow	Slow Flow
Target Speed (MPH)	20 - 30	20 - 30	10 - 25	30 - 45	25 - 35	20 - 30
<b>Streetside<sup>3</sup></b>						
Pedestrian Facilities	Wide Sidewalks 8' min.	Wide Sidewalks 8' min.	Sidewalks 6' min.	Sidewalks 6' min.	Sidewalks 6' min.	Sidewalks 5' min.
Streetscape/ Furnishing/ Planting Type (In addition to Pedestrian Facility)	Tree Well + Furnishing Zone <sup>4</sup> 5' min or Planting Strip 8' min. or Tree Bulb-Out	Tree Well + Furnishing Zone <sup>4</sup> 5' min or Planting Strip 8' min.	Planting Strip with Shade Trees 6' min.	Planting Strip with Shade Trees 6' min.	Planting Strip with Shade Trees 6' min.	Planting Strip with Shade Trees 6' min.
<b>Traveled Way</b>						
<b>Travel Lanes</b> (Including Center Turn Lane)	2 - 3	2	Yield Street or 2	2 - 4	2	2 - 3
Travel Lane Width	10'	9 - 10'	18' Min. (Yield St) or 8 - 9'	10 - 11'	10'	12'
Bicycle Facilities	Raised Cycle Track <sup>5</sup> or Bike Lane or Shared Use of Lane	Raised Cycle Track <sup>5</sup> or Bike Lane or Shared Use of Lane	Shared Use of Lane or Sharrow	Raised Cycle Track or Separated Bike Lane	Raised Cycle Track or Separated Bike Lane	Separated Bike Lane
On-Street Parking	Marked Diagonal or Parallel (7 - 8')	Marked Parallel (7 - 8')	Marked or Unmarked Parallel (7')	Occasionally <sup>6</sup> Parallel (8')	N/A	N/A
<b>Median</b> (May Include Occasional Turn Lane)	N/A	Optional 4 - 18'	N/A	Optional 4 - 18'	Optional 4 - 18'	N/A
Edge Treatment	Curb	Curb	Curb or Swale	Curb or Swale	Curb or Swale	Swale
<b>Intersection</b>						
Curb Radii (Max) (without curb extensions)	15'	15'	10'	20'	15'	20'

Drivable Suburban	Rural <sup>2</sup>		Highway
Industrial	Natural		
Local	Arterial	Collector	
Slow Flow or Yield Flow	Free Flow	Free Flow	Free Flow
10 - 25	25 - 35	25 - 35	45 - 55
Sidewalks 5' min.	Shared Use Path 8 - 12'	Shared Use Path 8 - 12'	N/A
Planting Strip with Shade Trees 6' min.	Planting Strip with Shade Trees between Edge of Pavement and Path 8' min.	Planting Strip with Shade Trees between Edge of Pavement and Path 8' min.	N/A
Yield Street or 2	2	2	4
18' Min. (Yield St) or 8 - 9'	10 - 11'	10 - 11'	12'
Shared Use of Lane or Sharrow	Shared Use Path 8 - 12'	Shared Use Path 8 - 12'	N/A
Unmarked Parallel (7')	N/A	N/A	N/A
N/A	N/A	N/A	20' min.
Curb or Swale	Swale	Swale	Swale
15'	20'	20'	None

Context Zone	Street Classes		
	Arterial	Collector	Local
Compact Urban	CS 70-36	CS 60-36	ST 45-26
	CS 84-48 B		ST 50-24
Drivable Suburban	ST 90-36 B	ST 60-36 B	ST 50-25
		ST 70-24 B	
		ST 60-36	
Rural	RD 75-22 PA		
Highway	Highway		

Street name conventions include the type: ST for Street, CS for Commercial Street, and RD for Road. The numbers represent the right-of-way and pavement width between the curbs. For example, an ST60-36 has a 60 foot right-of-way with 36 feet of paved area between the curbs, including travel and parking lanes. The B stands for bike facility.

Street Classes	Context Zone		
	Compact Urban	Drivable Suburban	Rural
Arterial	Boulevard Avenue	Boulevard	
Collector	Avenue		
Local			

Notes:

1. Includes Neighborhood/Crossroad Centers
2. May also include thoroughfares along the edge of the City/Municipal boundary
3. These values should be modified to accommodate mature trees. A minimum 5 foot sidewalk clear zone, however, should be provided when pedestrian facilities are present
4. Sidewalks with a min. 10' walkway and 5' min. tree well are recommended for sections with retail activity
5. This treatment is not appropriate in commercial areas and Neighborhood/Crossroad Centers
6. For target speeds of 35 mph or less

\*Bulb-outs and other traffic calming elements are permitted for Compact Urban and Drivable Suburban Street Types

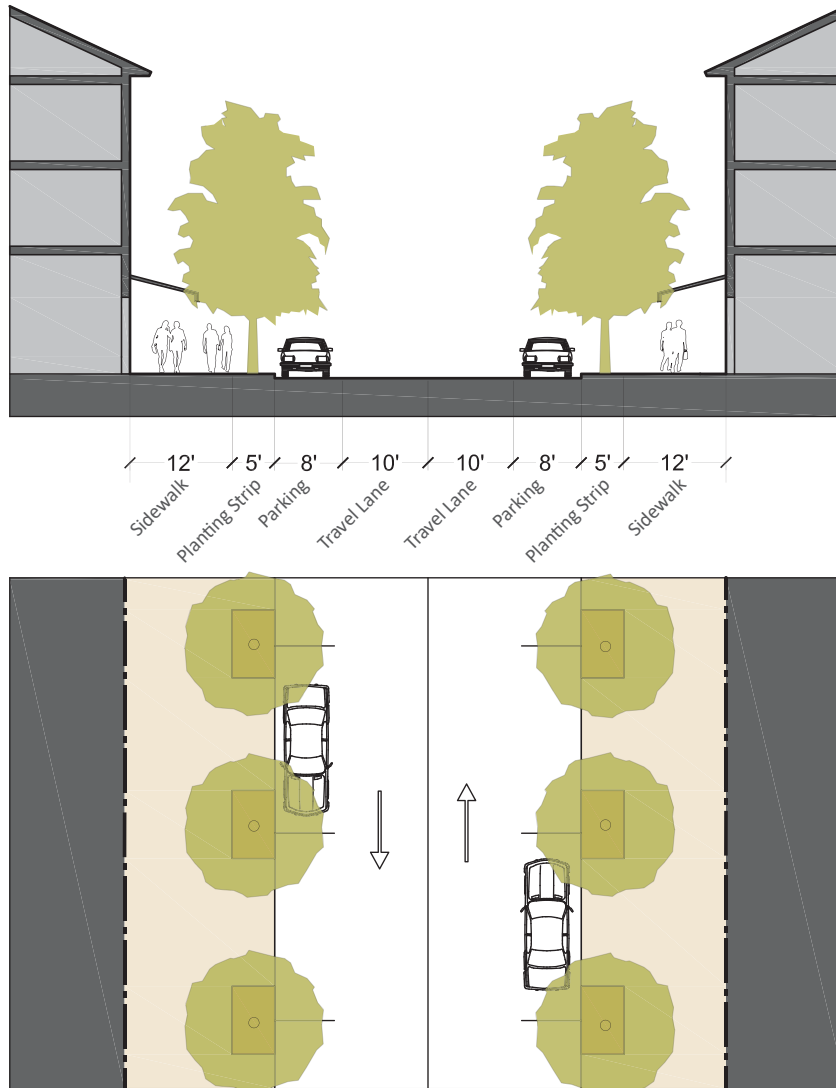
## 5. TYPICAL STREET SECTION EXAMPLES

### (a) COMPACT URBAN - ARTERIAL

CS 70-36

An arterial for use on the primary commercial streets (main streets) within the Downtown Future Character Area. Two 10' travel lanes are shared with automobiles and cyclists and 8' wide on-street parking buffers pedestrians from traffic. Wide, 17' sidewalks accommodate outdoor dining and planter boxes for street trees.

Typical Design Parameters	
Movement Type	Slow Flow
Target Speed	25 mph
ROW Width (Typical)	70 feet
Pavement Width (Typical)	36 feet
Travel Lanes	2 Lanes (10 feet each)
Pedestrian Facilities	Sidewalks (12 feet each)
Bicycle Facilities	Shared Lane
On-Street Parking	Parallel (8')
Median	None
Streetscape/Planting Type	Tree Wells (5') with Shade Trees
Edge Treatment	Curb
Curb Radii (max.)	15 feet

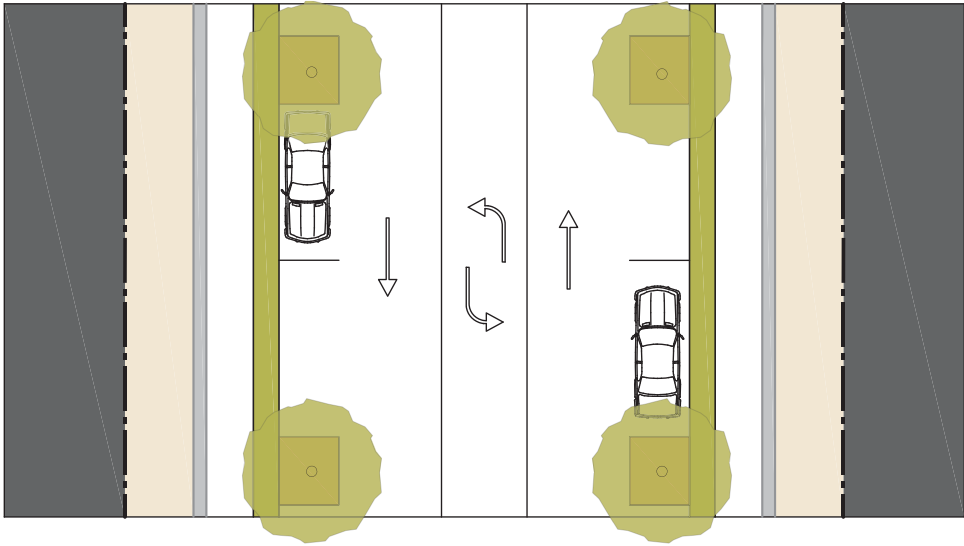
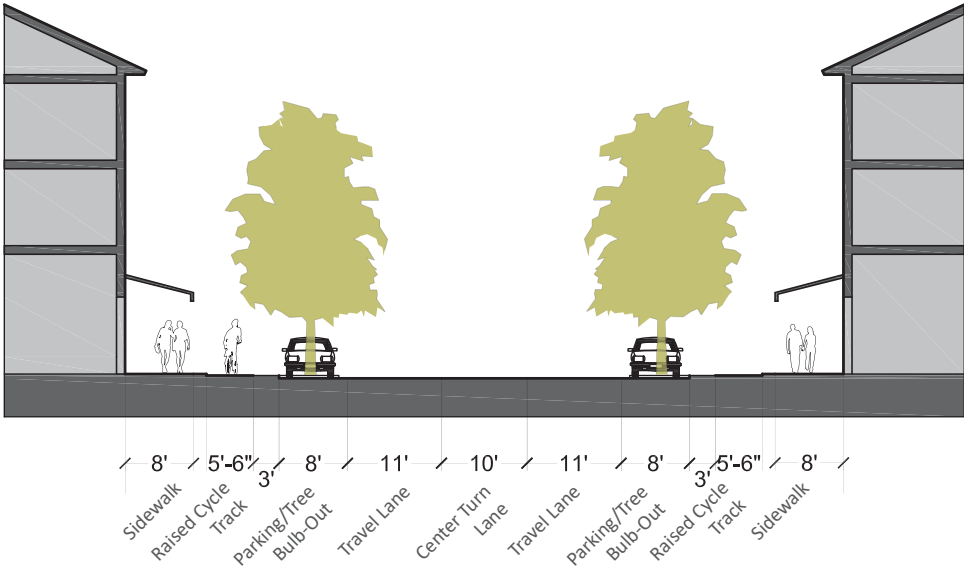


**(b) COMPACT URBAN – ARTERIAL**

CS 84-48 B

An arterial for use in the Compact Urban context zone in areas outside of the downtown retail core. Two 11' travel lanes and a center turn lane accommodate traffic while raised cycle tracks provide a comfortable experience for bicyclists. 8' wide on-street parking buffers pedestrians from traffic. Street trees are planted within tree bulb-outs interspersed amongst the parallel parking spaces.

Typical Design Parameters	
Movement Type	Slow Flow
Target Speed	25 mph
ROW Width (Typical)	84 feet
Pavement Width (Typical)	48 feet
Travel Lanes	2 Through Lanes (11 feet each) 1 Center Turn Lane (10 feet)
Pedestrian Facilities	Sidewalks (8 feet)
Bicycle Facilities	Raised Cycle Track (5.5 feet)
On-Street Parking	Parallel (8')
Median	None
Streetscape/Planting Type	Tree Bulb-outs with Shade Trees
Edge Treatment	Curb
Curb Radii (max.)	15 feet

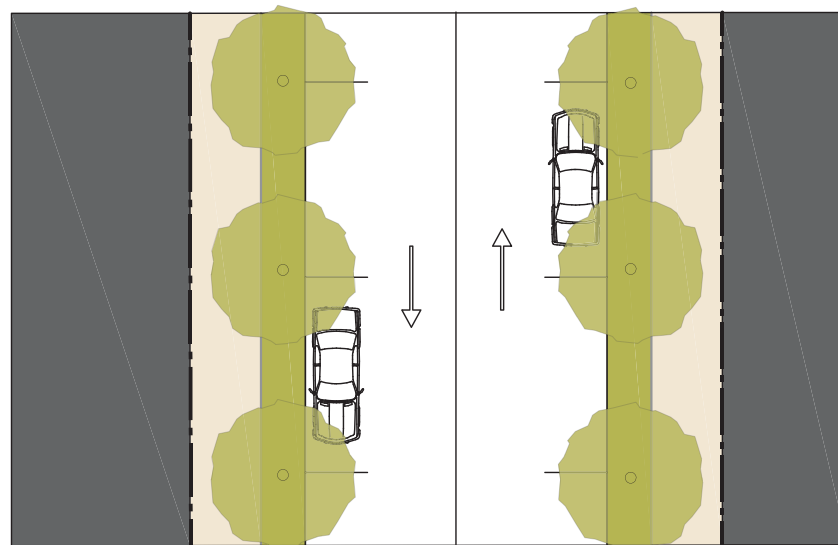
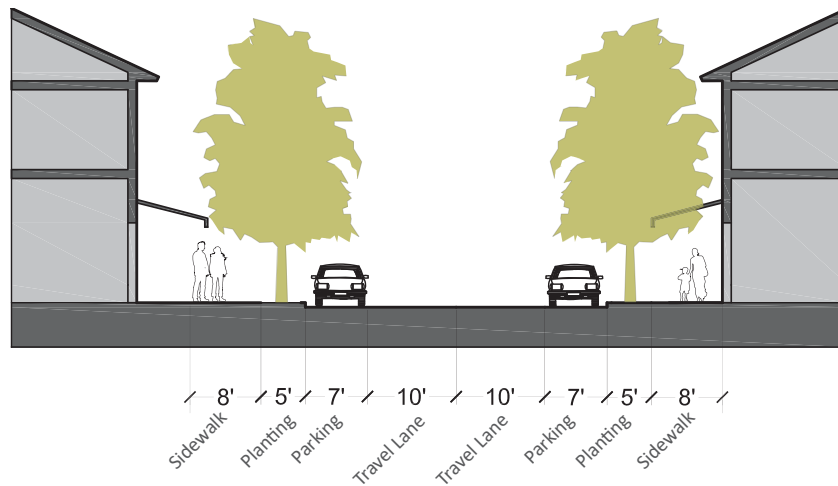


**(c) COMPACT URBAN - COLLECTOR**

CS 60-36

A versatile street section appropriate for collector streets in the Compact Urban context zone with retail frontages. This section prioritizes pedestrians with ample sidewalk space. On-street parking can benefit adjacent and nearby businesses.

Typical Design Parameters	
Movement Type	Slow Flow
Target Speed	25 mph
ROW Width (Typical)	60 feet
Pavement Width (Typical)	36 feet
Travel Lanes	2 Lanes (10 feet each)
Pedestrian Facilities	Sidewalks (8 feet each)
Bicycle Facilities	Shared Lane
On-Street Parking	Parallel (7')
Median	None
Streetscape/Planting Type	Planting Strip (5') with Shade Trees
Edge Treatment	Curb
Curb Radii (max.)	15 feet



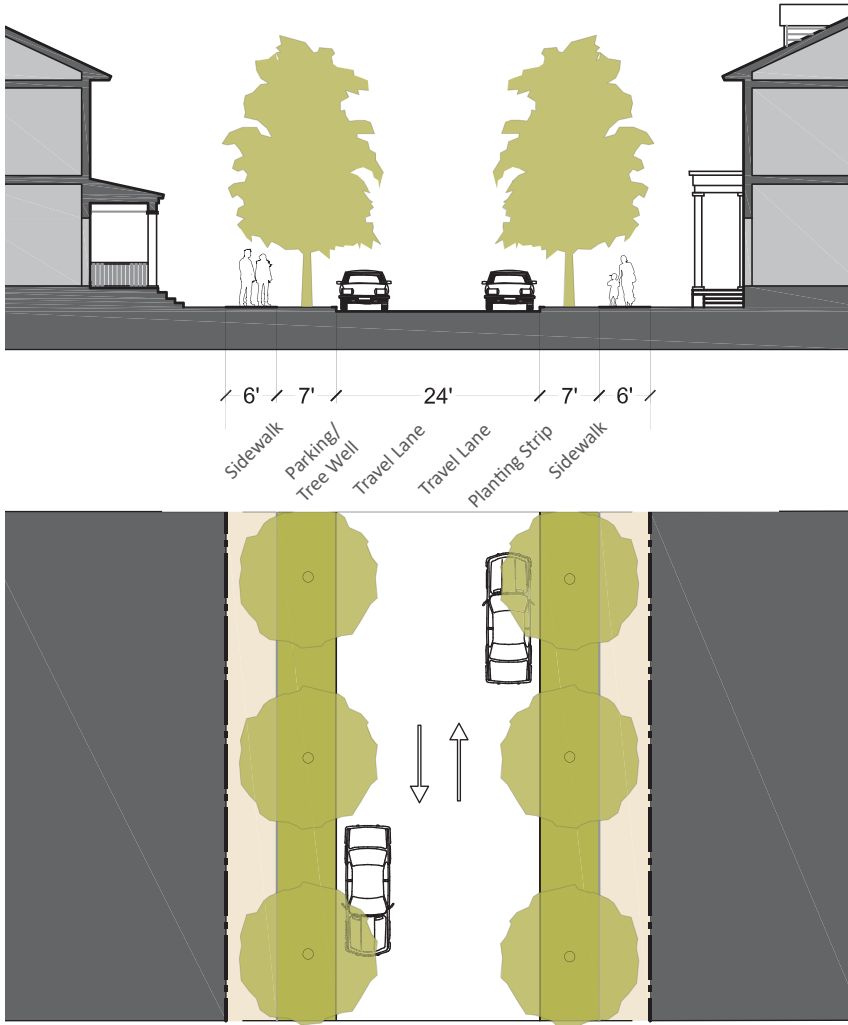


**(d) COMPACT URBAN - LOCAL**

ST 50-24

This street section is appropriate for residential areas in the compact urban context zone. The yield street design encourages slow speeds and allows the traveled way to be comfortably shared with bicyclists. On-street parking is permitted and is unmarked. Sidewalks are separated from the traveled way with planting strips wide enough to accommodate gracious Live Oaks.

Typical Design Parameters	
Movement Type	Yield Flow
Target Speed	20
ROW Width (Typical)	50
Pavement Width (Typical)	24
Travel Lanes	Shared Lane
Pedestrian Facilities	Sidewalks (6 feet each)
Bicycle Facilities	Shared Use of Lane
On-Street Parking	Parallel (Unmarked)
Median	None
Streetscape/Planting Type	Planting Strip (7') with Shade Trees
Edge Treatment	Curb
Curb Radii (max.)	10 feet

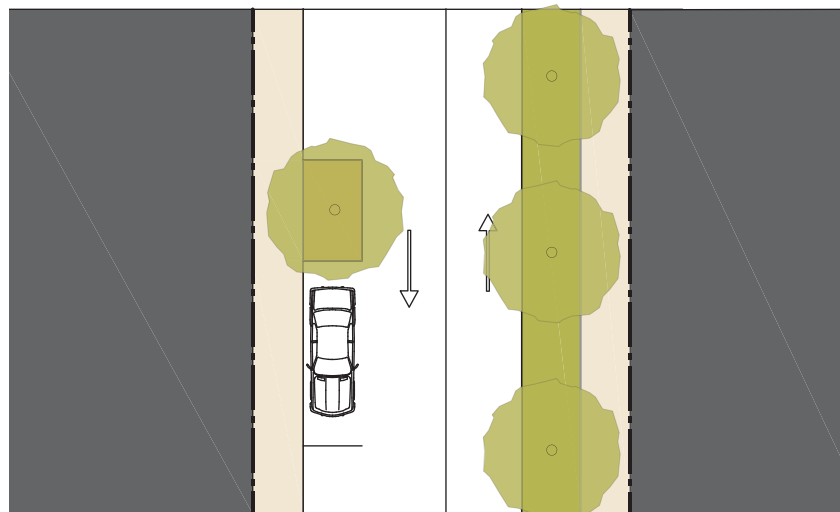
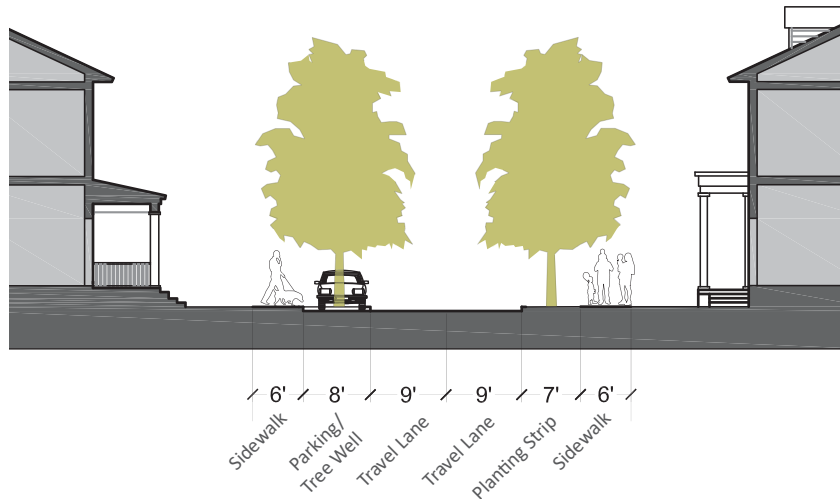


**(e) COMPACT URBAN - LOCAL**

ST 45-26

This street section is appropriate for residential areas in the compact urban context zone. Narrow travel lanes encourage slower vehicular speeds. Parallel parking is provided on one side of the street with intermittent bulb-outs for street trees. A planting strip is located on the opposite side of the street as the parallel parking and 6' wide sidewalks are provided on both sides.

Typical Design Parameters	
Movement Type	Slow Flow
Target Speed	20 mph
ROW Width (Typical)	45 feet
Pavement Width (Typical)	26 feet
Travel Lanes	2 Lanes (9 feet each)
Pedestrian Facilities	Sidewalks (6 feet each)
Bicycle Facilities	Shared Use of Lane
On-Street Parking	Parallel, One Side (8')
Median	None
Streetscape/Planting Type	Planting Strip (7') with Shade Trees Tree Bulb-out with Shade Trees
Edge Treatment	Curb
Curb Radii (max.)	10

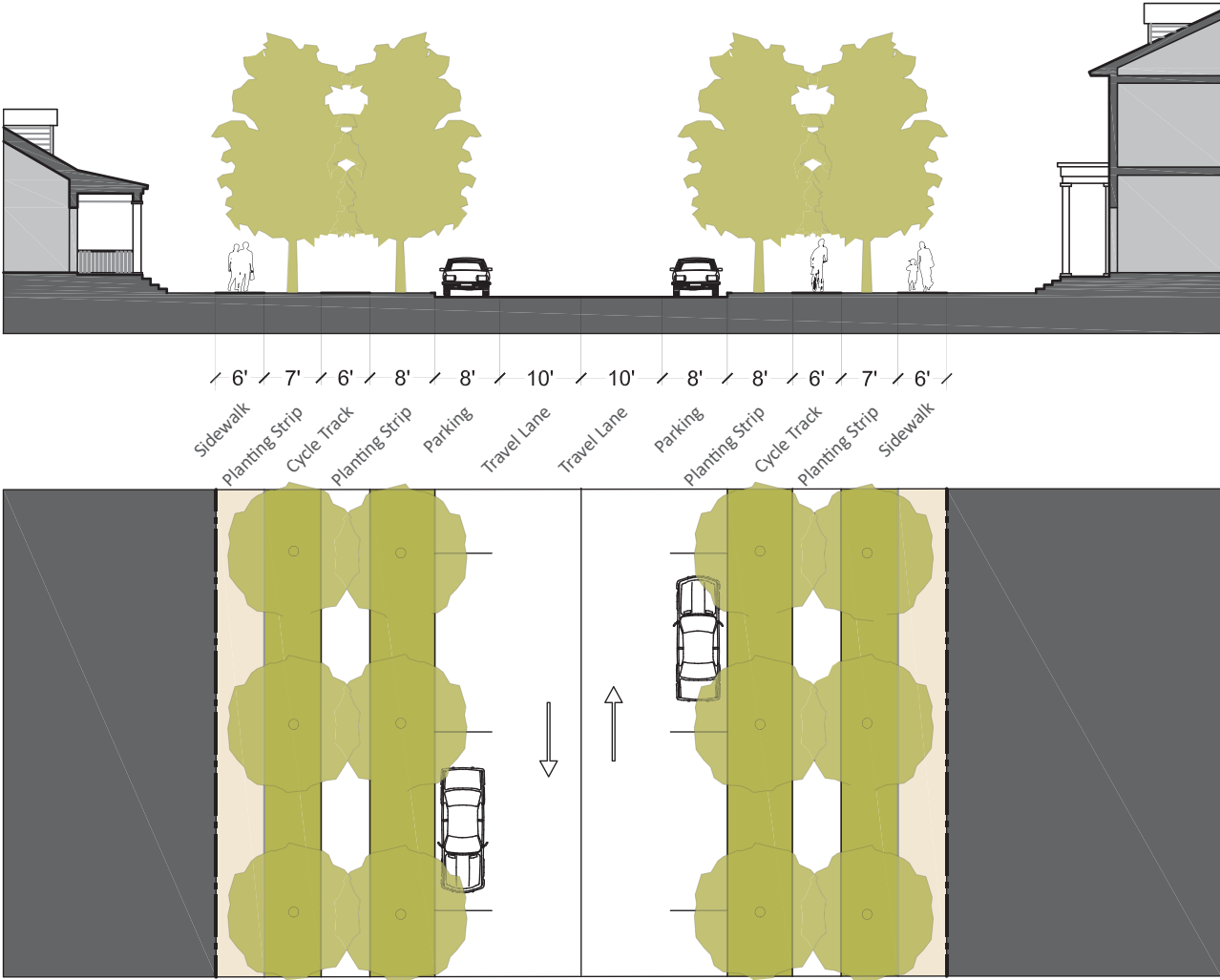


**(f) DRIVABLE SUBURBAN - ARTERIAL**

ST 90-36 B

An arterial for use along wider Right-of-Ways within the Drivable Suburban context zone. The Right-of-Way can accommodate two 10' travel lanes with on-street parallel parking. Raised cycle tracks in both directions would protect cyclists from cars and provide space for an allee of trees. Sidewalks would be sized for suburban, residential use with a planting strip between the sidewalk and bicycle track.

Typical Design Parameters	
Movement Type	Free Flow
Target Speed	30 mph
ROW Width (Typical)	90 feet
Pavement Width (Typical)	36 feet
Travel Lanes	2 Lanes (10 feet each)
Pedestrian Facilities	Sidewalks (6 feet each)
Bicycle Facilities	Raised Cycle Tracks
On-Street Parking	Parallel (8')
Median	None
Streetscape/Planting Type	Planting Strips (Multiple)
Edge Treatment	Curb
Curb Radii (max.)	20 feet

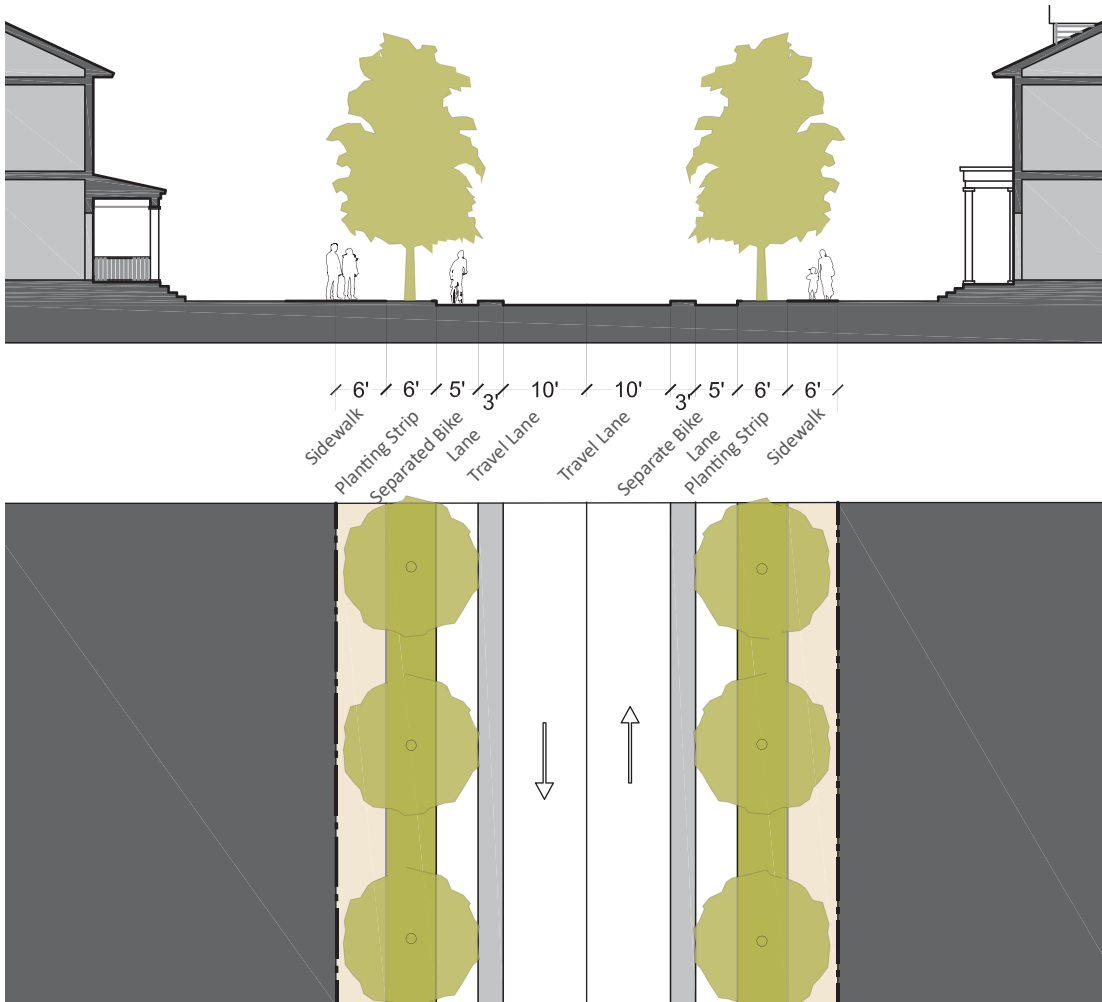


**(g) DRIVABLE SUBURBAN – COLLECTOR**

ST 60-36 B

A versatile street section appropriate for collector streets in the drivable suburban context zone. This section prioritizes bicycles with separated bicycle lanes in lieu of on-street parking, and as such, is ideal along designated bike routes, particularly in residential areas. Sidewalks are provided on both sides of the street adjacent to landscaped planting strips with street trees.

Typical Design Parameters	
Movement Type	Free Flow
Target Speed	35 mph
ROW Width (Typical)	60 feet
Pavement Width (Typical)	36 feet
Travel Lanes	2 Lanes (10 feet each)
Pedestrian Facilities	Sidewalks (6 feet each)
Bicycle Facilities	Separated Bicycle Lane
On-Street Parking	None
Median	None
Streetscape/Planting Type	Planting Strips (6') with Shade Trees
Edge Treatment	Curb
Curb Radii (max.)	15 feet

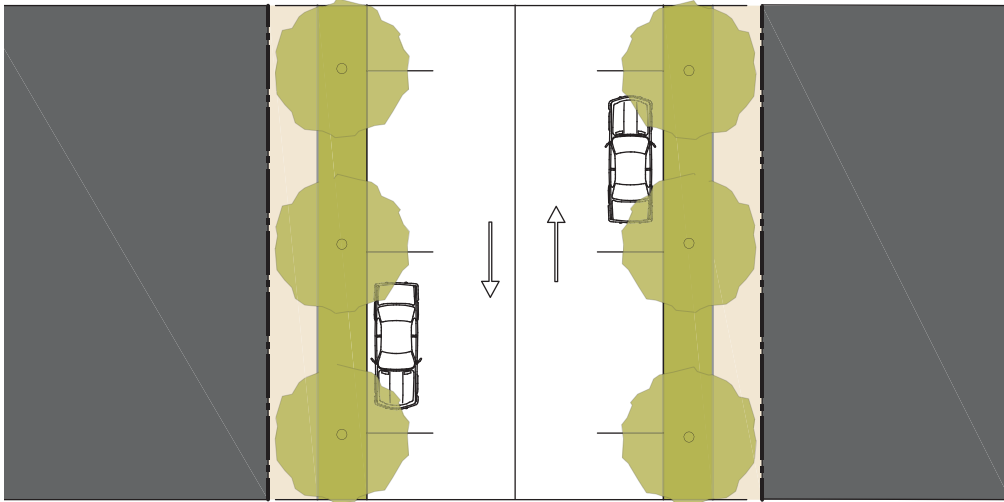
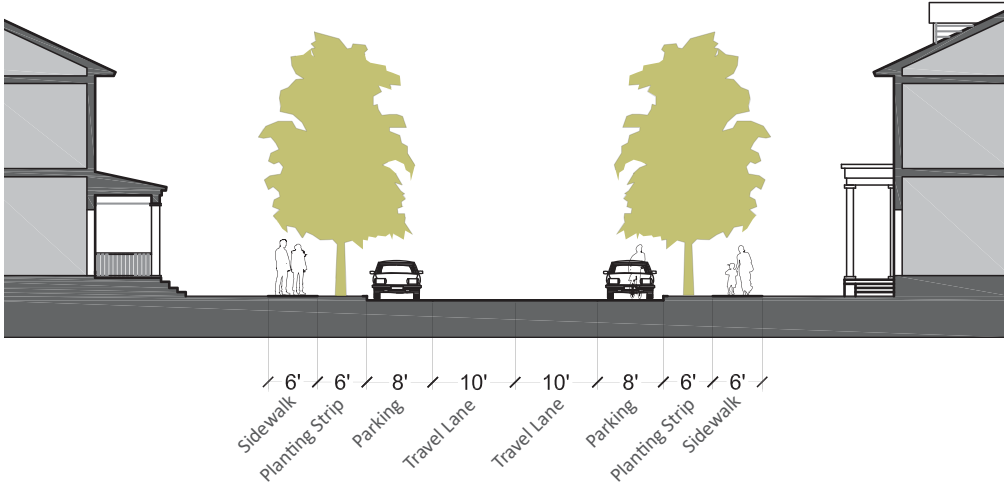


**(h) DRIVABLE SUBURBAN – COLLECTOR**

ST 60-36

A versatile street section appropriate for collector streets in the drivable suburban context zone. This section prioritizes pedestrians with ample sidewalk space. On-street parking can benefit adjacent and nearby residences or businesses.

Typical Design Parameters	
Movement Type	Slow Flow
Target Speed	25
ROW Width (Typical)	60 feet
Pavement Width (Typical)	36 feet
Travel Lanes	2 Lanes (10 feet each)
Pedestrian Facilities	Sidewalks (6 feet each)
Bicycle Facilities	Sharrow
On-Street Parking	Parallel (8')
Median	None
Streetscape/Planting Type	Planting Strip (6') with Shade Trees
Edge Treatment	Swale
Curb Radii (max.)	15 feet

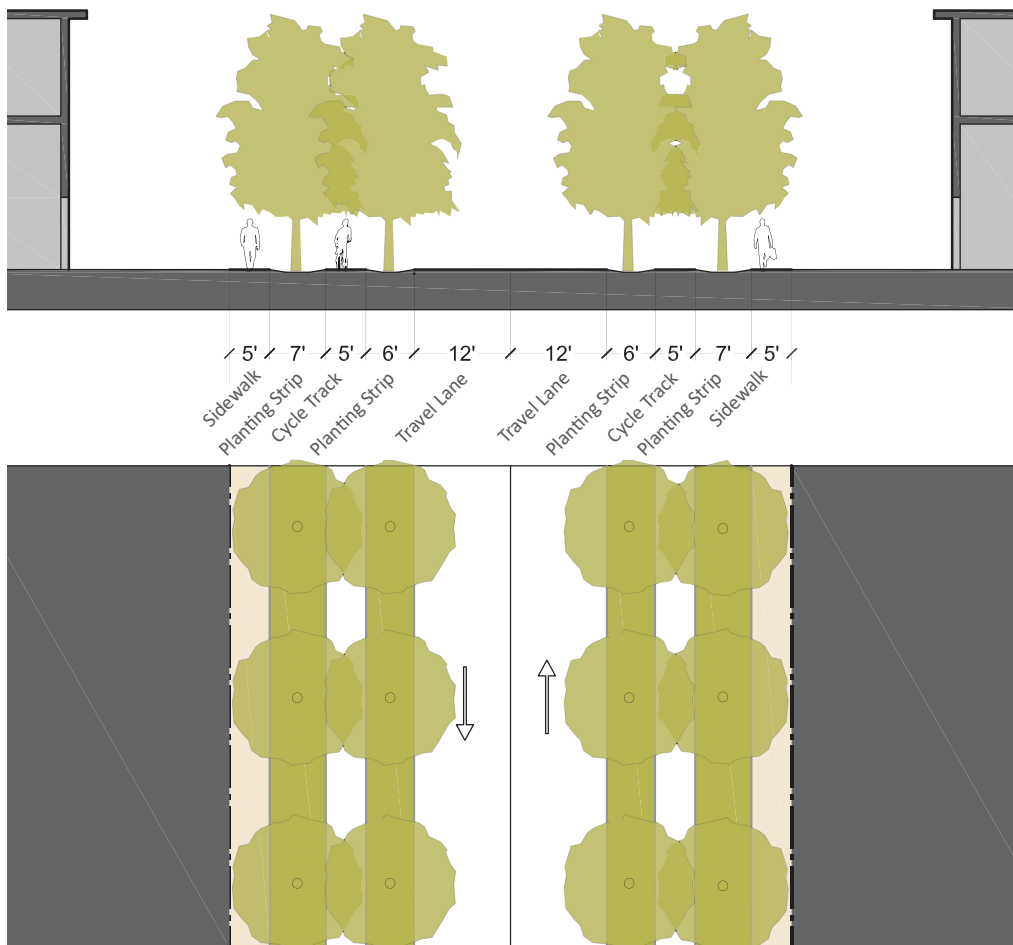


**(i) DRIVABLE SUBURBAN – INDUSTRIAL COLLECTOR**

RD 70-24 B

This industrial collector street for use in industrial areas on thoroughfares with heavy traffic in the drivable suburban context zone features two 12' travel lanes to accommodate truck traffic. Wide planting strips provide a location for shade trees to beautify the streetscape and to shade the sidewalks located on both sides of the street. Cycle tracks provide a comfortable location for bicyclists, separated from the truck traffic.

Typical Design Parameters	
Movement Type	Slow Flow
Target Speed	30
ROW Width (Typical)	70 feet
Pavement Width (Typical)	24 feet
Travel Lanes	2 Lanes (12 feet each)
Pedestrian Facilities	Sidewalks (5 feet each)
Bicycle Facilities	Cycle Tracks
On-Street Parking	None
Median	None
Streetscape/Planting Type	Planting Strips (multiple) with Shade Trees
Edge Treatment	Swale
Curb Radii (max.)	20 feet



**(j) DRIVABLE SUBURBAN – LOCAL**  
 ST 50-25

A versatile local street section for residential areas. Narrow travel lanes encourage slower vehicular speeds on these smaller, residential streets. Parallel parking is provided on one side of the street. A landscaped planting strip separates traffic from pedestrians on the sidewalks and provides a location for street trees.

Typical Design Parameters	
Movement Type	Slow
Target Speed	20
ROW Width (Typical)	50 feet
Pavement Width (Typical)	25 feet
Travel Lanes	2 Lanes (9 feet each)
Pedestrian Facilities	Sidewalks (6 feet each)
Bicycle Facilities	Shared Use of Lane
On-Street Parking	Parallel - One Side (7')
Median	None
Streetscape/Planting Type	Planting Strips (6-7') with Shade Trees
Edge Treatment	Swale
Curb Radii (max.)	10

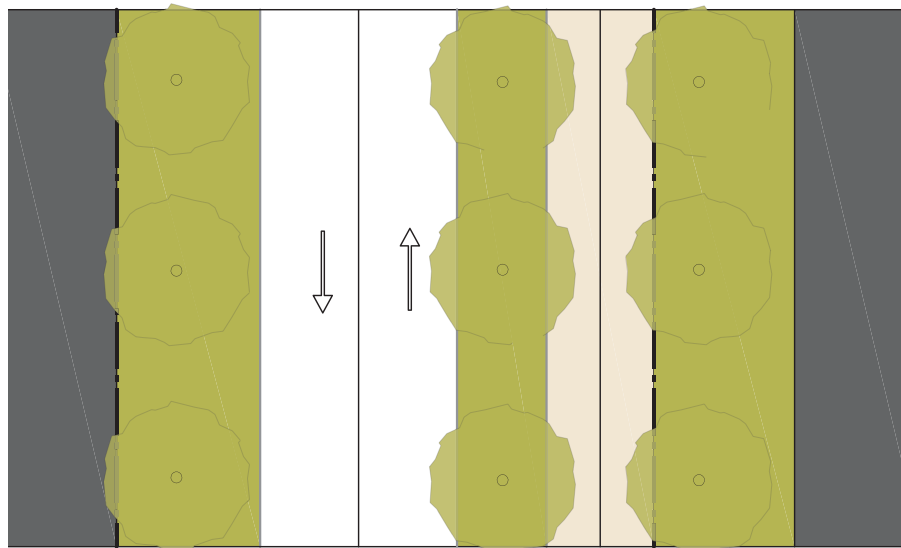


**(k) RURAL - ARTERIAL**

RD 75-22 PA

This section is appropriate for arterial facilities in the rural context zone. It consists of two 11' travel lanes with a shared-use path along one side. A wide landscaped planting strip buffers pedestrians and bicycles on the path from the motor vehicles and allows for a more scenic environment.

Typical Design Parameters	
Movement Type	Free Flow
Target Speed	35 mph
ROW Width (Typical)	75 feet
Pavement Width (Typical)	22 feet
Travel Lanes	2 Lanes (11 feet each)
Pedestrian Facilities	Shared-Use Path (12 feet)
Bicycle Facilities	Shared-Use Path (12 feet)
On-Street Parking	None
Median	None
Streetscape/Planting Type	Planting Strip (10') with Shade Trees
Edge Treatment	Swales
Curb Radii (max.)	20 feet



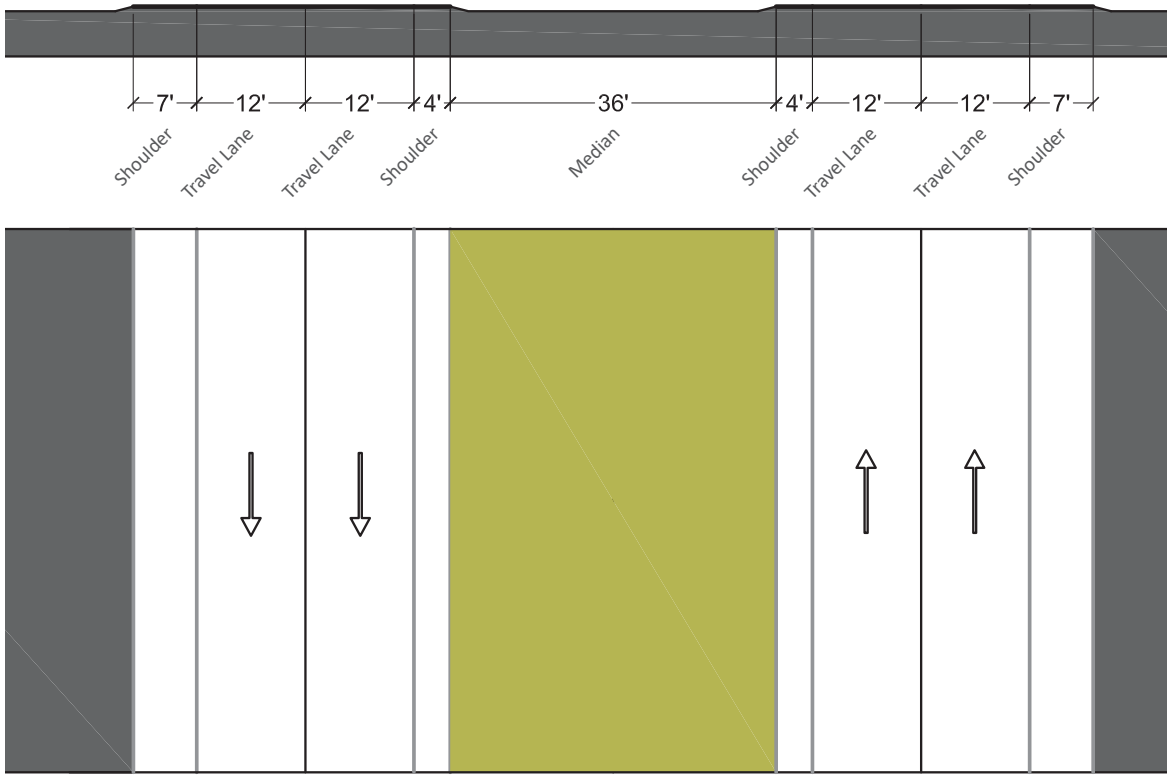


**(1) HIGHWAY**

Typical

This represents a typical section for a highway located on the edge of Thomasville with little to no access to adjacent parcels.

Typical Design Parameters	
Movement Type	Free Flow
Target Speed	55 mph
ROW Width (Typical)	214 feet
Pavement Width (Typical)	35 feet (each direction)
Travel Lanes	4 Through Lanes (12 feet each)
Pedestrian Facilities	None
Bicycle Facilities	None
On-Street Parking	None
Median	36 feet
Streetscape/Planting Type	None
Edge Treatment	shoulder and swale
Curb Radii (max.)	None



## SECTION 22.2.6 SPECIAL PURPOSE DISTRICTS

The following Section describes the Special Purpose districts, which are districts in which the primary use is nonresidential with some mixed uses on a single lot. This Section provides an image illustrating the overall district concept, the overall purpose of the district, the dimensional standards (illustrated and tabled), as well as any district standards.

### Sec. 22.2.6.A. M MIXED-USE MANUFACTURING



#### 1. PURPOSE

The purpose of the M district is to provide for a broad range of light industrial, commercial, civic, and institutional uses that do not generate significant noise, order, smoke, dust, glare, or heavy traffic impacts on surrounding areas.

#### 2. DIMENSIONAL STANDARDS

**Table 22.2.12: M Mixed-Use Manufacturing**

	Lot Standards		
	A	Lot area, residential, min.	One-Family: 6,000 SF Two-Family: 7,000 SF Multi-Family: 3,630 SF per DU
	B	Lot area, nonresidential, min.	None
	C	Lot width, min.	25 ft.
	D	Impervious lot coverage, max.	100%
	Setbacks		
	E	Front, min.	0 ft.
	F	Side, min.	12 ft. one side
	G	Rear, min.	General: 12 ft.; From T3 district: 100 ft. if not completely enclosed within a building
	Building Standards		
H	Height, max.	None	

#### 3. DISTRICT STANDARDS

##### (a) DEVELOPMENT STANDARDS

(i) [Reserved]

**Sec. 22.2.6.B. M-1 GENERAL MANUFACTURING**



**1. PURPOSE**

The purpose of the M-1 district is to provide for industrial uses with greater noise, order, smoke, dust, glare, or heavy traffic impacts in locations that are typically separated from nearby residential neighborhoods.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.13: M-1 General Manufacturing**

	Lot Standards		
	A	Lot area, min.	None
	B	Lot width, min.	None
	C	Impervious lot coverage, max.	100%
	Setbacks		
	D	Front, min.	50 ft.
	E	Side, min.	25 ft.
	F	Rear, min.	General: 25 ft.; From Suburban Neighborhood district: 200 ft. if not completely enclosed within a building
	Building Standards		
	G	Height, max.	None

**3. DISTRICT STANDARDS**

**(a) DEVELOPMENT STANDARDS**

(i) [Reserved]

**Sec. 22.2.6.C. T2 LAND CONSERVATION**



**1. PURPOSE**

The purpose of the T2 district is to provide for and protect Thomasville’s forested lands. This may include publicly-owned parks, open spaces, natural areas, wildlife refuges, and other green spaces throughout the City as well as large-lot development on privately-owned land.

**2. DIMENSIONAL STANDARDS**

**Table 22.2.14: T2 Land Conservation**  
 See Section 22.4.1 for more details

	Lot Standards		
		Lot area, min.	Residential: 5 AC Nonresidential: None
	<b>A</b>	Lot width, min.	N/A
	<b>B</b>	Impervious lot coverage, max.	10%
	Setbacks		
	<b>C</b>	Front, min.	Residential: 40 ft. Nonresidential: None
	<b>D</b>	Side, min.	Residential: 10 ft. Nonresidential: None
	<b>E</b>	Rear, min.	Residential: 40 ft. Nonresidential: None
	Building Standards		
	<b>F</b>	Height, max.	35 ft.

**3. DISTRICT STANDARDS**

**(a) DEVELOPMENT STANDARDS**

(i) A minimum rear setback of 40 feet shall apply where any structure abuts a Suburban Neighborhood district.

## SECTION 22.2.7 OVERLAY DISTRICTS

### Sec. 22.2.7.A. H-O HISTORIC DISTRICT OVERLAY

#### 1. PURPOSE

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; the City Council hereby declares it to be the purpose and intent of this section to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this section.

#### 2. GENERAL PROVISIONS

(a) In the event of a conflict with the underlying zoning district, the provisions herein shall control.

#### 3. ADMINISTRATIVE REVIEW BODY

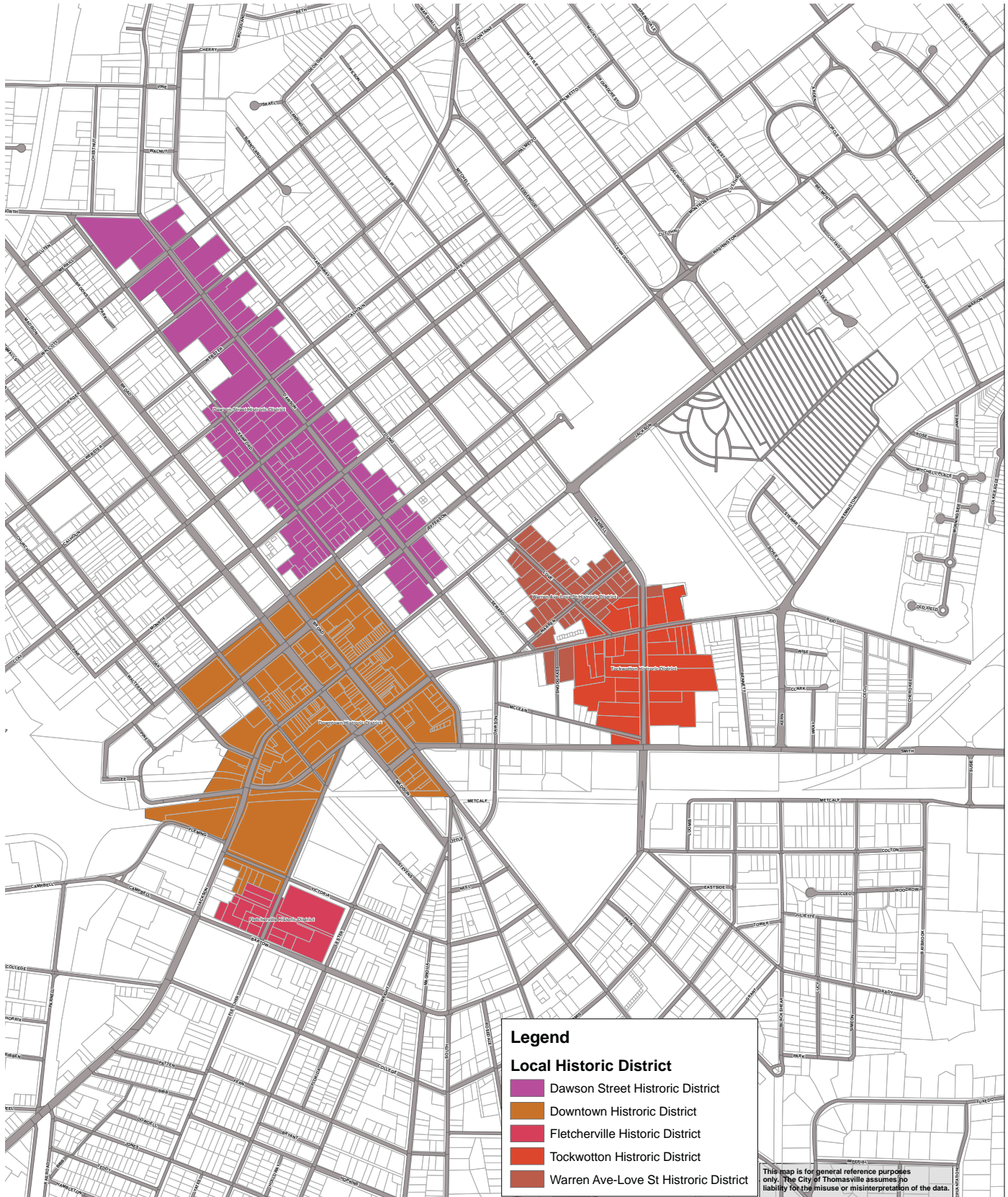
(a) The Thomasville Historic Preservation Commission as established in Section 22.2.7.A shall oversee the Historic Districts and issue applicable permits. The Commission shall appoint a single point of contact for all development review processes. That contact shall consolidate comments and work with the applicant

#### 4. DISTRICT STANDARDS

- (a) This Overlay addresses locally designated historic districts and structures. There may be additional designated areas and structures throughout the City that are regulated at the state or federal level.
- (b) Nothing in this Section shall be construed as to exempt property owners from complying with existing City or County building and zoning codes, nor to prevent any property owner from making use of their property not prohibited by other statutes, ordinances, or regulations.

#### 5. DESIGNATED HISTORIC AREAS AND STRUCTURES

- (a) Historic district boundaries shall be included in the separate ordinances designating such properties and shall be shown on the official zoning map of the City.
- (b) Amendments to existing districts and the boundaries of any historic districts designated in the future shall be specified in detail and shall be filed in the Planning office for public inspection.
- (c) Locally designated historic districts regulated by this overall are illustrated on the following page as a reference.



## Local Historic Districts

*For Planning Purpose Only,  
 Official Copy on File in Planning Dept. Office*



0 0.1 0.2 0.3 0.4 Miles



*Planning and Zoning  
 GIS Services*

## 6. CERTIFICATE OF APPROPRIATENESS

### (a) REQUIRED FOR CHANGE IN APPEARANCE

- (i) No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of an historic property, or of a structure, site, object or work of art within an historic district,, until a certificate of appropriateness has been granted by the commission.
- (ii) No material change in the exterior appearance of an historic property, or of a structure, site, object or work of art within an historic district, shall be made or be permitted to be made by the owner or occupant thereof, until a certificate of appropriateness has been granted by the commission.

### (b) NOT REQUIRED FOR ORDINARY REPAIRS OR CHANGE OF PAINT COLOR; MAINTENANCE

- (i) Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness. Change in paint color does not require the issuance of a certificate of appropriateness, but property owners are encouraged to seek advice from the commission when changing paint color. Application of all forms of siding, including aluminum, vinyl, asphalt, or other forms does constitute a material change and requires a certificate of appropriateness.
- (ii) Owners of designated historic properties or properties located within a designated historic district shall be required to maintain their property in accordance with existing laws of the city which provide for the same. The Thomasville Historic Preservation Commission does not have the power to require special maintenance of historic properties or historic districts. The commission may, however, request the appropriate city officials to take action on properties being neglected or not maintained.

### (c) CONFORMITY OF NEW STRUCTURES REQUIRED

- (i) After the designation by ordinance of a historic district, all new structures constructed within a designated historic district shall require a certificate of appropriateness which the commission shall issue if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the commission.

### (d) GUIDELINES AND CRITERIA

- (i) When considering applications for certificates of appropriateness to existing buildings, the Secretary of the Interior's Standards for Historic Preservation Projects may be used as a guideline along with any other criteria adopted by the commission. The commission may develop design guidelines specifically for the city to use in evaluating applications for certificates of appropriateness.

## 7. GENERAL GUIDELINES

- (a) The general design and character of the proposed alteration or new construction should be compatible with the building and historic district.
- (b) The scale of the proposed alteration or new construction should relate to the building itself, surrounding buildings, the neighborhood and the historic district.
- (c) Texture, materials and color should relate to similar features of other structures in the neighborhood.
- (d) Changes should be visually compatible with surrounding buildings, including the proportion of the building's front façade, the proportion and arrangement of windows and other openings within the façade, the roof shape and the rhythm and spacing of buildings on streets, including setbacks.
- (e) Compatible materials and colors that are either similar to or visually quiet in relation to traditional ones used in the area should be used in new construction or when restoration of original materials is impossible. Inappropriate contemporary materials, including those that attempt fake antiquity or rusticity (e.g., unpainted natural wood, reused common brick, undressed stone or asphalt, aluminum or vinyl siding), are discouraged and are specifically prohibited on front façades and within front setback areas. When appropriate traditional materials cannot be duplicated, preference should be given to contemporary materials, used in a straightforward manner, which blend well with the traditional context of the district or modern materials that achieve the same level of detail.

- (f) Grounds for considering a proposed design inappropriate would include arresting and spectacular effects, violent contrasts of materials or colors or intense colors or a multiplicity or incongruity of details resulting in a disturbing appearance.

## **8. HISTORICAL RESOURCES IN THE RESIDENTIAL HISTORIC DISTRICTS**

Thomasville’s locally designated residential historic districts contain historic residential, institutional, commercial, and landscape resources that reflect the development of their respective neighborhoods. Houses are by far the most common resources in the Suburban Neighborhood districts but other buildings were historically constructed in these neighborhoods as well. The institutional buildings include religious buildings and a former college administration building. Several small commercial buildings have also been constructed within these neighborhoods. Historic landscape resources provide the neighborhoods with much of their character.

### **(a) RESIDENTIAL REHABILITATION GUIDELINES**

The following are residential rehabilitation guidelines tailored specifically to residential buildings in Thomasville’s locally designated residential historic districts.

#### **(i) EXTERIOR MATERIAL GUIDELINES**

- 1) Retain original wood siding and repair rather than replace damaged material whenever possible. When replacement is necessary, replace only deteriorated materials and match the original material in size, shape, texture, and material.
- 2) Paint removal and repainting should be done using appropriate techniques that do not damage the historic material.
- 3) The application of artificial or non-historic exterior siding materials such as brick veneers; asphalt shingle siding; and cementitious, aluminum, or vinyl siding is strongly discouraged. Application often results in the loss or distortion of architectural details, and improper installation can result in damage of historic materials.
- 4) Retain original masonry without the application of any surface treatment, including paint.
- 5) Avoid chemical or physical treatments, such as sandblasting, that cause damage to historic materials. Masonry cleaning should be done using the gentlest means possible.
- 6) Repointing of mortar joints should only be undertaken when necessary, and appropriate techniques, tools, and materials should be used to avoid damage to the historic masonry and to match the existing visual character. Replacement mortar should duplicate the historic mortar in strength, composition, color, and texture.
- 7) Stucco facing requires periodic maintenance and should be repaired with a stucco mixture that comes very close to duplicating the original material in both appearance and texture.

#### **(ii) REPOINTING AND MASONRY REPAIRS GUIDELINES**

- 1) Retain original masonry without the application of any surface treatment, including paint.
- 2) Avoid chemical or physical treatments, such as sandblasting, that cause damage to historic materials. Masonry cleaning should be done using the gentlest means possible.
- 3) Repointing of mortar joints should only be undertaken when necessary, and appropriate techniques, tools, and materials should be used to avoid damage to the historic masonry and to match the existing visual character. Replacement mortar should duplicate the historic mortar in strength, composition, color, and texture.

#### **(iii) ARRANGEMENTS OF FACADE ELEMENTS/FACADE SYMMETRY**

- 1) Architectural elements such as windows, doors, and porches are arranged on the front facade of historic houses in either a symmetrical or an asymmetrical pattern, forming a symmetrical or asymmetrical front facade. The arrangement of these elements is significant in the overall form and design of a house and should be maintained.
- 2) The arrangement of elements on a house’s front facade, including windows doors, front porch, and gables, should not be altered. This preserves the symmetry or asymmetry of the facade.



**(iv) ARCHITECTURAL DETAILS**

- 1) Architectural details should be maintained and treated with sensitivity. The removal of architectural details or application of details inappropriate to the period or style of a house is strongly discouraged.
- 2) Repair rather than replace damaged elements whenever possible.
- 3) Historic details that have been lost or are beyond repair may be replaced with new materials, provided that their earlier appearance can be substantiated by historical evidence and that the new materials match the original in composition, design, color, and texture.

**(v) ENTRANCES AND PORCHES**

- 1) Retain original porches and steps. Repair of porches should not result in the removal of original materials (such as balusters, columns, railings, brackets, and roof detailing) unless seriously deteriorated.
- 2) If replacement materials must be introduced on porches, the new should match the old in design, color, texture, and, where possible, materials. Replacement of missing features should be substantiated by documentary and physical evidence.
- 3) The enclosure of front porches, side porches, and porte cocheres visible from a right-of-way is strongly discouraged. Porches that are enclosed should utilize transparent materials, such as screen or glass, which will help maintain the original open character of the design.
- 4) Retain original entrances and doors and their decorative surrounds.
- 5) If a deteriorated door or entrance surround must be replaced, the new door and surround should be similar to the original in design and materials.
- 6) Original doors openings should not be infilled on facades visible from the public right-of-way.
- 7) Screen and storm doors should not detract from the character of the house and should be of a design compatible with original doors.

**(vi) WINDOWS**

- 1) Existing windows, including window sash, glass, lintels, sills, frames, moldings, shutters, and all hardware should be retained and repaired through routine maintenance whenever possible.
- 2) When deteriorated elements must be replaced, new materials should be compatible with original materials in terms of materials, design, and hardware.
- 3) If it is necessary to replace an entire window, the replacement should be sized to the original opening and should duplicate all proportions and configurations of the original window.
- 4) The addition of storm windows should be accomplished without seriously compromising original window appearance. Storm windows should not damage original window frames and should be removable at a later date.

**(vii) ROOFS, CHIMNEYS, AND DORMERS**

- 1) Retain the original shape and pitch of the roof with original features and original materials, if possible.
- 2) No addition to a house should greatly alter the original form of a roof or render that form unrecognizable.
- 3) Original or historic roof dormers should be retained with their original windows.
- 4) Roofs should not have new dormers, roof decks, balconies, or other additions introduced on fronts of dwellings. These types of additions are most appropriate when added to the rear or sides of a building. If additional upper-story space is required, consider using dormers placed .out of view of the public right-of-way to create this space.
- 5) Skylights should be installed to be as unobtrusive as possible, preferably at rear roof lines or behind dormers. Skylights which are flush with the roof line or lay flat are more acceptable than those with convex or “bubble” designs.

- 6) Historic roofing materials, such as clay tile and slate, should be repaired rather than replaced, if at all possible. While repair or replacement with like materials is often considered to be cost-prohibitive, it should be remembered that life expectancies of these roofs (slate - 60 to 125 years and longer; clay tile - 100+ years) is considerably greater than most replacement materials. Clay tile and slate roofs are always character-defining features of their buildings; therefore, if replacement is necessary, new materials should match as closely as possible the texture, color, design, and composition of the historic roofing material.
- 7) The best roofing materials to use when reroofing are replicas of the original. If that cannot be done, asphalt or fiberglass shingles can be used, but their colors should be carefully selected to reflect the original.
- 8) Original chimneys are often character-defining features of historic houses and should be properly maintained; they should not be covered with stucco or any other material, unless historically covered. A prominent chimney that is no longer in use still functions as an important element in the overall composition of a house and should not be covered, removed, or replaced.

**(viii) FOUNDATIONS**

- 1) Work involving foundations should, to the extent possible, preserve original appearance and materials.
- 2) Original foundation materials should not be covered with stucco or other materials.
- 3) The infill of pier foundations should be done in a way that maintains the appearance of foundation piers. A simple temporary material, such as wood lattice, is most appropriate. A less desirable solution is the use of a solid material. In both cases, the infill material should be recessed behind the original piers and should allow for significant ventilation underneath the structure.

**(ix) GUTTERS AND DOWNSPOUTS**

- 1) Gutters and downspouts should be maintained in their original appearance and location. It is particularly important that downspouts be situated along the edges and corners of buildings and along porch supports to limit visual disruption

**(x) MECHANICAL SERVICES**

- 1) The placement of air conditioners and similar mechanical services should be accomplished without detracting from the historical integrity of a building. The principal elevation of a building should not be disrupted by the addition of mechanical services.

**(xi) ACCESSORY BUILDINGS**

- 1) Garages, garage apartments, and other accessory buildings that are original to their main houses should be preserved as significant site elements.
- 2) Rehabilitation treatments of accessory buildings should follow the residential rehabilitation guidelines provided in this section. For construction of new accessory buildings, see Section Eight: Guidelines for New Construction in Suburban Neighborhood districts.

**(xii) HISTORIC RESIDENTIAL ADDITIONS AND ALTERATIONS**

- 1) Historic additions and alterations that have acquired significance in their own right should be preserved.

**(xiii) NEW ADDITIONS TO HISTORIC RESIDENTIAL BUILDINGS**

- 1) Residential building additions should be placed away from the primary facade, ideally in the rear or to the side. Additions that are flush with the front facade of the building are highly discouraged.
- 2) New additions should be compatible with the existing structure in terms of materials, mass, color, and relationships of solids to voids. However, the design of the addition should be clearly differentiated so that the addition is not mistaken for part of the original building.
- 3) The new addition should be designed so that a minimum of historic materials and character-defining elements are obscured, damaged, or destroyed.

**(xiv) ADAPTIVE USE OF RESIDENTIAL BUILDINGS**

- 1) Proposed new uses for residential buildings should be compatible with the historic property so that minimal changes are necessary.
- 2) Residential buildings adapted for new uses should retain the distinctive features and historic character of their original appearance and use.

**(xv) SIGNAGE FOR RESIDENTIAL ADAPTIVE USE**

- 1) Residential buildings that are adaptively used for new purposes, such as offices, museums, bed and breakfasts, and other commercial enterprises, usually need signage to allow customers to find their location. Because most residential buildings are set back from the street, business signs generally need to be located in front of the house near the sidewalk or street to be visible to motorists. Signs are usually mounted on a pole or poles that stand in the yard in front of the house.
- 2) New signs for businesses located in historic residential buildings should respect the size, scale, and design of the historic building as well as the surrounding residential neighborhood. Signs located in residential yards should not be so large that they interrupt the neighborhood's residential character.
- 3) New signs should borrow design motifs from the historic building's features and details.
- 4) Sign materials of both the signboard and the sign posts should be compatible with the historic building's and the surrounding neighborhood's character.
- 5) Sign materials and designs should remain as unobtrusive as possible and not have a massive, overwhelming appearance .
- 6) Creativity in signs is encouraged.

**(b) INSTITUTIONAL REHABILITATION GUIDELINES**

The following are rehabilitation guidelines for institutional buildings within Thomasville's residential historic districts. These structures include religious and educational buildings. Institutional buildings are visually prominent landmarks that provide a unique community identity, and appropriate rehabilitation work on these buildings can make a significant impact on preserving an area's historic character.

Many of the Residential Rehabilitation Guidelines may also be applied to neighborhood institutional buildings. Guidelines for such features as entrances, windows, exterior materials, repointing and masonry repairs, roofs, and gutters and downspouts are the same for both residential and institutional buildings. Institutional buildings, however, also have their own distinctive rehabilitation issues.

**(i) DISTINCTIVE FEATURES**

- 1) Retain distinctive features that characterize historic institutional buildings and make them visually prominent landmark buildings.
- 2) Deteriorated features should be repaired rather than replaced.
- 3) When replacement is required, new features should match the old in design, color, texture, and where possible, materials.
- 4) Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

**(ii) ALTERATIONS AND ADDITIONS**

- 1) Alterations and the placement of additions on institutional buildings should be accomplished without compromising the historic character of these structures.
- 2) Additions should not be placed on the front facade and should have minimal visual impact from the public rights-of-way .
- 3) Alteration of an institutional building's front facade is discouraged.

**(iii) ADAPTIVE USE**

- 1) Proposed new uses for institutional buildings should be compatible with the historic property so that minimal changes are necessary.
- 2) Institutional buildings adapted for new uses shall retain the distinctive features and historic character of their original appearance and use.
- 3) Interior space changes should have minimal impact on original materials and floor plan. When at all possible, these changes should be “temporary” in nature, allowing for future complete restoration of the interior space. If original details and materials are removed, they should be retained and stored for possible future replacement.

**(c) GUIDELINES FOR NEW CONSTRUCTION IN SUBURBAN NEIGHBORHOOD DISTRICTS**

New construction should be designed to be compatible with its historic surroundings by borrowing design characteristics and materials from adjacent buildings and integrating (not copying:) these into a modern expression. Before designing new development, take time to evaluate what makes the property and its surrounding area distinctive. Then decide how the new development can best be designed to complement the property and area.

The underlying guideline for new construction and additions is to consider one’s neighbors and nearby structures and to reinforce the existing historic character through sensitive, compatible design.

The following guidelines will assist in designing new development compatible with the existing residential historic districts.

**(i) DEFINING THE AREA OF INFLUENCE**

- 1) Define the area of influence of the new development and what visual impact the new construction will have on the surrounding historic setting.

**(ii) RECOGNIZING THE PREVAILING CHARACTER OF EXISTING DEVELOPMENT**

- 1) Identify and respect the prevailing character of adjacent historic buildings and surrounding development.
  - a) The orientation of a new building and its site placement should be consistent with dominant patterns within the area of influence.
  - b) A new building’s directional emphasis should be consistent with dominant patterns of directional emphasis within the area of influence.
  - c) Roof Pitch: The roof pitch of a new building should be consistent with those of existing buildings within the area of influence.
  - d) Building Elements: The principal elements and shapes used on the front facade of a new building should be compatible with those of existing buildings in the area of influence.
  - e) The proportions of a new building should be consistent with dominant patterns of proportion of existing buildings in the area of influence.
  - f) New construction in a historic area should respect and not disrupt existing rhythmic patterns in the area of influence.
  - g) The massing of a new building should be consistent with dominant massing patterns of existing buildings in the area of influence, if such patterns are apparent.
  - h) A proposed new building should conform to the floor-to-floor heights of existing structures if there is a dominant pattern within the area of influence.
  - i) New construction in historic areas should be consistent with dominant patterns of scale within the area of influence.
  - j) Additions to historic buildings should not overwhelm the existing building.
  - k) New construction should reference and not conflict with the predominant site and architectural elements of existing properties in the area of influence.

**(iii) RESPECTING THE PREVALENT CHARACTER WHEN DESIGNING NEW DEVELOPMENT**

- 1) New Construction
  - a) Build a new structure to the rear of a historic building where it will have little or no impact on the streetscape.
  - b) If the new building will be visible from the street, respect the established setbacks and orientations of the historic buildings.
  - c) Landscaping associated with a new structure should be compatible with that of the surrounding area.
  - d) New construction should reference predominant design characteristics that make an area distinctive in order to achieve creative and compatible design solutions that are more than mere imitations of existing buildings.
- 2) New Additions to Historic Buildings
  - a) Additions to historic buildings should not be placed on the main historic facade or facades of the building. Locate the proposed addition away from the principal public view, ideally to the rear of the building.
  - b) Respect the proportions of the building to which an addition is being added so that the addition does not dominate its historic environment.
  - c) Do not obscure character-defining features of a historic building with an addition.
  - d) Set an additional story well back from the roof edge to insure that the historic building's proportions and profile are not radically changed.
  - e) Additions should respect the character and integrity of original buildings and incorporate design motifs that relate it to the historic building. They should always be of quality workmanship and materials.
  - f) An addition should be designed so that at a later date it could be removed without compromising the character of the historic building.
  - g) While the addition should be compatible, it is acceptable and appropriate for the addition to be clearly discernible as an addition rather than appearing to be an original part of the building. Consider providing some differentiation in material, color, and/or detailing and setting additions back from the historic building's wall plane.
- 3) Alterations to Noncontributing Buildings within Historic Districts
  - a) Do not add false historical details to try to make a non-historic property fit into a historic area-but make every effort to ensure that additions and alterations to the property do not detract even further from the character of the historic environment.

**(d) MAINTENANCE, DEMOLITION, AND CODE COMPLIANCE**

**(i) MAINTENANCE**

- 1) Provide regular maintenance to a historic building and its site features, thus minimizing the need to replace historic materials.

**(ii) DEMOLITION OR RELOCATION**

- 1) Significant historic buildings should not be demolished unless they are so unsound that rehabilitation is not possible.
- 2) Likewise, significant historic buildings should not be moved off the property or relocated on the site, nor should other buildings be moved onto the site.
- 3) An applicant may be asked to consider selling the property for rehabilitation before demolition or relocation can be considered.
- 4) Architectural and landscaping plans for development of the vacant property must be submitted before demolition or relocation can be considered.

**(e) HEALTH, SAFETY, AND ACCESSIBILITY CODE COMPLIANCE**

Historic institutional buildings and residential buildings adapted for public use may require modifications to comply with current health, safety, and accessibility requirements when undertaking rehabilitation work. Acceptable solutions can be found that will be compatible with historic buildings while successfully accommodating these requirements. Having safe and accessible public accommodations encourages the use of these historic properties.

- (i) Compliance with health and safety codes and handicap accessibility requirements should be carried out with a minimum of impact to the character and materials of historic buildings.
- (ii) Fire escapes should be placed to the rear or on less visible sides of a building .
- (iii) The design and placement of ramps that provide access to entrances should be as unobtrusive as possible.

## 9. HISTORICAL RESOURCES IN THE DOWNTOWN COMMERCIAL HISTORIC DISTRICT

Downtown Thomasville contains historic commercial, institutional, and industrial resources constructed from the late-nineteenth into the mid-twentieth century. It also contains historic landscape features distinctive to the downtown commercial area. In addition, several noteworthy historic structures and residential buildings are included within the boundaries of the downtown historic district.

### (a) COMMERCIAL REHABILITATION GUIDELINES

The following are rehabilitation guidelines specific to downtown Thomasville’s commercial buildings. These guidelines provide guidance to property owners in making sound decisions when planning and carrying out a rehabilitation project as well as technical information regarding historic materials and appropriate rehabilitation methods.

#### (i) SHOPFRONTS

- 1) Retain original elements and their arrangement when rehabilitating an intact shopfront.
- 2) If the original shopfront has been partially or completely removed, reconstruction of the shopfront should be based on historical, pictorial, or physical documentation.
- 3) If no documentation or evidence of the original shopfront can be found, the new shopfront design should have elements compatible with the size, scale, materials, and arrangement of similar historic shopfronts.
- 4) Historic shopfront additions that have become significant should be preserved.
- 5) Historic shopfronts should not be covered with materials that hide character defining elements and their arrangement; the removal of these non-historic materials is encouraged.

#### (ii) ENTRANCES

- 1) Retain original entrances and their configurations when rehabilitating a building’s intact facade.
- 2) Original entrances should not be covered or infilled.
- 3) If replacement or reconstruction of entrance area doors, windows, and details is required, the replacement features should be compatible in size, scale, materials, and arrangement to original or similar historic features.

#### (iii) UPPER FLOOR SPACES

- 1) Upper floors should not be covered with materials that obscure the facade’s character-defining elements and their arrangement.
- 2) Removal of non-historic materials covering original or historic upper facades is encouraged.
- 3) Upper-floor window openings should not be infilled with any non-historic permanent materials.

#### (iv) ARCHITECTURAL DETAILS

- 1) Retain original architectural details on commercial buildings and keep them well-maintained.
- 2) Removal of original details or application of details inappropriate to the period or style of a building is discouraged.

- 3) Repair rather than replace damaged elements whenever possible; repair of damaged features should retain as much original material as possible.
- 4) All replacement features should be of compatible design to the original and documented by historical evidence.

**(v) WINDOWS**

- 1) Historic windows, including window sash, glass, lintels, sills, frames, moldings, and all hardware should be retained and repaired through routine maintenance whenever possible.
- 2) When deteriorated window elements must be replaced, new elements should be compatible with the original in terms of materials, design, and hardware.
- 3) If it is necessary to replace an entire window, the replacement should be sized to the original opening and should duplicate the proportions and configurations of the original window.
- 4) Upper-floor window openings should not be infilled with any non-historic permanent materials; restoration of infilled windows to their historic appearance is encouraged.

**(vi) EXTERIOR MATERIALS**

- 1) Preserve original exterior materials to the greatest extent possible; work on these materials should be done with care.
- 2) If replacement of historic materials is necessary, the new materials should match the old in design, color, texture, and other visual qualities; materials should be replaced in kind.
- 3) Avoid cleaning methods that damage original materials, such as sandblasting.
- 4) The application of any exterior finish material, such as exterior insulating finishing systems (synthetic stucco), to historic exterior materials is discouraged .
- 5) Avoid painting exterior masonry if it has not been previously painted.

**(vii) REPOINTING AND MASONRY REPAIRS**

- 1) Avoid cleaning methods that damage historic masonry, such as harsh chemical treatments. Use the gentlest means possible when cleaning masonry. Sandblasting is never acceptable.
- 2) Repointing of masonry joints should be undertaken only if necessary.
- 3) When repair or replacement of old mortar is needed, the new mortar should duplicate the old in strength, composition, color, texture, and mortar joint width.
- 4) A new mortar with a high content of Portland cement should not be used in repointing historic masonry joints, unless that is the content of the historic mortar. Portland cement can create a bond that is stronger than the historic materials and can cause damage to the historic masonry as the mortar expands and contracts with temperature changes.
- 5) Appropriate repointing techniques and tools should be used to avoid damage to historic masonry and masonry joints.
- 6) Unpainted historic masonry should not be painted unless it has been severely damaged.

**(viii) SIGNAGE**

- 1) Retain historic signs whenever possible, particularly when they have a historic association for the community or are significant for their design.
- 2) New signs for historic buildings should respect the size, scale, and design of the historic building and should not overpower the building.
- 3) New signs should not obscure significant features of a historic building, such as transoms, windows, or other architectural details.
- 4) New signs should be attached to a building carefully to avoid damage to historic fabric: Fittings should penetrate mortar joints rather than the masonry.

- 5) Signs can be in the form of paint on window glass or exterior walls, attached signs in the signboard area, or hanging signs. A building's historic features and details can often suggest a motif for new signs.
- 6) Sign materials should be characteristic of a building's period and style. Backlit plastic signs are not appropriate for historic commercial buildings.
- 7) Creativity in designing new signs is encouraged to create interest within downtown.

**(ix) AWNINGS**

- 1) Awnings placed over display windows are encouraged and often are suitable locations for signage. They should be mounted inside the shopfront opening.
- 2) Canvas awnings are recommended. Plastic, bubble, and permanent shingled awnings are discouraged. Historic metal awnings should be retained.
- 3) The design for a new awning should consider the color, shape, and height of surrounding awnings as well as the "line" other awnings create.
- 4) Historic awnings that lend character to a building should be retained and repaired whenever possible.

**(x) ROOFS**

- 1) Maintain a building's original roof form. Roof additions that would be visible from the right-of-way are discouraged. If an addition is necessary, it should be placed away from a building's prominent facades so as to have minimum visual impact.
- 2) Historic roofing materials such as clay tile or standing seam metal should be repaired rather than replaced. Parapet wall copings made of clay tile, terra cotta, or similar materials should also be retained and repaired whenever possible.
- 3) If replacement of historic roofing materials is necessary, new materials should match as closely as possible the scale, texture, and coloration of the historic roofing materials.

**(xi) REAR ENTRANCES AND SIDE FACADES**

- 1) Retain and respect historic entrances on the rear and side facades. Keep them well-maintained and attractive to customers and employees.
- 2) New entrances on rear and side facades should be in keeping with a building's architectural style, details, and materials.

**(xii) GUTTERS AND DOWNSPOUTS**

- 1) Gutters and downspouts should be maintained in their original appearance and location.
- 2) Keep existing gutters and downspouts unobstructed and directed so that water drains away from the building.
- 3) If gutters and downspouts are deteriorated and need to be replaced, new gutters and downspouts should be similar to the original in materials and appearance.

**(xiii) MECHANICAL SERVICES**

- 1) Air conditioners and similar mechanical equipment should be placed so as not to detract from the historical integrity of a building.
- 2) The primary facade(s) of a building should not be disrupted by the addition of mechanical services.

**(xiv) HISTORIC ADDITIONS AND ALTERATIONS**

- 1) Historic additions and alterations that have acquired significance in their own right, particularly shopfront additions, should be preserved.

**(xv) NEW ADDITIONS TO HISTORIC COMMERCIAL BUILDINGS**

- 1) Commercial building additions should be placed to the rear of the building and should be compatible with the existing structure.



- 2) The design of the addition should be clearly differentiated so that the addition is not mistaken for part of the original building.
- 3) The new addition should be designed so that a minimum of historic materials and character-defining elements are obscured, damaged, or destroyed.

**(b) INDUSTRIAL REHABILITATION GUIDELINES**

The following are guidelines specific to the historic industrial buildings located in and around downtown Thomasville. Many of the Commercial Rehabilitation Guidelines may also be applied to industrial buildings. Industrial buildings are generally utilitarian structures with simple forms and details and little architectural ornamentation. However, they generally played an important role within a community's economic and commercial history.

**(i) DISTINCTIVE FEATURES**

- 1) Retain the simple but distinctive features that characterize historic industrial buildings.
- 2) Deteriorated features should be repaired rather than replaced.
- 3) When replacement is required, new features should match the old in design, color, texture, and where possible, materials.

**(ii) EXTERIOR MATERIALS**

- 1) Preserve original exterior materials to the greatest extent possible. Maintain original materials rather than allowing them to deteriorate.
- 2) If replacement of historic materials is necessary, the new materials should match the old in design, color, texture, and other visual qualities. Materials should be replaced in kind.
- 3) Avoid cleaning methods that damage original materials, such as sandblasting.

**(iii) ALTERATIONS AND ADDITIONS**

- 1) Alterations and additions may be made to historic industrial buildings to expand their usable space or to update their appearance.

**(iv) ADAPTIVE USE**

- 1) Historic industrial buildings can be successfully adapted to new uses, often with only minor adjustments to their large interior spaces.

**(c) INSTITUTIONAL REHABILITATION GUIDELINES**

The following guidelines provide rehabilitation information for downtown Thomasville's institutional buildings. These include governmental buildings such as the county courthouse and municipal building as well as community and religious buildings. Many of the Commercial Rehabilitation Guidelines may also be applied to institutional buildings.

**(i) DISTINCTIVE FEATURES**

- 1) Retain distinctive features that characterize historic institutional buildings and make them visually prominent landmark buildings.
- 2) Deteriorated features should be repaired rather than replaced.
- 3) When replacement is required, new features should match the old in design, color, texture, and where possible, materials.
- 4) Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

**(ii) ALTERATIONS AND ADDITIONS**

- 1) Alterations and the placement of additions on institutional buildings should be accomplished without compromising the historic character of these structures.
- 2) Additions should not be placed on the front facade and should have minimal visual impact from the public rights-of-way.

- 3) Alteration of an institutional building's front facade is discouraged.

**(iii) ADAPTIVE USE**

- 1) Proposed new uses for institutional buildings should be compatible with the historic property so that minimal changes are necessary.
- 2) Institutional buildings adapted for new uses should retain the distinctive features and historic character of their original appearance and use.
- 3) Recommendation: Interior space changes should have minimal impact on original materials and floor plan. When at all possible, these changes should be "temporary" in nature, allowing for future complete restoration of the interior space. If original details and materials are removed, they should be retained and stored for possible future replacement.

**(d) GUIDELINES FOR NEW CONSTRUCTION IN THE HISTORIC DISTRICT**

New construction should be designed to be compatible with its historic surroundings by borrowing design characteristics and materials from adjacent buildings and integrating (not copying) these into a modern expression. Before designing new development, take time to evaluate what makes the property and its surrounding area distinctive. Then decide how the new development can best be designed to complement the property and area. The following guidelines will assist in designing new development compatible with the existing commercial historic district.

**(i) DEFINING THE AREA OF INFLUENCE**

- 1) Define the area of influence of the new development and what visual impact the new construction will have on the surrounding historic setting.

**(ii) RECOGNIZING THE PREVAILING CHARACTER OF EXISTING DEVELOPMENT**

- 1) Identify and respect the prevailing character of adjacent historic buildings and surrounding development.
  - a) The orientation of a new building and its site placement should be consistent with dominant patterns within the area of influence.
  - b) A new building's directional emphasis should be consistent with dominant patterns of directional emphasis within the area of influence.
  - c) Roof Pitch: The roof pitch of a new building should be consistent with those of existing buildings within the area of influence.
  - d) Building Elements: The principal elements and shapes used on the front facade of a new building should be compatible with those of existing buildings in the area of influence.
  - e) The proportions of a new building should be consistent with dominant patterns of proportion of existing buildings in the area of influence.
  - f) New construction in a historic area should respect and not disrupt existing rhythmic patterns in the area of influence.
  - g) A proposed new building should conform to the floor-to-floor heights of existing structures if there is a dominant pattern within the area of influence.
  - h) New construction in historic areas should be consistent with dominant patterns of scale within the area of influence.
  - i) Additions to historic buildings should not overwhelm the existing building.
  - j) New construction should reference and not conflict with the predominant site and architectural elements of existing properties in the area of influence.

**(iii) RESPECTING THE PREVALENT CHARACTER WHEN DESIGNING NEW DEVELOPMENT**

- 1) New Construction
  - a) Build a new structure to the rear of a historic building where it will have little or no impact on the streetscape.

- b) If the new building will be visible from the street, respect the established setbacks and orientations of the historic buildings.
  - c) Landscaping associated with a new structure should be compatible with that of the surrounding area.
  - d) New construction should reference predominant design characteristics that make an area distinctive in order to achieve creative and compatible design solutions that are more than mere imitations of existing buildings.
- 2) New Additions to Historic Buildings
- a) Additions to historic buildings should not be placed on the main historic facade or facades of the building. Locate the proposed addition away from the principal public view, ideally to the rear of the building.
  - b) Respect the proportions of the building to which an addition is being added so that the addition does not dominate its historic environment.
  - c) Do not obscure character-defining features of a historic building with an addition.
  - d) Set an additional story well back from the roof edge to insure that the historic building's proportions and profile are not radically changed.
  - e) Additions should respect the character and integrity of original buildings and incorporate design motifs that relate it to the historic building. They should always be of quality workmanship and materials.
  - f) An addition should be designed so that at a later date it could be removed without compromising the character of the historic building.
  - g) While the addition should be compatible, it is acceptable and appropriate for the addition to be clearly discernible as an addition rather than appearing to be an original part of the building. Consider providing some differentiation in material, color, and/or detailing and setting additions back from the historic building's wall plane.
- 3) Alternations to Noncontributing Buildings within Historic Districts
- a) Do not add false historical details to try to make a non-historic property fit into a historic area but make every effort to ensure that additions and alterations to the property do not detract even further from the character of the historic environment. False historical details may include using "old" brick or adding multi-paned windows when plate glass would be appropriate.

**(e) MAINTENANCE DEMOLITION AND CODE COMPLIANCE**

**(i) MAINTENANCE**

- 1) Provide regular maintenance to a historic building and its site features, thus minimizing the need to replace historic materials.

**(ii) DEMOLITION OR RELOCATION**

- 1) Significant historic buildings should not be demolished unless they are so unsound that rehabilitation is not possible.
- 2) Likewise, significant historic buildings should not be moved off the property or relocated on the site, nor should other buildings be moved onto the site.
- 3) An applicant may be asked to consider selling the property for rehabilitation before demolition or relocation can be considered.
- 4) Architectural and landscaping plans for development of the vacant property must be submitted before demolition or relocation can be considered.

**(iii) HEALTH, SAFETY, AND ACCESSIBILITY CODE COMPLIANCE**

Historic commercial and institutional buildings may require modifications to comply with current health, safety, and accessibility requirements when undertaking rehabilitation work. Acceptable

solutions can be found that will be compatible with historic buildings while successfully accommodating these requirements. Having safe and accessible businesses and public accommodations in downtown encourages economic development.

- 1) Compliance with health and safety codes and handicap accessibility requirements should be carried out with a minimum of impact to the character and materials of historic buildings.
- 2) Fire escapes should be placed to the rear or on less visible sides of a building.
- 3) The design and placement of ramps that provide access to entrances should be as unobtrusive as possible.

## 10. FENCE, WALL, AND ACCESSORY STRUCTURE GUIDELINES

### (a) FENCES AND ACCESSORY STRUCTURES

- (i) When visible from a public right-of-way, proposed fences or other accessory structures, such as trellises or storage sheds, shall be reviewed by the City Planner and should be in general conformance with the review criteria in this section.
- (ii) Chain link fences located on street frontage are not appropriate within historic districts.
- (iii) Wood fences generally should be painted or covered with a solid stain to avoid too rustic of an appearance.
- (iv) Fences, walls, landscaping, or a combination of those features, may be required to screen parking areas. Particular design consideration should be given to the screening of parking lots. In most cases, parking lots should be screened by masonry walls or by more massive and permanent wood or metal fences. However, screening by fences, walls, and landscaping may be limited if they would obscure historic or important views of a building. Whenever practicable, parking lot fences or walls should be in line with the front plane of the buildings on the street and should visually screen parked vehicles from the street.

### (b) SIGNS

- (i) In general, sign sizes should be minimal to avoid obscuring architectural details and to avoid visual clutter on the street.
- (ii) Signs for first-floor commercial space in historic districts generally should be placed no higher than the bottom of the second-story windows.
- (iii) Neon signs that are designed to be in character with the street and building may be permitted.
- (iv) Existing signs that may contribute to the historic character of the district and the building, and their design will be considered carefully before replacement will be permitted.

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## Sec. 22.2.7.B. NC-O NEIGHBORHOOD CONSERVATION DISTRICT OVERLAY

### 1. PURPOSE

The purpose of the Neighborhood Conservation District overlay is to:

- (a) Preserve and protect the historic character and urban fabric of Thomaville’s neighborhoods;
- (b) Guide future development, reuse, and reinvestment; and
- (c) To reduce conflict between new construction and existing development in established neighborhoods.

### 2. GENERAL PROVISIONS

- (a) In the event of a conflict with the underlying zoning district, the provisions herein shall control.

### 3. ADMINISTRATIVE REVIEW BODY

- (a) The Thomasville Historic Preservation Commission as established in Section 22.2.7.A shall oversee the Neighborhood Conservation Districts and issue applicable permits.

### 4. DESIGNATION OF NEIGHBORHOOD CONSERVATION DISTRICTS

#### (a) CRITERIA FOR DESIGNATION

- (i) Listed on the National Register of Historic Places

#### (b) APPLICATION PROCESS

- (i) Neighborhood Conservation Districts shall be designated by ordinance.
- (ii) Neighborhoods or areas selected for consideration for a Conservation District designation shall meet one of the following criteria:
  - (iii) Prepare a local historic conservation district designation report (containing what info? Same as historic district perhaps?)

### 5. ACTIONS SUBJECT TO REVIEW

Physical changes to the neighborhood, such as the construction of additions, new structures, and demolition are subject to review by the Thomasville Historic Preservation Commission. Additions and new construction are evaluated on standards that emphasize compatible development in terms of size and massing, rather than specific architectural features.

### 6. CONSERVATION STANDARDS

- (a) Findings for a Certificate of Appropriateness in Neighborhood Conservation District

No Certificate of Appropriateness shall be issued unless the following findings are made:

### 7. REVIEW PROCESS

- (a) Certificate of Non-Applicability
  - (i) For work outside the scope of the actions subject to review
  - (ii) Issued by staff
- (b) Certificate of Appropriateness
  - (i) If determined to be required through staff review, the COA is issued by the Thomasville Historic Preservation Commission
- (c) Certificate of Hardship

### 8. APPEALS

### 9. ENFORCEMENT

### **Sec. 22.2.7.C. FP-O FLOODPLAIN OVERLAY**

#### **1. PURPOSE**

The purpose of the FP-O overlay district is to ensure that development in floodplains defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) complies with all applicable FEMA regulations; to promote public health, safety, and general welfare; and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;
- (d) Control filling, grading, dredging and other development that may increase erosion or flood damages;
- (e) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards to other lands; and
- (f) Qualify for and maintain participation in the National Flood Insurance Program.

#### **2. OBJECTIVES**

The objectives of the FP-O are to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood-control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) Ensure that potential home buyers and developers are notified that property is in an area of special flood hazard; and
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **3. GENERAL PROVISIONS**

- (a) This Section 22.6.C shall apply to all areas of special flood hazard within the jurisdiction of the City.
- (b) Basis for establishing areas of special flood hazard:
  - (i) The areas of special flood hazard for the City of Thomasville are identified and defined by the Federal Emergency Management Agency through a scientific and engineering report entitled "Flood Insurance Study for the City of Thomasville," with accompanying flood insurance rate maps and flood boundary and floodway maps and any revision thereto.
  - (ii) The above documents shall be considered a part of this Section 22.2.6.C. The Flood Insurance Study and/or maps shall be kept on file with the City Clerk.
- (c) This Section 22.2.6.C includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- (d) In their interpretation and application, the provisions of this Section 22.2.6.C shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare.

- (e) Unless specifically defined in Article 22.9 (Definitions and Rules of Construction), words or phrases used in this Section 22.2.6.C shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.
- (f) All references to zones A, A1-30, AE, AH, AO, B, or X in this Section 22.2.6.C refer to those zones as depicted on the Flood Insurance Rate Maps listed and referenced in this Section.
- (g) A development permit shall be required in compliance with the provisions of this section.

#### **4. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this Section 22.2.6.C is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section 22.2.6.C does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section 22.2.6.C shall not create liability on the part of the City, any officer or employee of the City, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Section 22.2.6.C or any administrative decision lawfully made under this Section 22.2.6.C.

#### **5. ADMINISTRATION; DESIGNATION OF LOCAL FLOODPLAIN ADMINISTRATOR**

The Chief Building Official is hereby appointed local floodplain administrator to administer and implement this Section 22.2.6.C by granting or denying floodplain development permits in accordance with its provisions.

- (a) All records pertaining to the provisions of this ordinance shall be maintained in the office of the chief building official and shall be open for public inspection.

#### **6. USE OF OTHER FLOOD DATA**

- (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data nor identified a floodway, the Chief Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other proposed development meets the requirements of this article.
- (b) When base flood elevation data are not available, the Chief Building Official may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this article.

#### **7. CONSTRUCTION STANDARDS**

##### **(a) GENERAL STANDARDS**

Section 22.2.6.C.7(a)(i) and (ii) shall apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 22.2.6.C(c).

##### **(i) SUBDIVISION PROPOSALS**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard:

- 1) Proposals shall be consistent with the need to minimize flood damage;
- 2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
- 3) Adequate drainage shall be provided to reduce exposure to flood damage.
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which are greater than the lesser of fifty (50) lots or five (5) acres.

##### **(ii) ENCROACHMENTS**

- 1) Within Zones A1-A30 and AE, on streams without a regulatory floodway or where no base flood data have been provided, the following provisions apply:

- a) No new construction, substantial improvements or other development (including fill) shall be permitted unless:
    - i) The encroachment is located a distance from the stream bank of at least two times the width of the stream at the top of the bank or 20 feet each side from top of bank, whichever is greater; or
    - ii) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
    - iii) The City agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City, for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City for all costs related to the final map revision.
  - b) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with subsection (6) of Section 22.2.6.C.
- 2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 22.2.6.C.3, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
- a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
  - b) If Section 22-2(G)(i)(B)(2)a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
  - c) The City agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City, for all costs related to the final map revisions.
- 3) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

**(b) STANDARDS FOR ALL STRUCTURES**

Section 22.2.6.C.7(b)(i), (ii), and (iii) shall apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 22.2.6.C.3.

**(i) ANCHORING**

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**(ii) CONSTRUCTION MATERIALS AND METHODS**

- 1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- 2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- 3) Elevated Buildings and Enclosed Areas Below Lowest Floor
  - a) For fully enclosed areas below the lowest floor formed by foundation and other exterior walls below the base flood elevation within all Special Flood Hazard Areas where base flood elevation



data are available, new and substantially improved structures shall be designed to preclude finished living space (i.e. that are usable solely for the parking of vehicles, building access or storage) and designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- b) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
  - ii) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
  - iii) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- e) Enclosed areas subgrade on all sides are considered basements and are not permitted.

### **(iii) UTILITIES**

- 1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of Georgia State or the Residential Code of Georgia State for location of such items in wet locations;
- 2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- 4) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

## **(c) RESIDENTIAL STRUCTURES**

### **(i) ELEVATION**

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in Section 22.2.6.C.7(i), Section 22.2.6.C.7(ii), and Section 22.2.6.C.7(ii).

- 1) Within all Special Flood Hazard Areas where base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above one foot above the base flood elevation.
- 2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- 3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated to the depth number specified on the community's Flood Insurance Rate Map

enumerated in Section 22.2.6.C, in feet, above the highest adjacent grade. If no depth is specified, the lowest floor (including basement) shall be elevated at least two feet above the highest adjacent grade.

- 4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

**(d) NONRESIDENTIAL STRUCTURES**

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in Section 22.2.6.C.7(i), Section 22.2.6.C.7(ii), and Section 22.2.6.C.7(ii).

- (i) Within all Special Flood Hazard Areas where base flood elevation data are available, new construction and substantial improvements of any nonresidential structure shall either:
  - 1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
  - 2) Be floodproofed so that the structure is watertight below the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (ii) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
  - 1) Have the lowest floor (including basement) elevated to the depth number specified on the flood insurance rate map (FIRM), in feet, above the highest adjacent grade. If no depth is specified, the lowest floor (including basement) shall be elevated at least two feet above the highest adjacent grade; or
  - 2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A.2 above.
- (iii) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local floodplain administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A.2 above, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (iv) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- (v) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

**(e) MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

- (i) Manufactured homes (mobile homes) are prohibited within regulatory floodways, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 22.2.6.C.3, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection (B) below, and the elevation standards of subsection (iii.) above are met.
- (ii) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (iii) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- (iv) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- 1) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
  - 2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.
  - 3) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - 4) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 22.2.6.C.7(e)(i), Section 22.2.6.C.7(e)(iv)1) and Section 22.2.6.C.7(e)(iv)3) above.
- (v) All recreational vehicles placed on site must either:
- 1) Be fully licensed and ready for highway use, or
  - 2) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 22.2.6.C.7(e)(iv)1) and Section 22.2.6.C.7(e)(iv)3) above.
  - 3) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

**(f) CRITICAL FACILITIES**

In order to prevent potential flood damages to certain facilities that would result in serious danger to life and health or widespread social or economic dislocation, no new critical facility shall be located within any area of special flood hazard or within any 500-year flood zone shown as a B Zone or as a shaded X Zone on the Community’s Flood Insurance Rate Maps.

**Sec. 22.2.7.D. MC-O MIXED-USE CAMPUS/INSTITUTIONAL OVERLAY**

**1. PURPOSE**

The purpose of the MC-O overlay district is to provide for sites or campuses with large public and institutional facilities such as hospitals, museums, and institutions of higher education. Additional land uses include a variety of retail, commercial, and residential uses traditionally associated with these large institutions, as well as others shown in Table 22.3.1 (Permitted Use Table).

**2. DIMENSIONAL STANDARDS**

Table 22-2-46: MC- Mixed-Use Campus/Institutional Overlay District		
See Section 22.4.1 for more details		
Lot Standards		
<b>A</b>	Lot width, minimum	80 ft.
<b>B</b>	Impervious lot coverage, maximum	60%
Setbacks		
<b>C</b>	Front, maximum	20 ft.
<b>D</b>	Side, minimum	0 ft. Adjacent to T3 district: 15 ft.
<b>E</b>	Rear, minimum	0 ft. Adjacent to T3 district: 15 ft.
Building Standards		
<b>F</b>	Height, principal building, maximum	8.5 stories Within 50 feet of property line of T3 zoned lot: 3 stories Within 50 feet of property line of T4 zoned lot: 5 stories
<b>G</b>	Height, accessory buildings, maximum	1.5 stories
	No. of dwelling units, maximum	Per building code

**3. OVERLAY DISTRICT STANDARDS**

**(a) DEVELOPMENT STANDARDS**

- (i) Multiple principal buildings may be located on a single lot within the MC-O overlay district.
- (ii) All portions of each primary structure located within 50 feet of a lot boundary abutting a T3 district are limited to three stories.
- (iii) No parking garage shall be located within 50 feet of a boundary with a T3 district.
- (iv) No local street adjacent to or passing through an T3-SF or T3-LD district shall be used to access a parking garage or a parking lot containing more than 100 vehicle spaces in the MC-O overlay.
- (v) Any principal or accessory structure in the MC-O overlay district with a wall that faces a public street or T3 district and that is more than 100 feet in length shall be horizontally articulated into bays or visually distinct segments no more than 50 feet in length through the use of projections, insets, or changes in wall alignment, color, or materials.
- (vi) For buildings greater than three stories in height, the street-level façade shall be distinguished from the upper floors through architectural treatments and materials selection to create a visual base for the building and an intimate scale for pedestrians.
- (vii) Where any structure abuts a Suburban Neighborhood district, a minimum rear yard setback of 15 feet shall be provided.

**(b) FOOD AND BEVERAGE USES**

- (i) No use categorized as a Food and Beverage use in Table 22.3.1 (Permitted Use Table) shall operate before 5:00 am or after 2:00 am

**(c) PLANNING AND ZONING COMMISSION APPROVAL REQUIRED**

- (i) A review by the Planning and Zoning Commission, pursuant to the procedures in Article 22.5 (Administration and Enforcement), shall be required for all development and redevelopment.

**(d) REZONING OF LANDS TO MC-O**

- (i) Any proposed rezoning of land from a Suburban Neighborhood district into the MC-O overlay district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for nearby Suburban Neighborhood district properties. The plan shall include any land and facilities within the current MC-O district that will be used to support the use or development of the property to be rezoned, and shall demonstrate how the rezoned and existing institutional properties will manage parking, circulation, noise, and visual impacts, and will meet other applicable development standards.

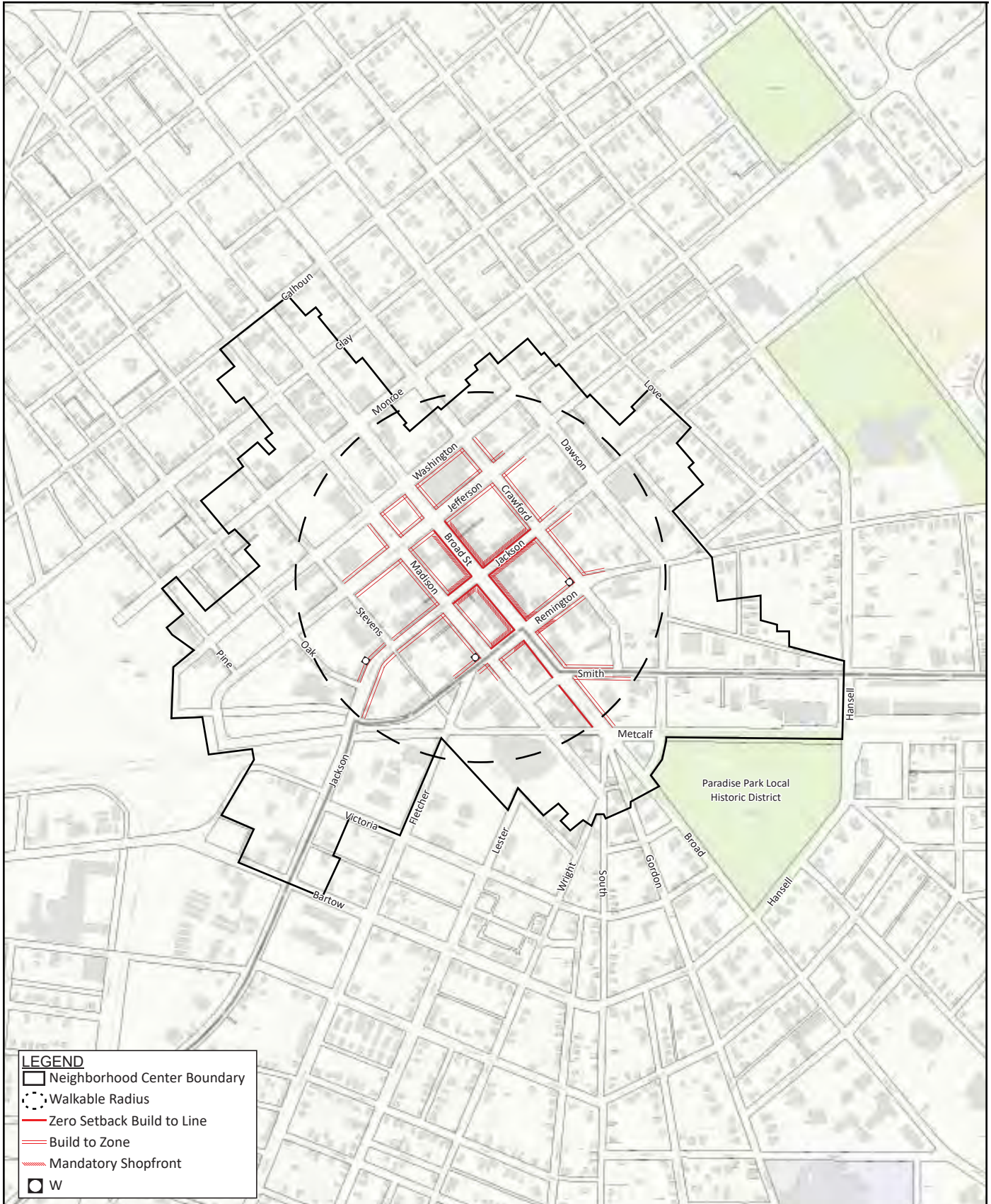
**Sec. 22.2.7.E. VICTORIA PLACE OVERLAY**

The Victoria Place Overlay shall cease to apply following the event of \_\_\_\_\_ or DATE. All standards and requirements pertaining to the Victoria Place Overlay are in the Appendix Section 22.11.1.

## SECTION 22.2.8 SPECIAL REQUIREMENTS PLANS

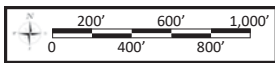
The Special Requirements Plan designate the following site-specific standards:

- **Build-to-Line:** A Build-to-Line designates a zero setback from the front property line that the building's Primary Facade shall be built upon in order to create a uniform line of buildings along the street. The Build-to-Line marked on the Special Requirements Plan shall take priority over the more general setback defined in Section 22.4.1 Dimensional Standards.
- **Build-to-Zones:** A Build-to-Zone designates a specified maximum setback of 10 feet from the front property line that the building's Primary Facade shall be built upon in order to create a better street presence and walkable neighborhood center. The Build-to-Zone marked on the Special Requirements Plan shall take priority over the more general setback defined in Section 22.4.1 Dimensional Standards.
- **Mandatory Shopfront:** A ground floor retail shopfront is required along this lot frontage. See requirements for shopfronts in Section 22.4.2 Architectural Standards.
- **Terminated Vista:** A small footprint tower or cupola is required to mark an important view, assist with wayfinding and add to sense of place. See requirements in Section 22.4.2 Architectural Standards.



**LEGEND**

- Neighborhood Center Boundary
- Walkable Radius
- Zero Setback Build to Line
- Build to Zone
- Mandatory Shopfront
- W



City of Thomasville Special Requirements Plan  
 Downtown

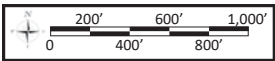






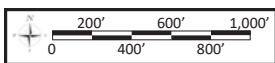
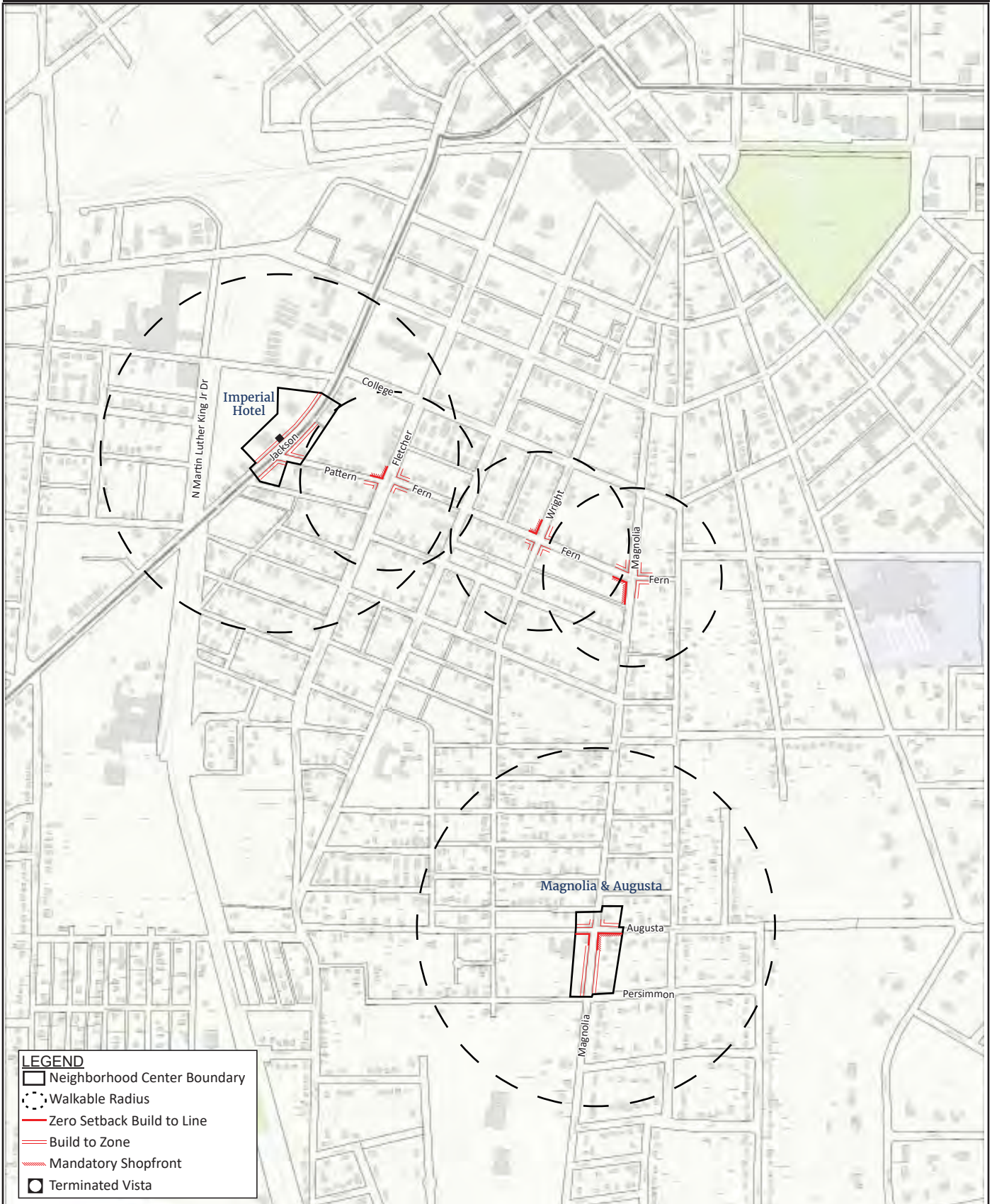
**LEGEND**

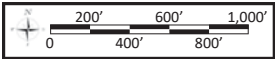
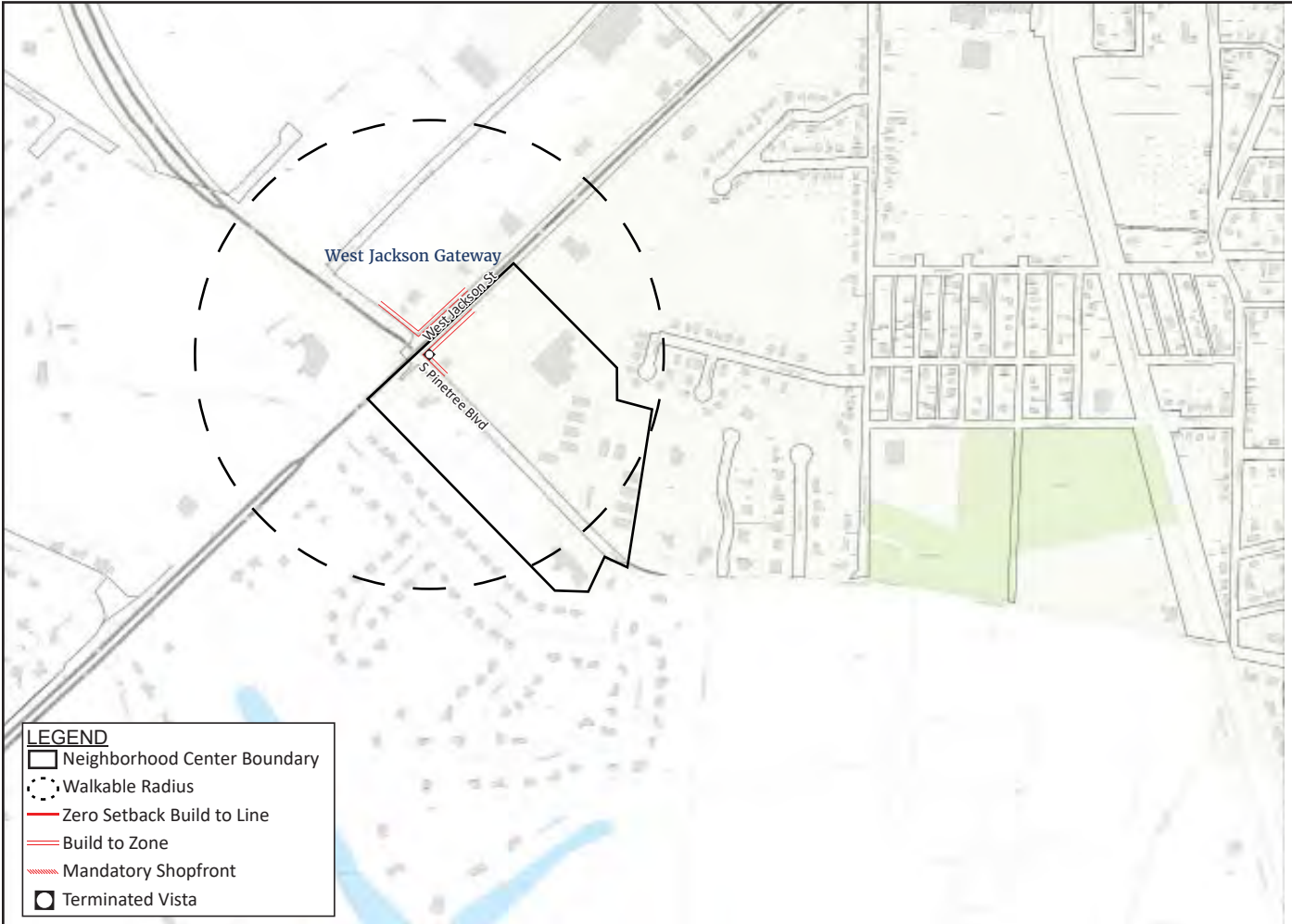
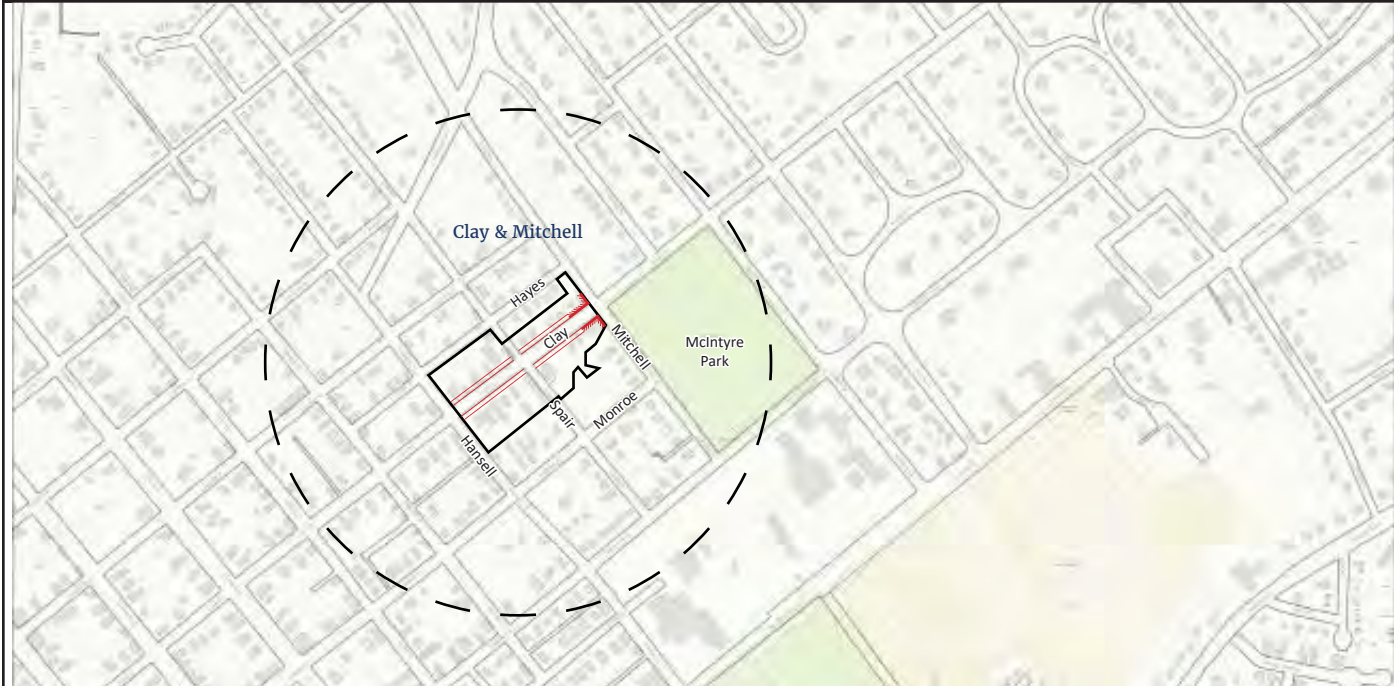
- Neighborhood Center Boundary
- Walkable Radius
- Zero Setback Build to Line
- Build to Zone
- Mandatory Shopfront
- Terminated Vista

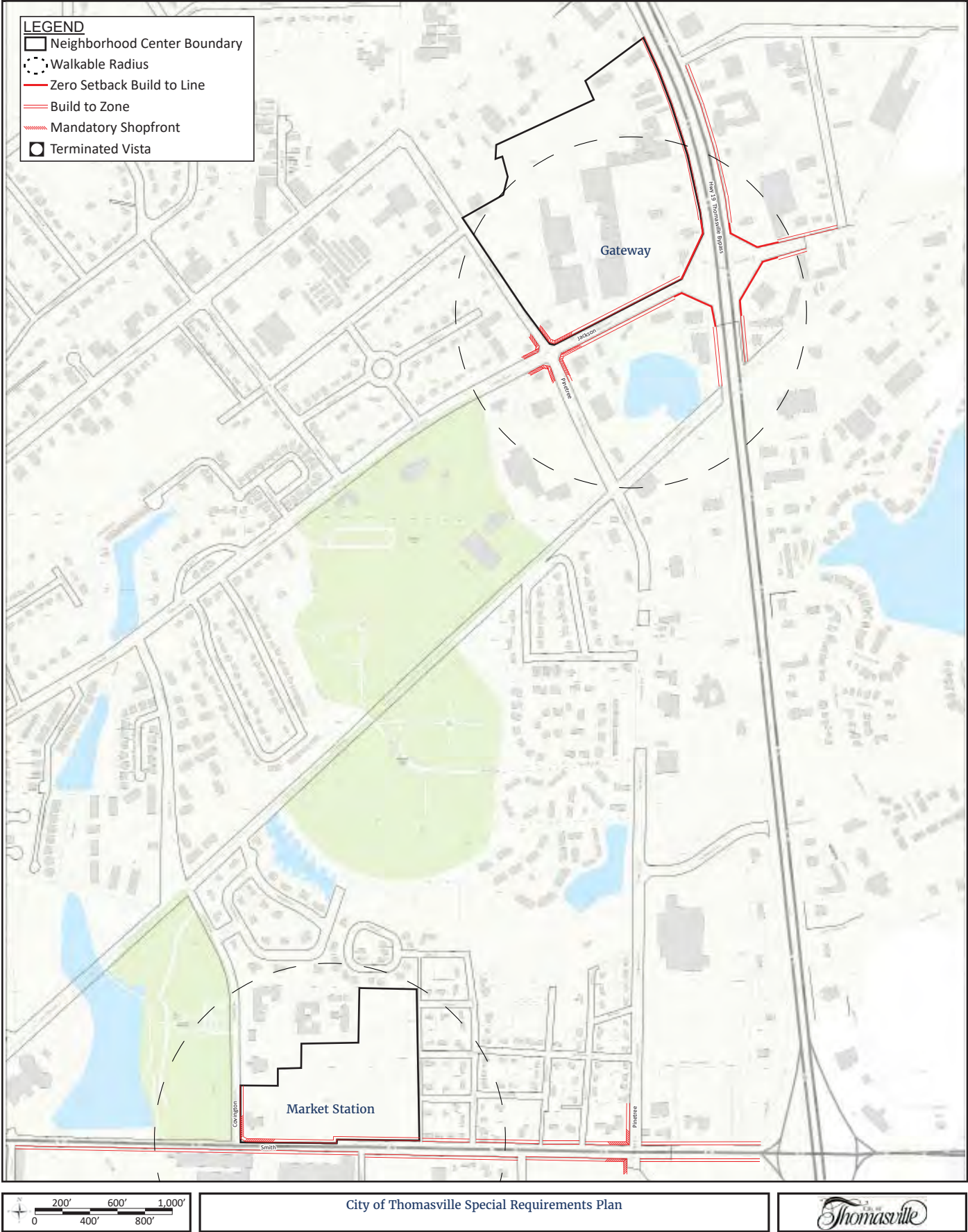


City of Thomasville Special Requirements Plan









## ARTICLE 22.3 USE REGULATIONS

### SECTION 22.3.1 GENERAL

The permitted and conditional land uses in each zoning district are indicated in the Table 22.3.1: Permitted Use Table below. Additional uses of property or restrictions on the use of property may be contained in the description of the specific district in Sections 22.2.3 -22.2.5 (Base Zoning Districts) or in an Overlay District applicable to the property in Section 22.2.6 (Overlay Zone Districts).

#### Sec. 22.3.1.A. TABLE LEGEND

1. A “P” in a cell of the Permitted Use Table indicates that the use is permitted in that zoning district, subject to compliance with any Use-Specific Standards listed in the right-hand column of that line of the table.
2. A “C” in a cell of the Permitted Use Table indicates that the use is permitted only after the applicant obtains a Conditional Use approval pursuant Section 22-5.4.F (Conditional Use Permit) and subject to any Use-Specific Standards listed in the right-hand column of that line of the table. If a conforming permitted use of land or structures prior to the adoption of this UDO has become a “C” use under this UDO, the use will be deemed to have a Conditional Use approval under this UDO for the use as it existed on the Effective Date of this UDO.
3. An “A” in a cell of the Permitted Use Table indicates that the use is permitted as an accessory use only in support of a permitted or conditional use on the site; except that in the case of a Radio, TV, and Telecommunications Towers or a Satellite Receiving Dish Antenna, the antenna or dish need only be accessory to a structure on the property. An accessory use must be located on the same lot, may not exist before the lot contains a permitted or approved conditional principal use, and may not exist after the termination of all permitted or approved conditional principal uses, unless otherwise provided in this UDO. In the M zoning district, an “A” use may be accessory to any primary use in that zone district, and need not be accessory to a primary use on the same lot.
4. A “T” in a cell of the Permitted Use Table indicates that the use is permitted as a temporary use, subject to any Use-Specific Standards for that use. A permit is not issued for each temporary use.
5. A “V” in a cell of the Permitted Use Table indicates that the use is available as a Conditional Use if a structure or building has been vacant for a period of five or more years, subject to compliance with any Use-Specific Standards listed in the right-hand column of that line of the table. The burden of proving that a structure or building has been vacant for five or more years is with the applicant, and may be shown through utility bills, aerial photographs, affidavits of surrounding property owners, or other materials acceptable to the City. This designation applies only to vacant structures or buildings and not to vacant parcels or lots of land. The existing structure or building shall not be demolished to accommodate a “V” use.
6. A blank space in the Permitted Use Table indicates that the use is not permitted in that zoning district unless that use is specifically permitted or conditionally permitted by the provisions of Section 22.2 (Zoning Districts) applicable to the property.

#### Sec. 22.3.1.B. MULTIPLE USES

A development in a Mixed-Use District or Special Purpose District may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a Permitted or Conditional Use in that zoning district, that a Conditional Use Approval is obtained for any Conditional Use, all Use-Specific Standards applicable to each use are met, and the development complies with all applicable density, dimensional, impervious surface, development, and performance standards.

#### Sec. 22.3.1.C. UNLISTED USES

When a proposed land use is not explicitly listed in Table 22.3.1: Permitted Use Table) below, the City Planner shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. In making this determination, the City Planner shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties. The City Planner’s interpretation shall be made available to the public and shall be binding on future decisions of the City until the City Planner makes a different interpretation or this UDO is amended to treat the use differently. Should the City Planner determine no

similar use is listed within this UDO, the City Planner shall have the right to delay making a determination and to propose the addition of a new use to Permitted Use Table through an amendment to this UDO as described in Section 22.5.4.A (Amendments to Zoning Map or UDO Text).

**Sec. 22.3.1.D. REQUIRED STATE LICENSES OR PERMITS**

All uses required by the State of Georgia, the federal government, or by another public or quasi-public regulatory agency to have an approval, license, or permit to operate are required to have that approval, license, or permit in effect at the time that an application is submitted for a permit or approval, and at all times when the use is operating; failure to do so is a violation of this UDO.

**Sec. 22.3.1.E. ADDITIONAL USE REGULATIONS IN SECTION 22.2 (ZONING DISTRICTS)**

In some cases, the provisions of Section 22.2 (Zoning Districts) addressing specific zone district regulations may permit or restrict uses in addition to those regulations in this Section 22.3. In case of a conflict between the provisions of Sections 22-2 and 22-3 regarding the availability of a use or conditions attached to that use, the provisions of Section 22.2 shall apply.

**Sec. 22.3.1.F. PROHIBITED USES**

[Reserved]

**SECTION 22.3.2 PERMITTED USE TABLE**

**Table 22.3.20: Permitted Use**  
 P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V= Vacant Property Use

Proposed Zoning District	Residential			Mixed-Use						Special Purpose			Use-Specific Standard in Section 22.3.3.
	T3-SF	T3-LD	T3-MH	T4-E	T4-O	T4-C	T5-H	T5-C	MU-FBC	M	M-1	T2	
District Standards	22.2.4.A	22.2.4.B	22.2.4.C	22.2.5.A	22.2.5.B	22.2.5.C	22.2.5.D	22.2.5.E	22.2.5.F	22.2.6.A	22.2.6.B	22.2.6.C	
LAND USE CATEGORY													
<b>RESIDENTIAL USES</b>													
<b>Household Living</b>													
Dwelling, Single-Family Detached	P	P	P	P	P	P			P				B.1(a)
Dwelling, Two-Family		P		P	P	P			P				B.1(b)
Dwelling, Townhouse		P		P	P	P		P	P				B.1(c)
Dwelling, Live-Work		C		P	P	P		P	P				B.1(d)
Dwelling, Multi-Family				P	P	P	P	P	C				B.1(e)
Recreation Vehicle Park	C	C	P	C	C	C	C	C					B.1(f)
Manufactured Housing Subdivision	C	C	P										B.1(g)
<b>Group Living</b>													
Assisted Living Facility or Nursing Home				C		P	P	P	C				B.2(a)
Community Residential Facility	P	P		P		P	P	P	P				B.2(b)
Dormitory				P	P	P	P	P	C				B.2(c)
Rooming House						C	C	C	C				B.2(d)
<b>CIVIC &amp; INSTITUTIONAL USES</b>													
Cemetery												C	C.1
Club or Lodge				P	P	P	P	P	P	P			C.2
Community Center		V		P	P	P	P	P	P	P			C.3
Cultural Facility		V		P	P	P	P	P	P	P			C.4
Day Care Center				P	P	P	P	P	P	P			C.5
Higher Education Institution			P	C		C	P	P		P			C.6
Hospital				C	C	C	P	P	C	C			C.7
Natural Area or Preserve												P	C.8
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	C.9
Police or Fire Station				P	P	P	P	P	P	P	P		C.10
Public Utility or Services	P	P	P	P	P	P	P	P	P	P	P	P	C.11
Religious Institution	P	P	P	P	P	P	P	P	P	P	C		C.12
School	C	C	C	C	C	C	C	C	C				C.13
Tower	A	A	A	A	A	A	C	A	A	C	C		C.14

**Table 22.3.20: Permitted Use**  
 P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V= Vacant Property Use

Proposed Zoning District	Residential			Mixed-Use						Special Purpose			Use-Specific Standard in Section 22.3.3.
	T3-SF	T3-LD	T3-MH	T4-E	T4-O	T4-C	T5-H	T5-C	MU-FBC	M	M-1	T2	
District Standards	22.2.4.A	22.2.4.B	22.2.4.C	22.2.5.A	22.2.5.B	22.2.5.C	22.2.5.D	22.2.5.E	22.2.5.F	22.2.6.A	22.2.6.B	22.2.6.C	
LAND USE CATEGORY													
<b>COMMERCIAL USES</b>													
<b>Agriculture &amp; Animal-Related</b>													
Agriculture, Urban	C	C		A	A	A	A	A		A			D.1(a)
Plant Nursery							C			P	P	C	D.1(b)
Veterinarian or Kennel							P	A	P	P	P		D.1(c)
<b>Food &amp; Beverage Service</b>													
Bar or Tavern						C	P	P		V	V		D.2(a)
Restaurant				C	C	P	P	P					D.2(b)
Craft Brewery										P	P		D.2(c)
<b>Guest Accommodations</b>													
Bed and Breakfast	C	C	P	C	C	P	P	P	P				D.3(a)
Hotel				V	V	C	P	P	C	V	V		D.3(b)
<b>Office &amp; Services</b>													
Funeral Home or Crematorium						C	P	C	C				D.4(a)
Office				P	P	P	P	P	P	P	A		D.4(b)
Personal or Business Service				C	C	P	P	P	P	P	P		D.4(c)
Trade School						C	P	P	P	P	P		D.4(d)
<b>Recreation &amp; Entertainment</b>													
Indoor Recreation or Entertainment				C	C	P	P	P	P	V	V		D.5(a)
Outdoor Recreation or Entertainment							P	C		C	C	C	D.5(b)
<b>Retail</b>													
Corner store				P	P	P	P	P	P	P			D.6(a)
General Retail				C	C	P	P	P	P	A	A		D.6(b)
Pawn Shop							C			P			D.6(c)
Specialty Retail				P	P	P	P	P		A			D.6(d)
Supermarket							P	C		P			D.6(e)
<b>Vehicles &amp; Equipment</b>													
Automobile Wash							P	A		C	P		D.7(a)
Heavy Vehicle and Equipment Sales, Rental, and Servicing										P	P		D.7(b)
Light Vehicle Sales, Rental, and Servicing							P	C		P	P		D.7(c)



**Table 22.3.20: Permitted Use**  
 P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V= Vacant Property Use

Proposed Zoning District	Residential			Mixed-Use						Special Purpose			Use-Specific Standard in Section 22.3.3.
	T3-SF	T3-LD	T3-MH	T4-E	T4-O	T4-C	T5-H	T5-C	MU-FBC	M	M-1	T2	
District Standards	22.2.4.A	22.2.4.B	22.2.4.C	22.2.5.A	22.2.5.B	22.2.5.C	22.2.5.D	22.2.5.E	22.2.5.F	22.2.6.A	22.2.6.B	22.2.6.C	
<b>LAND USE CATEGORY</b>													
Parking Lot or Structure	A	A	A	A	A	A	P	C	A	P	P	A	D.7(d)
Vehicle Fueling Station					C	C	P	C		P	P		D.7(e)
<b>INDUSTRIAL USES</b>													
<b>Commercial Services</b>													
Heavy Commercial Services							C			P	P		E.1(a)
Self-Storage Facility							P	C		P	P		E.1(b)
Storage and Wholesale Distribution							C			P	P		E.1(c)
<b>Manufacturing, Production, &amp; Extraction</b>													
Artisan Manufacturing						C	P	C	C	P	P		E.2(a)
Heavy Manufacturing											P		E.2(b)
Light Manufacturing							C			P	P		E.2(c)
<b>Waste &amp; Salvage</b>													
Recycling Drop-Off Center				A	A	A	C	A	A	P	P		E.3(a)
Landfill											C		E.3(b)
Vehicle Towing, Wrecking, or Junkyard											C		E.3(c)
Waste/Recycling Processing Facility										C	P		E.3(d)
<b>ACCESSORY USES</b>													
Accessory Dwelling Unit	A	A		A	A	A	A	A	A	A	A		F.1
Alternative Energy Generation Equipment or Facility	A	A	A	A	A	A	A	A	A	A	A	A	F.2
Composting of Household Waste Generated on Site	A	A	A	A	A	A	A	A	A	A	A	A	F.3
Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A	F.4
Day Care Home	A	A	A	A	A	A	A	A	A				F.5
Delivery Service				A	A	A	A	A	A	A	A		F.6
Drive-In or Drive-Through Facility							A	C		A	A		F.7
Electric Vehicle Charging Station				A	A	A	A	A	A	A	A	A	F.8
Home Occupation	A	A	A	A	A	A	A	A	A				F.9
Rain Barrel	A	A	A	A	A	A	A	A	A				F.10
Sidewalk or Outdoor Cafe				A	A	A	A	A	A				F.11
Storage Shed	A	A	A	A	A	A	A	A	A	A	A	A	F.12

**Table 22.3.20: Permitted Use**  
 P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V= Vacant Property Use

Proposed Zoning District	Residential			Mixed-Use						Special Purpose			Use-Specific Standard in Section 22.3.3.
	T3-SF	T3-LD	T3-MH	T4-E	T4-O	T4-C	T5-H	T5-C	MU-FBC	M	M-1	T2	
District Standards	22.2.4.A	22.2.4.B	22.2.4.C	22.2.5.A	22.2.5.B	22.2.5.C	22.2.5.D	22.2.5.E	22.2.5.F	22.2.6.A	22.2.6.B	22.2.6.C	
<b>LAND USE CATEGORY</b>													
Swimming Pool, Commercial			C	C	C	C	C	C	C				F.13
Swimming Pool, Residential	A	A	A	A	A	A							F.14
Telecommunication Antenna or Satellite Dish as an Accessory Use	A	A	A	A	A	A	A	A	A	A	A	A	F.15
Trash Storage, Outdoor	A	A	A	A	A	A	A	A	A	A	A	A	F.16
<b>TEMPORARY USES</b>													
Farmers' Market				T	T	T	T	T	T	T			G.1
Mobile Vendor						T	T	T	T	T	T	T	G.2
Portable Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	G.3
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T	G.4
Temporary Real Estate Sales/Leasing Office	T	T	T	T	T	T	T	T	T	T	T	T	G.5
Temporary/Seasonal Sales/Activity	T	T	T	T	T	T	T	T	T	T	T		G.6

## SECTION 22.3.3 USE-SPECIFIC STANDARDS

### Sec. 22.3.3.A. GENERAL

1. All uses shall comply with City ordinances regulating noise, odors, vibration, glare, heat, and other nuisance generating conditions negatively affecting other properties, as well as the requirements of Section 22.4.10 (Operating and Maintenance) unless specifically exempted from one or more of those requirements.
2. In addition to any other applicable regulations, the following Use-Specific Standards shall apply where the particular section is referenced in the far right column of Table 22.3.1: Permitted Use Table.

### Sec. 22.3.3.B. RESIDENTIAL USES

#### 1. HOUSEHOLD LIVING

##### (a) DWELLING, SINGLE-FAMILY DETACHED

- (i) A Manufactured Home that is less than 18 feet in width is only permitted in a mobile home park of manufactured home park existing on the effective date of this UDO.

##### (b) DWELLING, TWO-FAMILY

- (i) No single-family detached dwelling may be converted to a two-family detached dwelling without approval of a Conditional Use Permit. No Conditional Use Permit for such conversion shall be approved unless it is determined that:
  - 1) The lot on which the dwelling structure is located contains at least the minimum lot area required in the zone district where the structure is located.
  - 2) The dwelling structure contains no fewer than 1,600 square feet of living space, and after the conversion no dwelling unit in the structure shall contain less than 600 square feet of living space.
  - 3) After the conversion, there shall not be more than the maximum number of dwelling units that are permitted in the zone district where the structure is located.
  - 4) If required as a result of the conversion, no fire escape or second means of egress shall be attached to that portion of the dwelling bordering the front yard and visible from the street right-of-way.

##### (c) DWELLING, TOWNHOUSE

- (i) Each interior townhouse lot shall be at least twenty (20) feet in width. Each townhouse lot on a corner shall be at least forty-five (45) feet in width. Each interior townhouse lot that is intended to be at the end of a row of townhouses shall be at least thirty (30) feet wide. Each lot shall contain two thousand (2,000) square feet of area or more.
- (ii) The setback from an interior side lot line shall be a minimum of ten (10) feet for the townhouse which is located at the end of a row of townhouses. A minimum setback of twenty-five (25) feet from side streets shall be maintained. Front yard setback will be no less than thirty (30) feet. Rear yard setback will be no less than thirty (30) feet, exclusive of accessory buildings.
- (iii) An accessory building may abut an accessory building located on an adjacent lot in the townhouse district.
- (iv) No more than four (4) townhouses shall be built in a row having the same building line. In a townhouse development having more than four (4) dwelling units, the required minimum offset in the building line shall be three (3) feet. A row or grouping of townhouses shall not exceed two hundred (200) feet in length.
- (v) Not more than one (1) single-family residence shall be located on a townhouse lot.
- (vi) A minimum of two (2) paved off-street parking spaces shall be provided for each townhouse.
- (vii) Each townhouse lot shall have its own parking spaces with direct access to an alley or street. If parking spaces and driveways are located in the front yard of a lot, a setback of fifty (50) feet must be maintained for landscaping and other improvements.
- (viii) The off-street parking provided for a townhouse may have direct access to a service street only if the service street has a minimum right-of-way width of thirty (30) feet.

##### (d) DWELLING, LIVE-WORK

- (i) The building may be used for both residence and for a business that does not qualify as a home occupation being conducted by a resident of the building, but shall not include the following business activities:
  - 1) Any lodging use;
  - 2) Any motor vehicle-related use;
  - 3) Animal agricultural or animal-related use;
  - 4) Any food, beverage, or indoor entertainment use;
  - 5) Liquor store;
  - 6) Funeral Home or crematorium;
  - 7) Outdoor storage as a primary use; or
  - 8) Any industrial use except artisan manufacturing.
- (ii) Portions of the structure used for residential and nonresidential uses shall have a connection between them located inside the building.
- (iii) A wall sign no more than two square feet in size and located no higher than the first floor of the building is permitted.

**(e) DWELLING, MULTI-FAMILY**

- (i) After the effective date of this UDO, any multi-family structure containing more than 20 dwelling units:
  - 1) Shall include outdoor or indoor passive or active recreation space(s) that total at least 10 percent of the site area; and
  - 2) Shall provide on-site laundry facilities.

**(f) RECREATION VEHICLE PARKS**

Recreation vehicle parks are permitted pursuant to the following regulations.

- (i) Recreation vehicle parks will be permitted only upon the approval of location by the planning commission. Such approval will be based upon but not necessarily limited to being an acceptable location with reference to the following criteria:
  - 1) Environmental compatibility;
  - 2) Availability of community facilities, utilities and services;
  - 3) Traffic hazards; and
  - 4) Suitability of the site for such development.
- (ii) An applicant may make application for approval of a site by sending to the city planning director a certified letter, at least ten (10) days prior to the regular meeting of the planning commission, which outlines the request. The request shall state whether the petitioner desires the approval of a site for the construction of a recreation vehicle park. It shall also include an adequate description of the property proposed, including the acreage of the property. The request shall also include the name and address of the person to be notified of the hearing.
- (iii) The planning commission will approve the location of a recreation vehicle park only after a public hearing has been held.
- (iv) After the planning and zoning commission has approved the location of the site, the development plan must be approved by the planning and zoning commission before development can begin. To secure approval of the development plan, submit a letter of request by registered mail to the city planning director at least ten (10) days prior to the next regular meeting of the planning and zoning commission, including four (4) copies of the scaled drawings that give all the information as required by this section, including plans for the required improvements. Include the name and address of the person to be notified of the hearing.
- (v) General requirements that must be met for development of a recreation vehicle park are as follows:

- 1) The minimum gross area of a recreation vehicle park shall be five (5) acres, and it shall front on a street designated as a major thoroughfare according to the street and traffic or major thoroughfare plan of the city.
  - 2) No recreation vehicle or camping trailer or other such unit shall be located closer than fifty (50) feet from the right-of-way of any public street or highway. No unit may be located less than thirty (30) feet from the centerline of any interior street in the park. No unit shall be allowed within one hundred (100) feet of an existing residence.
  - 3) A dense green belt of evergreen trees or shrubs or both not less than six (6) feet high after one (1) growing season and which at maturity is not less than twelve (12) feet high shall be located and effectively maintained at all times along all park boundary lines except the street side.
  - 4) Each park shall provide a recreational area equal in size to at least eight (8) percent of the gross area of the park. Streets, roads, drives, parking areas, required setbacks and park service facility areas shall not be included in the required recreational area. The recreational areas must be land that is usable for the purpose and not, for example, low wetland.
  - 5) Coin-operated laundries, laundry and dry cleaning pick-up stations and other commercial convenience establishments may be permitted in the recreation vehicle park provided:
    - a) They are subordinate to the residential character of the park.
    - b) They are located, designed and intended to serve only the needs of persons living in the park.
    - c) Sufficient parking as normally required for the type of business is provided; however, no more than ten (10) percent of the total amount of the park is used for a combination of these establishments and their parking, and
    - d) The establishment shall present no visible evidence of their commercial nature to the areas outside the park.
  - 6) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
  - 7) Each recreation vehicle site shall have a minimum width of forty (40) feet and, if situated on a public street corner, it shall have an additional width above forty (40) feet to provide for the additional street setback.
  - 8) Recreation vehicle travel trailer and camper stands shall be designed to provide an average of at least twenty-five (25) feet between units, and provided further that no unit or part of its structure shall be closer than fifteen (15) feet to any other unit or any part of its structure. Each unit shall be located at least ten (10) feet from the green belt.
  - 9) Each recreation vehicle, travel trailer or camper trailer site shall be provided with a stand adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.
- (vi) Improvements required for development of a recreation vehicle park are as follows:
- 1) Sanitary sewers. The recreation vehicle park shall be provided with an adequate sanitary sewer system that complies with the requirements of the state health department and the city so that each recreation vehicle or travel trailer stand and buildings are sewered.
  - 2) Interior streets or roads. Streets dedicated to the public use shall be planned and developed in accordance with the land subdivision ordinance of the city. In general, however, streets within a recreation vehicle park shall be privately owned, constructed, paved and maintained. Such streets shall be well drained, provided with a minimum paved surface of twelve (12) feet for one-way streets and twenty-four (24) feet for two-way streets and meet the requirements of the city engineer.
  - 3) Water A potable water supply and system meeting the requirements of the state health department and the city shall be provided by the park owner.
  - 4) Easements. Publicly dedicated easements of proper size for their intended purpose shall be provided within the park.

- 5) Utility placement. All water, sewer or gas lines shall be buried a minimum of twenty-four (24) inches below the finished ground surface of the park and shall be provided with adequate valve systems to allow the cutoff of utility service to a recreation vehicle stand at the recreation vehicle stand and at the entrance of the utility service from the stand to the trunk line of a utility system. If overhead service lines are provided within the park, such lines shall be a minimum of eighteen (18) feet above the grades of the interior streets (except that a fourteen-foot minimum be maintained at the service entrance).
  - 6) Lighting. All park streets, pedestrian easements and areas around commercial buildings when allowed shall be illuminated to at least 0.3 foot candles.
  - 7) Garbage and refuse. Adequate garbage and refuse containers, maintained attractively in a rodent and vermin proof condition, shall be easily accessible to the pickup vehicle and within or easily accessible to each recreation vehicle stand, each commercial building and in sufficient number and placement for recreation areas.
  - 8) Electrical power supply. Each stand shall be provided with an adequate, properly grounded waterproofed electrical receptacle with a minimum rated capacity of one hundred (100) amperes.
  - 9) Entrances and exits. Entrances and exits shall meet the standards of the state highway department.
- (vii) All of the above improvements shall be done in strict accordance with the ordinances and standards of the city and approval of the appropriate city officials.
- (viii) The fee for issuing such permit and inspection by the city to see that the work is done in accordance with these regulations shall be five dollars (\$5.00) for each such permit issued. No permit shall be required for city work done by city crews. City permits for work on state highway rights-of-way shall only be issued contingent upon approval of the work by the state department of transportation. (Ord. of 8-28-95, § VI)

**(g) MANUFACTURED HOUSING SUBDIVISION**

- (i) [Reserved]

**2. GROUP LIVING**

**(a) ASSISTED LIVING FACILITY OR NURSING HOME**

- (i) Limited to no more than 16 persons in a Suburban Neighborhood zoning district.

**(b) COMMUNITY RESIDENTIAL FACILITY**

- (i) Limited to no more than 16 persons in a Suburban Neighborhood zoning district.
- (ii) Notwithstanding other provisions of this UDO, in those zoning districts where Community Residential Facilities are permitted uses, the dimensional and design standards applicable to a facility occupied by or constructed for those uses shall be the same as those dimensional and design standards applicable to the type of structure being constructed or occupied (e.g. single-family detached, two-family detached, townhouse, or multi-family) if it were occupied by a Household Living use.

**(c) DORMITORY**

- (i) A resident manager who lives on-site shall be employed or appointed in a full- or part-time capacity.
- (ii) Kitchen facilities, common areas for meeting and social space, or handicap accessibility may be expanded by 10 percent of the floor area or 1,000 square feet, whichever is less, without securing or modifying a Conditional Use Permit if current parking standards are met.

**(d) ROOMING HOUSE**

- (i) Provided that the property has included thereon one (1) rear parking space per each bedroom unit
- (ii) Provides at least three thousand six hundred thirty (3,630) sq. ft. of lot area per each bedroom unit with a minimum lot size of fifteen thousand (15,000) sq. ft.
- (iii) A unit within a building containing multiple single room dwelling units may be occupied by only one person if the unit is less than 100 square feet, and by no more than two persons if the unit is larger than 100 square feet.

## Sec. 22.3.3.C. CIVIC & INSTITUTIONAL USES

### 1. CEMETERY

Provided that:

- (a) The proposed cemetery is reasonably compatible with the existing land use and character of the neighborhood.
- (b) That traffic can be handled efficiently and with respect to existing conditions.
- (c) That appropriate landscaping, fencing and screening can be included if required in the site review

### 2. CLUB OR LODGE

- (a) Any food and beverage service provided by a Club or Lodge, including alcohol, shall be served on the premises and limited to dues-paying members and their guests.

### 3. COMMUNITY CENTER

- (a) [Reserved]

### 4. CULTURAL FACILITY

- (a) [Reserved]

### 5. DAY CARE CENTER

A Day Care shall comply with the following Conditional Use Standards:

- (a) Parking. Provide the required minimum of 2 off-street parking spaces per 1000 sf, as well as one off-street passenger drop off / pick-up space per 10 clients / students.
- (b) Vehicular Circulation and Drop-Off and Pick-Up. Parking areas and vehicular circulation shall be designed to provide a designated pickup and delivery area that is located in such a way that clients / students do not have to cross vehicular travel ways to enter or exit the center.
- (c) Outdoor Spaces. Facilities shall provide functional outdoor spaces and play areas that are safely segregated from parking, loading, and service areas.
- (d) Screening. A landscaped hedge or solid fence shall be provided along any rear or side property line adjoining a residential lot. The hedge or fence shall be designed and / or planted to be at least four feet in height at maturity.

### 6. HIGHER EDUCATION INSTITUTION

- (a) [Reserved]

### 7. HOSPITAL

- (a) [Reserved]

### 8. NATURAL AREA OR PRESERVE

- (a) [Reserved]

### 9. PARK OR PLAYGROUND

- (a) [Reserved]

### 10. POLICE OR FIRE STATION

- (a) [Reserved]

### 11. PUBLIC UTILITY OR SERVICES

- (a) [Reserved]

### 12. RELIGIOUS INSTITUTION

- (a) Provided that within T2, T3 and T4 zoning districts, the lot size shall be no less than two (2) acres

### 13. SCHOOL

#### (a) NURSERY SCHOOL

Provided that:

- (i) Off-street loading and unloading spaces are supplied; and
- (ii) At least one hundred (100) feet of outdoor play area is supplied for each child accommodated; and,
- (iii) The entire play area is enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured.

**(b) KINDERGARTEN**

Provided that:

- (i) Off-street loading and unloading spaces are supplied;
- (ii) At least one hundred (100) square feet of outdoor play area is supplied for each child accompanied;
- (iii) The entire play area is enclosed by a fence having a minimum height of four (4) feet and constructed in such a manner that maximum safety to the children is ensured.

**14. RADIO AND TELECOMMUNICATION TOWERS**

**(a) TELECOMMUNICATION TOWERS**

**(i) REGULATORY COMPLIANCE**

All antennas and towers shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and any other state or federal agency with the authority to regulate communications antennas and towers. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations within the time period mandated by the controlling agency.

**(ii) SECURITY**

All antennas and towers shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or alter antennas or towers. Additional measures may be required as deemed necessary by the decision-making body.

**(iii) LIGHTING**

Antennas and towers shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or alter the antenna or tower. Strobe lights shall not be used unless required by the FAA or other state or federal agency with authority to regulate.

**(iv) ADVERTISING**

Placement of advertising on structures regulated by this Section 22.4.9 Signs is prohibited.

**(v) COLLOCATION**

- 1) All new towers shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one provider based upon the following tower heights:
  - a) 40 to 120 feet – shall support at least four antenna arrays;
  - b) 121 to 150 feet – shall support at least five antenna arrays; and
  - c) Greater than 151 feet – shall support at least six antenna arrays.
- 2) All applications for collocation of an additional antenna on an existing structure that constitute an “eligible facilities” request, and that do not constitute a “substantial change” to the existing structure, as those terms are defined in federal law, shall be approved by the City administratively within 60 days after receipt of an application for such collocation.

**(vi) HEIGHT**

The height of a tower shall be governed by the underlying zoning district; however, when rendering its decision on a Conditional Use approval for a new tower, the Planning Commission may allow an increase in height as required to allow effective functioning of the equipment, as required by the federal Telecommunications Act.



**(vii) COLOR AND FINISH**

Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.

**(viii) SCREENING**

Equipment shelters, cabinets and guy anchors shall be screened from view by a permanent screen consisting of an architecturally compatible masonry wall, wood fence, landscaping material, or combination thereof, at least eight feet in height. The required screening shall have an opacity of 80 percent year around and, if landscaping is used, the 80 percent opacity and eight-foot minimum height shall be achieved within four full growing seasons. Screening shall be compatible with the architectural style of the surrounding structures to the maximum extent practicable.

**(ix) SETBACKS**

1) All towers shall meet the setback and yard requirements of the applicable zoning district. In addition, all towers shall not be located within (500) five hundred feet from any residential dwelling, residential or commercial zoning districts or street right-of-ways.

**(x) ANCHORING**

Ground anchors of all guyed towers shall be located on the same parcel as the tower and meet the setbacks of the applicable zoning district. All such wires shall be visible and protected at ground level.

**(xi) CABINETS**

The horizontal dimensions of a communication equipment cabinet shall not exceed four feet by six feet.

**(xii) REPLACEMENT**

The replacement or modification of any tower, on the same site, is permitted so long as the purpose of the replacement is to accommodate shared use of the tower or to eliminate a safety hazard and a building permit for the replacement is obtained.

**(xiii) OBSOLETE TOWER STRUCTURES AND ANTENNAS**

1) If tower is not in use or is abandoned for 12 months, it shall be removed at the expense of the owner, and a Bond shall be posted with the City of Thomasville before the tower is erected to cover the cost

**(xiv) CONDITIONAL USES**

Decisions on applications for Conditional Use Permits for the collocation of an additional antenna or equipment on an existing tower shall be made within 90 days after receipt of a complete application. Decision on applications for Conditional Use Permits for the erection of a new communications tower shall be made within 150 days after receipt of a complete application.

**(b) TOWER STRUCTURES, OTHER**

- (i) The exterior appearance of all accessory buildings shall be similar to the predominant building materials in the surrounding area.
- (ii) Towers shall not be lighted unless the FAA requires or requires that obstruction lighting be installed, and shall be shielded to the extent permitted by the FAA.
- (iii) Towers and antennas shall be neutral in color unless obstruction marking is required by the FAA.
- (iv) No advertising sign or logo shall be permitted on any tower.
- (v) In Suburban Neighborhood districts, accessory buildings shall not be used as the regular place of employment for any worker.
- (vi) Off-street parking is not required. However, if off-street parking is provided, it shall meet the requirements of Section 22.4.6 Landscaping, Screening and Buffering.
- (vii) The following additional standards apply where this use is listed as an accessory use.

- 1) Where this use is listed as an accessory use in the Suburban Neighborhood districts, it is limited to amateur (non-commercial) radio and other antennas that do not meet the definition of a telecommunications tower.
- 2) Where this use is listed as an accessory use in the Mixed-use or Special Purpose districts, it is limited to radio and other antennas that do not meet the definition of a telecommunications tower.
- 3) All installations shall be ground-mounted.
- 4) The height of a tower shall be governed by the underlying zoning district.
- 5) Placement, including all screening treatments at the base and guy wire bases, shall be in the rear yard of the property and shall maintain a minimum ten foot setback from all lot lines.
- 6) Equipment shelters, cabinets, and guy anchors shall be screened from view by a permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination of those features, at least eight feet in height. The required screening shall have an opacity of 80 percent year-round and, if landscaping is used, the 80 percent opacity and eight foot minimum height shall be achieved within four full growing seasons.

### Sec. 22.3.3.D. COMMERCIAL USES

#### 1. AGRICULTURE & ANIMAL-RELATED

##### (a) AGRICULTURE, URBAN

- (i) Greenhouses are not permitted in the Suburban Neighborhood zone districts.
- (ii) In those zone districts where they are permitted, greenhouses, hoop houses, cold frames, storage sheds, and other accessory structures are limited to a maximum height of 12 feet, shall be set back at least five feet from any abutting lot with an occupied residential use.
- (iii) The cumulative area covered by structures more than four feet above grade shall not exceed 25 percent of the site (for a principal use) or 25 percent of the side yard or back yard area in which the structures are located, and which are not already occupied by an accessory structure (for an accessory use).
- (iv) Operation of power equipment or generators is not permitted in the Suburban Neighborhood zone districts other than on a temporary emergency basis, or for routine maintenance. In those zone districts where they are permitted, operation of power equipment or generators may occur between 7:00 am and no later than 10:00 pm.
- (v) Sales of products grown on-site is permitted on-site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required front setback area.
- (vi) Food products may be grown in soil present on the site if:
  - 1) The City determines through Sanborn Insurance maps or other maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or
  - 2) A composite sample of the soil, consisting of no fewer than five individual subsamples from 0-6 inches in depth collected from throughout the site or proposed growing area, has been tested by a laboratory certified by \_\_\_\_\_ for lead content using the appropriate method and that lead content of the sample to be less than 200 ppm; or
  - 3) For sites or growing areas less than one acre in size, five individual samples of the soil from 0-6 inches in depth collected from throughout the site or proposed growing area are tested for the metals arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, and zinc, and their concentrations are determined to be at or below the thresholds listed in \_\_\_\_\_. For sites or proposed growing areas from one to two acres in size, 10 samples shall be tested; for sites two to three acres in size, 15 samples shall be tested. All results and a map showing sampling locations within the site shall be provided to the City; or

- 4) As an alternative to meeting the standards below, the site may be used for growing food products in clear soil (as established by testing or other means) 12 or more inches deep is added (e.g., in raised beds) to any portion of the site to be used for that purpose with an underlayment of landscape fabric at least 22mm thick, and any adjacent pathways and any exposed soil are covered with grass, ground cover, mulch, clean soil and/or landscape fabric.

**(b) PLANT NURSERY**

- (i) Heavy equipment allowed only in M district

**(c) VETERINARIAN OR KENNEL**

- (i) Veterinary facilities shall be limited to serving domestic pets and household animals except within the M and M-1 districts.
- (ii) No such use shall be located closer than 200 feet to any Suburban Neighborhood district, unless all animals are kept indoors.

**2. FOOD & BEVERAGE SERVICE**

**(a) BAR OR TAVERN**

- (i) [Reserved]

**(b) RESTAURANT**

- (i) Any bar area shall be secondary and incidental to food service.
- (ii) No restaurant shall continue to serve alcohol for more than one hour after the normal menu food service has closed, or shall seek approval to operate as a bar or tavern.
- (iii) Restaurants shall be required to obtain a permit from Thomasville Health Department.

**(c) CRAFT BREWERY**

- (i) [Reserved]

**3. GUEST ACCOMMODATIONS**

**(a) BED AND BREAKFAST**

- (i) Meals may be prepared on site for guests only.
- (ii) Each property shall provide one parking space per rentable room.
- (iii) The owner or manager shall reside on the property as his/her primary place of residence.
- (iv) The use shall be permitted as follows:
  - 1) T2 and T3: maximum number of guest rooms provided shall not exceed 2.
  - 2) T4-E and T4-O: maximum number of guest rooms provided shall not exceed 5.
  - 3) T5: no maximum number of guest rooms.

**(b) HOTEL**

- (i) Facilities where individual guest rooms have direct access to an outdoor area – rather than accessing guest rooms from an interior hallway or corridor – shall only be permitted in the T5-H zone district.

**4. OFFICE & SERVICES**

**(a) FUNERAL HOME OR CREMATORIUM**

- (i) Any Crematorium shall only be permitted in M and M-1 zoning districts and shall be set back no less than five hundred (500) feet from any M district boundary

**(b) OFFICE**

- (i) If an Office use involves dangerous or hazardous materials and/or procedures subject to federal or state safety regulations, then a Conditional Use permit shall be required.

- (ii) If the use includes the selling or providing of transportation services, it shall include an inside waiting area large enough to accommodate all passengers expected to be awaiting transportation and shall include an off-street loading area large enough to accommodate all vehicles providing transportation. Loading of transportation vehicles larger than

**(c) PERSONAL OR BUSINESS SERVICE**

- (i) There are special requirements for tattoo parlors or studios which can be found in Sections 18-270 through 18-280 of the Thomasville Municipal Code. Tattoo parlors or studios are not allowed in any Historic District.
- (ii) Salon or tanning facility health regulations

**(d) TRADE SCHOOL**

- (i) [Reserved]

**5. RECREATION & ENTERTAINMENT**

**(a) INDOOR RECREATION OR ENTERTAINMENT**

- (i) A Conditional Use permit shall be required when adjacent to any Suburban Neighborhood district.
- (ii) A Conditional Use permit shall be required for indoor recreation or entertainment uses of 15,000 square feet or greater.

**(b) OUTDOOR RECREATION OR ENTERTAINMENT**

- (i) Golf Course, provided that:
  - 1) It shall be for daytime use only
  - 2) All greens and fairways shall be set back at least one hundred (100) feet from any property line
  - 3) All tees and structures shall meet minimum setback requirements for single- family residences within the district

**6. RETAIL**

**(a) CORNER STORE**

- (i) [Reserved]

**(b) GENERAL RETAIL**

- (i) Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a Suburban Neighborhood district or within a public right-of-way.

**(c) PAWN SHOP**

- (i) [Reserved]

**(d) SPECIALTY RETAIL**

- (i) [Reserved]

**(e) SUPERMARKET**

- (i) [Reserved]

**7. VEHICLES & EQUIPMENT**

**(a) AUTOMOBILE WASH**

- (i) The establishment shall not be closer than 400 feet to a Suburban Neighborhood district.
- (ii) The establishment shall be located on a public street having a pavement width of not less than 36 feet and shall provide ingress and egress so as to minimize traffic congestion.
- (iii) In addition to meeting the standard off-street parking and loading requirements, the establishment shall provide at least three off-street automobile waiting spaces on the lot in the moving lane to the automobile washing building entrance so as to reduce the number of automobiles waiting in the public right-of-way.

**(b) HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL, AND SERVICING**

- (i) Provided that there is no outside storage of equipment or parts except for M district

**(c) LIGHT VEHICLE SALES, RENTAL, AND SERVICING**

- (i) All repair and service operations shall be performed within a fully enclosed building.
- (ii) No motor vehicles shall be stored and no repair work shall be conducted within a public right-of-way.
- (iii) No outside storage of equipment or parts except for M district
- (iv) In any zoning district, and notwithstanding any provision of Section 22.4.6.H (Walls and Fences) and Section 22.4.6.I (Screening of Service Areas and Equipment) to the contrary, the establishment shall be screened along the side and rear lot lines by an opaque wall or fence of at least six feet in height and no more than eight feet in height.

**(d) PARKING LOT**

- (i) This use must meet all requirements for location, layout, and design of parking lots in Section 22.4.5 (Parking and Loading).

**(e) VEHICLE FUELING STATION**

- (i) No major auto repair shall be permitted, nor shall there be outside storage of equipment or materials other than merchandise offered for sale.
- (ii) Gas Stations shall comply with the following Conditional Use Standards:
  - 1) Location. Only one Gas Station is permitted per block along a street. Additionally, no more than one Gas Station may occupy an intersection.
  - 2) Site. The site is comprised of a main building (typically a convenience store) that is located close to the street with gas pumps sited to the rear or side. In no case shall a vehicular accessway / driveway or off-street parking area be permitted between the façade of the building and the primary street or secondary street (corner lot). Facilities that contain a cashier's booth or kiosk only are prohibited.
  - 3) Building. To the maximum extent practicable, the Main Building or "convenience store" shall utilize and comply with the standards for the Shopfront building type.
  - 4) Pump Location. Gas pumps shall be located to the rear or side of the building.
    - a) Gas pumps may be located to the side of the building if the canopy and pumps do not project further toward the street than the front plane of the principal façade of the building; and
    - b) On corner lots, the canopy and pumps are located on the interior side. In no case shall the canopy and pumps be located on the side of the lot that abuts the corner.
  - 5) Wall. A min. 4 ft. wall or garden wall shall be provided along the length of any lot line adjacent to a street.
  - 6) Canopy Lighting. Canopy lights shall be located inside the canopy, and shall not be visible from the street.

**Sec. 22.3.3.E. INDUSTRIAL USES**

**1. COMMERCIAL SERVICES**

**(a) HEAVY COMMERCIAL SERVICES**

- (i) Outdoor storage shall only be permitted within the M and M-1 districts and shall be screened according to the standards set forth in Section 22.4.6 (Landscaping, Screening and Buffering).

**(b) SELF-STORAGE FACILITY**

- (i) A solid fence, no less than 7 feet and no more than 8 feet in height, constructed of approved materials as defined in Section 22.4.6.H (Walls and Fences), shall be erected so as to screen the self-storage buildings from view. Any portion of any self-storage building which is more than 14 feet above ground shall be required to meet the architectural standards of Section 22.4.6.H (Walls and Fences).

- (ii) A 6 foot landscaped perimeter adjacent to the fence required in (i) above, but no farther away from the fence than 10 feet, shall be required in order to provide an additional buffer. The landscaped perimeter shall meet the following requirements:
  - 1) The total tree requirement within the perimeter area shall be determined by using a ratio of 1 tree for each 25 linear feet of required landscape area or major portion thereof, with no less than 75% of said trees being shade trees. Said trees are not required to be equally spaced 25 feet apart. Creative design and spacing is encouraged. All trees shall be provided at least 100 square feet of planting area each.
  - 2) Grass or other ground cover shall be placed on all areas within the perimeter landscape area not occupied by other landscape materials or permitted access ways.

A list of approved planting materials for ground cover shall be maintained by the City Planning department.
- (iii) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
- (iv) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions Section 22.4.6 (Landscaping, Screening and Buffering).
- (v) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels is prohibited.
- (vi) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited, other than for the repair and maintenance of the facility itself.
- (vii) In all zone districts except the T5-H, M and M-1 districts, this use must be conducted in a facility where access to individual storage units is from an internal hallway or walkway. The facility shall not permit individual storage units to be accessed through doorways or garage doors accessed from outside a primary or accessory building. However, the facility may include garage doors allowing access to internal vehicle loading/unloading areas that do not serve as storage areas

**(c) STORAGE AND WHOLESALE DISTRIBUTION**

- (i) A solid fence, no less than 7 feet and no more than 8 feet in height, constructed of approved materials as defined in Section 22.4.6.H (Walls and Fences), shall be erected so as to screen the self-storage buildings from view. Any portion of any self-storage building which is more than 14 feet above ground shall be required to meet the architectural standards of Section 22.4.6.H (Walls and Fences).
- (ii) A 6 foot landscaped perimeter adjacent to the fence required in (a) above, but no farther away from the fence than 10 feet, shall be required in order to provide an additional buffer. The landscaped perimeter shall meet the following requirements:
  - 1) The total tree requirement within the perimeter area shall be determined by using a ratio of 1 tree for each 25 linear feet of required landscape area or major portion thereof, with no less than 75% of said trees being shade trees. Said trees are not required to be equally spaced 25 feet apart. Creative design and spacing is encouraged. All trees shall be provided at least 100 square feet of planting area each.
  - 2) Grass or other ground cover shall be placed on all areas within the perimeter landscape area not occupied by other landscape materials or permitted access ways.

A list of approved planting materials for ground cover shall be maintained by the City Planning department.
- (iii) The maximum single container capacity is 1,000 gallons.
- (iv) The maximum aggregate multi-container storage capacity is 12,000 gallons.
- (v) Installations in excess of 1,000 gallons shall be installed below ground.

- (vi) Above ground installations shall be enclosed within a chain link fence with a minimum height of six feet and a minimum of two gates on opposite ends.
- (vii) All outdoor storage facilities shall be enclosed by a solid fence or wall six feet in height and not less than ten feet from each lot line adequate to conceal such facilities and the contents stored from adjacent property.
- (viii) No materials or wastes shall be deposited on any premises in a manner that they may be transferred off such premises by natural causes or forces.
- (ix) All materials or wastes that might cause fumes, dust, that constitute a fire hazard, or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, weather-tight containers.
- (x) Storage of inflammable, explosive liquids and gases, including but not limited to liquefied petroleum, shall comply with the Georgia State Fire Code and Building Code, and shall require the approval of the Thomasville Fire Department (in addition to compliance with all other provisions of this UDO).
- (xi) Outdoor storage shall only be permitted within the Light Industrial (M) and General Industrial (M-1) districts and shall comply with the screening standards in Section 22.4.6 (Landscaping, Screening and Buffering).
- (xii) This use may not be located in areas where truck access to or from the property is through local streets.

## 2. MANUFACTURING, PRODUCTION, & EXTRACTION

### (a) ARTISAN MANUFACTURING

- (i) Kilns shall only be by gas or electricity.
- (ii) No outdoor storage shall be permitted except in the M and M-1 districts.
- (iii) Shopfront Manufacturing shall comply with the following Conditional Use Standards:
  - 1) Operations. All operations related to this use shall be conducted completely within a building, except limited daily outdoor operations and storage may occur behind the building and at least 50 feet from any property line. No impacts or by-products of the use, including noise, dust, or odor shall be discernible from the lot line.
  - 2) Parking. If the administrator determines that the use functions much like a traditional retail or service establishment (s)he may require a minimum of 2 off-street parking spaces per 1000 sf.

### (b) HEAVY MANUFACTURING

- (i) Provided that any uses such as the manufacturing of cement, corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and the like which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back not less than five hundred (500) feet from any M district boundary
- (ii) No outdoor storage shall be permitted except in the M and M-1 districts.

### (c) LIGHT MANUFACTURING

- (i) No outdoor storage shall be permitted except in the M and M-1 districts.

## 3. WASTE & SALVAGE

### (a) RECYCLING DROP-OFF CENTER

- (i) [Reserved]

### (b) LANDFILL

- (i) Hazardous waste material or natural gas exploration and production wastes shall not be deposited in any landfill facility.

### (c) VEHICLE TOWING, WRECKING, OR JUNKYARD

- (i) Said use shall not be located within eight hundred (800) feet of a major or secondary street as defined on the Official Street and Road Classification and Major Thoroughfare Plan, Thomasville, Georgia;

- (ii) If within five hundred (500) feet of a public right-of-way, an eight (8) foot high solid fence or wall shall be erected to screen the storage yard from view from the street.

**(d) WASTE/RECYCLING PROCESSING FACILITY**

- (i) [Reserved]

**Sec. 22.3.3.F. ACCESSORY USES**

**1. ACCESSORY DWELLING UNIT**

Shall comply with the following Conditional Use Standards:

- (a) Number of Units. One ADU shall be permitted per lot.
- (b) Ownership. Both the principal dwelling and the accessory dwelling will be in the same ownership.
- (c) Size. The max. footprint for an ADU shall not exceed 720 sq. ft.
- (d) ADU in an Existing Structure. If the ADU is to be located in an existing accessory structure, the accessory structure shall meet all setback requirements for the district.
- (e) Residential Form. The structure shall appear residential in form.
- (f) Compatible with Principal Building. To the maximum extent practicable the exterior color, siding, roof pitch, window detailing, roofing materials, and foundation of the accessory dwelling unit shall be compatible to that which is found on the principal building.
- (g) Outside Entrance: For an attached ADU, additional entrances will be located in the side or the rear of the ADU.
- (h) Parking. There will be one on-site, off-street parking space for each ADU in addition to the spaces required for the primary dwelling.
- (i) Resale. An ADU shall not be sold apart from the principal dwelling upon the same lot where they are located.
- (j) Rental. An ADU may be used as a Short Term Rental or guest room(s) for a Bed and Breakfast.

**2. ALTERNATIVE ENERGY GENERATION EQUIPMENT OR FACILITY**

- (a) Installations of solar energy equipment in any T3 or T4 district shall comply with the following requirements:
  - (i) Placements of solar collectors on a gabled, hipped, or mansard roof shall be mounted parallel to and no more than 12 inches from the roof surface, and shall not extend more than 18 inches above the maximum permitted building height in the zone district.
  - (ii) Placement of solar collectors on flat roofs shall be allowed in non-historic districts, provided that panels do not extend more than 18 inches above the maximum building height permitted in the zone district, or 18 inches above the existing structure, whichever is less.
  - (iii) Installations in designated historic districts as shall require a certificate of appropriateness from the Historic Resources Commission under Section 22.5.3.V (Certificate of Appropriateness).
  - (iv) Installations of rooftop and building-mounted solar energy equipment in all other districts shall be permitted as an accessory use.
  - (v) Building-integrated photovoltaic (BIPV) systems shall be permitted in all districts subject to all necessary permit and Building Code requirements.
  - (vi) Solar energy equipment shall be located in a manner to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
- (b) Ground-mounted solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:
  - (i) The solar collector is located in a side or rear yard.
  - (ii) The location of the solar collector meets all applicable setback requirements for accessory structures as identified in Section 22.4.1 (Dimensional Standards) or Section 22.2.5.F.3 (Form-Based Zoning Standards), as applicable.
  - (iii) The solar collectors do not emit unreasonable glare and negatively impact adjacent properties.



- (c) If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the end of the twelve-month period.
- (d) Wind energy generating equipment may be installed in the side or rear yard area of any lot in the MC-O, M, and M-1 zone districts, may extend up to 30 feet above the maximum permitted building height in those districts, and shall be set back from structures on adjacent lots a distance at least equal to the height of the wind generating equipment.
- (e) Wind energy generating equipment may be installed in the rear yard area of any lot in any district other than the MC-O, M, and M-1 zone districts, but are subject to the requirements of Section 22.4.1 (Dimensional Standards) or Section 22.2.5.F.3 (Form-Based Zoning Standards), as applicable, and shall be set back from structures on adjacent lots a distance at least equal to the height of the wind generating equipment.

### **3. COMPOSTING OF HOUSEHOLD WASTE GENERATED ON SITE**

- (a) All compost containing food waste must be stored in weather-tight and rodent-proof containers.
- (b) Materials placed in composting containers may contain only organic and inorganic non-hazardous household waste, and may not contain meat and meat by-products.

### **4. CUSTOMARY ACCESSORY USES AND RELATED STRUCTURES**

This use is subject to the following standards.

- (a) All accessory uses and structures must be clearly subordinate to the primary structure(s) and primary use(s) on the property.
- (b) All accessory uses and structures shall comply with all dimensional regulations (i.e. building height, lot coverage, and setbacks) applicable to the primary structure(s) on the property unless this UDO provides a specific exception to those regulations.
- (c) An accessory use may not begin operation before a permitted principal use or an approved conditional principal use begins operation on the property. An accessory structure may not be constructed before a permitted primary structure is constructed on the property.
- (d) In any Suburban Neighborhood district, a detached accessory structure shall not occupy more than 30 percent of a rear yard.
- (e) A driveway to provide access to premises in commercial or industrial districts shall not be permitted through Suburban Neighborhood districts.

### **5. DAY CARE HOME**

In the Suburban Neighborhood districts and residential dwelling units in Mixed-Use Districts, this use is subject to the following standards:

- (a) No more than ten children unrelated to the operator shall be kept on the premises. Up to three additional children over the age of two may be kept for up to two hours per day. Up to three additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than 13 children unrelated to the operator be kept there at one time.
- (b) The use shall be located in a dwelling used by the operator as his or her private residence.
- (c) The operator shall not employ more than one full-time (40 hours per week) assistant who does not reside on the premises or more than two half-time (20 hours per week) assistants who do not reside on the premises.
- (d) No advertising or identification sign shall be placed on the premises.

### **6. DELIVERY SERVICE**

- (a) Businesses shall provide at least one off-street parking space per delivery vehicle or shall secure one dedicated on-street parking space per vehicle where approved by the Engineering Department.

### **7. DRIVE-IN OR DRIVE-THROUGH FACILITY**

- (a) In addition to complying with all requirements for design, layout, and vehicle stacking distances in Section 22.4.5 (Parking and Loading), any menu boards or order stations that are not attached to the primary building shall be oriented so that light and sound impacts are directed away from any adjacent lot in a Suburban Neighborhood zone district.

## 8. ELECTRIC VEHICLE CHARGING STATION

- (a) [Reserved]

## 9. HOME OCCUPATION

- (a) Exclusions to Home Occupations. No home occupation shall be permitted that does any of the following:
  - (i) Internal or external alterations inconsistent with the residential use of the building;
  - (ii) Is visible from the street;
  - (iii) Generates traffic, parking, sewerage, or water use in excess of what is normal in the neighborhood;
  - (iv) Creates a hazard to persons or property;
  - (v) Is a nuisance; or
  - (vi) Results in the outside storage or display of anything.
- (b) ADUs. Such use shall not operate from an accessory dwelling unit if it involves visitation by customers.
- (c) Display and Sales. Incidental retail sales including products made or repaired on site is permitted. No outdoor display of products for sale is permitted.
- (d) Maximum Size. Such use shall occupy a maximum of 25% of the floor area of the principal dwelling.
- (e) Vehicles. Only passenger vehicles shall be permitted in connection with the conduct of such use.
- (f) Hours. Deliveries and activities involving visitors / clients shall occur only between 8 A.M. and 6 P.M.
- (g) Parking. Such use shall not result in off-street parking of more than 3 vehicles at any one time not owned by members of the occupant household. One off -street parking space shall be provided per outside employee in addition to the space or spaces required for the residence itself.
- (h) Prohibited Home Occupations. The following are prohibited as home occupations:
  - (i) Any lodging use;
  - (ii) Any motor vehicle-related use;
  - (iii) Animal agricultural or animal-related use;
  - (iv) Any food, beverage, or indoor entertainment use;
  - (v) Liquor store;
  - (vi) Funeral Home or crematorium;
  - (vii) Any industrial use except artisan manufacturing.
- (i) The home occupation shall be located in the primary dwelling structure, or in an approved accessory building on the same lot, and shall not use more than 25 percent of the gross floor area of the dwelling unit or 500 square feet, whichever is less.
- (j) The home occupation shall only be operated by the person or persons maintaining the primary dwelling structure as their primary place of residence. For purposes of this provision only, "person" shall be limited to a natural person and shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.
- (k) An approved home occupation shall automatically expire at such time as the applicant no longer maintains the primary dwelling structure in which the home occupation is located as their primary residence.
- (l) The home occupation use shall not display or create outside the building any evidence of the home occupation, except that one unanimated, non-illuminated flat or window sign having an area of not more than one foot shall be permitted inside or affixed to the building on each street front of the lot on which the building is situated.

- (m) The home occupation shall not be conducted or advertised in a manner that generates a substantially greater volume of vehicular and pedestrian traffic than normally occurs in the Suburban Neighborhood district in which the home occupation is located.
- (n) No more than one employee or assistant in addition to the home occupant may be engaged on the premises in the home occupation at any given time. No other partner, principal or professional may be employed on site.
- (o) No alteration of the principal residential building shall be made that changes the character and appearance of the dwelling.
- (p) There shall be no outdoor storage of equipment or materials used in the home occupation.
- (q) Not more than one commercial vehicle shall be permitted in connection with any home occupation and shall be stored in an enclosed garage.
- (r) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
- (s) If the home occupation produces any visible or audible impacts beyond the lot line on which it is located (including arrival and departure of delivery vehicles), the portion of the occupation generating the visible or audible impacts shall only operate between 8:00 am and 8:00 pm.
- (t) The following activities are not permitted as home occupations:
  - (i) Automobile, vehicle, small engine, or heavy equipment repair or storage.
  - (ii) Dog grooming, care or boarding.
  - (iii) Custom sign shop.
  - (iv) Any business where the majority of revenue is from retail sales of goods to patrons who visit the premises to choose, purchase, or pick up those goods.
  - (v) Any business that requires delivery of goods or materials, or shipping of finished goods, in a truck with a gross vehicle weight over 10,000 pounds, or that generates more than ten visits by a delivery truck of any size per week.

#### 10. RAIN BARREL

- (a) [Reserved]

#### 11. SIDEWALK OR OUTDOOR CAFE

- (a) Cafes located within 300 feet of a Suburban Neighborhood district shall not be open for business before 8:00 a.m. and shall close by 11:00 p.m.
- (b) Where subsection (i) above does not apply, sidewalk or outdoor cafes located in non-Suburban Neighborhood districts shall not be open for business before 6:00 a.m. and shall close by 2:00 a.m., unless Section 22.2 (Zoning Districts) establishes different hours of operation for nonresidential uses, in which case the provisions of Section 22.2 shall apply.
- (c) Sidewalk or outdoor cafes shall not use music or noise amplification devices, and no music or entertainment of any type is permitted outdoors.
- (d) No outdoor cooking of any type is permitted in sidewalk or outdoor cafes.
- (e) For sidewalk or outdoor cafes occupying a City property or right-of-way:
  - (i) A Revocable Sidewalk Privilege must be obtained pursuant to Section 22.5.3.R, or, if the City has not yet implemented the Revocable Street Privilege procedure, then a sidewalk café permit must be obtained pursuant to Chapter 303 of the City Code.
  - (ii) All fixtures and furnishings must be of a temporary nature, and must be brought in and stored or stacked and secured during nonoperational hours.
  - (iii) No objects, except a retractable awning and lighting fixtures, may be permanently attached to the exterior.
  - (iv) All planters, railings and fences must be temporary and not exceed a height of four feet.
  - (v) No additional signage shall be permitted to be affixed to a cafe's temporary structures or accessories.

- (vi) At least four feet or 50 percent of the total sidewalk width, whichever is larger, shall remain free of all obstructions to allow for pedestrian passage. This measurement is made from the outermost point of the cafe to the unobstructed inner edge of the curb, excluding brick or grass carpets, United States mailboxes, fire hydrants, bus shelters, street trees, and other fixed objects. The Chief Planning Official or Corporation Counsel may require that a larger space be left unobstructed if necessary to accommodate anticipated pedestrian volume in that location.
- (vii) The area shall be cleaned, kept refuse-free, and no large containers for trash shall be placed on the cafe premises.
- (viii) Public property shall not be altered in any way during the term of the Revocable Street Privilege. At the expiration of the term of the permit, all City-owned property shall be returned to the City in good condition, except for damage by the elements. The Chief Planning Official or Corporation Counsel may require the property owner to obtain and maintain liability insurance protecting the City from loss or damage based on Corporation Counsel's evaluation of potential risk to the City.

#### **12. STORAGE SHED**

- (a) In the Suburban Neighborhood districts, the structure shall be no larger than 200 square feet in area.
- (b) In all districts, this structure shall not be located closer to any street than the primary building on the lot.

#### **13. SWIMMING POOL, COMMERCIAL**

- (a) As to commercial pools, zoning shall be as set forth in Table 22.3.1 Permitted Use.
- (b) As to semiprivate pools, such pools may be located as a matter of right in zones T4 and T5. For semiprivate pools to be located in zones T2 and T3, a conditional use permit will be required. As to a proposed subdivision, where a pool is identified at the time of the preliminary and final approval, no conditional use permit will be required.

#### **14. SWIMMING POOL, RESIDENTIAL**

- (a) Must be erected on the same lot as the principal structure.
- (b) Must be erected in the side or rear yard of any principal structure on the same lot.
- (c) Must be a minimum of five feet from the rear lot line, nor in any case nearer than the required side yard setback for the principal building for the district in which it is located. When located on a corner lot, a residential swimming pool shall be located from the property line on the side street a minimum of seventy-five (75) percent of that required for the front yard setback for the district and the setback from the rear property line shall be fifty (50) percent of that required for the rear yard setback for the district.
- (d) The pool shall be enclosed in a manner consistent with the Building Code. Each pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices, shall be so located, constructed, and operated as to not interfere with the peace, comfort, and repose of the occupant of any adjoining property. This requirement does not apply to temporary pools with non-rigid walls designed to be filled by garden hoses rather than a piped water connection, provided that the pool is not designed to contain water more than 18 inches deep.
- (e) No lighting or spotlighting shall be permitted that is capable of projecting light beyond the boundaries of the lot on which said pool is located.

#### **15. TELECOMMUNICATION ANTENNA OR SATELLITE DISH AS AN ACCESSORY USE**

The following uses shall be permitted in any zoning district subject to the issuance of a building permit:

- (a) The installation of a satellite dish in any Suburban, Traditional, or T2 district must meet the following standards:
  - (i) A satellite receiving dish antenna shall be erected only in a rear yard and the setback requirements will be the same as those required for an accessory building.
  - (ii) The maximum height allowed is fifteen (15) feet, zero (0) inches measured from the ground and the maximum width allowed is twelve (12) feet, zero (0) inches.
  - (iii) There may not be more than one (1) satellite receiving dish antenna per residence, apartment complex, or condominium association.

- (iv) The city building inspections department shall review the installation plans, which plans must be signed and sealed by a professional engineer registered in the state who shall certify that the satellite receiving dish antenna meets the structural, wind resistance and all other requirements of the standard building code as adopted by the city. Wind resistance is deemed to mean an ability to withstand winds up to one hundred twenty (120) miles per hour. The calculations of the engineer shall be submitted along with the plans.
  - (v) Vegetation screening with a minimum height of five (5) feet (but subject to the height limitations for fences set forth elsewhere in the zoning chapter) shall be required between the object and residential properties which abut the rear yard, between the antenna and residential properties across such a front or side street, so as to screen the antenna from the view of persons on first floor levels of the nearby residential properties and from persons on those public streets.
  - (vi) After approval of the plans, a permit must be purchased from the building inspections department before installation can begin.
  - (vii) A property owner who has in place a nonconforming antenna at the effective date of the ordinance from which this section derives may continue to maintain the antenna in that configuration for five (5) years from the effective date of the ordinance from which this section derives, at which time the nonconforming antenna must be brought into compliance with this chapter or removed, but should the property be sold or transferred, the nonconforming use must be removed within thirty (30) days from the date of purchase or transfer or be made to conform to this chapter.
- (b) The installation of a satellite dish under two meters in diameter in the M or M-1 districts.
- (i) The satellite dish shall be located behind the back wall of a primary structure unless location in a side yard is required for proper functioning of the dish, in which case the satellite dish may be installed in a side yard.
  - (ii) Placement of the satellite dish must comply with setback requirements for accessory structures unless location in a side yard is required for proper functioning of the dish, in which case the satellite dish may be installed in a setback area.
  - (iii) No satellite dish shall be installed on a portable or movable structure, such as a trailer.
  - (iv) No satellite dish antenna shall be visible between ground level and six feet above ground level from any public right-of-way adjoining the lot. They shall be screened from view by a six-foot high wood fence, wall, or by natural evergreen vegetation. Berms may be employed in conjunction with the landscaping plan.
- (c) The mounting of antennas that are covered or colored to match the color and texture of the background surface on any existing building or antenna support structure, provided that any antenna mounted on the exterior wall of a structure does not exceed the height of the wall. This shall not include the mounting of antennas on signs.
- (d) The construction of an enclosed support structure designed to match the color and texture of an existing adjacent accessory structure, provided that any support structure does not exceed the height of the adjacent support structure.
- (e) The installation of antennas or towers on structures or land owned by the City.

## 16. TRASH STORAGE, OUTDOOR

All trash and recycling storage accessory to all multi-family buildings with more than four dwelling units and all buildings having a primary commercial or industrial use shall:

- (a) Be enclosed on all sides so as not to be visible from a public street or other publicly-accessible area. At least one side of the enclosure must include a gate or door that can be securely closed.
- (b) For multi-family uses only, the required enclosure shall be sufficient based on the number of units, compaction capability, and frequency of trash pick-up.
- (c) The enclosure shall not be located in any required front yard, side yard, or other landscaped area, or any other area required to be maintained by applicable law.
- (d) Be architecturally compatible to the primary structure(s) and constructed using similar or compatible materials.

- (e) If the trash or recycling enclosure is located within 50 feet of a Suburban Neighborhood district, removal of trash or recycling materials by a commercial contractor is prohibited between the hours of 11:00 pm and 6:00 am.

### **Sec. 22.3.3.G. TEMPORARY USES**

#### **1. FARMERS' MARKET**

- (a) Temporary farmers' markets, open no longer than 10 hours per week, are permitted in all commercial districts, provided that there shall be no offensive odors or dust and there shall be no permanent outdoor storage of equipment or products.

#### **2. MOBILE VENDOR**

- (a) Mobile vendors that serve food or drinks shall be required to obtain a permit from \_\_\_\_\_, or other such prevailing regulation.
- (b) The operator shall have the written consent of the property owner to conduct the activity.
- (c) Mobile vendors may locate along the perimeter of approved off-street parking areas or upon undeveloped lots in non-Suburban Neighborhood districts that have been vacant in excess of two years.
- (d) A mobile vendor shall not operate from a single private property for a period in excess of 30 days unless a Conditional Use Permit is obtained under Section 22.5.3.F.
- (e) If the mobile vendor serves food or drinks, waste receptacles shall be provided and waste shall be removed daily from the site by the mobile vending operator.
- (f) Outdoor seating may be provided, but none shall be permanently installed. Provision of seating on public rights-of-way shall require approval of a Revocable Sidewalk Privilege under Section 22.5.3.R.

#### **3. PORTABLE STORAGE CONTAINER**

- (a) Portable storage containers are prohibited upon a lot within a Suburban Neighborhood district or upon a vacant commercial lot, except where the containers provide necessary storage for an active construction project, are necessitated by an unforeseen and uncontrollable event, or to assist in moving in or out of a residence.
- (b) A portable storage container shall not be placed on any property more than two times per calendar year and not more than 30 days at a time. The Building Inspector may approve an extension of up to three months for good cause shown.
- (c) All portable storage containers shall be securely closed when not in use. No materials, property, or goods shall be stored outside of a container during the hours between sunset of one day and sunrise of the next day, except if the container is being used in conjunction with construction, and in such case only construction materials may be left outside of the container.

#### **4. TEMPORARY CONSTRUCTION OFFICE OR YARD**

- (a) The temporary use shall be permitted from the time a building permit is approved until 30 days after a Certificate of Occupancy is issued.

#### **5. TEMPORARY REAL ESTATE SALES/LEASING OFFICE**

- (a) This use shall be located on property being sold or leased and limited to a period of sale or lease, but not exceeding two years.
- (b) The temporary use shall be permitted from the time a building permit is approved until 30 days after a Certificate of Occupancy is issued.

#### **6. TEMPORARY/SEASONAL SALES/ACTIVITY**

- (a) In any Suburban Neighborhood district, not more than six garage or estate sales, each lasting no longer than 72 hours, shall take place within one calendar year at any residence.
- (b) A temporary art installation or "pop-up" facility that does not include retail sales activity is permitted for a period of no longer than one calendar week in any zone district.

## ARTICLE 22.4 DEVELOPMENT STANDARDS

### SECTION 22.4.1 DIMENSIONAL STANDARDS

#### Sec. 22.4.1.A. APPLICABILITY

1. Unless otherwise stated in this UDO, the requirements in this Section 22.4.1 shall apply to all buildings, lots, and land in all districts.
2. If the provisions of this Section 22.4.1 conflict with the provisions of Section 22.2.5.F MU-FBC Mixed Use Form Based Code, the provisions of 22.2.5.F shall apply.
3. No development plan shall be approved and no permit shall be issued for the erection or occupancy of a building or structure unless the development conforms to the dimensional standards of this Section 22.4.1.
4. No part of a yard or other open space required to comply with the provisions of this Section 22.4.1 shall be counted towards meeting the yard or open space requirements of another building.
5. Any encroachments into the public right-of-way shall require approval by the City and an agreement with the City that the property owner(s) shall be accept any and all liability for accidents or damage occurring in the public right-of-way due to the encroachment or related activity. Any person, firm, or entity violating this provision may be cited and, if convicted, shall be punished pursuant to Section \_\_\_\_\_ of the Thomasville Municipal Code
6. In the T3 districts, only one principal structure is permitted on a platted lot. In other districts, more than one principal structure is permitted on a platted lot if each primary structure complies with all applicable dimensional standards or with the provisions of an approved Development Plan.

#### Sec. 22.4.1.B. GENERAL

##### 1. SETBACK AND YARD REQUIREMENTS

- (a) In all zone districts except the MU-FBC zone, minimum building setbacks shall apply to all portions of each building, except for encroachments and exceptions permitted by Section 22.4.1.F.
- (b) The building setback areas required under this Section 22.4 shall be unobstructed from their lowest point to the sky, except for fences, landscaping, and other building features specified in this Section 22.4.
- (c) Accessory structures shall comply with required front setbacks for the principal building to which they are accessory.
- (d) Accessory structures shall be set back a minimum of two feet from side and rear lot lines, excepting the where Section 22.4.1.F (Encroachments and Exceptions) permits a smaller exception
- (e) In addition to the dimensional standards in this Section, landscaped buffers may be required per Section 22.4.4.F.

##### 2. IMPERVIOUS SURFACE

Because some areas of the city are subject to combined sewer overflows and to surface stormwater flooding, it is important that the maximum amount of impervious surface on each lot is carefully regulated. Each dimensional table in subsection (C) below contains maximum impervious surface limits designed to reduce off-site flows into the city's stormwater system by allowing a significant percentage of rainfall to infiltrate into the soil on individual lots and parcels. Section 22.4.1D.1(b) (Low Impact Development) provides incentives for those developments that further reduce the amount of off-site stormwater flows through the use of Low Impact Development.

##### 3. EMERGENCY VEHICLE ACCESS

All buildings or groups of buildings in all zoning districts shall be constructed with an approved emergency vehicle access. Access to any building or structure that does not abut a public right-of-way shall have a width of at least 20 feet and vehicle clearance of 14 feet.

**Sec. 22.4.1.C. DIMENSIONAL STANDARDS SUMMARY TABLES**

<b>Table 22.4.22: Dimensional Standards</b>						
<b>Proposed Zoning District</b>	<b>Residential</b>			<b>Traditional</b>		
	T3-SF	T3-LD	T3-MH	T4-E	T4-O	T4-C
<b>Lot Standards</b>						
<b>Min. lot area</b>	15,000 sq. ft.	5,000 sq. ft.	Subdivision size, min: 5 acres Lot area: 5,000 sq. ft.	One-Family: 4,000 SF Two-Family: 5,000 SF Multi-Family: 3,630 SF per dwelling	None	None
<b>Min. lot width</b>	100 ft.	40 ft.	40 ft.	40 ft.	None	None
<b>Max. impervious lot coverage</b>	30%	40%	50%	70%	70%	100%
<b>Setbacks</b>						
<b>Min. front</b>	40 ft.	30 ft.	30 ft.	20 ft.	20 ft.	None
<b>Max. front</b>	None	None	None	None	None	See Special Requirements Plan
<b>Min. side</b>	10 ft.	8 ft.	General: 8 ft. Corner Lot: 20 ft.	8 ft.	8 ft.	General: 0 ft.; Adjacent to T3 district: 12 ft.
<b>Min. rear</b>	40 ft.	30 ft.	30 ft.	20 ft.	20 ft.	Min. 0 ft.; Adjacent to T3 district: 12 ft.
<b>Building Standards</b>						
<b>Max. height, principal building</b>	35 ft.	35 ft.	N/A	35 ft.	35 ft.	None
<b>Max. height, accessory buildings</b>	Less than principal building height					
<b>Max. No. of Dwelling Units</b>	1 Principal + 1 ADU	1 Principal + 1 ADU	1 Principal	1 per 750 sq. ft. of gross floor area	1 per 750 sq. ft. of gross floor area	1 per 750 sq. ft. of gross floor area



Mixed-Use		Special Purpose		
T5-H	T5-C	M	M-1	T2
None	None	One-Family: 6,000 SF Two-Family: 7,000 SF Multi-Family: 3,630 SF per dwelling No Residential: None	None	Residential: 5 AC Nonresidential: None
None	None	25 ft.	None	N/A
100%	100%	100%	100%	10%
None	None	0 ft.	50 ft.	Residential: 40 ft. Nonresidential: None
None	See Special Requirements Plan	None	None	None
12' one side unless abutting an alley	General: 0 ft.; Adjacent to T3 district: 12 ft.	12 ft.	25 ft.	Residential: 10 ft. Nonresidential: None
12' one side unless abutting an alley	General: 0 ft.; Adjacent to T3 district: 12 ft.	General: 12 ft.; From Suburban Neighborhood district: 100 ft. if not completely enclosed within a building	General: 25 ft.; From Suburban Neighborhood district: 200 ft. if not completely enclosed within a building	Residential: 40 ft. Nonresidential: None
None; Adjacent to T3 district: 3 Stories	None	None	None	35 ft.
Less than principal building height				
1 per 750 sq. ft. of gross floor area	1 per 750 sq. ft. of gross floor area	1 per 750 sq. ft. of gross floor area	1 per 750 sq. ft. of gross floor area	N/A

**Sec. 22.4.1.D. ZONE SPECIFIC DIMENSIONAL STANDARDS**

**1. SUBURBAN NEIGHBORHOOD DISTRICTS**

- (a) Front-facing garages shall be set back a minimum of 30 feet from right of way line
- (b) No building shall have a height that is more than 10 feet greater or lesser than the buildings on abutting properties

**2. TRADITIONAL NEIGHBORHOOD DISTRICTS**

- (a) Porches shall be allowed to encroach in front yard setbacks

**3. MIXED USE DISTRICTS**

- (a) [Reserved]

**4. SPECIAL PURPOSE DISTRICTS**

- (a) [Reserved]

### **Sec. 22.4.1.E. INCENTIVES AND AFFORDABLE HOUSING REQUIREMENTS**

The following incentives apply to new development and redevelopment in the Traditional, Mixed-Use, and Special Purpose zone districts.

#### **1. INCENTIVES**

Inclusion of the following types of building or site features will enable the applicant to vary the dimensional standards otherwise applicable to the project as described in this Section 22.4.1.C. Only one of these incentives may be used on a single lot or parcel.

##### **(a) ENERGY EFFICIENT DEVELOPMENT**

New development or redevelopment of a primary building that is registered, designed, and documented for a LEED Platinum or LEED Gold certification, or equivalent, shall receive the following benefits, regardless of whether the final structure receives a LEED Platinum or LEED Gold certification, or equivalent. The City Planner shall determine whether a proposed alternative energy efficiency system or facility is equivalent.

- (i) The project may increase the maximum impervious lot coverage by 20 percent

##### **(b) LOW IMPACT DEVELOPMENT**

New development or redevelopment of a site that incorporates a blue (water retaining) roof, or a green (vegetated) roof, or other building or site features that are designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50 percent shall receive the following benefits:

- (i) The project may reduce any required building setback from any zoning district other than a Suburban Neighborhood district by 20 percent (provided the required reduction in off-site water flow is still achieved)

##### **(c) AFFORDABLE HOUSING**

New residential or mixed-use development or redevelopment of a site in which at least 20 percent of all new dwelling units are rent or deed restricted so that they are affordable to households earning no more than 50 percent of the area median household income for the City of Thomasville shall receive the following benefits:

- (i) The minimum number of off-street parking required by Section 22.4.3 shall be reduced by 50 percent.

#### **2. AFFORDABLE HOUSING REQUIREMENTS**

After the effective date of this UDO, each new residential or mixed-use development or redevelopment containing 50 or more new dwelling units shall sell or rent at least five percent of its new dwelling units at sales or prices affordable to persons earning no more than 100 percent of the area median household income for the City of Thomasville, as determined by affordability methods used by the U.S. Department of Housing and Urban Development.

**Sec. 22.4.1.F. ENCROACHMENTS AND EXCEPTIONS**

The encroachments into required setbacks and exceptions to height limits shown in Table 22.4.1 are permitted.

**Table 22.4.23: Exceptions and Encroachments**

Structure or Feature	Conditions or Limits
Encroachments into Required Setbacks	
Accessory clotheslines, play equipment, and rainwater harvesting barrels	May encroach into the side or rear setback.
Architectural features (sills, belt courses, eaves, cornices, chimneys, bay windows)	May project up to 3 ft. into setbacks
Awnings and canopies	May project up to 4 feet into setbacks
Composting bin	May encroach into side and rear setback to within 2 ft. of lot line.
Little Library or Little Pantry	If no more than 4 cubic feet in enclosed area, may encroach into front setback but not closer than 1 ft. from front lot line
Minor Residential Structure that is less than 18 in. above grade	Except as listed for specific accessory structures, Minor Residential Structure may be located in any of the following areas that are not within an easement: (a) not more than 6 ft. into front yard from the façade, or (b) no closer than 5 ft. to any rear lot line, or (c) no closer than 2 ft. to any side lot line
Minor Residential Structure, Temporary placement less than 10 consecutive workdays	Except as listed for specific accessory structures, may be located in any front, side, or rear setback
Satellite Dish Antenna	May encroach into side or rear setbacks but no closer than 2 ft. of side lot line and not closer than 5 feet of rear lot line unless necessary for compliance with federal Telecommunications Act
Secondary means of escape, unenclosed or lattice-enclosed stairs, fire escapes	May encroach no more than 5 ft. into any side or rear yard setback, except as required to comply with fire code or Americans with Disabilities Act
Walls and fences meeting the standards of Section 22.4.4.H	May project into front, side, and rear setbacks
Porch, unenclosed	May project up to 12 ft. into a required front or rear setback or 50% of the required front setback distance, whichever is less, May project up to 6 ft. into a street side or interior side setback on a corner lot, or 50% of the side yard setback distance, whichever is less, When a porch encroaches into any required setback, no side of the porch that is not adjacent to the primary structure may be more than 50% enclosed by opaque walls, windows, or screens. Porch railings up to 36 inches in height are permitted on all sides.
Exceptions to Building Height Limits	
Chimneys, flagpoles; ornamental towers; religious institution spires; towers; belfries; monuments; television and radio antennas;	May not extend more than 25 feet above the roof plane of a flat roof or the highest point on a pitched roof; If freestanding may not extend more than 25 feet above the maximum height for primary buildings
Unoccupied roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights, or similar equipment to operate and maintain the structure;	May not extend more than 10 feet above the roof plane of a flat roof or the highest point on a pitched roof;
Parapets	May not extend more than 4 feet above the maximum height for primary buildings

## SECTION 22.4.2 ARCHITECTURAL STANDARDS

### Sec. 22.4.2.A. PURPOSE

The purpose of the standards in this Section 22.4.2 is to ensure that new construction and significant expansions of existing buildings contribute to and improve the visual quality of the City, to encourage further investment in the City by reducing the risk of low quality development on adjacent parcels, and to create a more pedestrian-friendly street environment to encourage walking, energy conservation, and public health.

### Sec. 22.4.2.B. APPLICABILITY

1. The standards in this Section 22.4.2 shall apply to the following:
  - (a) Any construction, expansion, or renovation of a building that is visible from a public right-of-way
  - (b) Any new principal structure that impacts walkability and the quality of the public realm
2. Notwithstanding Subsection (a) above, the standards in this Section 22.4.2 do not apply to any construction, expansion, or renovation of a principal structure in the H-O district
3. These standards shall apply to all form-based districts unless addressed within the form-based standards of Section 22.2.5.F in which case the form-based standards will prevail.

### Sec. 22.4.2.C. COMPATIBILITY OF INFILL, ADDITIONS, AND EXPANSIONS

Infill construction, including principal structures, accessory structures, and building additions, shall be designed to be no greater than the average setbacks, heights, and building bulk of buildings with similar principal uses on the same block face and the facing block face to the maximum degree practicable. Furthermore, building characteristics such as roof pitches, gables, and the inclusion (or not) of porches, shutters, and other exterior elements shall conform to the residential buildings on the same block face and the facing block face to the maximum degree practicable, in order to preserve the character of the block face.

### Sec. 22.4.2.D. BUILDING DESIGN STANDARDS

#### 1. BUILDING MATERIALS

Original materials shall be retained, maintained, repaired or uncovered wherever possible and to the maximum extent feasible. New buildings and alterations shall be composed of materials that complement adjacent facades and are compatible with the quality and appearance of traditional materials.

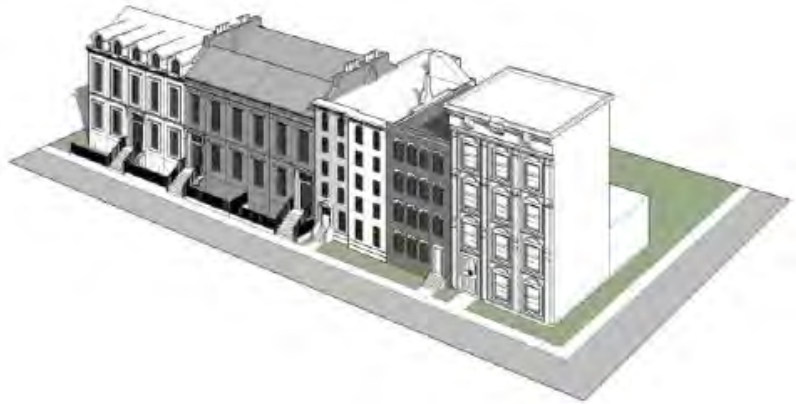
#### 2. WALL PLANE ARTICULATION

When the principal use of the building is not categorized as Industrial in Table 22.3.1: Permitted Use Table, each façade longer than 100 feet in length abutting a public street shall incorporate at least one of the following for each 100 feet of linear building frontage or part thereof:

- (a) A change of building material and texture (not just color) at least ten feet in width; or
- (b) A recess into the wall plane at least six inches in depth and one foot in width; or
- (c) A projection at least six inches from the wall plane and extending at least one foot in width; or
- (d) A window extending at least ten linear feet, inset into the building wall plane at least four inches; or
- (e) A pedestrian entrance to the building, together with surrounding architectural recesses, projections, or foundation plantings to emphasize the visibility of the entrance, which together extend at least ten linear feet.

**Table 22.4.24: Horizontal Articulation Methods**

a. Change in material texture, patterning or color - A change in material texture, patterning or color at least ten feet in width.





b. Wall plane recess – A wall plane recess at least six inches in depth and one foot in width.



c. Wall plane projection - A projection at least six inches from the wall plane and extending at least one foot in width.



**Table 22.4.24: Horizontal Articulation Methods**

<p>d. Window extension - A window extending at least ten linear feet, inset into the building wall plane at least four inches.</p>	
<p>e. Pedestrian entrance - A pedestrian entrance to the building, together with surrounding architectural recesses, projections, or foundation plantings to emphasize the visibility of the entrance, which together extend at least ten linear feet.</p>	

### 3. ENTRIES

- (a) Each principal building shall have one or more operating pedestrian entry doors facing and visible from an adjacent public street. The location of the entry on the building façade shall be emphasized with surrounding architectural recesses, projections, or foundation plantings.
- (b) The primary entrance of every principal building giving access to a principal use of the property must directly face a street or a public space. Public space may include a central garden or courtyard when that public space opens directly onto the primary street.
- (c) Buildings shall be designed and oriented with an emphasis on the primary street on which they front.
- (d) Buildings located on corner lots shall use design elements that emphasize the importance of both streets.
- (e) The primary public entrance shall be prominently located, easily identifiable, relate to the human scale, and contribute to the overall design intent.
- (f) The primary public entrance shall be at grade or seamlessly integrate required handicap accessibility into the design of the building.

### 4. FRONTAGE ELEMENTS

Frontage Elements are semi-private elements of the building typically located in the area between the primary façade and the lot line. Frontage elements may occur forward of the build-to zone or setback. In some instances, such as galleries and arcades, they may encroach into the right-of-way with City approval. Frontage Elements create the transition between the public building and the private or commercial buildings. Frontage Elements establish the physical and functional relationship between the street and the private lot. The following are common Frontage Elements and the basic standards for those elements:

**(a) ARCADE**

A frontage element with a colonnade supporting habitable space that overlaps the sidewalk, while the building façade at sidewalk level remains at or behind the build-to zone or setback. This frontage element type is conventional for retail uses.

- (i) Minimum Arcade Depth = ten feet (measured from face of building to inside column face)
- (ii) Minimum Underside Clearance = ten feet
- (iii) Length = 75 to 100 percent of building frontage
- (iv) Arcades shall be supported by columns, piers or arches. Support columns can be spaced no farther apart than they are tall.
- (v) Arcades shall occur forward of the build-to zone or setback and may encroach within the right-of-way with the approval of the City. When an arcade extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement, in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.
- (vi) Arcades shall not extend closer than two feet from the curb line, nor farther than five feet from the curb line.
- (vii) Enclosed usable space shall be permitted above the arcade, and within the right-of-way with the approval of the City.
- (viii) On corner lots, arcades may wrap around the side of the building facing the secondary street.

**(b) GALLERY**

A frontage element in which the building façade is aligned close to the lot line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This frontage element type is conventional for retail use.

- (i) Minimum Gallery Depth = eight feet (measured from face of building to inside column face)
- (ii) Minimum Underside Clearance = nine feet
- (iii) Length = 75 to 100 percent of building frontage
- (iv) Support columns can be spaced no farther apart than they are tall.
- (v) Galleries shall occur forward of the build-to zone or setback and may encroach within the right-of-way with approval of the City. When a gallery extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement, in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.
- (vi) Galleries shall not extend closer than two feet from the curb line, nor farther than five feet from the curb line.
- (vii) Galleries shall be only one story in height and may have flat or pitched roofs, up to an 8:12 slope.
- (viii) On corners lots, galleries may wrap around the side of the building facing the secondary street.
- (ix) Open balconies are permitted on galleries above the sidewalk level.

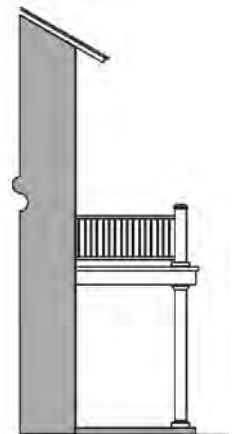


Figure 22.4.5: Gallery

**(c) SHOPFRONT**

A frontage element in which the building façade is aligned close to the lot line with the building entrance at sidewalk grade. This frontage element type is conventional for retail use.

- (i) A habitable space at least 15 feet in depth shall be provided behind each shopfront on the Primary Façade.





Figure 22.4.6: Shopfront Transparency Requirements

- (ii) Shopfronts shall have an expression line between the first and second story (see diagram below). Expression lines shall either be moldings extending a minimum of two inches outward from the Primary Façade, or jogs in the surface plane of the building wall greater than two inches.
- (iii) The entrances to all shopfronts shall be covered, either by an awning, canopy, second floor balcony, arcade/colonnade, gallery, or by being inset into the main body of the building.
- (iv) Entrances for public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the City Planner.
- (v) Shopfront doors shall contain at least 50 percent transparent glass. Solid doors are prohibited.
- (vi) The top of all shopfront window sills shall be between one and three feet above the adjacent sidewalk.
- (vii) Shopfront windows shall extend up from the sill at least eight feet above the adjacent sidewalk.
- (viii) The ground floor of a shopfront shall have untinted transparent shopfront windows and/or doors covering no less than 50 percent of the wall area. See Façade Transparency for additional requirements.
- (ix) Shopfront windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). Reflective and frosted glass is prohibited on shopfronts. Low emissivity glass with high visual light transmittance may be permitted.
- (x) Shopfronts must remain unshuttered at night to provide views of display spaces and are encouraged to remain lit from within from dusk to dawn at minimum light levels to provide additional security to pedestrians.

#### (d) STOOP

A frontage element wherein the building façade is aligned close to the lot line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.

- (i) Minimum Stoop Depth = four feet
- (ii) Minimum Stoop Length = four feet
- (iii) Minimum Underside Clearance = eight feet
- (iv) Minimum Finished Stoop Floor Height = At or up to eight inches below the first interior finished floor level, but not to exceed 42 inches above the finished grade of the sidewalk.

- (v) Stoops may extend into the right-of-way with the approval of the City, but the location of the stoop must leave at least five horizontal feet of the sidewalk unobstructed for pedestrian travel.
- (vi) Stoop stairs may run to the front or to the side.
- (vii) Stoops shall be covered, either with a roof, or area inset into the main body of the building.
- (viii) Partial walls and railings on stoops may be no higher than 42 inches.

**(e) FORECOURT**

A frontage element in which a portion of the building façade is close to the lot line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type shall be allocated in conjunction with other frontage element types.

**(f) TERRACE OR LIGHTWELL**

A frontage element in which the building façade is set back from the lot line by an elevated terrace or a sunken lightwell. This frontage element type tends to buffer residential uses from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for use or conversion to outdoor cafes.

**(g) PORCH**

A frontage element type typically with a planted frontage along the applicant's side of the lot line in which the building façade may be set back from the lot line with an attached porch permitted to encroach forward of the build-to zone or setback. A fence or low knee wall may be located at the lot line to maintain street spatial definition.

- (i) Minimum Porch Depth = eight feet (measured from face of building to inside column face)
- (ii) Minimum Underside Clearance = eight feet
- (iii) Minimum Finished Porch Floor Height = At or up to eight inches below the first interior finished floor level not to exceed 42 inches above the finished grade of the sidewalk.
- (iv) Front porches may occur forward of the build-to zone or setback, but shall not extend into the right-of-way or any easement.
- (v) Side porches may extend past the side setback requirements, but not into any easement or public right-of-way.
- (vi) Porches that encroach into applicable setback requirements, as described in Subsections 4 and 5 above, must comply with the conditions applicable to unenclosed porches in Section 22.4.1(5) (Encroachments and Exceptions).
- (vii) Front and side porches may be screened; however, if screened, all architectural expression (columns, railings, etc.) must occur on the outside of the screen (facing a street or public space).
- (viii)
- (ix) All porches shall be retained in their original style with appropriate supports, balusters, railings, and framed latticework to the maximum extent practicable.
- (x) If a structure's original style included a porch that is no longer present, such porch should be replaced and matched to the original style as noted in this section to the maximum extent practicable.
- (xi) All pressure-treated lumber must be painted within six months of installation.

**(h) ADDITIONAL SHADING OF SIDEWALKS**

Each building with a shopfront on the ground story is required to have awnings, balconies, colonnades, or arcades facing the primary streets. When providing a required awning or balcony, or one that extends into a street right-of-way, the following design requirements apply:



Figure 22.4.7: Shading of Sidewalks

- (i) Awnings
  - 1) Awnings over ground-story doors or windows minimum depth = five feet
  - 2) Minimum Underside Clearance = eight feet
  - 3) Awnings must extend over at least 25 percent of the width of the Primary Façade or over the full width of all windows and transparent portions of the Primary Façade.
  - 4) Back-lit, high-gloss, or plasticized fabrics are prohibited.
- (ii) Second-story Balconies
  - 1) Minimum depth = six feet
  - 2) Minimum Underside Clearance = ten feet
  - 3) Balconies must extend over at least 25 percent of the width of the Primary Façade.
  - 4) Balconies may have roofs but must be open toward the primary and side street.
- (iii) A colonnade or arcade may extend forward of the build-to zone and over public sidewalks provided it maintains two feet of horizontal clearance from the curb.
- (iv) When an awning, balcony, colonnade, or arcade extends over a public sidewalk, the property owner may be required to enter into an agreement in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.

#### 5. TRANSPARENCY

- (a) When the principal use of the ground floor frontage of a structure is categorized as Food and Beverage Service, Guest Accommodations, Office and Services, or Retail in Table 22.3.1: Permitted Use Table, a minimum of 50 percent in Traditional districts and 20 percent in all other zone districts of each façade area that faces a public street shall be composed of transparent materials located between four and eight feet above street level. However, where such uses occupy a structure that was originally designed and constructed for a residential use, the existing window pattern shall be retained.
- (b) Only clear glass shall be used for display windows, but colored or decorative glass may be used to provide decorative detail in transom or minor accent windows.
- (c) For shopfronts at the sidewalk level, shopfront windowsills shall be located at a maximum of 30 inches above the finished grade at the building line.
- (d) Plexiglas and security gates shall be prohibited on any façade that faces a public street.

#### 6. ROOF SHAPE

- (a) Original roof forms, profiles, and cornices shall be maintained to the maximum extent practicable
- (b) When a principal building has a roof surface with a slope of less than 15 percent from horizontal, and the primary use of the building is not categorized as Industrial in Table 22.3.1: Permitted Use Table, a parapet shall be constructed along each façade abutting a public street, and the design or height of the parapet shall include at least one change in setback or height of at least two feet along each 100 lineal feet of façade or part of a façade.
- (c) Rooftop mechanical or other equipment that does not contribute to the overall design intent must be screened from public view utilizing screening techniques that either blend with the building or complement its design.

#### 7. FENESTRATION

- (a) Original window and door arrangements shall be preserved to the maximum extent practicable.
- (b) Window replacements shall match, to the greatest extent practicable, existing window size, style, and configuration.
- (c) Window and doors shall not be boarded up or otherwise visibly blocked.
- (d) The adaptive reuses of historic warehouses shall be exempt from these requirements.

#### 8. SIDING AND TRIMWORK

- (a) Original architectural trimwork detailing shall be preserved to the maximum extent practicable.
- (b) All new siding shall be installed in a manner that preserves original trimwork, such as window crowns, corner boards, dentils, modillions, brackets, ornamental cornices, or other design features of distinction.

**9. EXTERIOR ENTRANCE STAIRCASE**

For primary buildings where the primary entrance is located above grade, a staircase may be constructed to reach the primary entrance, provided such staircase is made of wood and is painted or stained to match the predominant color of the front façade of the primary building. If the building is of masonry construction, a masonry-type material may be used provided that it matches the appearance and design of typical masonry stairs of that time period. Decorative metal railings shall be allowed if the City Planner determines that they are consistent with the historic or existing character of the surrounding area.

**10. LOADING DOCK AND DELIVERY AREAS**

Loading dock doors and delivery areas shall be located on the elevation of primary buildings opposite the street frontage, unless:

- (a) The loading dock and delivery area is located within the primary structure; or
- (b) The City Planner determines that such location is impracticable given the function and operating needs of the building.

**Sec. 22.4.2.E. STREETScape STANDARDS**

1. All development subject to the standards in this Section 22.4.2 shall:
  - (a) Install street frontage landscaping as required by Section 22.4.4.E (Street Trees and Lot Frontage Landscaping);
  - (b) Install sidewalks as required by Section 22.4.7 (Access, Circulation, and Connectivity);
  - (c) Install street lighting as required by the City’s Administrative Manual or any replacement manual adopted by the City, as amended.
2. The design of each streetscape zone shall comply with the dimensions shown in Table 22.4.4 to the maximum extent practicable.

Street Type	Frontage Zone (ft.)	Pedestrian Zone (ft.)	Buffer Zone (ft.)	Curb Zone (in.)	Total Width
Downtown	2	4 - 12	5 - 6	4 - 9	11’ 4” – 20’ 9”
Neighborhood Mixed- Use	2	4 - 12	5 - 6	4 - 9	11’ 4” – 20’ 9”
Neighborhood Residential	N/A	4 - 7	2 - 6	4 - 9	6’ 4” – 13’ 9”
Boulevard	N/A	4 - 7	2 - 6	4 - 9	6’ 4” – 13’ 9”
Community Mixed-Use	2	4 - 12	5 - 6	4 - 9	11’ 4” – 20’ 9”
Community Commercial	2	4 - 12	5 - 6	4 - 9	11’ 4” – 20’ 9”
Industrial	N/A	4 - 7	5 - 6	4 - 9	9’ 4” – 13’ 9”

3. In the Traditional districts, each property with a street frontage of 50 linear feet or more shall install at least one bench, bicycle rack, planter, trash receptacle, or piece of public art per 50 feet of street frontage or part thereof, unless the Planning and Zoning Commission waives that requirement based on expected volumes of pedestrian use, site constraints, or potential maintenance issues. Any items placed in the public right-of-way shall require prior approval of the City to ensure that clear pedestrian passages and public health and safety are protected.

4. In the Traditional districts, if any adjacent lot street frontage includes a tree lawn or planting area between the sidewalk and the curb, a tree lawn or planting area of the same depth from the curb shall be installed across the frontage of the property and shall be landscaped to comply with the standards in Section 22.4.4 (Landscaping, Screening, and Buffering).
5. Sidewalk or outdoor cafes are permitted as shown in Section 22.3 (Use Regulations).

## SECTION 22.4.3 PARKING AND LOADING

### Sec. 22.4.3.A. APPLICABILITY

1. No development plan shall be approved and no permit shall be issued for the erection or occupancy of a building or structure unless the use conforms to the parking requirements of this Section 22.4.3.

#### 2. GENERAL

Unless otherwise stated in this UDO, the requirements in this Section 22.4.3 shall apply to all uses in all zoning districts in the following situations:

##### (a) NEW CONSTRUCTION

When a new principal structure is constructed, the requirements of this Section 22.4.3 shall apply to the entire structure.

##### (b) BUILDING EXPANSION

When the gross floor area of an existing primary structure on a site not otherwise exempt from these regulations is expanded by more than 25 percent of the existing floor area, the requirements of this Section shall apply to the expansion area (not the entire building). Smaller expansions do not require additional expanded parking areas.

##### (c) CHANGE OF USE

- (i) When a change of a permitted use or approved conditional use results in an increase in required off-street parking of more than 50 percent above that required for the prior use, the requirements of this Section shall apply to the increase in required parking (not to any shortage of required parking related to the previous use). Other changes of use do not require expanded parking areas.
- (ii) The provisions of subsection (i) above do not apply to any change in use in a multi-tenant commercial, mixed-use, or industrial building larger than 50,000 square feet in gross floor area unless the City Planner determines that the change of use is likely to create a significant increase in on-street parking in any surrounding residential neighborhood.

#### 3. EXEMPTIONS

- (a) No off-street parking is required for lots containing Commercial uses less than 2,500 square feet of gross site area within the T4 Traditional Neighborhood districts.
- (b) No off-street parking is required within the Mixed-Use Downtown (T5-C) District.
- (c) If compliance with the form-based zoning standards in Sections 22.2.5.F would make it impossible to accommodate the minimum required number of off-street parking spaces on the site, then the City Planner may adjust the minimum number of required off-street parking spaces as necessary to comply with the intent of the form-based zoning standards. The number of off-street parking spaces may be reduced by the Planning and Zoning Commission through Development Plan Review.
- (d) If on-site parking spaces are provided in an exempt area, the provisions of this Section 22.4.3 addressing required layout, design, and quality of parking areas, and the provisions of this UDO addressing maintenance of parking areas, will apply to the parking provided.

#### 4. EXISTING PARKING

- (a) An existing use as of the effective date of this UDO, which does not meet the minimum standards provided in this Section, shall be deemed a preexisting use not subject to the provisions of this Section.
- (b) Off-street parking or loading spaces provided prior to the effective date of this UDO shall not be permanently reduced in any way that would bring the property or use out of conformance with this Section or would increase the degree of any existing nonconformity with the provisions of this Section.

#### 5. PARKING FOR UNLISTED USES

- (a) For any use not specifically listed in Table 22.4.5, the parking provisions for a similar use, as determined by the City Planner, shall apply. The City Planner's decision shall be based on the location of the site, existing traffic congestion and parking levels, and the anticipated timing and volume of parking demand for the use.

- (b) For a new use where the City Planner determines that a similar parking rate is not stated in this UDO, the City Planner may establish a minimum parking requirement based on a parking study or parking reference guide in general use, or after consultation with other City officials regarding potential parking needs, or a combination of those methods.

**6. ACCESSIBLE PARKING**

Within the requirements of Table 22.4.5 and 22.5.6 (not in addition to those requirements), accessible parking shall be provided for all multi-family and nonresidential uses as required by the International Building Code, the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities, and Georgia state statutes, as amended.

**Sec. 22.4.3.B. REQUIRED OFF-STREET PARKING**

**1. MINIMUM REQUIRED PARKING**

In all zoning districts, off-street parking shall be provided in accordance with Table 22.4.5: Minimum Required Off-Street Parking, as adjusted by other provisions of this UDO.

Table 22.4.26: Minimum Required Off-Street Parking GFA = Gross Floor Area; NLA = Net Leasable Area; Sq. Ft. = Square Feet		
Land Use Category	Minimum Off-Street Parking Space Required (Proposed)	Minimum Bicycle Parking Required
<b>Residential Uses</b>		
<b>Household Living</b>		
Dwelling, Single-Family Detached	1 per unit	Not Required
Dwelling, Two-Family Detached		
Dwelling, Townhouse	0 spaces	
Dwelling, Live-Work	1 per unit	Not Required
Dwelling, Multi-Family	1 per unit	2 spaces or 10% of required vehicle spaces, whichever is greater. Min. 60% enclosed
Recreation Vehicle Park	1 per unit	Not Required
Manufactured Housing Subdivision	1 per unit	Not Required
<b>Group Living</b>		
Assisted Living Facility or Nursing Home	Structure originally designed for household living use: Household living parking requirement. Other structure: 1 per 600 sq. ft. GFA	3 spaces
Community Residential Facility		
Dormitory	0.5 per unit	20% of required vehicle spaces; Min. 60% enclosed
Rooming House	1 space plus 0.25 per guest bedroom	3 spaces or 10% of required vehicle spaces, whichever is greater; Min. 30% enclosed
<b>Civic and Institutional uses</b>		
Cemetery	None	Not Required
Club or Lodge	1 per 300 sq. ft. GFA	3 spaces or 10% of required vehicle spaces, whichever is greater;
Community Center	1 per 300 sq. ft. GFA	
Cultural Facility	1 per 500 sq. ft. GFA	Min. 30% enclosed
Day Care Center	1 per 300 sq. ft. GFA	Not Required

**Table 22.4.26: Minimum Required Off-Street Parking**  
 GFA = Gross Floor Area; NLA = Net Leasable Area; Sq. Ft. = Square Feet

Land Use Category	Minimum Off-Street Parking Space Required (Proposed)	Minimum Bicycle Parking Required
Higher Education Institution	1 per 400 sq. ft. GFA	20% of required vehicle spaces; Min. 30% enclosed
Hospital	1 per 3 inpatient beds at design capacity	5% of required vehicle spaces; Min. 30% enclosed
Police or Fire Station	1 per 400 sq. ft. GFA	Not Required
Religious Institution	1 per 300 sq. ft. GFA	10% of required vehicle spaces, whichever is greater; Min. 30% enclosed
School	1 per 4 persons of maximum occupancy	10% of required vehicle spaces, whichever is greater
Natural Area or Preserve	None	Not Required
Park or Playground		
Public Utility or Services		
Towers		
<b>Commercial Uses</b>		
<b>Agriculture &amp; Animal-Related</b>		
Agriculture, Urban	None	None
Plant Nursery	1 per 1,000 sq. ft. NLA	3 spaces or 10% of required vehicle spaces, whichever is greater
Veterinarian or Kennel	1 per 400 sq. ft. NLA	3 spaces
<b>Food &amp; Beverage Services</b>		
Bar or Tavern	1 per 150 sq. ft. NLA (excluding outdoor dining areas)	3 spaces or 10% of required vehicle spaces, whichever is greater
Restaurant		
Craft Brewery		
<b>Guest Accommodations</b>		
Bed and Breakfast	0.75 per guest room	3 spaces or 10% of required vehicle spaces; Min. 60% enclosure requirement for Hotel
Hotel		
<b>Office and Services</b>		
Funeral Home or Crematorium	1 per 100 sq. ft. of main assembly room	Not Required
Office	1 per 400 sq. ft. NLA	10% of required vehicle spaces; Min. 60% enclosed
Personal or Business Service		
Trade School		
<b>Recreation &amp; Entertainment</b>		
Indoor Recreation or Entertainment	1 per 300 sq. ft. NLA	3 spaces or 10% of required vehicle spaces, whichever is greater
Outdoor Recreation or Entertainment	1 per 300 sq. ft. GFA plus 1 per 10,000 sq. ft. of outdoor activity area	
<b>Retail</b>		
Corner store	1 per 400 sq. ft. NLA	3 spaces or 10% of required vehicle spaces, whichever is greater



**Table 22.4.26: Minimum Required Off-Street Parking**  
 GFA = Gross Floor Area; NLA = Net Leasable Area; Sq. Ft. = Square Feet

Land Use Category	Minimum Off-Street Parking Space Required (Proposed)	Minimum Bicycle Parking Required
General Retail	1 per 400 sq. ft. NLA	3 spaces or 10% of required vehicle spaces, whichever is greater
Pawn Shop		
Specialty Retail		
Supermarket	1 per 300 sq. ft. NLA	
<b>Vehicles &amp; Equipment</b>		
Automobile Wash	1 per 500 sq. ft. NLA	Not Required
Heavy Vehicle and Equipment Sales, Rental, and Servicing		
Light Vehicle Sales, Rental, and Servicing		
Parking Lot	None	
Vehicle Fueling Station	1 per 200 sq. ft. NLA	3 spaces
<b>INDUSTRIAL USES</b>		
<b>Commercial Services</b>		
Heavy Commercial Services	1 per 1,000 sq. ft. GFA	Not Required
Storage and Wholesale Distribution		
Self-Storage Facility	1 per 5,500 sq. ft. GFA	3 spaces
<b>Manufacturing, Production, and Extraction</b>		
Artisan Manufacturing	1 per 500 sq. ft. GFA	3 spaces or 10% of required vehicle spaces, whichever is greater
Heavy Manufacturing	1 per 1,000 sq. ft. NLA	Not Required
Light Manufacturing		
<b>Waste &amp; Salvage</b>		
Waste/Recycling Processing Facility	1 per 1,000 sq. ft. indoor GFA	Not Required
Recycling Drop-Off Center	1 space	
Landfill	None	
Vehicle Towing, Wrecking, or Junkyard		
<b>ACCESSORY USES</b>		
All Accessory Uses Listed in Table 22-2-1	None	Not Required
<b>TEMPORARY USES</b>		
Farmers' Market	None	5 spaces or 10% of required vehicle spaces, whichever is greater
All Other Temporary Uses Listed in Table 22-2-1	None	Not Required

**2. MAXIMUM PARKING PERMITTED**

Surface parking spaces shall not exceed 115 percent of the minimums required in Table 22.4.5: Minimum Required Off-Street Parking.

**Sec. 22.4.3.C. PARKING ALTERNATIVES AND ADJUSTMENTS**

The minimum and maximum amounts of parking required by Table 22.4.5 may be adjusted as described in this Section 22.4.3.C.

**1. PROXIMITY TO TRANSIT**

The minimum number of off-street parking spaces required for new development or redevelopment shall be reduced by 20 percent if the proposed development or redevelopment is located within ¼ mile of any transit stop with a peak service frequency of 15 minutes or better. Maximum parking limits shall remain as stated in Section 22.4.3.B.2. No development approved with this parking reduction shall be considered nonconforming if the bus or transit line is later relocated, or if peak frequency headways are raised above 15 minutes, and the number of parking spaces provided for that use does not meet the minimum requirements of Table 22.4.5. The Planning Department shall maintain a map of areas within the City that qualify for the proximity to transit exemption described in this Section.

**2. SHARED PARKING**

Where two or more uses listed in Table 22.3.1 (Use Table), share a parking lot or structure, the total off-street automobile parking requirement for those uses may be reduced by the factors shown in Table 22.4.6 below. To calculate the shared parking reduction, add the requirements for each use category, then divide the sum by the factor indicated in Table 22.4.6. If more than two uses share a parking lot or structure, this adjustment is made for the two uses with the largest off-street parking requirements, and any parking requirements for additional uses shall be added to that adjusted requirement without further adjustment.

<b>Table 22.4.27: Shared Parking Reduction</b> [Add the requirements and divide by these factors]					
Property Use	Multi-Family Dwelling	Civic and Institutional	Food & Beverage Service, Guest Accommodations, Recreation & Entertainment	Retail, and Office & Services	Other Commercial Use
Multi-Family Dwelling	1.0	1.1	1.1	1.2	1.3
Civic and Institutional	1.1	1.0	1.2	1.3	1.5
Food & Beverage Service, Guest Accommodations, Recreation & Entertainment	1.1	1.2	1.0	1.3	1.7
Retail, and Office & Services	1.2	1.3	1.3	1.0	1.2
Other Commercial Use	1.3	1.5	1.7	1.2	1.0

Example Calculation- Shared parking proposed between a 60,000 sq. ft. School (Civic and Institutional use) and a 12,000 sq. ft. Indoor Recreation or Entertainment facility (Recreation use) would be calculated as follows:

- **60,000 sq. ft. School:** Standalone Parking Requirement: 1 space per 750 sq. ft. GFA = 80 spaces

- **12,000 sq. ft. Indoor Recreation or Entertainment Facility:** Standalone Parking Requirement: 1 space per 300 sq. ft. GFA = 40 spaces
- **Shared Parking Calculation:** 120 spaces / 1.2 (from table) = 100 spaces

### 3. ON-STREET PARKING

In any Traditional or Special Purpose district, the minimum amount of off-street parking otherwise required by this Section 22.4.3 shall be reduced by the number of legal on-street parking spaces located along the street or streets on which the subject property fronts. Such area shall be measured between extensions of the side or rear lot lines of the subject property as extended into the public right-of-way. Credit against minimum required off-street parking shall only be given for an on-street space if at least 50 percent of the length of the on-street space, measured along the curb, is located between such side or rear lot lines as extended. Such on-street parking spaces shall not be calculated towards the maximum parking limits in Section 22.4.3.B.2. No on-street parking space may be signed or otherwise restricted for the use of the subject property

### 4. OFF-SITE PARKING

- (a) In the Traditional Neighborhood districts, as an alternative to providing on-site parking, required parking spaces that are not required to be provided on-site by the Americans with Disabilities Act or state law may be provided at a location up to 1,000 feet walking distance from the development or redevelopment it serves.
- (b) Off-site parking for a nonresidential use shall not be located in a Suburban Neighborhood district unless the use for which the parking is provided is a permitted or conditional use in that Suburban Neighborhood district.
- (c) The applicant for approval of off-site parking shall provide evidence, at the City Planner's request, that the proposed off-site parking location will remain available for the proposed parking use for a period of at least two years.

### 5. PARKING DEMAND STUDY

- (a) The City Planner may approve an alternative parking plan that reduces off-street parking requirements below those shown in Table 22.4.5 based on a parking demand study and Transportation Demand Management (TDM) program.
- (b) The TDM plan shall include facts and/or projections including the type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements, and indicate the types of Transportation Demand Management activities that will be instituted to reduce single-occupant vehicle use and ease traffic congestion.
- (c) The TDM plan shall demonstrate that the resulting traffic demand shall not result in traffic congestion in the surrounding area and that the resulting off-street parking provided shall not result in on-street parking congestion in the surrounding area.
- (d) The City Planner may require a traffic study, including an analysis of impacts to transit, to be performed by a licensed professional engineer or traffic consultant, and a Transportation Demand Management agreement, when the application is for a project that:
  - (i) Contains more than 20 dwelling units; and/or
  - (ii) Contains more than 25,000 square feet of nonresidential gross floor area; and/or
  - (iii) Is located on an arterial street; and/or
  - (iv) Is located on a collector street that has experienced peak hour traffic congestion; and/or
  - (v) The City Planner determines may otherwise have an adverse impact on traffic congestion or traffic safety in the surrounding area.
  - (vi) If the proposal exceeds the parking minimum by more than 10 percent.
- (e) Additional fees may be assessed to defray the additional processing costs in reviewing a parking demand study, including any third party review determined by the City Planner to be required because of the complexity of the study or the surrounding context, and any subsequent agreements.

### 6. PAYMENT OF FEE-IN-LIEU OF PROVIDING REQUIRED PARKING

This Section 22.4.3.C.6 describes the City's system for accepting payment of fees-in-lieu of required parking, but will not be applicable until the City Council adopts administrative procedures for assessing, collecting, accounting for, and spending fees-in-lieu of required parking in compliance with applicable law. Where any of the required parking is satisfied under an approved fee-in lieu of parking, such satisfaction shall run with the land unless any agreement stipulates otherwise. Following such action by the City Council, fees-in-lieu may be paid in accordance with the following:

- (a) In the Traditional Neighborhood districts, the applicant may pay a fee-in-lieu of providing some or all of the required off-street parking required by Table 22.4.5. The fee-in-lieu to be charged shall be based on the average cost to the City of acquiring land and constructing parking spaces in a surface lot or parking structure within a reasonable distance of the proposed development or redevelopment, as established by the City Council.
  - (i) A fee-in-lieu is available if the Planning and Zoning Commission determines that, due to the availability of transit, unique characteristics of the use or area, the availability of off-site public parking in the area, or other factors, the development or redevelopment will not result in traffic or parking congestion in the surrounding area. The Planning and Zoning Commission may require the preparation of a traffic or parking study, at the applicant's expense, before making this determination.
  - (ii) The City shall not issue a Certificate of Occupancy for any portion of the project for which on-site parking or off-site parking has not been provided until the fee-in-lieu has been paid.
  - (iii) The City shall deposit the fee-in-lieu of parking payments into an account designated for the provision of parking spaces and shall not commingle the funds with other funds of the City. The City shall expend the fee-in-lieu payments to provide parking spaces within a reasonable distance of the development or redevelopment within ten years after the payment is made, or shall refund the payments, with interest, at the end of that period. City costs for which fees-in-lieu of parking may be spent include but are not limited to the cost of land, leases, rights, easements and franchises; financing charges; interest paid before and during construction; cost of plans and specifications; cost of engineering and legal services and other expenses necessary or incidental for determining the feasibility or practicability of construction, reconstruction or use; cost of all labor and materials; and administrative expenses and such other expenses as may be necessary or incidental to the provision of public parking spaces.

## 7. FUTURE PARKING AREA SET ASIDE

Where it is unclear whether the full amount of required parking will be used by a proposed use or facility, a parking area set aside may be designated through Development Plan Review process. If a parking area set aside is requested by either the applicant or the City, the Planning and Zoning Commission may approve a site layout that does not require all of the required parking to be constructed at once, but instead provides for grassed areas to be converted to parking spaces if the need for additional parking arises in the future. However, storm water and drainage requirements shall be based on full build-out of the parking area.

### Sec. 22.4.3.D. PARKING RESTRICTIONS

The following provisions apply in all zoning districts:

1. No parking area shall be used for the sale, storage, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies, unless permitted under Section 22.3.3.
2. No surface parking area shall be used for sales of goods at retail or wholesale unless permitted under Section 22.3.3.
3. Parking spaces for any single- or two-family residential structure shall not be provided in the front setback area or any area forward of the front wall plane of the structure unless they are located on a paved area that does not exceed 35 percent of the lot width or the width of any paved parking area that exists on the effective date of this UDO, whichever is wider. The maximum percentage of lot width used for parking may be increased to 50 percent if at least the additional 15 percent of lot width used for parking is surfaced with pervious pavers acceptable to the City, rather than with an impervious surface. Parking of any vehicle on any other part of the front yard area for a single- or two-family structure is prohibited. Parking of any motor vehicle on dirt, grass, or any surface other than paving material or pervious pavers acceptable to the City is not permitted.
4. Boats, boat trailers, trailers, campers, and recreational vehicles shall only be stored in a rear yard.

5. In the T4-E, T4-O, T4-C, T5-C, and M districts, off-street parking and vehicle maneuvering areas shall be provided behind the front wall plane of new and redeveloped buildings, or shall be located within the principal building or within a garage structure, to the maximum degree practicable.
6. In the MU-FBC districts, off-street parking facilities shall be located to the rear of the primary building, within the principal building, or within a garage structure.

**Sec. 22.4.3.E. PARKING LOT AND GARAGE DESIGN STANDARDS**

**1. APPLICABILITY**

The standards contained in this Section 22.4.3.E shall apply unless in conflict with other applicable standards adopted by the City that take precedence over this UDO.

**2. OFF-STREET PARKING LAYOUT DIMENSIONS**

- (a) All required parking spaces shall comply with the minimum dimensions for spaces shown in Figure 22.4.7 and described Table 22.4.7 below.

Table 22.4.28: Parking Layout Dimensions						
(1)	Parking Angle (degrees)	0°	30°	45°	60°	90°
(2)	Space Width (ft.)	9	9	9	9	9
(3)	Curb Length per Space (ft.)	22	20	14.2	11.5	10
(4)	Space Depth (ft.)	10	18.7	21.4	22.4	20
(5)	Access Aisle Width (ft.)	12	11	14	19	24

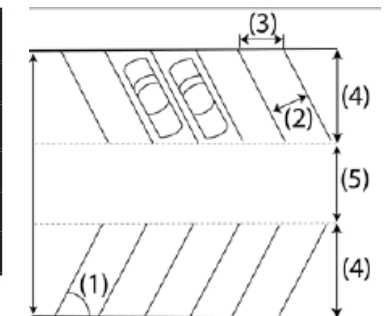


Figure 22.4.8: Parking Layout Dimensions

- (b) If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown.
- (c) If parking spaces are located only on one side of the access aisle, the width of the access aisle may be reduced by 20 percent but not less than 12 feet wide, or 18 feet wide if a designated fire lane.

**3. PARKING ACCESS**

- (a) All parking shall be accessed from rear alleys where they exist (see Figure 22.4.8) and/or from side streets if the lot is located on a corner in all districts except T5-H. If no rear alley or side street exists, efforts should be made to demonstrate an attempt to gain access across neighboring properties. In T4-E and T4-C districts, side parking shall be no wider than the double-loaded maximum (60 feet).
- (b) When access to rear parking must be directly from the primary street, driveways shall be located along the sides of the lot lines (see Figure 22.4.8) and designed to meet the access driveway widths set forth in Subsection (5) below.
- (c) The Planning and Zoning Commission through Development Plan Review may require cross-connection easements and connections to adjoining parking lots or commercial parcels.

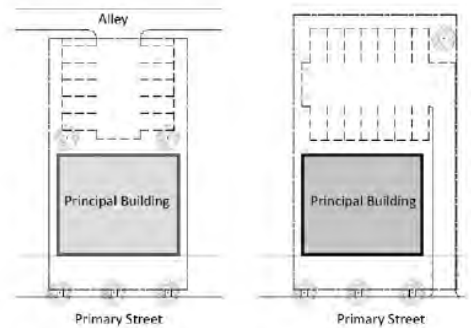


Figure 22.4.9: Parking Entrances Shall Not be Situated Adjacent to Primary Streets

**4. TURNAROUND AREAS**

Parking areas shall be arranged with turnaround areas to permit cars to exit the area without backing onto any street or sidewalk, to the maximum extent practicable.

**5. ACCESS DRIVEWAYS**

Every parking lot containing 20 or more spaces shall be provided with a two-way driveway not exceeding 20 feet in width or two one-way driveways not exceeding 12 feet in width.

**6. MARKING OF SPACES**

All parking space stalls shall be clearly marked on the pavement.

## 7. CAR STOPS

Car stops or other suitable devices, as determined by the City Planner, may be required to protect fencing, landscaping, and other screening devices from damage.

## 8. PROTECTION OF SUBURBAN NEIGHBORHOOD DISTRICTS

- (a) On lots in the Traditional or Special Purpose districts that are adjacent to a Suburban Neighborhood district, parking spaces shall not be located within ten feet of the front lot line.
- (b) Parking lots may be constructed in any Suburban Neighborhood district to serve a use that is not a Permitted or Conditional use in that zoning district, provided that the parking lot:
  - (i) Abuts the Traditional or Special Purpose district where the use to be served is located, abuts an existing nonconforming nonresidential use in the Suburban Neighborhood district, or abuts a property that is operating as a nonresidential use under a use variance; and
  - (ii) Has vehicular access only through the abutting Traditional or Special Purpose district, the property containing the abutting nonresidential use, or by way of a street upon which the Traditional or Special purpose district, or nonresidential use, fronts.

## 9. SURFACE AND DRAINAGE

- (a) Except as provided for in Subsection below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, all-weather, and bonded surface material approved by the City. Use of surfacing that includes recycled materials such as glass, rubber, used asphalt, brick, block, and concrete is encouraged.
- (b) The use of pervious or semi-pervious surfacing materials including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided that the surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within, or driveways to, parking and loading areas shall be approved by the City as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with onsite stormwater control devices, such as bioswales.

## 10. LANDSCAPING AND SCREENING

All parking lots and garages shall comply with the landscaping and screening standards in Section 22.4.4.G (Parking Lot Landscaping).

## 11. LIGHTING

All parking lots and garages shall comply with the outdoor lighting standards in Section 22.4.5.

## 12. PEDESTRIAN SAFETY

- (a) Each surface parking area containing 100 or more parking spaces, any of which are located more than 300 feet from the front façade of the building, shall contain at least one walkway that enables a pedestrian to travel from the farthest row of parking to the primary building entrance without crossing any parking spaces or drive aisles. Additional walkways shall be included and spaced 200 feet apart to ensure that no parking space in the farthest row of the parking lot is more than 200 feet from any walkway. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk.
- (b) The City may require installation pedestrian safety devices, such as convex mirrors or other warning devices, if the City Planner determines that there would be a significant risk to public health or safety without the installation of those devices.

## 13. PARKING GARAGE DESIGN

Aboveground parking garages or portions of structures occupied by automobile parking shall meet the following standards:

- (a) The height of an accessory parking garage shall not exceed the height of the principal structure it is intended to serve.

- (b) Open-air, rooftop parking is permitted, but shall be screened by a parapet wall or similar building feature that is an integral part of the building's architectural design and is of sufficient height to screen the parked and circulating vehicles when viewed at ground level from any public right-of-way adjacent to the property. The parapet wall shall be included in the maximum permitted height of the parking garage.
- (c) All vehicle parking surfaces along any street frontage of the garage shall be horizontal, rather than an angled surface or ramp leading to a higher or lower level of the garage.
- (d) Elements such as decorative grillwork, louvers, or translucent materials shall be used to cover window-like openings on all elevations facing a public right-of-way. The design and materials shall conceal the view of all parked cars below the hoodline through the use of opaque or semi-opaque façade materials that extend at least three feet in height above the vehicle parking surface.
- (e) When located in any Traditional Neighborhood district, the ground floor of the parking garage shall be designed so that any frontage adjacent to a public street has a minimum floor to ceiling height of 13 feet and a minimum bay depth (not required for vehicle circulation inside the garage) of 20 feet, in order to accommodate commercial or institutional uses along the street frontages, or to allow conversion of street frontage spaces to commercial or institutional uses in the future.
- (f) Any vehicle exit barrier, including but not limited to a gate or payment booth, shall be located at least 20 feet inside the exterior wall of the parking structure.
- (g) The City may require installation pedestrian safety devices such as convex mirrors or other warning devices if the City Planner determines that there would be a significant risk to public health or safety without the installation of those devices.

#### **Sec. 22.4.3.F. BICYCLE PARKING STANDARDS**

1. Bicycle parking spaces shall be provided as shown in Table 22.4.5.
2. Bicycle parking shall be located in highly visible areas near the intended use.
3. Bicycle parking racks shall be positioned out of walkway clear zones.
4. Bicycle parking racks shall be located to avoid potential conflict with parking and circulation of motor vehicles.
5. Bicycle parking racks shall support the frame of a bicycle upright in two places.
6. Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a "U" type lock.
7. Bicycle parking racks shall be securely anchored to an approved hard surface.
8. A two foot by six foot space is required to accommodate two bicycles.
9. Parallel bike racks shall have a minimum on-center spacing of 30 inches. Spacing of 48 inches is optimal.
10. Required enclosed bicycle parking shall mean bicycle parking that is located in one of the following:
  - (a) In a locked room;
  - (b) In an individual or community storage area;
  - (c) In a bicycle locker;
  - (d) In a locked area that is enclosed by a fence or wall with a minimum height of eight feet;
  - (e) In a private garage serving a dwelling within a multi-unit (residential) building; or
  - (f) Inside a residential dwelling unit if the dwelling unit has an exterior ground floor entry.

#### **Sec. 22.4.3.G. OFF-STREET LOADING STANDARDS**

The following provisions apply in all zoning districts.

##### **1. GENERAL REQUIREMENTS**

- (a) A minimum of one loading space shall be provided for each public/institutional, commercial and industrial use exceeding 25,000 square feet of gross floor area,
- (b) Each off-street loading space shall comply with Table 22.4.8 below:

Table 22.4.29: Off-Street Loading Requirements	
Use Size (GFA)	Loading Spaces Required
Under 25,000 sq. ft.	None
25,000 – 49,999 sq. ft.	1
50,000+	2
Dimension	Size (feet)
Width	12
Length	35 (55 for tractor-trailers)
Height	14

- (c) Owners of two or more uses requiring the joint use of off-street loading facilities may file an executed agreement with the City Planner, in a form approved by the City, providing for joint use of loading facilities and demonstrating the adequacy of the facility to serve anticipated loading needs.
- (d) Where it can be demonstrated that loading / deliveries will occur during times when parking areas will be used at less than 75 percent of capacity, or that deliveries will occur during hours when the establishment or facility is not open for normal business activities, the requirement for loading areas may be waived by the Planning and Zoning Commission through the Development Plan Review process.

**2. DESIGN AND USE OF OFF-STREET LOADING AREAS**

- (a) Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided.
- (b) Loading spaces and maneuvering areas shall be designed so that loading operations:
  - (i) Do not encroach upon any sidewalk, street, public right-of-way, or fire lane; and
  - (ii) Do not occupy any required off-street parking spaces or access driveways.
- (c) No loading space shall be located within any required front yard.
- (d) No loading space shall be located closer than eight feet from a lot line abutting any Suburban Neighborhood district.
- (e) All loading areas shall comply with the landscaping and screening standards in Section 22.4.4.G (Parking Lot Landscaping).
- (f) All loading areas shall comply with the outdoor lighting standards in Section 22.4.5

**Sec. 22.4.3.H. DRIVE-THROUGH VEHICLE STACKING STANDARDS**

The following standards apply to all properties with a drive-through facility designed for access from a vehicle (rather than a walk-up facility).

**1. STACKING SPACE REQUIREMENTS**

Vehicle stacking spaces for drive-through facilities shall comply with Table 22.4.9 and Figure 22.4.4.

Table 22.4.30: Drive-Through Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From
Bank, Financial Institution, or Automated Teller Machine (ATM)	T5-C: 4 Other districts: 2	ATM or Window
Restaurant/Retail Store	T5-C: 4 Other districts: 2	Pick-Up Window
Full Service Vehicle Washing Establishment	T5-C: 4 Other districts: 2	Outside of Washing Bay



Table 22.4.30: Drive-Through Stacking Space Requirements		
Self-Service or Automated Vehicle Washing Establishment	1	Outside of Washing Bay
Other	Determined by the City Planner based on anticipated need and avoidance of traffic congestion on adjacent streets	

**2. LOCATION AND DESIGN OF STACKING LANES**

- (a) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the lot line of the site.
- (b) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building.
- (c) Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 20 feet.



Figure 22.4.10: Design of Stacking Lanes

## SECTION 22.4.4 LANDSCAPING, SCREENING AND BUFFERING

### Sec. 22.4.4.A. PURPOSE

The intent of this Section 22.4.4 is to:

1. Promote a healthy environment by providing shade, air purification, oxygen regeneration, groundwater recharge, stormwater runoff management, erosion control, and reductions in noise, glare and heat island effects; and
2. Provide visual buffering from streets, buffering of potentially incompatible land uses, and generally enhance the quality and appearance of the City; and
3. Encourage the preservation of existing trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the City and its citizens.
4. Enhance property values and have a positive impact upon the economy of an area through increased tourism.

### Sec. 22.4.4.B. APPLICABILITY

1. Provisions of this Section shall apply as follows:
  - (a) Subsections (C) (General Landscaping Standards), (H) (Walls and Fences), (I) (Screening of Service Areas and Equipment), (J) (Vision Clearance and Public Safety), and (K) (Stormwater Management) apply to all development and redevelopment.
  - (b) Subsections (E) (Street Trees and Lot Frontage Landscaping) and (F) (Side and Rear Lot Line Buffers) and related provisions of subsection (D) (Preservation of Existing Landscaping) apply to all lots with more than 10,000 square feet of lot area
  - (c) Subsection (G) (Parking Lot Landscaping) and related provisions of subsection (D) (Preservation of Existing Landscaping) apply to all lots with more than 10,000 square feet of lot area that contain a principal structure with a principal use and that contains:
    - (i) A parking area or lot used for or ancillary to a commercial, industrial or institutional use; or
    - (ii) A parking area or lot for five or more vehicles that is ancillary to a residential use (see Section 22.4.4.G (Parking Lot Landscaping) below).
2. Compliance with the provisions of this Section is required when:
  - (a) A new primary structure is constructed; or
  - (b) The gross floor area of an existing principal structure is increased by more than 25 percent; or
  - (c) An existing principal structure is relocated on the lot or parcel; or
  - (d) The principal structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage), and the value of that renovation or redevelopment, as indicated by the building permits, is more than 25 percent of the actual value of the property, as indicated by City tax assessment records; or
  - (e) A new parking lot containing four or more spaces is constructed; or
  - (f) An existing parking lot containing four or more spaces is redesigned or reconstructed with significant changes to the layout of parking spaces, driving aisles, and access drives.
3. In case of any conflict between the various landscaping standards in this Section 22.4.4 the stricter standard shall apply. Wherever the requirement for two or more landscaping standards overlap, the same plant material may be counted toward meeting the requirements of both standards.
4. These standards shall apply to all form-based districts unless addressed within the form-based standards, in which case the form-based standards will prevail.

### Sec. 22.4.4.C. GENERAL LANDSCAPING STANDARDS

#### 1. REQUIRED PLANT MATERIALS

- (a) A list of tree and shrub species used to meet the landscaping requirements shall be maintained by the City Planner and may be amended from time to time. Upon presentation of evidence, the City Planner may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and are equally hardy and capable of withstanding the local climate.
- (b) Plants listed as prohibited by the City Planner or on any state government list of invasive or prohibited species shall not be installed and shall not be counted towards meeting any landscaping requirement.
- (c) All plant material shall be hardy to the Thomasville region, suitable for the site, free of disease and insects, and shall conform to the American Standard for Nursery Stock (ASNS) of the American Nursery and Landscape Association for the quality and installation of that plant.
- (d) In all areas where landscaping is required, a minimum of 80 percent of the surface area shall be covered by living materials, rather than mulch, bark, gravel, or other non-living material.
- (e) The use of synthetic vegetation (plastic plants, etc.) shall not be used to meet any of the required landscaping, screening, or buffering standards.
- (f) Landscape areas, as required by this UDO, shall be designed to be drought tolerant.

**2. SOIL CONDITION AND PLANTING BEDS**

- (a) All landscaping required by this UDO shall be planted in uncompacted soil.
- (b) The planting bed of required trees and shrubs shall be mulched with shredded bark or wood mulch. The planting bed for groundcover plantings, including perennial and annual flowers, shall be mulched.
- (c) All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs shall be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.

**3. MINIMUM PLANT SIZES AT INSTALLATION**

Unless otherwise specifically noted, the minimum plant size of required landscaping at the time of installation shall be according to Table 22.4.10.

Table 22.4.31: Minimum Plant Size	
Plant Type (ASNS types)	Minimum Size
Large Deciduous Shade Tree – mature height greater than 45 ft.	Two-inch caliper, measured six inches above the ground, as specified by the American Standard of Nursery Stock.
Medium Deciduous Shade Tree – mature height greater than 30 ft.	Two-inch caliper, measured six inches above the ground, as specified by the American Standard of Nursery Stock.
Small Deciduous Shade Tree – mature height greater than 20 ft.	As specified by the American Standard of Nursery Stock, except for true dwarf species.
Ornamental Tree	Four feet in height, as specified by the American Standard of Nursery Stock, except for true dwarf species
Conifers	Six feet in height
Shrubs	Five-gallon container size
Ground Cover Plants (crowns, plugs, containers)	A species-appropriate number to provide 50% surface coverage after two growing seasons
Grass Seeding or Sod	Seed mix shall be of pure live seed weight and 99% weed free.

**4. PLANT MATERIAL SPACING**

- (a) A minimum three-foot radius shall be provided free of trees or shrubs around fire hydrants, valve vaults, hose bibs, manholes, and fire department connections.

- (b) Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas.
- (c) The City Planner may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, or because of the space needs of different species of vegetation, provided that the total amount of required landscaping is not reduced.

## 5. VEGETATIVE COVERAGE

Any development or redevelopment site that triggers the requirements of this Section shall ensure that landscaping, screening, and/or buffering achieves at least the equivalent of 30 percent lot coverage by vegetated material to the greatest degree practicable.

## 6. LOW IMPACT DEVELOPMENT/STORMWATER TREATMENT

- (a) On any development or redevelopment site larger than two acres, at least 25 percent of required landscaped areas shall be designed and constructed to serve as stormwater infiltration and treatment facilities for stormwater falling on impervious surfaces on the lot or parcel.
- (b) On smaller development or redevelopment sites, required landscaping shall be designed and constructed to serve as on-site stormwater infiltration and treatment facilities to the maximum degree practicable.

### Sec. 22.4.4.D. PRESERVATION OF EXISTING LANDSCAPING

#### 1. EXISTING VEGETATION

- (a) In the event that existing, non-invasive vegetation meets the intent of the screening or landscaping requirements, preserved existing vegetation will be credited towards the landscaping required by this Section 22.4.4. No credit shall be given for existing vegetation that is invasive or prohibited by the Zoning Administrator or any state list.
- (b) Existing vegetation used to meet the requirements of this Section 22.4.4 shall be protected from damage during construction by a fence erected around an area one foot beyond the dripline of the preserved vegetation, or by other means approved by the City Planner.

#### 2. PROTECTION OF STREET TREES

- (a) Except as provided in section, no person shall cut, remove, trim or in any way damage any street tree greater than 5 inch DBH on any public right-of-way or on any property owned by the city, nor shall any person create any condition injurious to any such tree without obtaining a permit in advance from the Tree Commission.
- (b) No person shall cut, remove, trim or in any way damage any tree of any diameter that has been planted by the city or by any authorized person in order to comply with city ordinances on any public right-of-way or on any public property without obtaining a permit in advance from the Tree Commission.
- (c) No person, city department or agency shall bore or trench within the critical root zone of any street tree on any public right-of-way without obtaining a permit in advance from the Tree and Landscape Committee.
- (d) Nothing in this section shall prevent the normal mowing or maintenance, or the establishment of lawns or other ground cover compatible with trees along the public right-of-ways, or in public parks and city-owned properties.
- (e) The city, any agency of the city, and any municipal public utility, including any supplier of electricity, supplier of telephone services or supplier of cable television services, shall be subject to the provisions of subsection (i) with respect to any cutting down or removal of street trees or any filling, grading or boring within the critical root areas of street trees. However, utilities are authorized to conduct pruning in the normal course of maintaining existing service lines; provided, however, that the agency or utility shall comply with the standards set forth at ANSI (American National Standards Institute) Standard Z133.1, a copy of which is on file at the city planning department.
- (f) Notwithstanding the provisions of subsection (a), whenever it is confirmed by the city planner that any tree, including any exceptional tree, on public property or within or near a public right of way constitutes an immediate hazard to the public, the city manager or his designee is authorized to cause the tree to be pruned, to remove limbs, or, if necessary, cut down and removed.

- (g) During emergencies due to storms or as a result of vehicular accidents, the fire chief, police chief, city engineer, and the city manager are authorized to have downed trees and tree limbs cut and removed as needed to clear the public streets and roadways or to restore electric power in order to protect public safety.

**3. TREE CONSERVATION DURING DEVELOPMENT**

- (a) On undeveloped property, the clearing, cutting or removal of exceptional trees or significant trees is prohibited prior to development without the submittal of a tree survey and approval of a landscape plan for the property. Removal of trees shall be in conformance with the approved landscape plan as provided in Section .
- (b) Existing significant trees in the required front and rear yards established in the zoning provisions on each lot shall be preserved whenever possible except as provided in these regulations. Trees within the buildable area of the lot may be removed except that any exceptional tree so located may be removed only if it would prevent the reasonable use of the property as zoned. Removal of trees from the buildable area, including exceptional trees, shall not require tree commission review or approval. Removal of trees from the side yard, including exceptional trees, shall not require tree commission review or approval except boundary trees within the side yard shall be subject to the protections provided in this section. The removal of exceptional trees located in the required front yard shall require review and approval by the tree commission. All existing, healthy trees ten or more inches DBH in the following locations shall be retained if located:
  - (i) Along the frontage of any existing public right-of-way;
  - (ii) In the required front yard of each lot.
- (c) For new developments, all development applications shall include a tree survey for the project site. Exceptional trees as defined in this code shall be preserved in accordance with the requirements of paragraph (ii) above and Section 22.4.4.D.4 -- exceptional trees. All other hardwoods and deciduous trees including, but not limited to, ash, beech, cedar, crabapple, cypress, elm, hemlock, magnolia, maple, oak, and tupelo, with a DBH of five or more inches shall be replaced on-site prior to issuance of a certificate of occupancy or within a time period appropriate to the growing season of the species in question, not, at the discretion of the City Planner and upon recommendation of a certified arborist. The removed trees shall be replaced with a comparable mix of trees from the city list of recommended trees based upon the following ratio:

Table 22.4.32: Tree Replacement Ratios		
Existing Tree Diameter at Breast Height (DBH)	Replacement Ratio	Replacement Tree Caliper
5 to 9 inches	1 tree for every 1 tree removed	Min. 1 inch; Max. 4 inches
Greater than 9 inches	2 trees for every 1 tree removed	Min. 2 inches; Max. 4 inches

The city planner shall have authority to specify the caliper size of required replacement trees within the range defined in the table.

- (d) As an incentive for retaining existing trees: every existing tree exceeding a five inch DBH intended to remain on the project site after construction may be counted as two required trees provided the conserved tree survives for a minimum of three years after the certificate of occupancy is issued. If the existing tree does not survive, replacement with two trees is required. Replacement trees shall only be used for a maximum of 50 percent of the required trees in the initial landscape plan.
- (e) No boundary tree shall be permitted to be removed nor have its critical root zone cut, graded or encroached upon without the written permission of the adjoining owner or owners of the boundary tree. Pruning of the limbs and canopy located on the subject property according to ANSI standards shall be permitted for a) boundary trees and b) trees located on adjoining property if the canopy of the tree encroaches into the buildable area of the subject property or interferes with reasonable access or reasonable use of the subject property. No tree removal permit approved by the tree commission or landscape plan approved by the city planner shall authorize trespass upon an adjoining property.

- (f) Topsoil removed for construction of any building, driveway, or other vehicle use area shall be stockpiled on-site for reapplication on-site. The stockpile shall be protected from compaction and erosion with silt fencing or other measures in compliance with the soil erosion and sediment protection regulations. Topsoil shall be removed to a depth of no less than three (3) inches or as an engineer or landscape architect may determine. The stockpile area may be vegetated and shall not obstruct natural drainage areas or cause off-site erosion. The topsoil should be applied at a uniform depth of 5 inches (unsettled) but may be adjusted at the discretion of the engineer or landscape architect. Topsoil shall be reapplied to areas identified as landscape planting areas on the landscape plan for replacement trees and suitable ground covers.

#### 4. EXCEPTIONAL TREES; RESTRICTIONS ON CUTTING; EXCEPTIONS

- (a) No exceptional tree as defined in this code shall be removed from industrial, commercial, mixed use or residential property in anticipation of or as a part of any development or redevelopment unless written application is made to the tree commission and approval obtained in advance from the commission.
- (b) No exceptional tree shall be removed from existing commercial or industrial property unless the property owner makes written application to the tree commission and unless advance approval is obtained from the tree commission.
- (c) No exceptional tree shall be removed from a required front yard in existing residential or agricultural zoned areas unless the property owner makes written application to the tree commission and advance written permission is obtained from the tree commission.
- (d) No pruning of any exceptional tree(s) shall take place except in accordance with the standards set forth at ANSI (American National Standards Institute) Standard Z133.1, a copy of which is on file at the city's planning department.
- (e) Legitimate agricultural activities and timber harvesting conducted as part of a timber management plan on lands zoned for agriculture shall be exempt from these tree conservation regulations, provided that no exceptional trees are cut, damaged, or removed from any required front yard without permission of the tree commission and the property owner complies with all other applicable laws and regulations.

#### Sec. 22.4.4.E. STREET TREES AND LOT FRONTAGE LANDSCAPING

1. Where a detached sidewalk and a planting area between the sidewalk and street or curb exists, at least one shade tree shall be planted per 35 linear feet of street frontage. Required trees shall be planted with 35 foot on-center spacing to the maximum degree practicable. Where the planting of shade trees would interfere with overhead electric power lines, at least one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage.
2. Where a detached sidewalk does not exist, one shade tree per 35 linear feet of street frontage shall be planted in alignment with any similar street frontage landscaping on adjacent lots; if that is not possible or adjacent lots do not contain front yard landscaping, then the trees shall be planted with 35 foot on-center spacing and within 25 feet of the right-of-way to the maximum degree practicable.
3. Where the sidewalk extends from the back of curb to the lot line or building frontage, tree wells shall be installed in the sidewalk to allow planting of one shade tree per 35 feet of linear street frontage. Tree wells in sidewalks five feet wide or less shall be covered with a tree grate or pervious pavement, and the opening in a tree grate for the trunk must be expandable and level with the sidewalk or adjacent surface.
4. Residents may plant street trees in the public right of way. Plantings deemed unsafe or impracticable by the City Planner due to utility, slope, maintenance, location, visibility, alignment, or other factors are not required to be installed in those locations, but the City Planner may require that substitute landscaping be installed elsewhere on the property.
5. After the effective date of this UDO, in addition to the provisions for street trees in subsections (a) through (d) above, where the primary structure is located more than 20 feet from the lot line, a minimum of 20 percent of the area between the front lot line and the primary building façade must be landscaped with vegetative cover, shrubs, or trees in the following situations.
  - (a) All multi-family and nonresidential principal structures in Suburban Neighborhood districts;

- (b) All principal structures in the Traditional Neighborhood district and the M district, unless the Planning and Zoning Commission approves an alternative hardscape plan that includes outdoor seating.
- 6. After the effective date of this UDO, in addition to the provisions for street trees in subsections 1 through 4 above, the following standards shall apply to all lots in a Suburban Neighborhood containing a single-family or two-family dwelling that is located more than 20 feet from the front lot line or from a side street lot line:
  - (a) No more than 20 percent of the area between the primary structure and the street shall be covered with impervious surface, and the remainder of such areas shall be landscaped with vegetative cover, shrubs, trees, or other pervious treatment.
  - (b) A walkway of up to five feet in width shall be permitted to cross the area between each street frontage and primary structure or accessory structure, and one driveway of up to 20 feet in width shall be permitted to cross the area between one street frontage to a principal or accessory structure, even if the walkway(s) and driveway would result in more than 20 percent of the applicable yard having impervious surfaces.

**Sec. 22.4.4.F. SIDE AND REAR LOT LINE BUFFERS**

- 1. A landscaped buffer shall be provided along each side or rear lot line by an applicant seeking City approval for development or redevelopment where the any of the following abutting conditions occur and the two properties are not separated by a street, alley, stream, or railroad right-of-way.
  - (a) Where a lot in the Suburban Neighborhood district that contains any nonresidential structure abuts a lot that contains an occupied single-family detached dwelling, two-family detached dwelling, or townhouse.
  - (b) Where a lot in a Traditional or Special Purpose district that contains a multi-family dwelling structure or any nonresidential structure abuts a lot in a Suburban Neighborhood district that contains an occupied single-family detached dwelling, two-family detached dwelling, or townhouse.
  - (c) Where a lot in a Traditional or Special Purpose zoning districts (but excluding the T5-C district) that contains a principal use categorized in Table 22.3.1: Permitted Use as an industrial use other than Artisan Manufacturing abuts a lot containing an occupied principal use categorized in Table 22.3.1: Permitted Use, as Artisan Manufacturing or anything other than an industrial use.
  - (d) In all zoning districts, where a new or redeveloped principal structure will contain four or more stories, and the abutting property contains an occupied principal structure containing two or fewer stories.
- 2. Where buffer landscaping is required pursuant to Subsection (1), the buffer landscaping shall comply with one of the following options:
  - (a) Option 1: Available in the Residential, MC-O, T5-H, and Special Purpose Districts.
    - (i) A landscape buffer area at least ten feet wide, containing at least one medium shade tree for every 35 linear feet of lot line and three large shrubs per 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts, and with living materials covering at least 75 percent of the ground surface of the required area.
    - (ii) In any case where the abutting property is a single-family detached dwelling, a two-family detached dwelling, or a row-house, and a fence separates the two properties, the required landscaping shall be installed on the side of the fence facing the single-family detached dwelling, two-family detached dwelling, or townhouse.
  - (b) Option 2: Available in the T4-E, T4-O, T4-C, MU-FBC, and M districts.
    - (i) An opaque wall, fence, or a vegetative screen with at least 50 percent opacity, six feet in height in areas behind the front façade of the primary building, and four feet in height forward of the front façade of the primary building, meeting the requirements of Section 22.4.4.H below.
    - (ii) If a wall or fence is used to meet this requirement, the fence shall be placed on the applicant's property, the side facing away from the applicant's property shall be at least as finished in appearance as the side facing the applicant's property; and three small shrubs per 25 linear feet of lot line shall be installed on the side of the fence facing the single-family detached dwelling, two-family detached dwelling, or townhouse,.
    - (iii) If a dense vegetative screen is proposed, it shall be at least four feet in height at the time of planting.

### Sec. 22.4.4.G. PARKING LOT LANDSCAPING

Off-street parking facilities and other vehicle use areas, excepting permitted driveways, shall meet the following requirements:

#### 1. GENERAL STANDARDS

- (a) An area equal to at least seven percent of the surface area occupied by vehicle parking spaces, inclusive of driving aisles and driveways necessary for access to and circulation among those spaces, shall be landscaped. Landscaping shall include a minimum of one tree island containing at least 80 square feet of land area, which shall include at least one medium shade tree or larger for every 20 parking spaces. Parking lot screening provided under Subsection (6) below shall not be used to meet this seven percent landscaping requirement.
- (b) Any curbs installed at the edges of required perimeter and interior landscaped areas shall have openings that allow drainage from the pavement to enter and percolate through the landscaped areas.
- (c) Mulch shall not be installed adjacent to any sidewalk, parking area, or driveway with less than a one foot border of grass or other permanent live groundcover to ensure mulch is not washed into the drainage system.
- (d) Vehicle use areas may be constructed of permeable materials including structured sod or gravel. Vehicle use areas must still comply with Americans with Disabilities Act standards.

#### 2. PERIMETER REQUIREMENTS:

##### (a) FRONT PERIMETER LANDSCAPE AREAS.

A ten-foot wide strip of land located between the front property line and the vehicle use area shall be landscaped. Width of sidewalks shall not be included within the ten-foot wide front setback perimeter landscape area. This shall also apply to any other property line which abuts a street right-of-way.

##### (b) SIDE AND REAR PERIMETER LANDSCAPE AREAS.

A six-foot wide strip of land located between the side and rear property lines and the vehicle use area shall be landscaped, except that where the strip of land to be landscaped is between a side or rear property line and a vehicle use area used as an driveway, a four-foot wide strip of land shall be landscaped.

##### (c) MATERIAL REQUIREMENTS IN PERIMETER AREA:

###### (i) TREE COUNT.

The total tree requirement within the perimeter landscape areas shall be determined by using a standard of one (1) tree for each twenty-five (25) linear feet of required landscape perimeter area, or major portion thereof, with no less than seventy-five (75) percent of said trees being shade trees. All trees shall be provided at least one hundred (100) square feet of planting area each. This provision is not intended to require trees to be equally spaced twenty-five (25) feet apart. Creative design and spacing is encouraged.

###### (ii) GROUND COVER.

Grass or other ground cover shall be placed on all areas within the front, side and rear setback perimeter landscape areas not occupied by other landscape material, or permitted driveway. A list of recommended plant material shall be maintained by the city planner.

##### (d) VISUAL SCREEN IN PERIMETER AREA:

###### (i) PERIMETER SETBACK LANDSCAPE AREAS.

A visual screen shall be placed within the perimeter setback landscape areas and shall run the entire length of the vehicle use area, except at permitted driveways.

###### (ii) LIGHT PENETRATION AND HEIGHT.

A visual screen shall be installed not lower than thirty (30) inches, except at permitted driveways.

##### (e) USE OF PERIMETER LANDSCAPE AREAS.

Vehicles may overhang no more than two (2) feet into perimeter landscape areas.

#### 3. INTERIOR PLANTING AREAS:

##### (a) SIZE.



In vehicle use areas within the interior of a site, a planting area shall be required which will be equal to twelve (12) percent of the paved area and at least three (3) two-inch, or two (2) three-inch, caliper shade trees together with other landscape material shall be planted within each such planting area. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicles and pedestrian traffic, and shall be no less than twelve (12) feet in width, exclusive of curbing. Whenever linear medians at fifty (50) feet long having shade trees spaced no greater than fifteen (15) feet on center are used, the minimum width may be reduced to eight (8) feet exclusive of curbing. All developments having paved areas of five thousand (5,000) square feet or less shall be exempt from the interior planting requirements.

**(b) OVERHANG AREAS**

Vehicles shall not overhang more than two (2) feet into any interior planting area.

**(c) INTERIOR LANDSCAPING FUNCTIONAL WAIVER.**

In vehicle use areas, when the city has determined that the strict application of this section will interfere with the function of the vehicle use area, the required interior landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on a site.

**4. PLANT MATERIAL STANDARDS:**

**(a) TREES SHALL BE SUBJECT TO THE FOLLOWING:**

- (i) Trees shall have a minimum height of eight (8) feet and a minimum caliper of two (2) inches at the time of planting.
- (ii) Species of trees which will meet the twenty-foot mature height requirement but will have an average mature crown of less than twenty (20) feet may be substituted by grouping such trees so as to create the equivalent of a crown spread of twenty (20) feet.
- (iii) The planting area for each tree shall be a minimum of one hundred (100) square feet around the trunk of the tree and shall be maintained in either vegetative landscape material or pervious surface cover.

**(b) SHRUBS AND HEDGES SHALL BE SUBJECT TO THE FOLLOWING:**

- (i) There shall be a minimum height of eighteen (18) inches and have a spread of fifteen (15) inches at the time of planting.
- (ii) No species of deciduous shrub shall be credited on the visual screening requirements of this section.
- (iii) The placement of shrubs used to fulfill the visual screening requirements shall not exceed five (5) feet on center.

**(c) VINES, GROUND COVER, LAWN GRASSES, SYNTHETIC PLANT MATERIAL AND ARCHITECTURAL PLANTERS SHALL BE SUBJECT TO THE FOLLOWING:**

- (i) Vines shall be thirty (30) inches in length within one (1) calendar year from the time of planting.
- (ii) Ground covers other than lawn grasses shall be planted so as to provide seventy-five (75) percent coverage within one (1) calendar year from the time of planting.
- (iii) Lawn grasses shall be subject to the following:
  - 1) Lawn grasses planted for credit on the landscaping requirements shall be perennial species capable of thriving in the city. A list of suggested grasses shall be maintained by the chief building official and City Planner of the city.
  - 2) Lawn grasses shall be planted so as to achieve complete coverage within two (2) calendar years from the time of planting.
  - 3) Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
- (iv) No credit shall be granted for use of artificial plant material.
- (v) Credit shall be given for use of architectural planters which meet the following criteria:

- 1) Architectural planters for shrubs shall have a planting area of not less than ten (10) square feet and a depth of not less than eighteen (18) inches.
- 2) Architectural planters for trees shall have a planting area of not less than twelve (12) square feet and a depth of not less than four (4) feet.

#### 5. CROSS-VISIBILITY STANDARDS FOR SETBACK AREAS.

A sight triangle shall be provided at those points where a driveway intersects a public right-of-way. The area within the sight triangle shall be maintained in accordance with this section.

- (a) An unobstructed cross-visibility between two (2) and ten (10) feet above the level of the centerline of the public right-of-way shall be maintained within the sight triangle.
- (b) Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight triangle, provided the location of the tree itself does not create a traffic hazard.

#### 6. SCREENING

- (a) Where a parking area or lot for five or more vehicles is adjacent to a lot in a Suburban Neighborhood district or a lot containing a principal Residential use, and the parking lot is not separated from the adjacent property by a principal or accessory structure, the parking area or lot shall be screened from the adjacent district or use by one of the two options in Section 22.4.4.F.2 above, as applicable to the zoning district where the parking area or lot is located.
- (b) Where a parking area or lot (excluding driveways) in a Traditional Neighborhood district is located within 30 feet of a front lot line, and is not separated from the front lot line by a principal or accessory structure, the parking area or lot shall be screened from the street by one or both of the following, located within five feet of the front lot line:
  - (i) A masonry wall (not including Concrete Masonry Unit blocks) between 30 and 36 inches in height; or
  - (ii) A decorative wrought-iron-style fence between 30 and 42 inches in height, with masonry piers that may extend to 48 inches in height. Masonry piers may not exceed 18 inches in width, viewed from the street, and may not occupy more than 20 percent of the length of the fence.
  - (iii) A continuous line of shrubs that achieves 80 percent opaque screening between 30 and 48 inches in height during summer months.
- (c) The location of required parking lot landscaping shall allow visibility from adjacent streets and from at least one pedestrian entry to a principal building on the lot to the maximum extent feasible.

### Sec. 22.4.4.H. WALLS AND FENCES

#### 1. APPLICABILITY

All walls and fences shall conform to the provisions of this Section 22.4.4.H, except temporary fences and barricades around construction sites, which are governed by the International Building Code, as amended and adopted by the City, and fences required to be erected by any state, federal, or other agency, and that are governed by the standards of those agencies.

#### 2. GENERAL STANDARDS

- (a) On any lot with an occupied principal structure in any zoning district except the M and M-1 zoning districts:
  - (i) Walls and fences may be located in any front yard or exterior side yard facing a street provided they are no more than four feet in height and no more than 60 percent opaque, except as required to comply with screening requirements in Section 22.4.4.F (Side and Rear Lot Line Buffers) and Section 22.4.4.G (Parking Lot Landscaping) above.
  - (ii) Walls and fences behind the front wall plane of a building, or side wall plane of the building on any side facing a street, shall not exceed six feet in height.
- (b) On any lot with an occupied principal structure in the M and M-1 zoning districts, and on any vacant lot:
  - (i) Walls and fences may be located in any front yard or exterior side yard facing a street provided they are no more than six feet in height.

- (ii) Walls and fences behind the front wall plane of a building, or the side wall plane of a building on any street facing side, shall not exceed eight feet in height.
- (c) Notwithstanding Subsections (a) and (b) above, fences constructed for the purposes of enclosing an Outdoor Recreation or Entertainment use may exceed the maximum height but shall not be located closer than ten feet from any lot line.
- (d) No minimum distance shall be required between a wall or fence and a lot line unless otherwise specified in this UDO.

### 3. MATERIALS

- (a) No wall or fence shall include barbed wire, broken glass, electrification, or other material or device intended to cause injury, except as otherwise stated in this Section 22.4.4 or required by state or federal law.
- (b) Chain link fencing is prohibited in any front yard area except in the M Light Industrial or M-1 General Industrial zoning district.
- (c) Barbed (not razor) wire is permitted within the M-1 General Industrial district, or as required for public safety in and around Public Utility or Services uses.
- (d) No wall or fence shall be constructed of scrap or waste materials unless those materials have been recycled or reprocessed into building materials for sale to the public.
- (e) No fence intended as a permanent structure shall be constructed of canvas, cloth, wire mesh, chicken wire, snow fencing, or any other similar material.
- (f) A fence designed to be structurally supported by posts, cross members, or rails on one side only shall be erected with the posts, cross members, or rails on the fence owner's side. The finished side of the fence (without supporting posts, cross-members, or rails) shall face adjacent properties or the public right-of-way.
- (g) All fences constructed of pressure-treated wood shall be painted or finished with a solid color or stain within one year of installation.

## Sec. 22.4.4.I. SCREENING OF SERVICE AREAS AND EQUIPMENT

### 1. LOADING, SERVICE, AND TRASH ENCLOSURE AREAS

- (a) Where a loading, service, or trash enclosure area in a Traditional Neighborhood district is adjacent to a lot in a Suburban Neighborhood district or a lot containing a principal Residential use, the loading or service area shall be screened from the adjacent district or residential use by:
  - (i) An opaque wall, fence, architectural feature, or architectural extension of the building, eight feet in height, that relates to the overall design of the principal structure; or
  - (ii) A vegetated screen with at least 80 percent opacity and at least six feet in height at the time of planting.
- (b) Where a loading, service, or trash enclosure area in the M or M-1 zoning district is adjacent to a lot in a Suburban or Traditional Neighborhood district or a lot containing a principal Residential use or a non-industrial use, the loading or service area shall be screened from the adjacent district or residential use by:
  - (i) An opaque wall or fence, architectural feature, or architectural extension of the building, eight feet in height, that relates to the overall design of the primary structure; or
  - (ii) A vegetated screen with at least 100 percent opacity and at least six feet in height at the time of planting.

### 2. ROOF-MOUNTED MECHANICAL EQUIPMENT

- (a) Roof-mounted mechanical equipment for any multi-family or nonresidential principal use, not including solar collectors or wind energy devices, shall be screened by a parapet wall or similar building feature that is an integral part of and compatible with the building's architectural design.
- (b) The parapet wall or similar screening feature shall be of sufficient height to screen the mechanical equipment from all sides when viewed from ground level from any public right-of-way adjacent to the property.

### 3. GROUND-MOUNTED MECHANICAL EQUIPMENT

- (a) In the Traditional Neighborhood and M Light Industrial Districts, ground-mounted mechanical equipment shall be screened from ground level view from adjacent properties and from all public rights-of-way adjacent to the property, by landscaping or by decorative wall or fence that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure.
- (b) The wall, fence, architectural feature, or architectural extension of the building shall be of a height equal to or greater than the height of the mechanical equipment being screened. Such wall, fence, or architectural enclosure shall relate to the overall design of the primary structure.
- (c) If landscaping is used for screening, the screening material shall be designed to provide 80 percent opacity within one year of planting along the full required height and length of the screening buffer.

**Sec. 22.4.4.J. VISION CLEARANCE AND PUBLIC SAFETY**

On any corner lot, no wall, fence, structure, sign, berm, or plant growth that obstructs sight lines at elevations between three and six feet above the driving surface of the adjacent roadway shall be permitted in the area formed by measuring 20 feet along both curb lines where they intersect, and connecting the two points to form a triangle.

**Sec. 22.4.4.K. STORMWATER MANAGEMENT**

1. All development and redevelopment in the City shall comply with the requirements of Article 12 of Chapter 5 (Building Construction) of the Thomasville Municipal Code and Section 22.4.8.J.5 through 6.
2. In case of conflict between this article or any part thereof and the whole or part of any other existing ordinance, resolution or state law, the city ordinance, county resolution, or state law which is the most restrictive shall apply.
3. Each application for development or redevelopment shall be referred to the Department of Engineering whether the existing sanitary and storm sewer infrastructure is adequate in size, location, connectivity, and construction quality to accommodate expected flows of both sanitary sewer and stormwater from the proposed facility.
4. General Requirements:
  - (a) The discharge hydrograph produced for the developed or redeveloped site shall not exceed by more than ten (10) percent, in terms of peak flow, the hydrograph produced by conditions existing before development or redevelopment for a twenty-five (25) year frequency storm.
  - (b) Depending upon the contours, one (1) or more detention/retention facilities shall be planned. Where incremental development is allowed the detention/retention facility necessary for that part of the development must be constructed prior to the completion of any development within the same drainage area.
  - (c) When a proposed detention/retention facility is planned within a floodplain identified in the Flood Insurance Study for the City of Thomasville, the design of the dam and outlet device shall provide for the safe passage of the one-hundred-year flood.
5. Design standards.
  - (a) Design of the water retention or detention facilities and control flow release device shall be designed according to recognized engineering standards, subject to the approval of the city engineer. The form and content of the plan and design information submitted is subject to the approval of the city engineer.
  - (b) The plan and calculations (including the as built plan) for parcels of land in excess of three (3) acres shall be done, sealed and signed by a state registered professional engineer.
  - (c) If the retention facility is designed for temporary storage of stormwater runoff to a maximum water or undercut depth of more than four (4) feet or a bank slope greater than two (2) (horizontal) to one (1) (vertical), permanent fencing at least four (4) feet in height shall be required around the facility. The fencing shall be designed, installed, and maintained to allow the free flow of runoff into the facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The City Engineer may waive fencing in areas other than those zoned residential if the facility is more than five hundred (500) feet from a Suburban Neighborhood district.

## SECTION 22.4.5 OUTDOOR LIGHTING

### Sec. 22.4.5.A. PURPOSE

The purpose of this Section 22.4.5 is to ensure that vehicle circulation areas, pedestrian circulation areas, parking areas, public gathering spaces, approaches to buildings, and other areas have adequate outdoor illumination to promote safety and walkability at night; to control the negative impacts associated with nuisance outdoor lighting, excessive lighting, dramatic contrasts between lit and unlit areas; to minimize objectionable light spillover onto adjacent properties; to promote energy efficiency and high-quality lighting with excellent color rendering; and to utilize lighting to improve the nighttime aesthetics of site, landscape, and architectural design.

### Sec. 22.4.5.B. APPLICABILITY

1. All exterior lighting constructed or installed after the effective date of this UDO shall comply with the standards of this Section 22.4.5. This shall include but shall not be limited to new lighting and fixture/equipment replacement (but not lamp replacement), whether attached to structures, poles, the earth, or any other location.
2. Lighting for special events, emergencies, construction, or holidays shall be exempt from these decorative lighting standards provided that the lighting is temporary and is discontinued within seven days of the completion of the project or the holiday for which the lighting was provided.
3. These standards shall apply to all form-based districts unless addressed within the form-based standards, in which case the form-based standards will prevail.
4. Lights such as street lights and traffic control devices installed on a public right-of-way by a governmental agency for public safety shall be exempt from these regulations.

### Sec. 22.4.5.C. STANDARDS APPLICABLE TO ALL DEVELOPMENT

#### 1. GENERAL STANDARDS

- (a) Lighting color and fixture types shall be consistent through the site and shall compliment the architecture of any structures and the landscape of the site.
- (b) Lighting fixtures should accomplish a dual purpose, such as architectural lighting that also provides security, or landscape lighting that also lights adjacent paths, if possible.
- (c) On-site driveways, internal circulation paths, and parking areas on commercial sites shall be lit with cutoff to full cutoff type lighting fixtures. Light levels (illuminance) shall meet minimum Illuminating Engineering Society of North America (IESNA) recommendations. Incandescent light sources of 100 watts or less or other light sources of 60 watts or less (gaseous discharge) that are located at least 150 feet from the lot line of a Suburban Neighborhood district are exempt from the cutoff requirements.
- (d) In the M district, the maximum height of lighting fixtures for driveways and parking areas located at least 750 feet from Suburban Neighborhood districts and residential uses is 25 feet. In the M-1 district, the maximum height of lighting fixtures for driveways and parking areas located at least 750 feet from Suburban Neighborhood districts and residential uses is 40 feet. In all other locations, the maximum height of light fixtures for driveways and parking areas is 20 feet.
- (e) Lighting fixtures installed in canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy, and shall be equipped with flat or recessed lenses.
- (f) Internal sidewalks, walkways, and bicycle paths shall be lit with full cutoff to cutoff shielded lighting fixtures no more than 12 feet tall and providing consistent illumination of at least one footcandle on the walking surface.
- (g) Lighting sources shall have excellent color rendering, with a Color Rendering Index (CRI) of 80 or greater. Light sources of limited spectral emission and with a low CRI, such as low pressure sodium or mercury vapor lights, are prohibited.
- (h) Light trespass onto adjacent properties shall not exceed 0.1 footcandles at the lot line except where adjacent to walkways, driveways, public and private streets.
- (i) No light source (e.g. bulb or filament) shall be directly visible from a Suburban Neighborhood district, except for decorative lighting.

- (j) All exterior lighting fixtures shall produce at least 80 lumens per watt of energy consumed, as documented by manufacturer’s specifications or the results of an independent testing laboratory.
- (k) All maximum and minimum lighting levels shall comply with the latest published recommendations of the Illuminating Engineering Society of North America (IESNA).

## 2. ADDITIONAL STANDARDS FOR PARKING AREA LIGHTING

All parking lot lighting shall be turned off within one hour after the end of business closing and shall remain off until one hour before business opening. A maximum of 25 percent of the total luminaires used for parking lot illumination may remain in operation during this period to provide security, unless the City Planner determines that additional security lighting is needed due to the nature of the use or facility.

## 3. ADDITIONAL STANDARDS FOR BUILDING LIGHTING

- (a) Lights shall not be mounted above the parapet or eave on a pitched roof, except for motion-activated security lighting.
- (b) Except in the M-1 district, no “wall packs” or similar lights are permitted unless the fixture cutoff angle effectively eliminates any glare above 0.1 footcandle beyond the lot lines, except where adjacent to walkways, driveways, or public and private streets.
- (c) Decorative lighting is permitted to enhance the appearance of a building and/or landscaping, provided that all light is cast up against the building surface or downward onto a tree or other landscape feature and away from pedestrians or any adjacent Suburban Neighborhood district, and does not cause distracting reflections on any shopfront window or adjacent properties.
- (d) Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.

### Sec. 22.4.5.D. ADDITIONAL STANDARDS APPLICABLE TO CERTAIN MIXED USE AREAS

#### 1. APPLICABILITY

The standards in this Section 22.4.5.D apply in the MU-FBC and T5-C zone districts.

#### 2. GENERAL REQUIREMENTS

- (a) When a development or redevelopment project includes more than one acre of land and includes nonresidential uses, the property owner shall install pedestrian-scaled fixtures meeting the City’s applicable technical construction standards on all streets fronting the property.
- (b) Intersection-scaled lighting may be used in addition to pedestrian-scaled lights where required by the City.
- (c) Street lights shall be aligned with street tree placement (generally between two and a half feet and four feet from the back of the curb). Placement of fixtures shall be coordinated with the organization of sidewalks, landscaping, street trees, building entries, curb cuts, and signage.
- (d) The height of light fixtures shall be kept low (generally not taller than 15 feet) to promote a pedestrian scale to the public realm and to minimize light spill to adjoining properties. Light fixtures shall be closely spaced (generally not more than 30 feet on center) to provide appropriate levels of illumination.
- (e) Light poles may include armature that allows for the hanging of banners or other amenities (e.g., hanging flower baskets, artwork, etc.).
- (f) To increase safety, help geographic orientation, and highlight the identity of an area, the following street elements are encouraged to be lit:
  - (i) Edges: Edges of a park or plaza shall be lit to define and identify the space.
  - (ii) Architectural details: Lighting entrances, archways, cornices, columns, and so forth can call attention to the uniqueness of a building, or place. Lighting of building entrances also contributes to safety.
  - (iii) Focal points: Lighted sculptures, fountains, and towers in a neighborhood, especially those visible to pedestrians and vehicles, provide a form of wayfinding.

## SECTION 22.4.6 SIGNS

### Sec. 22.4.6.A. GENERAL PROVISIONS

#### 1. PURPOSE

The purpose and intent of this article is to establish standards for the fabrication, erection, use, maintenance and alteration of signs within the City. These standards are designed to protect and promote the health, safety, and welfare of persons within the city by providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight.

The standards established by this article are designed to maintain the economic viability of businesses in our community through the availability of appropriate signage as well as promote the efficient transfer of public and commercial information through sign management.

It is also the purpose of this section to prohibit the future erection, placement, or location of portable and certain other types of signs determined to be detrimental to the aesthetic sense, historic character and public health, safety, and general welfare of the citizens of the city, both generally and as it particularly affects tourism.

A determination has been made by the City Council that the regulations contained in this section are the minimum amount of regulations necessary to achieve the purposes set out above.

#### 2. INTENT

It is the intent of the City to comply with all applicable laws, statutes, regulations, and federal and state court decisions regarding the regulation of signs, and not to engage in any form of content-based regulation of sign messages prohibited by federal or state constitutions, statutes, or court decisions.

#### 3. SUBSTITUTION

Noncommercial content may be substituted for other content on any sign permitted under this Section or any legal nonconforming sign under this UDO.

#### 4. SEVERABILITY

If any decision, subsection, sentence, phrase or portion of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion of these regulations shall be deemed separate and distinct, and holding shall not affect the validity or constitutionality of the remaining portions of this Section 22.4.6, which shall remain in full force and effect.

#### 5. FALSE ADVERTISING ON SIGNS AND NUISANCES

(a) No person shall display false statements upon signs in such a manner as to mislead the public as to anything sold, services to be performed or information disseminated.

(b) No person shall display any sign in such a manner as to constitutes a nuisance as defined by O.C.G.A., section 41-1-1.

#### 6. OCCUPATION TAX; CONTRACTOR'S LICENSE

No person shall engage in the business of erecting, painting or maintaining signs within the city, unless and until such person shall have paid a city occupation tax and obtained an applicable contractor's license.

### Sec. 22.4.6.B. SIGNS EXEMPT FROM PERMIT REQUIREMENTS

1. The permit requirements of this section shall not apply to the following, provided that signs are erected or placed only on property of the person who erects such signs, and provided further that all signs exempted from the permit requirements shall nevertheless be maintained in accordance with the other remaining provisions of this code.

(a) Traffic control devices and other public safety signs on public streets and highways conforming to the Uniform Manual for Traffic Control Devices.

(b) Directional signs located on private property, limited to two per driveway, a maximum of four square feet in size and erected to a height of no more than three feet.

(c) Warning signs and no trespassing signs not exceeding four square feet in size.

- (d) Standard informational signs.
- (e) Signs within enclosed businesses, offices, malls or other enclosed areas, not posted within 12 inches of a window or not readable from public right-of-way or from any sidewalk adjoining the premises within which the sign is posted.
- (f) Signs painted on or applied to the window or door of the building and not obscuring more than 30% of the glazing of such window or door.
- (g) Stationary electronic window signs erected in windows of commercial entities not exceeding two square feet in sign area for each individual sign or an aggregate of five square feet in sign area for all such signs.
- (h) Flags, subject to the limitations of Section 22.328.
- (i) Address numerals not exceeding four inches in height for residential uses or eight inches for non-residential uses.
- (j) Historical markers, monuments or signs as recognized by local, state or federal authorities.
- (k) Sidewalk signs meeting the standards of Section 22.327(e).
- (l) Banners meeting the definition of Section 22.313 on lots containing single and two-family residences.
- (m) Name plates not exceeding two square feet for customary home occupations, mounted on or within two feet of the door.
- (n) Seasonal holiday decorations and lighting.

#### **Sec. 22.4.6.C. PROHIBITED SIGNS GENERALLY**

1. The following types of signs are prohibited in all zoning districts of the City:
  - (a) Roof signs; provided that signs mounted on the lower slope of a gambrell or mansard roof existing on the date of adoption of this article may continue in existence in accordance with nonconforming use standards.
  - (b) Animated signs.
  - (c) New technology signs.
  - (d) Electronic message boards, provided this prohibition excludes stationary electronic window signs and allowable electronic changeable copy where otherwise authorized by this section as a portion of freestanding and landscape wall signs.
  - (e) Tri-vision signs.
  - (f) Signs on public rights-of-way except signs erected by the jurisdiction controlling the right-of-way.
  - (g) Signs erected in a manner that obstruct free ingress to, or egress from a required door, window, fire escape or other required exit way.
  - (h) Signs placed in such a manner as to constitute a hazard to pedestrian or vehicular traffic, including but not limited to signs that obstruct sight distance along a public right-of-way, signs that tend, by location, color, illumination, or nature, to be confused with or obstruct the view of official traffic control signs and signals and/or the flashing lights of an emergency vehicle.
  - (i) Portable signs, except where permitted as sidewalk signs, standard informational signs, feather flags or banners;
  - (j) Signs attached to or painted on any telephone pole, light pole, or telegraph pole, other than signs erected by the owners of such poles and required for identification or access.
  - (k) Signs attached to or painted on any tree, rock or other natural object.
  - (l) Any sign mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on a permanent or semi-permanent basis in a manner intended to attract attention of the public for the purpose of advertising or identifying a business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted, wrapped or magnetically attached on the surface of the vehicle, so long as the vehicle is actively used in the daily conduct of the business, currently licensed and regularly driven as a motor vehicle. Such vehicles shall be parked in a lawful manner as far from the travel lanes of the nearest roadway as is practical.



(m) Feather flags.

- Prohibited signs shall be removed in accordance with the notice of removal provided by Section 4.6.1.5; provided that prohibited signs erected on public rights-of-way or other publicly owned property may be removed without prior notice.

**Sec. 22.4.6.D. STANDARDS APPLICABLE TO ALL SIGNS**

- The following standards apply to all signs in the City.

**(a) MEASUREMENT OF SIGN AREA**

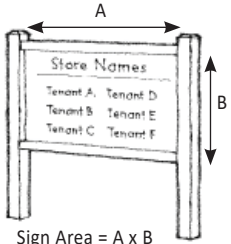
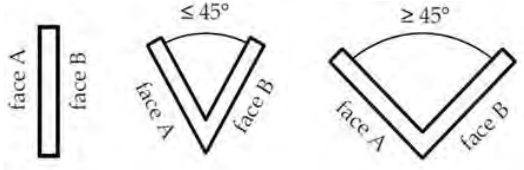
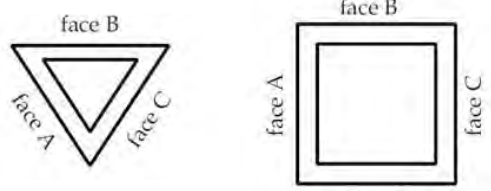
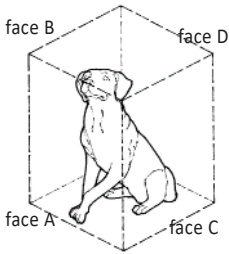

Table 22-2-49: Measurement of Sign Area		
Sign Type	Standards	Illustrations
Stand Alone Signs (building detached)	<p><b>Single Faced Signs</b>                      Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.</p>	 <p>Sign Area = A x B</p>
	<p><b>Two face signs.</b>                      If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only.                      If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.</p>	 <p>Sign Area = Area of Face A</p> <p>Sign Area = Area of Face A + Face B</p>
	<p><b>Three or four face signs</b>                      The sign area is 50 percent of the sum of all areas of all sign faces.</p>	 <p>Sign Area = (Area of Faces A + B + C) / 2</p> <p>Sign Area = (Area of Faces A + B + C + D) / 2</p>
	<p><b>Free-form or sculptural signs</b>                      Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four sided polyhedron that will encompass the sign structure.</p>	<p>Sign Area = (Area of Faces A + B + C + D) / 2</p> 

Table 22-2-49: Measurement of Sign Area		
<b>Building Attached Signs</b>	<p><b>Single Faced Signs</b>                      Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.</p>	 <p>Sign Area = (Area of Rectangles A + B + C)</p>

- (b) **Sign Height:** Sign height is measured as the vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher. Where the ground is uneven, the average elevation is utilized to determine the starting point of the measurement.
- (c) **Sign Visibility:** The area around the sign shall be properly maintained clear of brush, trees, and other obstacles so as to make the sign readily visible.
- (d) **Sign Wiring:** Signs with internal electrical wiring or lighting equipment, and all external lighting equipment shall be inspected and approved by the City in accordance with existing and prevailing electrical codes. All wiring to electrical signs or to lighting equipment directed to ground signs shall be underground.
- (e) **Sign Design**
  - (i) **Building Compatibility:** Signage, including overall design, materials, and illumination shall be compatible with the overall design of the main building.
  - (ii) **Shape:** Signs shall be composed of standard geometric shapes and/or letters of the alphabet, or as a sponsor motif (bottle, hamburger, ice cream cone, etc.) All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign.
  - (iii) **Fluctuations in Lighting:** No sign shall have blinking, flashing, scrolling, fading, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color or form. No revolving or rotating beam or beacon of light, including but not limited to searchlights, shall be utilized and or permitted as part of any sign.
- (f) **Sign Illumination**
  - (i) **Brightness Limits:** The brightness of an illuminated sign shall not exceed 30 foot-candles at any one point on the sign face.
  - (ii) **Shielding of Illumination Source:** Any light from an illuminated sign, or flood or spot light used to illuminate the sign, shall be stationary, shielded, and directed so that the light intensity or brightness shall:
    - 1) Illuminate only the surface area of the sign;
    - 2) Not interfere with the safe vision of motorists, bicyclists or other roadway users;
    - 3) For spot-lit signs, the sign base and/or proposed landscaping shall be designed to conceal the base of the light fixture to the extent feasible.
  - (iii) **Colored Laps:** The use of colored lamps for external lighting of signage is not permitted;
  - (iv) **Externally Mounted Gas Filled Tubes:** Externally mounted gas filled tubes filled with neon or other Noble Gases shall only be permitted in the T5-C, T5-H, M and M-1 zoning districts.

**Sec. 22.4.6.E. ADDITIONAL STANDARDS FOR SIGNS IN THE URBAN CENTER AREA (T4-O, T4-C, T5-C)**

- 1. Context.** Signs erected in the Urban Center Area should elicit a character and form that is sensitive to the community's history while maintaining a human scale that is equally amenable to pedestrian and vehicular users.
- 2. Finish Materials.** Except where noted otherwise in this section, finish materials for signs shall be as follows:
  - (a) Wood: painted, stained, or natural; or other material that is finished and looks like wood;
  - (b) Metal: copper, brass, galvanized steel, or aluminum composite;

- (c) Stucco or brick;
- (d) Fabric awnings (i.e., canvas); or
- (e) Paint and vinyl (applied directly onto building walls or window glass).

**3. Illumination.** Illumination of signs in the Urban Center Area is limited to the following:

- (a) Illuminated signage may only be externally lighted using fully shielded fixtures;
- (b) The use of goose neck light fixtures is strongly encouraged;
- (c) The use of colored lamps for external lighting of signage is not permitted;
- (d) Externally mounted gas filled tubes filled with neon or other Noble Gases shall only be permitted in the T4-C, T5-C, T5-H, M, M-1 zoning districts.

**Sec. 22.4.6.F. STANDARDS FOR SPECIFIC TYPES OF SIGNS**

The following regulations shall apply to the specific types of signs listed below:

**1. SIGN TYPES THAT DO NOT REQUIRE A PERMIT**

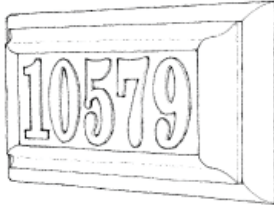
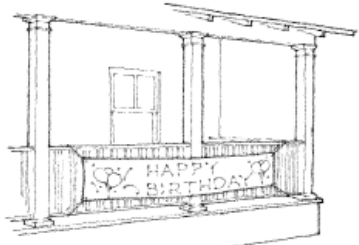
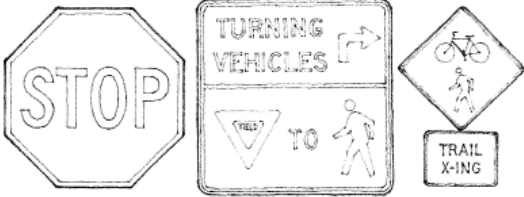
Table 22.4.33: Address Numeral Sign Type	
Description	
<p><b>Address Numerals.</b> A sign used to establish the physical address of a lot or structure. Such location is critical for 911 police, fire and rescue service.</p>	
Permitted Zones	
All Zones.	
Standards	
Size	
<p><b>Signable Area:</b> Sign Height.</p>	<p>4 in. max. residential uses. 8 in. max. non-residential uses.</p>

Table 22.4.34: Banner (residential) Sign Type	
Description	
<p><b>Banner Signs.</b> Banners are a temporary sign with or without characters, illustrations, or ornamental applied to cloth, aper, plastic, or fabric backing.</p>	
Permitted Zones	
All one and two-family residential use lots.	

**Table 22.4.35: Directional Sign Type**

Table 22.4.35: Directional Sign Type	
Description	
<p><b>Directional Sign.</b> A sign supported by a single or double pole that provides information and directional aid to both vehicles and pedestrians. Examples include, but are not limited to, “stop,” “no parking,” “entrance,” “loading zone,” “drive thru,” “rest room,” etc.</p>	
Permitted Zones	
All zones excluding any lot in which the primary use is one or two-family residential.	
Standards	
Size	
Signable Area:	
Sign Area.	4 sf. max.
Sign Height.	3 sf. max.
Location	
Number of Signs:	Maximum 2 per curb cut.

**Table 22.4.36: Flag Sign Type**

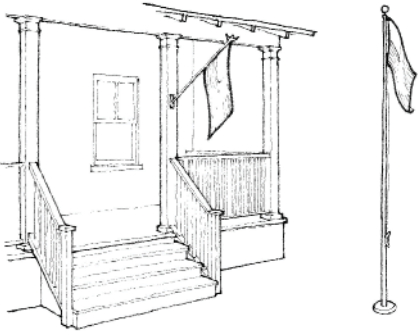
Table 22.4.36: Flag Sign Type		
Description		
<p><b>Flags.</b> A sign consisting of any fabric that contains distinctive colors, patterns, logos or symbols. Flags may be used as a symbol of a government or any other entity or organization</p>		
Permitted Zones		
All zones.		
Standards		
Size		
	Single-Family or Two-Family Lots	All Other Lots
<b>Signable Area:</b>	24 sf. max.	60 sf. max.
<b>Sign Pole Height:</b>	25 feet max.	40 feet max.
Location		
No more than 2 flags shall be permitted to fly on any one lot.		


Table 22.4.37: Historical Markers and Monuments	
<b>Description</b>	
<p><b>Historical Markers and Monuments.</b> Signs recognized by local, state or federal authorities as having historical significance.</p>	
<b>Permitted Zones</b>	
All zones.	

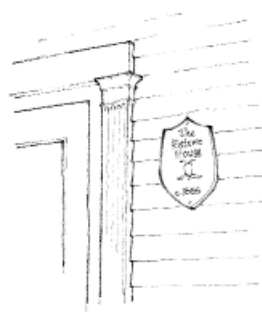
Table 22.4.38: Nameplate Sign Type	
<b>Description</b>	
<p><b>Nameplate.</b> A sign used to advertise a home occupation located within, and subordinate to a primary residence.</p>	
<b>Permitted Zones</b>	
All zones.	
<b>Standards</b>	
<i>Size</i>	
<b>Signable Area:</b>	
<b>Sign Area:</b>	2 sf. max.
<i>Location</i>	
Mounted on or within ft. of the door.	

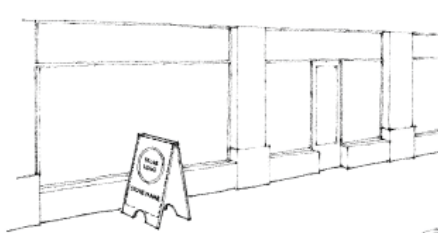

Table 22.4.39: Sidewalk Sign Type	
<b>Description</b>	
<p><b>Sidewalk Signs.</b> Sidewalk Signs provide secondary signage for individual shopfronts or businesses and are typically located on a sidewalk adjacent to the corresponding building or curb</p>	

Table 22.4.39: Sidewalk Sign Type		
<b>A-Frame Signs.</b> A sub-type of Sidewalk Sign that provides secondary signage for pedestrians, A-Frame Signs are often used to highlight daily specials or sales at an adjacent business.		
<b>Pedestal Signs.</b> A sub-type of Sidewalk Sign that provides secondary signage for vehicles and pedestrians in a shopfront setting, Pedestal Signs are composed of a base, pedestal, and sign face		
Permitted Zones		
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1		
Standards		
Size		
	A-Frame Sign	Pedestal Sign
<b>Signable Area:</b>	6 sf. max.	2.25 sf. max.
<b>Width:</b>		
Sign Width.	30" max.	24" max.
Pedestal	N/A	1.5" Diameter max.
Base Width	N/A	24" max.
<b>Height:</b>		
Sign Height.	42" max.	80" max.
Base Height	N/A	24" max.
Distance from the ground to the base of the Signable Area	N/A	48" Max
Materials		
<b>Frame or Base:</b>	Stained or painted wood.	Clay, metal, tin, concrete.
<b>Sign Face:</b>	Wood or slate (chalk) board.	Metal.
<b>Post:</b>	N/A	Metal or wrought iron
<sup>1</sup> Signs shall not be illuminated.		
<sup>2</sup> Plastic, dry erase boards, or unfinished plywood shall be prohibited materials for Sidewalk Signs.		
Location		
A business may only have one A-Frame or one Pedestal Sign located on the sidewalk; except, if the distance between the building and back of curb is > 10 ft. then the business may have one of each.		
Where permitted in the Urban Center Area, Sidewalk Signs are allowed in the public right of way. Where permitted elsewhere in the City, Sidewalk Signs shall be located entirely on private property.		
Sidewalk Signs shall be located on or adjacent to sidewalks in such a manner that they do not encroach upon the required 4' accessible pedestrian path.		
The base of an A-Frame Sign shall not be sited more than 18" from the façade of the corresponding business.		
Pedestal Signs shall not be permitted on Broad Street between Smith Avenue and Jefferson Street.		
A-Frame Signs may only be displayed during business hours and shall be removed when the business is closed.		

Table 22.4.40: Signs within Businesses, Offices, Malls, and other Enclosed Areas
Description

**Table 22.4.40: Signs within Businesses, Offices, Malls, and other Enclosed Areas**

<p><b>Signs within Businesses.</b> These signs are within the building and primarily intended to be viewed within the building. Examples include, but are not limited to: “Exit,” “Restrooms,” “Sale,” “Aisle #,” etc.</p>	
<p><b>Permitted Zones</b></p>	
<p>All zones excluding any lot in which the primary use is one or two-family residential.</p>	
<p><b>Location</b></p>	
<p>Not posted within 12” of a window, or not readable from the public right of way, or from any sidewalk adjoining the premises within which the sign is posted.</p>	

**Table 22.4.41: Standard Informational Sign Type**

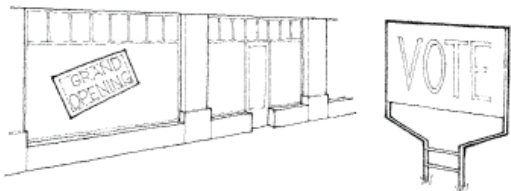
<p><b>Description</b></p>	
<p><b>Standard Informational Sign.</b> A temporary sign, often used for short intervals of time, the Standard Informational Sign is permitted on private property within the City and consists of two sub-types:</p> <ul style="list-style-type: none"> <li>• Standard Informational – One &amp; Two-family.</li> <li>• Standard Informational Sign – All Other Uses.</li> </ul>	
<p><b>Permitted Zones</b></p>	
<p>All zones.</p>	
<p><b>Standards</b></p>	
<p><b>Standard Informational Sign - One and Two-family</b></p>	
<p><b>Size</b></p>	
<p><b>Signable Area:</b>                  Sign Area - Individual.                  Sign Area - Aggregate Per Lot.</p>	<p>6 sf. max.                  16 sf. max.</p>
<p><b>Sign Height:</b></p>	<p>3’ max.</p>
<p><b>Materials</b></p>	
<p>For single and two-family residential properties, Standard Informational Signs shall be mounted on a wooden stake or metal frame with a thickness or diameter not greater than one and one-half (1.5) inches.</p>	
<p>Signs shall contain no reflective elements, flags or projections; and shall not be illuminated.</p>	
<p><b>Remarks</b></p>	
<p>During the period of time commencing with opening of qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of Standard Informational Signs may be erected on single or two-family lots.</p>	

Table 22.4.41: Standard Informational Sign Type	
<b>Standard Informational Sign - All Other Uses</b>	
<i>Size</i>	
<b>Signable Area:</b>	
Sign Area - Individual	6 sf. max.
Sign Area - Aggregate Per Lot	16 sf. max.
<i>Location</i>	
For properties with a primary use other than single or two-family, Standard Informational Signs shall be mounted in the windows or on the wall adjacent to the primary entrance.	
<i>Materials</i>	
Signs shall contain no reflective elements, flags or projections; and shall not be illuminated.	
<b>Alternative Sign</b>	
Alternatively, no more than one Standard Informational Sign may be suspended from a wooden mailbox post where both the supporting structure and the cross-arm inserted at a 90 degree angle into the supporting structure are composed of wood measuring 4" x 4" and erected to an overall height not exceeding 5 feet.	


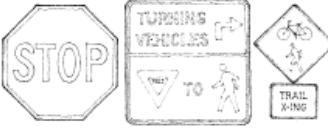

Table 22.4.42: Stationary Electronic Window Sign Type	
<i>Description</i>	
<b>Stationary Electronic Window Sign.</b> A small scale secondary or accessory sign placed just inside and upon the window of a business, allowing it to be viewed or read from the exterior of the building by both vehicles and pedestrians. Examples include, but are not limited to, "open," "lotto," "beer," "vacancy," "ATM," etc.	
<b>Permitted Zones</b>	
All zones excluding any lot in which the primary use is residential	
<b>Standards</b>	
<i>Size</i>	
<b>Signable Area:</b>	
Sign Area - Individual Sign.	2 sf. max.
Sign Area - Aggregate of All Signs.	5 sf. max.

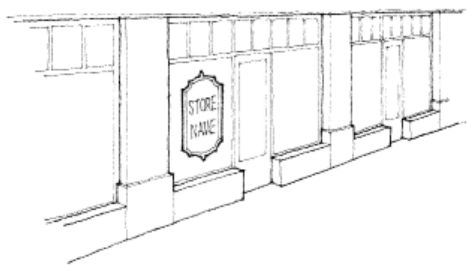
Table 22.4.43: Traffic Control and Public Safety Sign Type	
<i>Description</i>	
<b>Traffic Control and Public Safety Sign.</b> Signs on public streets and highways conforming to the Uniform Manual of Traffic Control Devices.	
<b>Permitted Zones</b>	
All zones.	



**Table 22.4.44: Warning and No Trespassing Sign Type**

Description	
<p><b>Warning and No Trespassing Sign.</b> A sign intended to convey the potential for danger or discourage one from upon entering onto the private property of another.</p>	
Permitted Zones	
All zones.	
Standards	
Size	
<p><b>Signable Area:</b> Sign Area</p>	4 sf. max.

**Table 22.4.45: Window Sign Type**

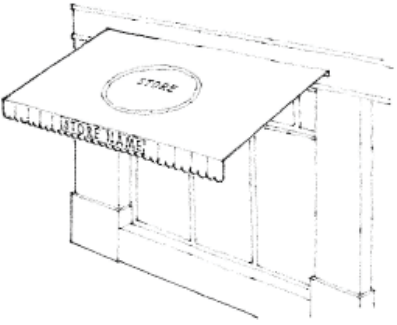
Description	
<p><b>Window Sign.</b> A sign placed inside or upon a window or door in such a manner as to be viewable from the exterior of the building. Window Signs may be either permanent or temporary and often consist of individual letters or designs.</p>	
Permitted Zones	
All zones excluding any lot in which the primary use is one or two-family residential.	
Standards	
Size	
<p><b>Signable Area:</b> Sign Area</p>	30% max.
Location	
Signs per Building	Unlimited; not to exceed 30% of each bay or door.

2. SIGN TYPES THAT DO REQUIRE A PERMIT

**Table 22.4.46: Awning Sign Type**

Description
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**Table 22.4.46: Awning Sign Type**

<p><b>Awning Signs.</b> An Awning is a traditional shopfront fitting that projects in a sloping manner from the façade of a building, shielding window shoppers from both inclement weather and the sun. Such protection may also benefit shop owners through increased energy savings and reduced costs. Signs may be painted, screen printed, or appliquéed directly to the awning.</p>	
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**Permitted Zones**

T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; excluding single-family and two-family residential uses.

**Standards**

*Size*

<p><b>Signable Area - Sloping Plane:</b>                  Sign Area.                  Lettering Height.</p>	<p>25% coverage max.                  18" max.</p>
<p><b>Signable Area - Valance:</b>                  Sign Area.                  Height.                  Lettering Height.</p>	<p>75% coverage max.                  8" min.; 16" max.                  8" max.</p>

*Location*

<p><b>Signs per Awning</b>                  Per Sloping Plane.                  Per Valance.</p>	<p>One sign max.                  One sign max.</p>
<p><b>Sidewalk:</b>                  Clearance Height.                  Setback from Curb.</p>	<p>8' min.                  2' min.</p>
<p><b>Upper Stories:</b></p>	<p>Sign copy on upper story awnings not permitted</p>

*Materials*

<p><b>Primary:</b></p>	<p>Metal or Fabric.</p>
<p><b>Prohibited:</b></p>	<p>Vinyl and Plastic.</p>

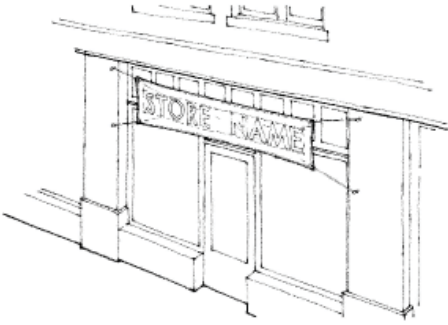
*Miscellaneous*

Open-ended awning are the predominant form in Thomasville and are encouraged.

**Table 22.4.47: Banner Sign Type (non-residential)**

**Description**

**Table 22.4.47: Banner Sign Type (non-residential)**

<p><b>Banner Signs.</b> Banners are signs with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, plastic or fabric of any kind with only such material for a backing.</p>	
<p><b>Permitted Zones</b></p>	
<p>All zones excluding the Mixed-Use Downtown Center (T5-C).</p>	
<p><b>Standards</b></p>	
<p><i>Size</i></p>	
<p><b>Signable Area:</b> Sign Area</p>	<p>50 sf. max.</p>
<p><i>Location</i></p>	
<p><b>Signs per Building:</b></p>	<p>1 per business</p>
<p>Banners shall be mounted on a building or similar solid structure</p>	
<p>Banners shall not be mounted on poles, wires, or similar devices</p>	
<p><i>Materials</i></p>	
<p><b>Permitted Materials:</b></p>	<p>Vinyl or canvas, 8 oz. min, Grommets, 15-24 in. on center and in the corners. Edges shall be hemmed and reinforced with materials such as rope, nylon tape.</p>
<p><i>Period of Display</i></p>	
<p>Banners may be displayed for a 10 day period, 4 times per year; or, 1 time per year for 30 consecutive days provided that no Banner shall be displayed at the same time as a Feather Flag, and the time periods for which Banners and Feather Flags are permitted are cumulative.</p>	

**Table 22.4.48: Canopy Sign Type**

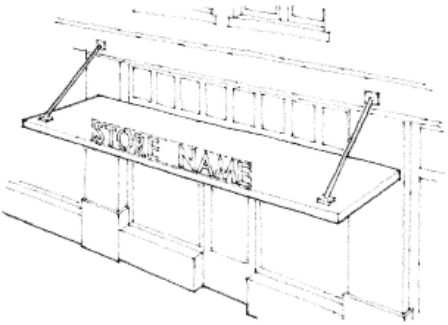
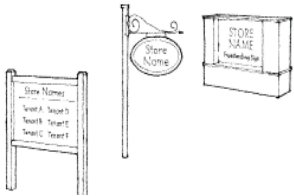
<p><b>Description</b></p>	
<p><b>Canopy Signs.</b> A Canopy is a traditional shopfront fitting that projects horizontally from the façade of a building, shielding window shoppers from both inclement weather and the sun. Such protection may also benefit shop owners through increased energy savings and reduced costs. Signs may be painted, screen printed, or appliqueed directly to the awning.</p>	

Table 22.4.48: Canopy Sign Type	
<b>Permitted Zones</b>	
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; excluding lots with single-family and two-family residential uses.	
<b>Standards</b>	
<i>Size</i>	
<b>Signable Area:</b> Sign Area	1 sf. per linear foot of shopfront, max.
Letter Height.	16" max
Letter Thickness.	6" max.
<i>Location</i>	
<b>Signs per Canopy:</b>	1 sign max.
<b>Sidewalk:</b> Clearance Height. Setback from Curb.	8' min. 2' min.
<b>Upper Stories:</b>	Sign copy on upper story canopies not permitted.
<i>Materials</i>	
<b>Primary:</b>	Metal.
<b>Prohibited:</b>	Vinyl and plastic.

Table 22.4.49: Feather Flag Sign Type	
<b>Description</b>	
<p><b>Feather Flag Signs.</b> Feather Flags are a type of vertical sign that contain a harpoon-style pole or staff driven into the ground as their primary means of support.</p>	
<b>Permitted Zones</b>	
All zones excluding the Urban Center Area.	
<b>Standards</b>	
<i>Size</i>	
<b>Signable Area:</b> Area.	27 sf. max.
<i>Location</i>	
<b>Signs per Business:</b>	1 Feather Flag for every 40 ft. of linear street frontage, not to exceed 3 signs.
<i>Materials</i>	

Table 22.4.49: Feather Flag Sign Type	
<b>Permitted Materials:</b>	Cloth or fabric. The use of plastic is prohibited. All edges shall be hemmed and reinforced.
<b>Period of Display</b>	
Feather Flags may be displayed for a 10 day period, 4 times per year; or, 1 time per year for 30 consecutive days provided that no Feather Flag shall be displayed at the same time as a Banner, and the time periods for which Feather Flags and Banners are permitted are cumulative.	

Table 22.4.50: Freestanding Sign Type		
<b>Description</b>		
<p><b>Freestanding Signs.</b> Freestanding Signs encompass a variety of sign sub-types that are not attached to a building, but rather attached to, or part of a completely self-supporting structure permanently set in the ground. Often used to mark a business, building, or entrance to a development, sub-types include Monument Signs and Pole Signs.</p>		
<p><b>Monument Sign.</b> A sub-type of Freestanding Sign that forms a solid structure, the width of which is constant from the ground to the top of the sign, and contains a distinguishable base (foundation) middle, (signable area), and optional top (cap).</p>		
<p><b>Pole Sign.</b> A sub-type of Freestanding Sign, mounted on one or two poles without any type of secondary support such that the bottom of the sign is no more than four feet above the ground and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign.</p>		
<b>Permitted Zones</b>		
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; <b>Exception:</b> Where a Freestanding Sign is located at the entrance to a predominantly residential community (i.e. single-family, two-family, multi-family) it shall be permitted in all zones. Standards		
<b>Standards</b>		
<b>Size</b>		
<b>Signable Area:</b>		
	<b>Single Tenant</b>	
	<b>Multiple Tenant</b>	
Urban Center.	24 sf. max.	32 sf. max.
Elsewhere in City, Except Hwy 19.	48 sf. max	80 sf. max.
Highway 19.	60 sf. max.	120 sf. max.
Entrance to Residential Community	24 sf. max.	N/A
<b>Changeable Copy:</b>		
	<b>Manual Copy</b>	<b>Electronic Copy</b>
% of Signable Area.	25% max.	25% max.
<b>Height:</b>		
	<b>Monument Sign</b>	<b>Pole Sign</b>
Urban Center.	7' max.	N/A <sup>1</sup>
Elsewhere in City, Except Hwy 19.	9' max.	width / height of singable area ≥ .67
Highway 19 - Single Tenant.	12' max.	width / height of singable area ≥ .67
Highway 19 - Multiple Tenant.	18' max.	width / height of singable area ≥ .67
Entrance to Residential Community	5' max.	N/A <sup>1</sup>

**Table 22.4.50: Freestanding Sign Type**

<i>Distance, Ground to Sign Base</i>	
<b>Monument Sign</b> 12" min. <sup>1</sup>	<b>Pole Sign</b> 6' max.
<sup>1</sup> The base on a Monument Sign shall occupy a minimum of 100% of the width of the sign face.	
<i>Location</i>	
Signs per thoroughfare frontage:	1 max. <sup>1234</sup>

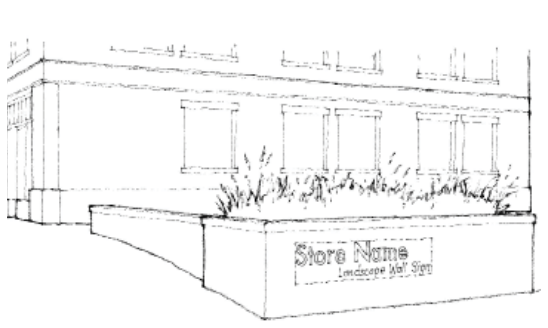
<sup>1</sup> Only Monument Signs shall be permitted in the Urban Center Area.

<sup>2</sup> Where permitted, one Landscape Wall Sign Type or one Freestanding Sign Type may be sited per thoroughfare frontage, but not both.

<sup>3</sup> Within a multiple tenant development, each individual tenant may not have a Freestanding Sign.

<sup>4</sup> Where thoroughfare frontage exceeds 500 linear feet one additional Freestanding Sign may be permitted.

**Table 22.4.51: Landscape Wall Sign Type**

<b>Description</b>	
<p><b>Landscape Wall Signs.</b> Landscape Wall Signs are attached to freestanding walls that do not form a part of a building, but often establish a vertical edge along the property line. Frequently, these signs are used to mark a building or the entrance to a development or neighborhood.</p>	
<b>Permitted Zones</b>	
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; <b>Exception:</b> Where a Landscape Wall Sign is sited at the entrance to a predominantly residential community (i.e. single-family, two-family, multi-family) it shall be permitted in all zones.	
<b>Standards</b>	
<i>Size</i>	
<b>Signable Area:</b> Sign Area.	24 sf. max.
<b>Changeable Copy:</b> % of Signable Area.	Manual Copy 25% max.      Electronic Copy 25% max.
<b>Distance from Top of Wall to Top of Sign:</b>	6" min.
<b>Distance from Grade to bottom of Sign:</b>	12" min.
<b>Height of Wall:</b>	4ft. max
<i>Location</i>	
<b>Number of Signs:</b> One Sign per thoroughfare frontage. <sup>1,2,3</sup>	

<sup>1</sup> Where permitted, one Landscape Wall Sign Type or one Freestanding Sign Type may be sited per thoroughfare frontage, but not both

<sup>2</sup> Where the thoroughfare frontage exceeds 500 linear feet one additional Freestanding Sign may be permitted.

<sup>3</sup> A Landscape Wall Sign may serve as a single or multi-tenant sign so long as the sign conforms with all standards above.


Table 22.4.52: Marquee Sign Type	
Description	
<p><b>Marquee Signs.</b> A sign mounted to or hung from a marquee that projects horizontally or vertically from the façade to express a figural design and message to motorists and pedestrians. Marquee signs often have patterned or neon lighting and changeable or painted lettering.</p>	
<p><b>Vertical Marquee.</b> A linear, vertically oriented structure that projects outward at a 90 degree angle from the façade of the building or at a 45 degree angle from the corner of the building. A Vertical Marquee often extends beyond the parapet of the building, but may also terminate below the cornice.</p>	
<p><b>Horizontal Marquee.</b> A canopy-like structure integrated into the façade that projects horizontally over the sidewalk and is typically centered upon the entrance. A Horizontal Marquee may serve as the base for a Vertical Marquee.</p>	
Permitted Zones	
T4-O, T4-C, T5-C, T5-H; excluding lots with single family and two family residential uses.	
Standards	
Vertical Marquee	
<b>Signable Area:</b>	
Width.	24" max.
Depth.	10" max.
<b>Lettering:</b>	
Width.	75% of sign width max.
Location	
<b>Signs Per Building:</b>	1 max.
<b>Sidewalk:</b>	
Clear Height:	12' min.
<b>Extension Above Roofline:</b>	10' max. (may not extend above eave of pitched roof)
Remarks	
Vertical marquee may be combined with a horizontal marquee per the standards below.	
Horizontal Marquee Sign Type	
Size	
<b>Signable Area:</b>	5 sf. per linear ft. of shopfront width up to 250 sf. max.
<b>Sign Width:</b>	Shopfront width, max.
<b>Sign Height:</b>	5 ft. max.
Location	
<b>Signs Per Building:</b>	1 max.
<b>Sidewalk:</b>	
Clear Height.	10' min.
Distance From curb:	2' min.

Table 22.4.52: Marquee Sign Type	
<i>Remarks</i>	
Horizontal marquee may be combined with a vertical marquee per the standards above.	

Table 22.4.53: Projecting Sign Type	
<i>Description</i>	
<p><b>Projecting Sign.</b> Projecting Signs are small, pedestrian scaled signs that mount perpendicular to a building's façade in a manner that allows for easy reading from both sides. Projecting Signs are often hung from a decorative bracket, outside the reach of pedestrians, using a method that permits them to swing slightly.</p>	
<i>Permitted Zones</i>	
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; excluding lots with single family and two family residential uses.	
<i>Standards</i>	
<i>Size</i>	
<p><b>Signable Area:</b></p> <p>Sign Area.                      6 sf. max.</p> <p>Sign Width.                    48" max.</p> <p>Sign Height.                  36" max.</p> <p>Sign Thickness.                4" max.</p>	
<i>Location</i>	
<b>Signs Per Building:</b>	One per façade
<b>Extension From Building:</b>	4.5' max.
<b>Clearance Height From Building:</b>	7'6" min.
<b>Upper Story Commercial</b>	May have one projecting sign or one suspended sign located at the first floor entrance, but not both.

Table 22.4.54: Suspended Sign Type	
<i>Description</i>	
<p><b>Projecting Sign.</b> Projecting Signs are small, pedestrian scaled signs that mount perpendicular to a building's façade in a manner that allows for easy reading from both sides. Projecting Signs are often hung from a decorative bracket, outside the reach of pedestrians, using a method that permits them to swing slightly.</p>	
<i>Permitted Zones</i>	
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; excluding lots with single family and two family residential uses.	
<i>Standards</i>	
<i>Size</i>	
<b>Signable Area:</b>	



Table 22.4.54: Suspended Sign Type	
Sign Area. Sign Width Sign Height Sign Thickness	6 sf. max. 36 sf. max. 36" max. 4" max.
<i>Location</i>	
Signs Per Building:	One per façade
Extension From Building: Clearance Height From Building:	4.5' max.; not to extend beyond the edge of the façade, frontage, or overhang, on which it is placed. 7'6" min.
Upper Story Commercial	May have one protecting sign or one suspended sign located at the first floor entrance, but not both.

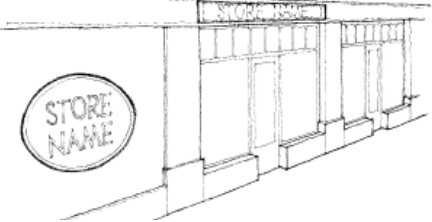
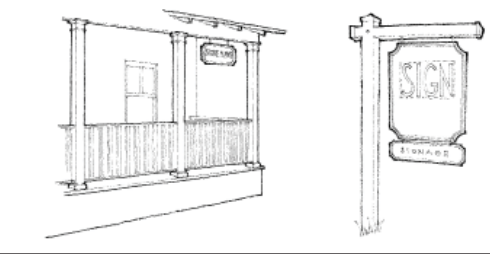
Table 22.4.55: Wall Sign Type	
<i>Description</i>	
<p>Wall Sign. Wall Signs consist of individual cut or painted letters or graphics applied directly to the façade of a building, or applied to a signboard that is then attached flat against the façade of the building. Wall signs do not protrude beyond the roof line or cornice of a building. The Wall Sign primarily consists of two sub-types, the Band Sign and the Board Sign.</p>	
<p>Band Sign. A sub-type of the Wall Sign, a Band Sign is located directly above the main entrance and runs horizontally along the “expression line” or entablature of the building.</p>	
<p>Board Sign. A sub-type of the Wall Sign, a Board Sign may be attached to any part of a building’s façade.</p>	
<i>Permitted Zones</i>	
T4-E, T4-O, T4-C, T5-C, T5-H, M, M-1; excluding lots with single family and two family residential uses.	
<i>Standards</i>	
<i>Size</i>	
<p><b>Aggregate Signable Area:</b> Aggregate Signable Area: Primary / Secondary Façade 80 ft. wide or less. Primary / Secondary Façade &gt; 80 ft. or &lt; 14 ft. wide. Each Auxiliary façade.</p>	<p>1 sf. per linear ft. of shopfront width up to 80 sf. max. 1.5 sf. per linear ft. of shopfront width up to 120 sf. max. .5 sf. per linear ft. of shopfront width up to 80 sf. max.</p>
<p><b>Width:</b> Sign Width.</p>	Shopfront width, max.
<p><b>Height:</b> Sign Height.</p>	12" min.; 5' max.
<p>Projection from facade: Letter Depth. Raceway Depth.</p>	<p>8" max. 8" max.</p>
<i>Location</i>	
<b>Signs per Building:</b>	
<p>Façade 0 – 80 ft. wide. Façade &gt; 80 ft. wide.</p>	<p>Per aggregate signable area. Per aggregate signable area.</p>
<b>Upper Story Business:</b>	

Table 22.4.55: Wall Sign Type	
Retail / Service. All other Uses.	1 sign only, 3 sf. max., located at the entrance. 1 shared sign only, 3 sf. max., located at the entrance.
Remarks	
No part of a Wall Sign shall overhang the property line, except those in the T5-C zoning district, which may overhang the ROW if all other provisions of this article are met. No portion of a Wall Sign shall be located within 8' of electric power lines.	

Table 22.4.56: Yard Sign Type	
Description	
Yard Sign. The Yard Sign is a permanent sign that takes two forms. It may present as a stand-alone sign, sited in the yard between the public right-of-way and the façade of the building; or as a suspended sign, mounted from the porch beam, parallel to the building's façade. The Yard Sign is ideal for lower intensity commercial uses, or any use in which the character of the building or surrounding neighborhood is primarily residential.	
Permitted Zones	
All zones.	
Standards	
Size	
Signable Area	
Area.	6 sf. max.
Width.	36" max.
Height.	36" max.
Location	
Clear Height:	
Mounted on Porch.	6'8" min.
Mounted in Yard.	12" min.
Overall Height:	5' max.
Signs per building:	
Mounting on Porch.	1 per business
Mounted in Yard.	1 max.
Yard Signs shall be parallel or perpendicular to the public ROW, but in no case shall they be located within the ROW.	

**Sec. 22.4.6.G. ADDITIONAL STANDARDS FOR NONCONFORMING SIGNS**

1. Signs that on the effective date of this UDO were approved and legally erected under previous sign restrictions and that became or have become non-conforming with respect to the requirements of this article, may continue in existence subject to the following provisions of this section.
  - (a) No increase in the size of a nonconforming sign shall be permitted.
  - (b) Existing signs that were legally created and which have become nonconforming and do not meet the setback requirements of this article due to road widening may be moved to meet the setback requirement of this article, but shall not be increased in size, shape or changed in any manner, except as to become conforming.
  - (c) In all zoning districts the following nonconforming signs shall be prohibited and shall be removed by the owner:
    - (i) Signs illegally erected or maintained with respect to prior ordinances.
    - (ii) Signs made of paper, cloth or non-durable materials.
    - (iii) Signs located in the public right-of-way (except as permitted by owners of those right-of-ways).

2. Upon the failure to comply with any requirement of this section, the City Planner may cause the removal of such sign at the expense of the owner.
3. Any attempt to add a new technology sign type or tri-vision sign type to a nonconforming sign shall negate its nonconforming status and require removal of the sign structure in its entirety.
4. Minor repairs and maintenance of nonconforming signs, such as electrical repairs or lettering repairs, panel changes or structural repairs (less than or equal to 25 percent of the value of the sign prior to repair) shall be allowed. However, no structural repairs (over 25 percent of the value of the sign prior to repair) or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article; provided that signs damaged by fire, vehicle accident or act of God may be restored to their original condition.
5. Each nonconforming sign shall be identified by the city and each sign owner shall be notified by the city within 180 days of the enactment of this article.
6. The provisions of this section shall be enforced by the City Planner, with the aid of the police department and other city agencies.
7. New signs related to legally established nonconforming uses of property may be erected, provided the signs comply with the applicable provisions of this article.
8. No new sign shall be erected upon an old foundation that is located on a public right-of-way or which would cause any part of the sign to overhang a public right-of-way.
9. If a nonconforming sign is installed on or overhangs any portion of a public right-of-way, the sign and its foundation shall be removed once the commercial entity to which the sign is attached ceases.
10. For any sign on property annexed after the effective date of this article, applications for sign permits bringing all signage into conformance or certifying the sign as nonconforming shall be submitted within three months of the effective date of the annexation or within such period as may be established in the annexation agreement between the city and the landowner.

**Sec. 22.4.6.H. ADDITIONAL STANDARDS FOR MAINTENANCE; APPEARANCE AND INSPECTION OF SIGNS**

1. All signs shall be maintained in good condition so is to present a neat and orderly appearance. The City Planner shall periodically inspect each sign in an attempt to ascertain whether the same is secure or insecure and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.
2. In order to ensure that signs are erected and maintained in a safe and orderly manner, the following maintenance requirements shall be observed for all signs, and any deficiency shall be corrected within 30 working days of being detected:
  - (a) No sign shall have more than 10 percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper;
  - (b) No sign shall stand with visible rust, bent or broken sign facings, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular;
  - (c) No sign shall have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street from which it is to be viewed; and
  - (d) No interior illuminated sign shall stand with only partial illumination.
3. When a commercial entity utilizing a sign is discontinued, all signs related to that entity shall be removed or neutralized within 30 days from the date of discontinuance of the use. Sign cabinets and structures to which another sign face may ultimately be attached can conform to this requirement by (1) painting over the existing sign with a color that harmonizes with the building, (2) removing sign pan faces and replacing them with blank panels, or (3) placing a fitted sign wrap over the cabinet that completely obscures the underlying sign face, is fitted snugly over the existing cabinet, is secured and has no loose or hanging ties, ropes or supports.

**Sec. 22.4.6.I. ENFORCEMENT AND REMOVAL PROCEDURES**

1. The provisions of this article shall be enforced by the City Planner, with the aid of code enforcement, as well as other city agencies.

2. The City Planner shall have full authority to remove, without notice to the owners thereof, and impound for a period of five (5) business days:
  - (a) Signs located on public rights-of-way except signs erected by the jurisdiction controlling the right-of-way;
  - (b) Signs located on city property that are attached to or painted on any telephone pole, light pole, telegraph pole, other than signs erected by the owners of such poles and required for identification or access;
  - (c) Signs attached to or painted on any tree, rock, or other natural object located on city owned property.
3. The City Planner may institute removal procedures after due notice for any sign that shows gross neglect, becomes dilapidated, or is otherwise in violation of this article.
4. The City Planner shall cause to be removed any sign that endangers the public safety, such as abandoned, dangerous or materially, electrically or structurally defective signs or a sign for which no permit has been issued or which is otherwise in violation of this article
5. The City Planner shall prepare a written notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation corrected within a reasonable period of time specified in the notice, not to exceed 30 days, the sign shall be removed in accordance with the provisions of this section.
6. All notices mailed by the City Planner shall be sent by certified mail and first-class mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the certified mail or, if the first class mail is not returned, after three days of mailing. Alternatively, notice may be personally hand-delivered to the sign owner, and notice shall be effective on such date of hand delivery.
7. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign if different than the property owner, and the occupant of the property. If any of such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.
8. Any person having an interest in the sign or the property may appeal the determination of the City Planner ordering removal or compliance by filing a written notice of appeal within 10 business days after receipt of notice.
9. Appeals of decisions by the City Planner, including but not limited to, orders to repair or demolish signs, or denials of administrative adjustments, shall be taken to the city manager or his designee by filing a written notice of appeal within 10 business days of the City Planner's decision. The appeal hearing shall be conducted in accordance with the procedures set out in Section 22.5.3.K.2.
10. In the event no appeal is filed, or appeal is filed and final determination has been made, all signs for which notice of removal or notice to take corrective action has been given shall be removed or brought into compliance within the original time period specified in the notice or within five (5) business days after final determination by the city manager, provided that where permanent signs are installed, the time period may be extended for up to two (2) weeks by the City Planner where removal requires engagement of a sign contractor or other specialized expertise; and provided further that a sign that constitutes an imminent hazard to life may be removed by the city pursuant to subsection (l) without further delay.
11. Any sign removed by the City Planner pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.
12. When it is determined by the City Planner that the sign would cause imminent danger to the public safety, and contact cannot be made with the sign owner or property owner, no written notice will have to be served. In this emergency situation, the City Planner shall document the imminent danger and his or her attempts to contact the sign owner and property owner, and may correct the danger, all costs being charged to the sign owner and property owner.

13. If it is necessary for the City Planner to remove the sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, he may sell the same at public or private sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Where the proceeds derived from such a sale are less than the cost of removal, such deficiency shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.
14. In the event any sign regulated by this article is proposed to be erected, constructed, altered, converted or used in violation of any provision of this article, the City Planner may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this article, requiring the presence of the violator in the municipal court.
15. The City Planner may also institute action for injunctive relief or other appropriate action or proceeding to prevent such unlawfully erection, construction, alteration, conversion or use or to correct or abate such violation.

**Sec. 22.4.6.J. ADMINISTRATIVE ADJUSTMENTS**

1. No adjustment shall be allowed from any dimensional, material, structural, or durational requirement of this article, except that the City Planner may grant an administrative adjustment of up to 10 percent from the dimensional standards of this article, provided the resulting signage is consistent with the purpose of this article, and the proposed adjustment will account for decreased effectiveness clearly resulting from:
  - (a) Natural conditions;
  - (b) Lot configuration;
  - (c) The presence of easements or rights-of-way; or
  - (d) A threat to public safety.
2. No adjustment under this section shall be allowed where the hardship is the result of the owner's or applicant's actions.

**Sec. 22.4.6.K. ADDITIONAL STANDARDS FOR SEVERABILITY**

In the event a court of competent jurisdiction finds that any section, sentence, clause or phrase of this article is void, such invalidity shall not affect the remaining sections, sentences, clauses or phrases of this article. The offending provisions shall be severed from the article and the remainder of the article shall continue in full force and effect.

## SECTION 22.4.7 ACCESS, CIRCULATION, AND CONNECTIVITY

All development and redevelopment in the City shall comply with the following standards. If the provisions of this Section 22.4.1 conflict with the provisions of 22.2.5.F (Form-Based Zoning Standards) applicable to the MU-FBC zone district, the provisions of 22.2.5.F shall apply.

### Sec. 22.4.7.A. PURPOSE

The purpose of the standards in this Section 22.4.7 is to reduce the number and length of automobile trips and related greenhouse gas emissions by encouraging walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment, and by providing for shorter and more direct routes between many destinations.

### Sec. 22.4.7.B. GENERAL STANDARDS APPLICABLE TO ALL APPLICATIONS

1. In addition to the standards set forth in this Section, all applications shall comply with all applicable local, state, and federal regulations.
2. Unless otherwise provided in this UDO, a sidewalk of at least five feet in width shall be installed along each street frontage. Each sidewalk shall align with any existing sidewalks along the street frontages of adjacent properties. At least four feet of sidewalk width shall be maintained free of obstacles to free pedestrian passage, including but not limited to planters, hydrants, utility boxes, dining furniture or enclosures, light poles, and signs.
3. Each required street, alley, driveway, sidewalk, walkway, and bicycle route shall comply with the City's adopted design, engineering, and construction standards, as amended, as well as the requirements of the Americans with Disabilities Act (42 U.S.C. 12101 et. seq.).
4. All "places of public accommodation," as defined in the federal Americans with Disabilities Act (42 U.S.C. 12101 et. seq.) shall comply with the requirements of that act concerning on-site circulation and access.
5. Where the City or another entity is implementing a federally funded program in support of walkability, and that program includes a sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment involving residential uses, the project design shall allow citizens to access the route in a convenient and relatively direct manner.
6. These standards shall apply to all form-based districts unless addressed within the form-based standards, in which case the form-based standards shall apply.

### Sec. 22.4.7.C. STANDARDS APPLICABLE DURING SUBDIVISION OF LAND

1. Streets shall be designed to allow the continuation of the existing local, collector, and arterial street network through the subdivision to the maximum extent practicable.
2. In portions of the City where adjacent blocks contain alleys, alleys with the same orientation and alignment shall be included in the subdivision design.
3. A maximum of 30 lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise authorized by the Thomasville Fire Rescue.
4. The design of each new subdivision street shall comply with the dimensions shown in the City's adopted design, engineering, and construction standards.
5. Each new street shall be designed to incorporate stormwater retention, detention, and/or infiltration features to the maximum extent practicable in order to reduce combined sewer overflows during heavy rainfall events.
6. Street signs shall be installed at each new street intersection and at each point at which a subdivision street meets an existing boundary street, unless a street sign already exists in that location.
7. All subdivisions that include a new street shall provide street lights at each access point to the existing street network, at each street intersection within the subdivision, and along each subdivision street at a maximum spacing of 250 feet, unless otherwise determined by the Planning and Zoning Commission during subdivision review based on considerations of automobile, bicycle, and pedestrian safety.
8. Access to every subdivision shall be provided over a public street.

9. All streets and other features of the street and traffic plan of the city shall be platted by the subdivision in the location and to the dimension indicated on the major street plan adopted by the planning commission. When features of other plans adopted by the planning commission (such as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a land subdivision such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
10. All street layouts are to be according to recognized planning standards to provide for connection of adjoining areas, traffic circulation, utility connections and to facilitate normal municipal functions such as garbage pickup.
11. Existing streets shall be continued at the same or greater width but in no case less than the required width.
12. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
13. Except where topographic or other conditions make a greater length impracticable, cul-de-sacs, or dead-end streets, shall not be greater in length than eight hundred (800) feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.
14. Alleys may be required at the rear of all lots used for multifamily, commercial, or industrial developments but shall not be provided in one-family and two-family residential developments unless the subdivider provides evidence satisfactory to the planning commission of the need for alleys.
15. Reserve strips controlling access to streets, alleys, and public grounds shall not be permitted unless their control is placed in the hands of the city council, under conditions approved by the city council.
16. Street right-of-way widths.  
The right-of-way width shall be the distance across a street at right angles from property line to property line. Minimum street right-of-way widths shall be as follows:
  - (a) Regional thoroughfares, eighty-six (86) feet; major thoroughfares, eighty (80) feet; secondary thoroughfares, seventy (70) feet; and collector streets, sixty (60) feet as given in the street and traffic plan of the city.
  - (b) Minor streets and dead-end streets, sixty (60) feet with curb and gutter, and seventy (70) feet without curb and gutter.
  - (c) Alleys, twenty (20) feet, where allowed.
17. Street pavement widths.  
Street pavement widths shall be as follows:
  - (a) Regional thoroughfares, sixty-eight (68) feet; major thoroughfares, sixty-four (64) feet; secondary thoroughfares, fifty-two (52) feet; and collector streets, thirty-four (34) feet as given in the street and traffic plan of the city. This is not intended to prevent the city through its city council from using stage development to accomplish the final conformance with these standards;
  - (b) Minor streets, thirty-two (32) feet if curbs are to be used; twenty-four (24) feet without curb and gutter;
  - (c) Cul-de-sac or dead-end streets, twenty-eight (28) feet if curbs are to be used; twenty-four (24) feet without curb and gutter; and
  - (d) Alleys, sixteen (16) feet.
18. Street grades.  
Maximum and minimum street and ditch grades shall be as follows:
  - (a) Regional thoroughfares, major thoroughfares, secondary thoroughfares as shown on the street and traffic plan of the city, not in excess of seven (7) percent;
  - (b) Collector streets, not in excess of ten (10) percent;
  - (c) Minor streets and dead-end streets and alleys, not in excess of fourteen (14) percent;
  - (d) No street grade shall be less than one-half of one (1) percent.
19. Horizontal curvature.
  - (a) The minimum radii of centerline curvature shall be as follows:

- (i) Regional thoroughfares, major thoroughfares, secondary thoroughfares as shown on the street and traffic plan of the city, eight hundred (800) feet;
- (ii) Collector streets, two hundred (200) feet;
- (iii) Minor streets and dead-end streets and alleys, one hundred (100) feet.

(b) Whenever a change in alignment occurs in the street except at street intersections, curves shall be required.

20. Tangents.

Between reverse curves, there shall be a tangent having a length not less than the following (see Illustration 6 on file in city, Ordinance Book 5, page 34):

- (a) Regional thoroughfares, major thoroughfares, secondary thoroughfares as shown on the street and traffic plan of the city, two hundred (200) feet.
- (b) Collector streets and minor streets, one hundred (100) feet.

21. Street intersections.

Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than sixty (60) degrees unless required by unusual circumstances.

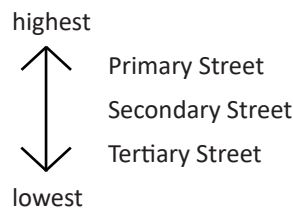
22. Curblin radius.

The curblin radius at street intersections shall be at least fifteen (15) feet. Where the angle of street intersection is less than ninety (90) degrees, a longer radius may be required.

**Sec. 22.4.7.D. STANDARDS APPLICABLE ON PLATTED LOTS IN THE MU-FBC DISTRICT**

**1. STREET HIERARCHY**

On each parcel that has multiple street frontages, a street hierarchy will determine the highest priority (primary) street frontage where the Front Build-to Zone or Setback shall apply. Along the lower priority frontages, the side or rear (secondary) Build-to Zones or Setbacks shall apply. The designated street hierarchy for the form-based districts is as follows:



**2. GENERAL STANDARDS**

Potential new street / thoroughfare connections are identified on the MU-FBC district Regulating Plans. The precise location and alignment of new thoroughfares may be adjusted to allow flexibility in the design of the development plan, but the number of connections provided to surrounding parcels shall not be reduced.

**Sec. 22.4.7.E. STANDARDS APPLICABLE ON PLATTED LOTS IN ALL ZONE DISTRICTS**

The design of new streets and modifications to existing streets shall comply with the following requirements:

**1. GENERAL STANDARDS**

- (a) All thoroughfares shall connect to other streets.
- (b) Cul-de-sacs and T-turnarounds are not permitted.
- (c) Dead-end streets are only permitted when the adjacent property has not been developed or redeveloped.
- (d) All streets shall have at least two travel lanes, one in each direction; however, streets around squares may have one travel lane with one-way traffic.
- (e) Where possible, there shall be parking lanes that can be used for on-street parking, "drop off" areas, valet stands, or bus stops.



- (f) On-street parking lanes shall not be closer than 20 feet to intersections measured from the intersecting lot lines.
- (g) All sidewalks shall have a minimum width of five feet, and a continuous unobstructed area of a width no less than 4 feet. This area shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures.
- (h) With the exception of fire hydrants, utilities shall run underground and above-ground projections of utilities shall be placed in or along rights-of-way of streets of lower street hierarchy or along utility easements at the rear of the lot to the maximum extent practicable.
- (i) Curb Radius
  - (i) Streets with on-street parking shall have curb radii of 15 feet maximum. The effective turning radius is larger than the curb radius when parking is present. Thus, the turning radius is effectively 30 plus feet when the curb radius is 15 feet.
  - (ii) Corners without on-street parking require the turn and curb radii to be similar to the turning radii, with the curb radius between 20 feet and 30 feet.
- (j) Alleys
  - (i) Where possible, alleys shall be used for access to parking and services at the rear of lots, and shall comply with the dimensions shown in the table below.

Table 22.4.57: Alley Requirements		
Alley Type	ROW	Pavement Width
Residential	20 ft. max	12 - 18 ft.
Non-residential	20 ft. max	18 - 20 ft.

- (ii) Where an alley provides access to a block with both residential and nonresidential uses, the alley shall be built to the nonresidential standard.
- (iii) Alleys shall meet the street with a design and construction allowing the sidewalk to continue uninterrupted across a drive with a fixed elevation for pedestrians.

**2. SUBURBAN NEIGHBORHOOD DISTRICTS**

- (a) Direct access to individual single-family detached, two-family detached, and townhouse residential lots may only be taken from local streets. Where such lots front an arterial or collector street, access to individual lots should be from an alley or local street, as available. Where alleys provide rear access, no curb cuts, driveways or access shall be permitted from the front.
- (b) Curb cuts serving driveways used to access individual single-family detached, two-family detached, and townhouse residential lots shall not exceed 12 feet in width. Once the driveway extends into the lot beyond the sidewalk, it may widen to a driveway/parking area that complies with Section 22.4.3(4)(c) (Parking Restrictions).
- (c) Direct access to a multi-family residential structure or group of structures shall not be from a local street, but shall instead be from an alley or an arterial or collector street, unless no practicable alternative exists.
- (d) Single lane driveways to a multi-family residential structure or group of structures shall not exceed 12 feet in width. Double lane driveways to a multi-family residential structure or group of structures shall not exceed 20 feet in width.
- (e) Location and spacing of access points to individual lots containing residential uses shall comply with the standards in the City’s adopted design, engineering, and construction standards.
- (f) Where alleys provide rear access, no curb cuts, driveways, or access shall be permitted from the front.

**3. TRADITIONAL AND SPECIAL PURPOSE DISTRICTS**

- (a) Direct access to a lot containing a primary structure or group of structures shall not be from a local street, but shall instead be from an alley or an arterial or collector street, unless no practicable alternative exists.

- (b) Driveways to a lot containing a primary structure or group of structures shall not exceed 20 feet in width.
- (c) Where more than four primary structures are located on a lot, internal streets or driveways shall be located to allow vehicle access between individual primary buildings and parking areas to avoid the need to use public boundary streets to move between different buildings or areas of the development site.
- (d) Where more than one primary structure is located on a lot, internal sidewalks or walkways shall be located to allow pedestrian access between individual principal buildings and parking areas and from individual principal buildings to the closest sidewalk along the boundary of the lot.
- (e) Where a lot in the M or M-1 district contains multiple principal structures, and a Suburban Neighborhood district is located across a street from the M or M-1 lot boundary, entries serving the M or M-1 lot shall be placed out of alignment with streets or internal driveways serving the Suburban Neighborhood district to keep heavy commercial traffic out of residential neighborhoods.
- (f) When a lot abuts public open space that includes existing or planned trails, a direct pedestrian connection from the development to the existing or planned trail shall be provided.

## SECTION 22.4.8 SUBDIVISION OF LAND

### Sec. 22.4.8.A. APPLICABILITY

The standards in this Section 22.4.8 shall apply to land in all zone districts whenever land is subdivided or re-subdivided to create or change the boundaries of parcels for development or redevelopment, and when two or more platted lots are consolidated to create a larger parcel for development or redevelopment, unless exempted by another provision of this UDO. However, that the following are not applicable:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality;
2. The division of land into parcels of five (5) acres or more where no new street is involved;
3. The division of land into three (3) parcels or fewer where no new street is involved and the resultant lots are equal to the standard of the municipality or county in which the division of land is being made, provided sufficient land has been deeded to the city to provide an adequate right-of-way on the existing street involved according to the standards of the city's street and traffic plan.

### Sec. 22.4.8.B. PURPOSE

This section is enacted pursuant to the authority contained in the General Planning and Zoning Enabling Act of 1957 (1957 Georgia Laws, p. 240), for the following purposes:

1. To encourage economically sound and stable land development;
2. To assure the provision of required streets, utilities, and other facilities of land developments;
3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments;
4. To assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, education and other public purposes
5. To assure that land is developed in conformity with the master plan of the city.

### Sec. 22.4.8.C. GENERAL STANDARDS

1. Each subdivision shall be consistent with the adopted Comprehensive Plan and shall comply with all applicable standards in this UDO for properties located in the zone district where the property is located, as shown on the official Zoning Map.
2. These standards shall apply to all form-based districts unless addressed within the form-based standards in which case the form-based standards will prevail.
3. Whenever the provisions of this section and those of some other ordinance or statute apply to the same subject matter that ordinance requiring the highest, or more strict, standard shall govern.
4. Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction unless the hazards can be and are corrected. All lots are to be platted in such a manner that each lot will be suitable for building by including any unsuitable land in a lot with suitable land adjoining or by correcting the problem that makes the land unsuitable.
5. The requirements of this section may be modified in the case of a large-scale community or neighborhood unit, such as a housing project or shopping center which is not subdivided into customary lots, blocks, and streets if the development is approved by the planning commission and if it is in conformity with the purpose and intent of this chapter.

### Sec. 22.4.8.D. AVOIDANCE OF SENSITIVE AREAS

All subdivisions shall be designed to avoid the placement of development lots on sensitive lands, including but not limited to areas within the FP-O district, wetlands, steep slopes, and rock formations.

#### 1. LAND ANALYSIS MAP

- (a) Each applicant for subdivision or re-subdivision of a land area of five acres or more, either alone or contiguous with another subdivision by the same applicant, shall first prepare a Land Analysis Map identifying sensitive lands to be protected from development.
- (b) The Land Analysis Map shall identify as sensitive lands to be protected from development all of the following:
  - (i) Any lands designated as floodway or flood fringe in the FP-O Floodplain Overlay district;
  - (ii) Wetland areas, including but not limited to Waters of the United States under the jurisdiction of the US Army Corps of Engineers, and freshwater wetlands and streams subject to the jurisdiction of the Georgia State Department of Natural Resources;
  - (iii) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway that exceeds two feet in width at any time of year;
  - (iv) Steep slopes, which shall include all land with an average vertical slope of 25% or more, measured from top-of-slope to foot-of-slope;
  - (v) Areas containing cultural resources, including but not limited to structures designated by the National Register of Historic Places;
  - (vi) Any lands identified as unstable soils or designated by the state or a governmental agency as unsuitable for development; and
  - (vii) Any lands identified as habitat for species listed as threatened or endangered by the state or federal governments.

## 2. AVOIDANCE OF SENSITIVE LANDS

Each subdivision or re-subdivision shall be designed so that:

- (a) No lot for development or redevelopment includes any land designated as sensitive lands on the Land Analysis Map to the greatest degree practicable; and
- (b) If any lot does include land such sensitive lands, the subdivision plat restricts construction of permanent structures to a designated building envelope area on that lot that does not include any designated sensitive land areas; and
- (c) Street crossings of sensitive land areas are minimized to the maximum extent practicable.

## 3. ADJUSTMENT OF MINIMUM LOT SIZES

If the avoidance any sensitive lands other than floodways and flood fringe areas in the FP-O district results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the applicant may adjust the minimum lot size or lot width of lots in the subdivision by up to twenty-five percent in order to include as many lots as would have been possible if those sensitive lands were not avoided. No adjustment of minimum lot sizes or widths shall be made for avoidance of floodway or flood fringe areas.

### Sec. 22.4.8.E. LOTS AND BLOCKS

All lots shall comply with all requirements of this UDO for the zone district(s) and any overlay district(s) in which the property is located, as those requirements may be adjusted by other provisions of this UDO, except for the following:

#### 1. BLOCK LENGTHS AND WIDTHS.

Block lengths and widths shall be as follows:

- (a) Block lengths shall be not greater than one thousand eight hundred (1,800) feet nor less than six hundred (600) feet, except in unusual circumstances.
- (b) Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets, limited-access highways, or railroads or where other situations make this requirement impracticable.

#### 2. LOT SIZES

- (a) Residential lots shall meet the lot width and lot area requirements of the zoning chapter.

- (b) Where individual septic tanks are used, the chief building official shall prescribe minimum lot sizes to conform to health standards; provided, however, that lots shall never be less than the minimum size prescribed by the zoning chapter. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use intended.
- (c) Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.

### 3. LOT LINES

All lot lines shall be perpendicular or radial to street lines unless not practicable because of topographic or other features. (See Illustration 11 on file in city, Ordinance Book 5, page 36.)

### 4. BUILDING LINES

A building line meeting the front-yard setback requirements of the zoning ordinance shall be established on all lots.

### 5. LOTS ABUTTING PUBLIC STREETS

Each lot shall abut upon a dedicated public street. All platted lots shall have actual frontage upon a street, unless the City Planner determines that due to topography, utilities, or other site-specific features, actual street frontage is not feasible and that lot access through an irrevocable access easement will not harm the public health, safety, or welfare. The form of the irrevocable access easement must be acceptable to the City Council.

### 6. DOUBLE AND REVERSE FRONTAGE LOTS.

Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

## Sec. 22.4.8.F. STREETS, ALLEYS AND SIDEWALKS

The subdivision shall comply with those standards applicable to the subdivision of land in Section 22.4.7 (Access, Circulation, and Connectivity).

## Sec. 22.4.8.G. OPEN SPACE

1. If a new subdivision will contain more than 20 residential dwelling units, or a resubdivision of land will increase the residential density of the subdivision by more than 20 dwelling units, the developer shall either donate land or make a payment to the City for the provision of open space benefitting the subdivision.
2. The Planning and Zoning Commission shall determine whether a donation of land, a payment in lieu of land dedication, or a combination of both, will be required, based on which will best meet the needs of the subdivision residents.
3. If a land dedication is required:
  - (a) The amount of land required shall not exceed:
    - (i) Ten percent of the gross area of the subdivision; or
    - (ii) That amount needed to serve the residents of the subdivision with open space at the same level enjoyed, on average, by other residents of the City, whichever is less.
  - (b) The land dedicated shall not be located in the FP-O district, and shall not include any environmentally sensitive lands described in Section 22.4.8.D.1 unless the Board determines that the inclusion of those areas are more consistent with the Comprehensive Plan than the inclusion of alternative areas, and that the inclusion of those areas will not harm the public health, safety, or welfare.
4. If a payment-in-lieu is required:
  - (a) The payment shall not exceed:
    - (i) Ten percent of full value of the land to be subdivided; or
    - (ii) That amount needed to acquire land needed to serve the residents of the subdivision with open space at the same level enjoyed, on average, by other residents of the City, whichever is less.

- (b) All funds received shall constitute a trust fund to be used by the City Council exclusively for open space, neighborhood park, playground or recreation purposes, which may include the acquisition of land, the construction of facilities, or both.

**Sec. 22.4.8.H. RECREATION VEHICLE PARKS**

1. Recreation vehicle parks are permitted pursuant to the following regulations.
2. Recreation vehicle parks or both will be permitted only upon the approval of location by the planning commission. Such approval will be based upon but not necessarily limited to being an acceptable location with reference to the following criteria:
  - (a) Environmental compatibility;
  - (b) Availability of community facilities, utilities and services;
  - (c) Traffic hazards; and
  - (d) Suitability of the site for such development.
3. An applicant may make application for approval of a site by sending to the city planning director a certified letter, at least ten (10) days prior to the regular meeting of the planning commission, which outlines the request. The request shall state whether the petitioner desires the approval of a site for the construction of a recreation vehicle park. It shall also include an adequate description of the property proposed, including the acreage of the property. The request shall also include the name and address of the person to be notified of the hearing.
4. The planning commission will approve the location of a recreation vehicle park only after a public hearing has been held.
5. After the planning and zoning commission has approved the location of the site, the development plan must be approved by the planning and zoning commission before development can begin. To secure approval of the development plan, submit a letter of request by registered mail to the city planning director at least ten (10) days prior to the next regular meeting of the planning and zoning commission, including four (4) copies of the scaled drawings that give all the information as required by this section, including plans for the required improvements. Include the name and address of the person to be notified of the hearing.

**6. GENERAL REQUIREMENTS FOR RECREATION VEHICLE PARKS**

General requirements that must be met for development of a recreation vehicle park are as follows:

- (i) The minimum gross area of a recreation vehicle park shall be five (5) acres, and it shall front on a street designated as a major thoroughfare according to the street and traffic or major thoroughfare plan of the city.
- (ii) No recreation vehicle or camping trailer or other such unit shall be located closer than fifty (50) feet from the right-of-way of any public street or highway. No unit may be located less than thirty (30) feet from the centerline of any interior street in the park. No unit shall be allowed within one hundred (100) feet of an existing residence.
- (iii) A dense green belt of evergreen trees or shrubs or both not less than six (6) feet high after one (1) growing season and which at maturity is not less than twelve (12) feet high shall be located and effectively maintained at all times along all park boundary lines except the street side.
- (iv) Each park shall provide a recreational area equal in size to at least eight (8) percent of the gross area of the park. Streets, roads, drives, parking areas, required setbacks and park service facility areas shall not be included in the required recreational area. The recreational areas must be land that is usable for the purpose and not, for example, low wetland.
- (v) Coin-operated laundries, laundry and dry cleaning pick-up stations and other commercial convenience establishments may be permitted in the recreation vehicle park provided:
  - 1) They are subordinate to the residential character of the park.
  - 2) They are located, designed and intended to serve only the needs of persons living in the park.

- 3) Sufficient parking as normally required for the type of business is provided; however, no more than ten (10) percent of the total amount of the park is used for a combination of these establishments and their parking, and
- 4) The establishment shall present no visible evidence of their commercial nature to the areas outside the park.
- (vi) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- (vii) Each recreation vehicle site shall have a minimum width of forty (40) feet and, if situated on a public street corner, it shall have an additional width above forty (40) feet to provide for the additional street setback.
- (viii) Recreation vehicle travel trailer and camper stands shall be designed to provide an average of at least twenty-five (25) feet between units, and provided further that no unit or part of its structure shall be closer than fifteen (15) feet to any other unit or any part of its structure. Each unit shall be located at least ten (10) feet from the green belt.
- (ix) Each recreation vehicle, travel trailer or camper trailer site shall be provided with a stand adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

#### 7. IMPROVEMENTS REQUIRED FOR RECREATION VEHICLE PARKS

- (a) Improvements required for development of a recreation vehicle park are as follows:
  - (i) Sanitary sewers: The recreation vehicle park shall be provided with an adequate sanitary sewer system that complies with the requirements of the state health department and the City so that each recreation vehicle or travel trailer stand and buildings are sewerred.
  - (ii) Interior Streets or Roads: Streets dedicated to the public use shall be planned and developed in accordance with the land subdivision ordinance of the city. In general, however, streets within a recreation vehicle park shall be privately owned, constructed, paved and maintained. Such streets shall be well drained, provided with a minimum paved surface of twelve (12) feet for one-way streets and twenty-four (24) feet for two-way streets and meet the requirements of the City engineer.
  - (iii) Water: A potable water supply and system meeting the requirements of the state health department and the city shall be provided by the park owner.
  - (iv) Easements: Publicly dedicated easements of proper size for their intended purpose shall be provided within the park.
  - (v) Utility Placement: All water, sewer or gas lines shall be buried a minimum of twenty-four (24) inches below the finished ground surface of the park and shall be provided with adequate valve systems to allow the cutoff of utility service to a recreation vehicle stand at the recreation vehicle stand and at the entrance of the utility service from the stand to the trunk line of a utility system. If overhead service lines are provided within the park, such lines shall be a minimum of eighteen (18) feet above the grades of the interior streets (except that a fourteen-foot minimum be maintained at the service entrance).
  - (vi) Lighting: All park streets, pedestrian easements and areas around commercial buildings when allowed shall be illuminated to at least 0.3 foot candles.
  - (vii) Garbage and Refuse: Adequate garbage and refuse containers, maintained attractively in a rodent and vermin proof condition, shall be easily accessible to the pickup vehicle and within or easily accessible to each recreation vehicle stand, each commercial building and in sufficient number and placement for recreation areas.
  - (viii) Electrical Power Supply: Each stand shall be provided with an adequate, properly grounded waterproofed electrical receptacle with a minimum rated capacity of one hundred (100) amperes.
  - (ix) Entrances and Exits: Entrances and exits shall meet the standards of the state highway department.
- (b) All of the above improvements shall be done in strict accordance with the ordinances and standards of the city and approval of the appropriate city officials.

- (c) The fee for issuing such permit and inspection by the city to see that the work is done in accordance with these regulations shall be five dollars (\$5.00) for each such permit issued. No permit shall be required for city work done by city crews. City permits for work on state highway rights-of-way shall only be issued contingent upon approval of the work by the state department of transportation.

**Sec. 22.4.8.I. EASEMENTS.**

- 1. Easements having a minimum width of fifteen (15) feet and located along the side or rear lot lines shall be provided as required for utility lines, and underground mains and cables, and pipe for drainage from street to watercourse along lot lines, and for sanitary sewer lines as required according to the terms and conditions of Section 22.4.8.J.6.

**Sec. 22.4.8.J. REQUIRED IMPROVEMENTS**

**1. MONUMENTS**

Concrete monuments at least thirty (30) inches in length and four (4) inches square with a suitable center point shall be provided at all intersections or rights-of-way at street intersections and changes of direction in streets and metal markers one-half inch in diameter and thirty (30) inches long at all lot corners.

**2. CLEARING AND GRUBBING OF STREET RIGHT-OF-WAY**

Clear and grub the entire street right- of-way.

**3. PAVING WITH CURBS AND GUTTERS**

The subdivider shall grade, pave and construct street paving, with curb and gutter, in accordance with current city specifications. Standard paved drives and all necessary street drainage, including storm sewers outside the street right-of-way, shall be constructed by the subdivider, at his expense, in accordance with city regulations and standards, as determined by the city engineer.

**4. STRIP PAVING.**

When, in the sole judgment of the city council, unusual conditions exist that make the cost of construction of streets with curb and gutter exorbitant or clearly not in the public interest, then, and only then, may the city council permit the subdivider to construct strip paving in lieu of construction required by subsection (3) above.

**5. STORM DRAINAGE**

Adequate drainage shall be provided by the subdivider and fulfill the requirements of the FP-O, if applicable, and the following criteria:

- (a) Storm sewers and/or ditches shall be designed to carry not less than the stormwater from a rainfall expected to occur once in twenty-five (25) years with a runoff factor of eighty-five (85) percent for pavements and buildings, twenty (20) percent for sandy soil, and forty (40) percent for soil with clay subgrade or surface. Storm drainage design shall be based upon the rational formula.
- (b) All drainage calculations shall accompany the street profiles and shall be in a form easily checked.
- (c) Where stormwater must be drained from the street across private property to natural drains, same shall be piped from the street one hundred (100) feet toward the natural drains. A drainage easement shall be provided fifteen (15) feet wide for maintenance. Where storm sewers cannot be covered, a concrete ditch will be provided of sufficient capacity to handle the water expected as outlined in a.
- (d) All pipes installed shall be class III reinforced concrete pipe, except where pipes larger than thirty-six (36) inch diameter are required; approved corrugated metal culverts or bridges may be installed. No wood bridge will be allowed. Corrugated metal pipe shall be asphalt coated and invert paved and be the gauge as recommended by the manufacturer for installation involved.
- (e) Endwalls or inlets, whichever is appropriate, shall be constructed on the ends of all pipes installed under the provisions of this article. The endwalls and inlets shall be placed and constructed in accordance to the then current city standards used in the design and the construction of other street improvements projects (street paving).
- (f) Wherever streets are strip paved, all ditches that are over three (3) feet deep (with reference to the shoulder) will be culverted and catch basins installed not more than one hundred (100) feet apart in accordance with city engineer requirements.



- (g) All ditches shall be dug with a minimum grade of five-tenths percent, and a maximum of six (6) percent.
- (h) Ditch bottoms shall be constructed according to typical section as provided by the city engineer.
- (i) Front and rear slopes of all ditches shall be sloped uniformly from the bottom of the ditches on a slope not to exceed two (2) feet horizontally to one (1) foot vertically.
- (j) Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there may be required an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs as requested by the city engineer.
- (k) Ditches shall be dug to a minimum depth of eighteen (18) inches where driveway culverts will be replaced. The construction will be supervised by the city engineer and must be approved by him.

## **6. SANITARY SEWERS**

The subdivider shall install sanitary sewers in accordance with standards adopted and prescribed by the city engineer and the requirements of the FP-O, if applicable; however, the city council, in its sole discretion, may waive the requirement that sewers be installed when it is the judgment of the city council that such installation is prohibitively costly to the subdivider. In instances where the city council waives the installation of sanitary sewers, the subdivider, as a condition precedent to the acceptance of the subdivision by the city, must provide easements for the later installation of sanitary sewers. Extension of the sanitary sewer system within a new development will be the expense of the developer. Extensions to the development that may result in other service opportunities may be credited or provided by the City as evaluated for each new development. Whenever a private sewage-disposal system or septic tank or both shall be constructed for the securing of any establishment, such construction shall be performed to meet the requirements of Chapter 290-5-26, On-site Sewage Management Systems, of the Rules of the Georgia Department of Human Resources, in effect at the time of construction.

## **7. WATER MAINS AND FIRE HYDRANTS**

The subdivider shall install water mains and fire hydrants in accordance with standards adopted and prescribed by the city engineer. Extension of the water system within a new development will be the expense of the developer. Extensions to the development that may result in other service opportunities may be credited or provided by the City as evaluated for each new development.

## **8. GAS MAINS**

The subdivider may elect to install gas mains, in accordance with standards adopted and prescribed by the city engineer. Extension of the natural gas system within a new development will be the expense of the developer. Extensions to the development that may result in other service opportunities may be credited or provided by the City as evaluated for each new development.

## **9. ELECTRIC SERVICE**

The developer shall install, at the developer's expense, all infrastructure necessary to connect each subdivision lot to the electric service system. All required connections shall comply with the City's adopted design, engineering, and construction standards, as amended.

## **10. UNDERGROUND UTILITIES**

With the exception of fire hydrants, utilities shall run underground, unless the City determines that is impracticable due to the location and design of utilities to which the subdivision must connect.

## **11. IMPROVEMENTS OR BOND**

Before consideration of a final plat of a subdivision, the planning commission must be satisfied that all improvements required by this chapter have been constructed. In lieu of the completion of the improvements, the applicant shall file with the city a surety bond conditioned to secure the construction of the improvements required by this chapter in a manner satisfactory to the city and within a period of time not to exceed one (1) year from date of approval of the final plat, provided, however, that the planning commission shall have authority to extend such period of time not to exceed three (3) years. The amount of the bond shall be in an amount equal to one hundred ten (110) percent of the estimated cost of the construction of the improvements required by this chapter, such estimate to be made by the city engineer. The surety will be subject to the condition that the required improvements will be completed within twelve (12) months after approval of the final plat, and if they are not completed, the city may proceed with the work and hold the applicant and the surety jointly and severally

responsible for the costs thereof. Such bond shall be executed by a corporate surety company authorized to do business in the state, holding a certificate of authority from the Secretary of the Treasury of the United States as acceptable sureties on federal bonds, and executed and issued by a resident agent licensed and having an office in the state, representing such corporate surety. As an alternative to the surety bond, the applicant may deposit with the city a certified check made payable to the City of Thomasville or issue a letter of credit to the City of Thomasville from a financial institution approved by the city manager, such letter of credit to be in a form approved by the city attorney. The amount of the certified check or letter of credit shall be the same as would otherwise be required for the surety bond as set forth above.

**12. IMPROVEMENTS TO BE INSTALLED BY THE CITY**

- (a) One (1) street name marker shall be provided at the corner of all street intersections.
- (b) Adequate overhead power transmission lines will be installed prior to the paving. The subdivider must see that the Thomasville Utilities is informed in time to coordinate this portion of the work.

## SECTION 22.4.9 OPERATING AND MAINTENANCE

### Sec. 22.4.9.A. OPERATING STANDARDS

1. All structures, uses, and activities in all zone districts shall be used or occupied to avoid creating any dangerous, injurious, noxious or otherwise objectionable conditions that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this UDO are presumed to be a violation of this Section 22.4.9 and shall be subject to the penalties of Article 22.7 (Enforcement and Penalties). Property owner responsibilities under this section shall include, but shall not be limited to, the following standards:

#### (a) ELECTROMAGNETIC RADIATION

No use or activity shall create or operate an intentional source of electromagnetic radiation that does not comply with the then current regulations of the Federal Communications Commission regarding that type of electromagnetic radiation source.

#### (b) EMISSIONS

No emission of toxic gases or other forms of air pollution may be permitted that can cause any damage to human or animal health, vegetation or other properties.

#### (c) GLARE

In addition to complying with the requirements of Section 22.4.5 (Outdoor Lighting), all uses and activities shall be conducted so that direct or reflected glare, including glare from exterior lighting or high-temperature processes (such as combustion or welding), shall not be visible beyond the lot line.

#### (d) HAZARDOUS MATERIALS

All uses and activities shall comply with state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous waters, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

#### (e) MATERIALS AND WASTE HANDLING

All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this UDO. Lubrication and fuel substances shall be prevented from leaking and/or draining onto the ground or into the soil. All sewages and industrial wastes shall be treated and disposed of in compliance with all applicable state and federal government water quality standards.

#### (f) NOISE

All activities shall comply with state law regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from properties, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event.

#### (g) NUCLEAR RADIATION

No use or activity shall cause radiation at any lot line in violation of any applicable United States Nuclear Regulatory Commission regulations.

#### (h) ODORS

All activities shall comply with all state regulations regarding permissible odors. No operation shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds applicable federal or state regulations. If the City Planner determines that there is a risk of odors that may not comply with these standards, detailed plans for the prevention of odors crossing lot lines may be required before the issuance of a development or building permit.

**(i) SMOKE**

All activities shall comply with any applicable regulations concerning permissible smoke. No operation shall discharge contaminants into the atmosphere at levels that exceed threshold limits listed by the American Conference of Governmental Industrial Hygienists (ACGIH) in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property exceeds such threshold limits established by the ACGIH or by any state or federal law or regulation. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

**(j) VIBRATION**

No use or activity shall cause inherent or recurring generation of vibration perceptible without instruments at any point along the lot line. Temporary construction is excluded from this restriction.

**(k) NUISANCE PROHIBITED**

All structures and land uses within the City shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in state law.

**Sec. 22.4.9.B. PROPERTY MAINTENANCE STANDARDS**

**1. GENERAL**

When the standards and procedures of this UDO or conditions attached to any permit, approval, or variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those buildings or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. In addition, property owners shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this Section 22.4.9.B.

**2. LANDSCAPE MAINTENANCE**

- (a) The trees, shrubs, fences, walls, walks, and other landscaping materials shown on approved plans are approved elements of the project. The property owner and any agents authorized to maintain the property shall be responsible for the continued maintenance of those items. Plant material that exhibits evidence of insect or pest disease or damage shall be treated to remove the disease, and dead plants shall be promptly removed and replaced within the next planting season or within a time period appropriate to the growing season of the species in question, not exceeding ninety (90) days. Heavy undergrowth and accumulations of plant growth noxious or detrimental to health or safety shall be eliminated. All landscaping will be subject to period inspection by the City to ensure compliance.
- (b) Any trees required to be installed by this UDO that are lost to damage or disease shall be replaced by the property owner within six months. Replacement trees must meet the size, quality, and installation standards in this UDO applicable to original installation of landscaping. Shrubbery or other plantings that die shall be replaced in-kind within six months.
- (c) Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and free from overgrown and unsightly vegetated materials where exposed to public view.
- (d) All required landscape areas shall be protected from unpermitted vehicle encroachment by the use of wheel stops, curbing or other suitable methods.
- (e) No required landscape area shall be used for parking, except overhang as provided in Section 22.4.4(7), or for driveway structures, garbage or trash collection or any functional uses contrary to the intent and purposes of this chapter.
- (f) On any parcel in excess of one acre in size, no clear-cutting shall be permitted without Planning and Zoning Commission approval, in accordance with Section 22.5.3.E (Development Plan Review).

**3. PARKING AREA MAINTENANCE**

All surface parking areas and parking structures for more than five vehicles and off-street loading areas shall be screened and maintained in clean and neat condition. Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis.

#### 4. HISTORIC RESOURCES MAINTENANCE

- (a) No owner or person with an interest in real property designated as an individual landmark or included with an historic district shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the State of Georgia Property Maintenance and Fire Prevention Code and Building Code and all other applicable local regulations. Examples of prohibited disrepair include, but are not limited to:
  - (i) Deteriorated or crumbling exterior plasters, mortar or façades;
  - (ii) Deteriorated or inadequate foundation;
  - (iii) Defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
  - (iv) Deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
  - (v) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
  - (vi) Ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
  - (vii) Defective or insufficient weather protection for roofs, foundations or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;
  - (viii) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
  - (ix) Any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.
- (b) Every person in charge of a structure or improvement on a designated landmark property or in a historic district shall keep in good repair:
  - (i) All of the exterior portions of such structure or improvement; and
  - (ii) All interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such structure or improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.
- (c) Every person in charge of a structure or improvement containing an interior landmark shall keep in good repair:
  - (i) All portions of such interior landmark; and
  - (ii) All other portions of the structure or improvement that, if not so maintained, may cause or tend to cause the interior landmark contained in such structure or improvement to deteriorate, decay or become damaged or otherwise fall into a state of disrepair.
- (d) The provisions of this Section 22.4.9.B.4 shall be in addition to all other provisions of law requiring any such structure or improvement to be kept in good repair.

#### 5. LIGHTING MAINTENANCE

Burned out lamps, damaged equipment, and luminaries and lens that have become obscured shall be replaced as soon as possible.

#### 6. STORMWATER MANAGEMENT FACILITIES

- (a) All stormwater management facilities, including but not limited to retention, detention, or infiltration areas and facilities, shall be maintained in good condition so as to detain, retain, transmit, or allow the infiltration of water as originally designed.

- (b) The installed system required by this article shall be maintained by the owner except that the city may accept certain systems for city maintenance. The selection of critical areas and structures to be maintained by the city shall be recommended to the city council by the city engineer. The city council will make final determination regarding the acceptance of the system recommended. All areas and structures to be maintained by the city must be dedicated to the city by plat or separate instrument and accepted by the city council.

**Sec. 22.4.9.C. COMPLIANCE WITH OTHER PORTIONS OF THE CITY CODE**

All uses and activities shall be conducted in compliance with the requirements of the following sections of the City Code:

1. [Reserved]

## ARTICLE 22.5 ADMINISTRATION AND ENFORCEMENT

### SECTION 22.5.1 PURPOSE AND ORGANIZATION

This Section describes the procedures for review of all applications for land use and development activity in the City of Thomasville.

- A. Section 22.5.2 (Procedure Summary Chart), lists the land use and development procedures in this UDO.
- B. Section 22.5.3 (General Procedures), describes standards and procedures that generally apply to most types of development applications.
- C. Section 22.5.4 (Specific Procedures), supplements the general procedures with additions and variations specific to each type of development application, such as review standards and special submittal or voting requirements.
- D. Article 22.6 (Pre-existing Development and Nonconformities), regulates nonconformities by generally allowing them to continue to exist, but ties the reestablishment, reconstruction, expansion, or other substantial alteration of nonconformities to reasonably practicable actions that make the nonconformities conforming or reduce the number or extent of nonconformities.
- E. Article 22.7 (Enforcement and Penalties), identifies what constitutes a violation of this UDO and sets forth procedures for enforcement, including remedies and penalties.
- F. Article 22.8 (Review and Decision-Making Bodies) describes the powers and duties, composition, and rules for each of the City boards or other entities that have advisory and/or decision-making roles and responsibilities under this UDO.

### SECTION 22.5.2 PROCEDURE SUMMARY CHART

The following table lists the types of development applications authorized by this UDO. For each type of application, the table indicates what type of notice is required, what role City review authorities play in its review, and when a public hearing is required. Table 22.5.1 is provided for the reader's convenience. To the extent that there is any inconsistency between Table 22.5.1 and any provision of Section 22.5.4, the provisions of Section 22.5.4 govern.

**Table 22.5.59: Summary of Development Review Procedures**  
 R = Review and Recommend D = Review and Decide (A) = Appeal [ ] = Public Hearing

Application Type	Section 22.5.4	Notice			Review Authorities							
		Public	Mailed	Posted	City Planner	Chief Building Official	City Engineer	Historic Preservation Commission	Planning & Zoning Commission	Architectural Review & Zoning Appeals Bd	Tree and Landscape Committee	City Council
<b>Legislative Decisions</b>												
Amendments to Zoning Map or UDO Text	A	Y	Y [1]		R				[R]			[D]
Designation of Historic Landmarks	B	Y						R				[D]
Comprehensive Plan Amendment	C	Y			R				[R]			[D]
Rezoning	D	Y			R				[R]			[D]
<b>Discretionary Approvals</b>												
Major Development Plan Review	E		Y	Y	R				D			
Conditional Use Permit	F	Y	Y	Y	R				R			[D]
Demolition Review	G			Y	R	D	R	R	R			
Subdivision of Land	H	Y		Y	R		R		R			[D]
Variance or Modification	Development Standards or Use	I	Y	Y	Y	R					[D]	
	Floodplain	J	Y			R					[D]	
	Historic Property	K		Y	Y	R			[D]			
<b>Administrative Decisions</b>												
Building Permit	L					D						
Development Permit	M				D					(A)		
Minor Development Plan Review	N				D				(A)			
Sign Permit	O				D					(A)		
Floodplain Development Permit	P					D [2]	R					
Lot Adjustment	Q				D		R			(A)		
Revocable Sidewalk Privilege	R				D		R			(A)		
Curb Cut Permit	S				R		D			(A)		
Landscape Permit	T				D	R	R			(A)	(A)	
Stormwater Management Permit	U				R	D	R			(A)		
Certificate of Appropriateness	V							D		(A)		
[1] In the case of an application for an amendment to the UDO text, only public notice is required.												
[2] An appeal may be brought to the Floodplain Management Board of Appeals												



## SECTION 22.5.3 GENERAL PROCEDURES

### Sec. 22.5.3.A. PURPOSE

This section describes the common procedural steps and other rules that generally apply to development applications reviewed under this UDO, unless otherwise expressly exempted or alternative procedures are specified in Table 22.5.1 (Summary of Development Review Procedures) or Section 22.5.4 (Specific Procedures).

### Sec. 22.5.3.B. APPLICATION SUBMITTAL, ACCEPTANCE, REVISIONS, AND WITHDRAWAL

#### 1. AUTHORITY TO SUBMIT APPLICATION

- (a) Unless expressly stated otherwise in this UDO, applications reviewed under this UDO shall be submitted by:
  - (i) The owner, contract purchaser, or any other person having a recognized property interest in the land on which an application is proposed; or
  - (ii) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by an original and notarized Owner and Interested Party Consent Form; or
  - (iii) The Planning and Zoning Commission or the City Council of the City.
- (b) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign and have notarized the Owner and Interested Party Consent Form. Only one party, the owner, contract purchaser, or other interested person, as noted in subsection (a) above, shall sign the application.

#### 2. APPLICATION CONTENT

Applications shall be submitted to the City Planner on forms for that type of application, which shall be included in an Administrative Manual or posted on the City's web site. The applicant bears the expense and burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable UDO standards.

#### 3. APPLICATION FEES

- (a) Applications shall be accompanied by payment of the application fee required for that type of application. The amount of application fees shall be listed in the Administrative Manual and established in amounts sufficient to cover all costs typically associated with review of the type of application—including but not be limited to the costs of providing thorough professional review of the application and the costs of providing required public notice.
- (b) Where initial application fees are based on the estimated costs of review of the application by an outside consultant (e.g., review of an application's traffic impacts by a traffic consultant), and the City Planner determines that additional funds are needed to complete the consultant's review, the City Planner may require the payment of additional application fees to recover the City's actual costs in completing review.
- (c) An applicant may pay for expedited review to be performed by a third party consultant, per the City Planner's discretion and as described in the Administrative Manual.
- (d) Until the Administrative Manual containing application fees is finalized, all existing fees charged by the City for review of applications related to this Chapter, as well as the application fees in Article 22.10 (Application Fees) apply.

#### 4. TRAFFIC STUDY

The City Planner may require a traffic study performed by a licensed professional engineer or traffic consultant, a Transportation Demand Management agreement, or both, when the application is for a project that meets one or more of the following conditions:

- (a) Contains more than 20 dwelling units;
- (b) Contains more than 25,000 square feet of nonresidential gross floor area;
- (c) Is located on an arterial street;
- (d) Is located on a collector street that currently has a peak hour level of service (LOS) of "D" or below;

- (e) The City Planner determines that the project may have an adverse impact on traffic congestion or traffic safety in the surrounding area.

## 5. SUBMITTAL AND REVIEW SCHEDULE

The City Planner shall establish a submittal and review schedule for the development applications included in the Administrative Manual, which may be amended and updated as necessary to ensure efficient and thorough review.

## 6. DETERMINATION OF COMPLETENESS

### (a) COMPLETENESS REVIEW

Upon receiving a development application, the City Planner shall within 15 days determine whether the application is complete. A complete application is one that:

- (i) Contains all information and materials required by the Administrative Manual and this UDO for submittal of the particular development application in sufficient detail and clarity to evaluate the application for compliance with applicable review standards of this UDO;
- (ii) Is in the form required by the Administrative Manual for submittal of the particular development application; and
- (iii) Is accompanied by the fee established for the particular development application.

### (b) APPLICATION INCOMPLETE

- (i) Upon determining that a development application is incomplete, the city planner shall notify the applicant of the submittal deficiencies within 15 business days of receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the City Planner determines the application is complete.
- (ii) If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 45 calendar days after being notified of submittal deficiencies, the application is considered abandoned.
- (iii) No development application shall be reviewed for compliance with this UDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

### (c) APPLICATION COMPLETE

Upon determining that the application is complete, the City Planner shall accept the application for review in accordance with the procedures and standards of this UDO.

## 7. APPLICATION REVISIONS

### (a) REVISIONS TO CORRECT COMPLIANCE DEFICIENCIES

An applicant may revise a development application after receiving notice of compliance deficiencies following staff review (see Section 22.5.3.C).

#### (i) MINOR REVISIONS

The review process shall continue if the revisions directly respond to specific staff comments and include only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the City Planner.

#### (ii) MAJOR REVISIONS

If the City Planner determines that revisions to correct compliance deficiencies do not constitute minor revisions as described above, a revised application shall be submitted and reviewed as if it were a new application. The revised application submittal may be subject to additional fees required by the Administrative Manual.

### (b) OTHER REVISIONS

An applicant may revise a development application at any time upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. If the City Planner determines that the revisions are major, the revised application submittal shall be reviewed as if it were a new application and may be subject to additional fees required by the Administrative Manual.

**(c) CHANGE IN APPLICANT**

If circumstances change so that the applicant of a pending application no longer meets the requirements of Section 22.5.3.C.1, any change in applicant or person authorized to submit the application shall be documented in an original and notarized Owner and Interested Party Consent Form delivered to the City before the application may advance to the next stage in the review process.

**8. WITHDRAWAL OF APPLICATION**

- (a) After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a written letter of withdrawal to the City Planner.
- (b) If an application is withdrawn after required notice of any public hearing scheduled for the application, the application shall be subject to limitations on the subsequent submittal of similar applications pursuant to Section 22.5.3.J.5 (Limitation of Subsequent Similar Applications).
- (c) Application fees shall not be refunded for withdrawn applications.

**9. SUCCESSIVE APPLICATIONS**

If an application pursuant to this UDO is denied by the City, an application requesting the same or essentially the same approval shall not be accepted within 6 months after the final decision.

**Sec. 22.5.3.C. STAFF REVIEW AND ACTIONS**

**1. REFERRAL OF APPLICATION TO REVIEW AGENCIES**

At the City Planner's discretion, any application may be referred to those City departments, service providers, and review agencies potentially affected by the application for review and comment.

**2. STAFF REVIEW AND OPPORTUNITY FOR APPLICATION REVISION**

- (a) Prior to preparing a staff memorandum or making a decision on a development application, the City Planner shall review the application, relevant support material, and any comments from other agencies to which the application was referred.
- (b) The City Planner shall notify the applicant within ten days after identifying deficiencies in the application, and shall provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them. The City Planner may also offer the applicant recommendations regarding possible improvements to the proposed development that are not required by this UDO, but shall clarify that compliance with those recommendations is not required for compliance with this UDO.
- (c) The applicant shall respond to the notice by either requesting that the application be processed as submitted or by submitting a revised application identifying changes after being notified of application deficiencies. If the applicant fails to so respond to the notice within 45 days, the application shall be considered withdrawn.
- (d) If the applicant submits a revised application, the City Planner shall refer the application to those City departments, service providers, and review agencies affected by the change for review, and shall review any comments received. The City Planner may allow the applicant to revise the application further to address remaining compliance deficiencies.

**3. STAFF REVIEW AND RECOMMENDATION TO ADVISORY OR DECISION-MAKING BODY**

**(a) STAFF MEMORANDUM**

If a development application is subject to staff review and a staff recommendation to the Planning and Zoning Commission, Architectural Review & Zoning Appeals Board, or City Council (see Table 22.5.1 (Summary of Development Review Procedures)), the City Planner shall prepare a written staff memorandum. The staff memorandum shall conclude whether the application complies with all applicable standards of this UDO and recommend one of the decisions authorized for that type of application, based on the review standards for that type of application in Section 22.5.4 (Specific Procedures). The staff memorandum may identify and recommend conditions of approval to correct compliance deficiencies and mitigate any adverse effects of the development proposal.

**(b) DISTRIBUTION AND AVAILABILITY OF APPLICATION AND STAFF MEMORANDUM**

Within a reasonable time period before the meeting at which a development application is scheduled for review by an advisory or decision-making body, the City Planner shall:

- (i) Schedule and verify any required public notice of the meeting in accordance with Section 22.5.3.D (Scheduling and Notice of Public Hearings);
- (ii) Transmit the development application, related materials, and the staff memorandum to the appropriate advisory or decision-making body. Staff memorandums shall be made available to the public at least 24 hours before the meeting;
- (iii) Transmit a copy of the staff memorandum to the applicant; and
- (iv) Make the application, related materials, and the staff memorandum available for examination by the public during normal business hours, online, and make copies of those materials available at a reasonable cost.

**4. STAFF REVIEW AND FINAL DECISION**

**(a) DECISION**

- (i) If a development application is subject to staff review and a final decision by the City Planner (see Table 22.5.1 (Summary of Development Review Procedures), the City Planner shall make a one of the decisions authorized below based on the review standards for that type of application, as set forth in Section 22.5.4 (Specific Procedures).
- (ii) The decision shall be one of the following:
  - 1) Approve the application as submitted;
  - 2) Approve the application subject to conditions; or
  - 3) Deny the application.
- (iii) The decision shall be in writing and shall clearly state reasoning for a denial or for conditions of approval.

**(b) CONDITIONS OF APPROVAL**

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this UDO or other standards adopted by affected service providers or review agencies, and shall relate in type and scope to the anticipated impacts of the proposed development.

**5. STAFF APPROVAL OF ADMINISTRATIVE ADJUSTMENTS**

The City Planner may approve an Administrative Adjustment within the limits established in Table 22.5.2 if the City Planner determines that the criteria in Subsection (b) below are met. An application for an Administrative Adjustment may only be submitted and reviewed concurrently with applications for other types of site development permits. Where the primary application is subject to review and approval by the Planning and Zoning Commission, the City Planner shall review and decide the Administrative Adjustment application before distributing the primary application to the Board and/or Council.

**(a) ALLOWABLE ADMINISTRATIVE ADJUSTMENTS**

Table 22.5.60: Allowable Administrative Adjustments	
Standard	Maximum Allowable Adjustment
<b>Lot Standards</b>	
Minimum Lot Area	10%
Minimum Lot Width	10%
Minimum Lot Depth	10%
Maximum Impervious Lot Coverage	10%
<b>Setbacks</b>	
Minimum Front Setback	5%

**Table 22.5.60: Allowable Administrative Adjustments**

Standard	Maximum Allowable Adjustment
Minimum Side Setback	15%
Minimum Rear Setback	15%
<b>Building Standards</b>	
Maximum Height, Principal Building	5%
<b>Site Development and Design Standards</b>	
Block Perimeter	10%
Perimeter Buffer Width	10%
Perimeter Buffer Planting Rate	10%
Driveway Spacing	10%
Street Intersection Spacing	10%
Number of Vehicle Parking Spaces	10%
In MU-FBC zone districts	50%
In all other zone districts	10%
Number of Bicycle Parking Spaces	10%
Stacking Lane Distance for Parking Area Entrance Drives	10%
Walking Distance Between Shared, Off-site, or On-street Vehicle Parking Spaces and Primary Pedestrian Entrance of Uses Served	20%
Vegetation Size at Time of Planting	10%
Tree Island and Tree Island Area	10%
Street Tree Spacing	10%
Wall and Fence Height	1 ft.
<b>Outdoor Lighting Standards</b>	
Lighting Fixture Height	5%
<b>Sign Standards</b>	
Projecting Sign	5%
Sign Face Area or Dimensions	10%
Sign Height	10%
Sign Wall Coverage	10%
Encroachment into Required Setbacks	15%

**(b) REVIEW CRITERIA**

The City Planner may approve an application for an Administrative Adjustment only if the adjustment falls within the limitations in Table 22.5.2 and that:

- (i) The Administrative Adjustment is consistent with the character of development in the surrounding area.
- (ii) Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
- (iii) The Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
  - 1) Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally;

- 2) Proposed to protect sensitive natural resources or save healthy existing trees; or
  - 3) Required to eliminate a minor inadvertent failure to fully comply with a standard.
- (iv) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

### **Sec. 22.5.3.D. SCHEDULING AND NOTICE OF PUBLIC HEARINGS**

#### **1. SCHEDULING**

- (a) If a development application is subject to a public hearing (see Table 22.5.1 (Summary of Development Review Procedures), the City Planner shall ensure that the public hearing is scheduled for either a regular meeting of the body conducting the hearing or a meeting specially called for that purpose by that body.
- (b) The public hearing shall be scheduled for a date that allows sufficient time to prepare a staff memorandum and provision of the required public notice.

#### **2. GENERAL NOTICE REQUIREMENTS**

The applicant shall provide the types of public notice of the public hearing shown in Table 22.5.1 Summary of Development Review Procedures for that type of application, or shall reimburse the City for the cost of providing that notice. If an application is made by the City or is City-sponsored, the City Planner shall provide public notice in accordance with Table 22.5.1.

#### **3. NOTICE FORMAT AND CONTENT**

##### **(a) PUBLIC NOTICES**

- (i) Public notices are required for those types of applications requiring a public hearing, as listed in Table 22.5.1 (Summary of Development Review Procedures).
- (ii) Notice shall be published twice in a newspaper of general circulation in the City at least fifteen (15) days nor more than forty-five (45) days notice prior to a public hearing setting forth the time, place, and purpose of the public hearing, and shall comply with the size and format requirements of the City Planner.
- (iii) The City Planner shall determine the format and content of notices to be published. Required public notices shall, at a minimum:
  - 1) Identify the application type;
  - 2) Describe the nature and scope of the proposed development or action;
  - 3) Identify the location of land subject to the application;
  - 4) Identify the date, time, and location of the hearing being noticed;
  - 5) Identify where and when the application may be inspected by the public;
  - 6) Advise that interested parties may appear and provide comment at the hearing, or written comment prior to the hearing;
  - 7) Include the applicant's name;
  - 8) Describe the nature of the relief sought; and
  - 9) Comply with any other notice content requirements established by State law.

##### **(b) MAILED NOTICES**

- (i) Mailed notices shall be required for those types of applications listed in Table 22.5.1 (Summary of Development Review Procedures).
- (ii) Mailed notice shall be by U.S. mail, and shall be mailed so as to be received by local citizens not less than fifteen (15) days nor more than forty-five (45) days before the date of the hearing to all owners of subject property, as shown on the most recent tax assessment roll, and owners of property located in whole or in part within 400 feet of the boundaries of the property that is the subject of the public hearing, as shown on the most recent tax assessment roll. Copies of each notice shall also be sent to each planning and zoning commission member.

- (iii) The City Planner shall determine the format and content of notices to be published. Required public notices shall, at a minimum include items 1-4 and 9 identified in Section 22.5.3.D.3(a)(iii).

**(c) POSTED NOTICES**

- (i) Posted notices is required for those types of applications listed in Table 22.5.1 (Summary of Development Review Procedures).
- (ii) The City Planner shall determine the size, format, and content of notices to be posted.
- (iii) Posted notices shall be posted along each of the application site's right-of-way frontages, in a location clearly visible to traffic along the right-of-way.
- (iv) Posted notices shall be placed at least ten days prior to the hearing to be conducted on the application.
- (v) The applicant shall replace postings that are removed or damaged promptly after notice of removal or damage.
- (vi) The person required to post the notice shall ensure that the notice is maintained in place until after a final decision has been rendered on the subject application, and shall remove the posted notice within 14 days after the final decision on the application.
- (vii) Required posted notices shall contain, at a minimum:
  - 1) Identify the application type;
  - 2) Identify the date, time, location, and type of the meeting being noticed;
  - 3) Identify a telephone number, website, or email address from which more information may be obtained; and
  - 4) Comply with any other notice content requirements established by State law.

**(d) OTHER TYPES OF NOTICE**

An applicant shall provide, at the applicant's expense, any additional notice or forms of notice, such as web-based or other electronic notice, if the City Planner determines that type of additional notice is necessary to inform citizens or stakeholders who may be materially affected by the proposed development.

**(e) AFFIDAVIT OF NOTICE**

The applicant shall sign an affidavit that proper notice has been provided. The certificate is conclusive in the absence of fraud.

**4. REQUESTS TO DEFER SCHEDULED AND NOTICED HEARINGS**

An applicant may request that review of a development application scheduled for a hearing before the Planning and Zoning Commission, Architectural Review & Zoning Appeals Board, Historic Preservation Commission or City Council be deferred in accordance with the following provisions:

- (a) Before any mailed notices of the hearing are mailed and final arrangements for any public notice of the hearing are made, a written request for deferral that states the reasons for deferral may be submitted to the City Planner, who may grant the request for good cause shown.
- (b) Any subsequent request for deferral shall be in writing, state the reasons for deferral, and be submitted directly to the body scheduled to review the application. The Planning and Zoning Commission, Architectural Review & Zoning Appeals Board, Historic Preservation Commission or City Council shall consider the request and may either grant the request for good cause shown or deny the request and proceed to hear public comments, review, and take action on the application. If the Planning and Zoning Commission, Architectural Review & Zoning Appeals Board, Historic Preservation Commission, or City Council grants the request for deferral, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for public comment and review.
- (c) The application may be subject to additional application fees to defray additional costs of processing the application or notifying the public and/or other interested parties.

**5. REGISTERING TO RECEIVE NOTICE**

The City Planner may, as a courtesy, send electronic notice to any persons or organizations in the City, or to any governmental, public, or quasi-public organization regarding any matter related to this UDO that may affect the interests of that person or organization, or on any matter on which the person or organization has requested notice. The failure of the City Planner to send the notice or the failure of any resident or property owner to receive the notice shall not affect the validity of any application approved pursuant to this UDO. Any organization or person wishing to receive notice of any public hearings related to the business of the Architectural Review & Zoning Appeals Board, the Planning and Zoning Commission, or the Historic Preservation Commission shall register with the Planning Department.

### **Sec. 22.5.3.E. PLANNING AND ZONING COMMISSION REVIEW AND ACTION**

#### **1. HEARING, CONCEPT REVIEW, REGULAR REVIEW AND ACTION**

If a development application is subject to a recommendation or a final decision by the Planning and Zoning Commission (see Table 22.5.1 (Summary of Development Review Procedures), the Planning and Zoning Commission shall review and act on the application in accordance with the following procedures:

- (a) The Planning and Zoning Commission's decision shall be one of the following:
  - (i) Approve the application as submitted;
  - (ii) Approve the application subject to conditions;
  - (iii) Deny the application; or
  - (iv) Remand the application to the City Planner for further consideration or additional information.
- (b) If an applicant seeking Development Plan Approval (Section 22.5.4.E) elects to make an informal Concept Review presentation, it shall be held during a regularly scheduled Planning and Zoning Commission meeting or Planning and Zoning Commission workshop. The applicant shall provide at a minimum a conceptual plan for review and discussion. No formal action will be taken during a Concept Review meeting; however, the Board can ask questions, make comments, and suggestions.
- (c) The Planning and Zoning Commission shall consider the application, relevant supporting materials, staff memorandum, and any public comments made at the public hearing, and take one of the following actions:
  - (i) If the application is subject to a recommendation by the Planning and Zoning Commission, the Board shall recommend a decision authorized for that type of application, based on the review standards for that type of the application in Section 22.5.4 (Specific Procedures).
  - (ii) If the application is subject to a final decision by the Planning and Zoning Commission, the Board shall render one of the decisions authorized for that type of application, based on the review standards applicable to that type of application in Section 22.5.4 (Specific Procedures).
- (d) The Board shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

#### **2. REVISION OF APPLICATION**

- (a) After the Planning and Zoning Commission has reviewed an application but has not yet taken action, the applicant may request an opportunity to revise the application. The Commission may grant the request if revisions are limited to changes that directly respond to specific requests or suggestions made by staff or the Planning and Zoning Commission, and constitute only minor additions, deletions, or corrections, and are not significant substantive changes to the development proposed by the application.
- (b) Any other revisions to the application may be submitted, but the revised application shall be submitted to the City Planner and reviewed as if it were a new application. The revised application is subject to additional application fees to defray the additional processing costs as identified in the Administrative Manual.

#### **3. REFERRAL TO PLANNING AND ZONING COMMISSION**

If Table 22.5.1 (Summary of Development Review Procedures) authorizes the City Planner to make a decision and the City Planner determines that the application is unusually complex or raises potentially unique or serious impacts on the City or surrounding neighborhoods, the City Planner may refer the decision to the Planning and Zoning Commission for decision pursuant to the same criteria that the City Planner would have been required to apply to that decision.



**Sec. 22.5.3.F. HISTORIC PRESERVATION COMMISSION REVIEW AND ACTION**

1. If a development application is subject to a recommendation or a final decision by the Historic Preservation Commission (see Table 22.5.1 (Summary of Development Review Procedures)), the Historic Preservation Commission shall review and act on the application in compliance with Section 22.5.4.V (Major Certificate of Appropriateness) and Section 22.5.4.B (Designation of Historic Landmarks).
2. An officer, department, or agency of the City whose approval is required by law for a City-owned or City-sponsored project located in or adjacent to a Historic District or Landmark, shall refer the project to the Historic Preservation Commission for its review and approval.
3. Any City agency that conducts historic preservation planning surveys or applies for or receives notification of state or federal historic designation of any property within the City shall provide copies of materials relating to these matters to the Historic Preservation Commission for central filing.

**Sec. 22.5.3.G. ARCHITECTURAL REVIEW & ZONING APPEALS BOARD REVIEW AND ACTION**

If a development application is subject to a final decision by the Architectural Review & Zoning Appeals Board (see Table 22.5.1 (Summary of Development Review Procedures)), the Architectural Review & Zoning Appeals Board shall review and act on the application in accordance with the following procedures:

1. The Architectural Review & Zoning Appeals Board shall consider the application, relevant supporting materials, staff memorandum and any public comments made at the public hearing, and shall render a decision authorized for the type of development application based on the review standards applicable to that type of application set forth in Section 22.5.4 (Specific Procedures).
2. The Architectural Review & Zoning Appeals Board's decision shall:
  - (a) Approve the application;
  - (b) Approve the application subject to conditions; or
  - (c) Deny the application.
  - (d) Remand the application to the City Planner for further consideration or additional information.
3. The Architectural Review & Zoning Appeals Board shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

**Sec. 22.5.3.H. TREE AND LANDSCAPE COMMITTEE REVIEW AND ACTION**

If a development application is subject to a final decision by the Tree and Landscape Committee (see Table 22.5.1 (Summary of Development Review Procedures)), the Tree and Landscape Committee shall review and act on the application in accordance with the following procedures:

1. The Tree and Landscape Committee shall consider the application, relevant supporting materials, staff memorandum and any public comments made at the public hearing, and shall render a decision authorized for the type of application based on the review standards applicable to that type of application set forth in Section 22.5.4 (Specific Procedures).
2. The Tree and Landscape Committee's decision shall:
  - (a) Approve the application;
  - (b) Approve the application subject to conditions; or
  - (c) Deny the application.
3. The Tree and Landscape Committee shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.
4. The Tree and Landscape Committee shall render a decision within ten (10) days of receipt of any such application.

**Sec. 22.5.3.I. CITY COUNCIL REVIEW AND ACTION**

If an application is subject to a final decision by the City Council (see Table 22.5.1 (Summary of Development Review Procedures)), the City Council shall review and act on the application in accordance with the following procedures:

1. The City Council shall consider the application, relevant supporting materials, staff memorandum, recommendation from the Planning and Zoning Commission (where applicable) and any comments made at a public hearing, and shall render a decision authorized for the type of development application based on the review standards applicable to that type of application, as set forth in Section 22.5.4 (Specific Procedures).
2. The City Council's decision shall be one of the following:
  - (i) Approve the application as submitted;
  - (ii) Approve the application subject to conditions;
  - (iii) Deny the application; or
  - (iv) Remand the application to the City Planner or to a lower review body for further consideration or additional information.
3. The City Council shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.

#### **Sec. 22.5.3.J. CONDITIONS OF APPROVAL**

1. As an alternative to denying an application, the City Planner and Chief Building Official may approve applications with conditions necessary to bring them into compliance with the requirements of this UDO and the adopted standards of any affected service providers or review agencies.
2. As an alternative to denying an application, the Planning and Zoning Commission, Architectural Review & Zoning Appeals Board, Historic Preservation Commission, Tree and Landscape Committee, and City Council may recommend or impose conditions on approvals that it determines are necessary, including but not limited to durational limits, hours of operation, and provisions for periodic review, to:
  - (a) Bring the application into compliance with the requirements of this UDO (including but not limited to provisions regarding permitted hours of operation), the adopted standards of any affected service providers or review agencies, and the purposes of the zone district where the property is located;
  - (b) Prevent, mitigate, or minimize adverse effects upon adjacent properties, surrounding areas or public facilities and services; or
  - (c) Ensure that the proposed use, and its operation, is conducted in a manner compatible with the surrounding neighborhood and will not constitute a threat to the public health, safety, welfare, or convenience.
3. All conditions imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this UDO.
4. Where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
5. Any conditions on approved applications shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this UDO.

#### **Sec. 22.5.3.K. POST-DECISION ACTIONS AND LIMITATIONS**

##### **1. NOTICE OF DECISION**

After a final decision on a development application, the City Planner shall provide a written copy of the decision via personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public online and in the Planning Department during normal business hours.

##### **2. APPEAL**

- (a) A party aggrieved or adversely affected by any decision of the City Planner may seek review of the decision by the Architectural Review & Zoning Appeals Board.
- (b) Any party wishing to appeal must do so within 30 days from the date of the denial or approval, or issuance of a notice of violation.

- (c) The Architectural Review & Zoning Appeals Board shall decide each appeal applying the same criteria applied by the City Planner or Chief Building Official in making its decision.
- (d) The Architectural Review & Zoning Appeals Board may affirm, reverse, or modify the decision being appealed to bring it into conformance with the UDO criteria applicable to approval of that type of application.

### 3. EFFECT AND DURATION OF APPROVAL

#### (a) AUTHORIZED ACTIVITY

- (i) Approval of any development application, variance, or appeal in accordance with this UDO authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application.
- (ii) If one development permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a development plan approval), development may not take place until all required permits and approvals are obtained. Approval of one application does not necessarily guarantee approval of any subsequent application.
- (iii) The City Planner may allow concurrent review of an application based on the degree to which issues to be addressed in various required approvals are interrelated, or the size and complexity of the project.

#### (b) APPROVALS RUN WITH THE LAND

Unless limited by a condition attached to an approval under this UDO, or unless the approval expires as described in Section 22.5.4 (Specific Procedures), an approval or permit granted under this UDO -- including any approved plans and documents and conditions of approval -- shall run with the land, is binding on the landowners and their successors and assigns, and is not affected by a change in ownership. All later decisions, determinations, and interpretation by City staff shall be consistent with the approval granted.

#### (c) EXPIRATION OF APPROVAL

##### (i) GENERAL

- 1) A development application approval is valid for one year, unless it expires in accordance with a different expiration time period provided in Section 22.5.4 (Specific Procedures), for that type of application.
- 2) A change in ownership of the land does not affect the established expiration time period of an approval.

##### (ii) EXTENSION OF APPROVAL TIME PERIOD

Except as otherwise provided in Section 22.5.4 (Specific Procedures), for the particular type of application, the City Planner may grant extensions of the valid approval time period for the lesser of the original time period or one year, on receiving a written request for extension before the expiration date and on a showing of good cause. Any further extensions are subject to approval by the authority that approved the development application, on submittal of a written request to the City Planner before the current expiration date and a showing of good cause.

### 4. AMENDMENT OF APPROVAL

Unless otherwise provided in Section 22.5.4 (Specific Procedures), for the particular type of application, any modifications of approved plans or conditions of approval shall be submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of application.

### 5. LIMITATION OF SUBSEQUENT SIMILAR APPLICATIONS

#### (a) PRIOR APPLICATION WITHDRAWAL

If an application requiring a public hearing is withdrawn after provision of or final arrangement for required notice of the public hearing (see Section 22.5.3.B.8 (Withdrawal of Application)), no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of the withdrawal.

#### (b) PRIOR APPLICATION DENIAL

If an application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of the denial

**Sec. 22.5.3.L. CONSTRUCTION OF IMPROVEMENTS**

1. All streets, sidewalks, streetscapes, utilities, and drainage facilities required by this UDO shall be installed by the developer, at the developer's expense, unless the City enters into an agreement to pay or reimburse some of the costs in a manner consistent with state law.
2. Each required improvement shall meet the standards and specifications, and shall be reviewed, tested, and accepted by the City pursuant to standards and procedures adopted by the City department responsible for design or maintenance of that type of improvement.
3. Each required improvement shall be completed and accepted by the City before the City approves a Final Subdivision Plat or issues a Certificate of Occupancy pursuant to an approved Minor or Development Plan, or if not completed, the applicant shall:
  - (a) Provide a construction performance bond sufficient to cover 110 percent of the cost of any uncompleted construction as estimated by the Board pursuant to Section 5-325 of the Thomasville Municipal Code, or
  - (b) Agree in writing that no Certificate of Occupancy for any building in the subdivision shall be issued until all required improvements needed to provide service to that building and to protect the public health, and safety have been completed and accepted by the City, and that agreement is noted on the Final Subdivision Plat; and
  - (c) Regardless of whether the applicant satisfies subsection (3)(a) or (3)(b) above, the applicant shall deposit in an escrow account funds adequate to pay for third party site inspection of all public infrastructure improvements following their completion and prior to acceptance by the City. The amount of the required deposit shall be determined by the Planning and Zoning Commission during Subdivision or Development Plan review.
4. If the City requires the provision of a construction performance bond pursuant to Subsection (3)(a) above, the City may release a portion of the performance bond proportionate to amount of required improvement construction work completed and accepted by the City, but no such release shall occur until at least one year after the improvements have been accepted by the City.

**Sec. 22.5.3.M. TIME PERIODS FOR CITY PERFORMANCE**

Unless otherwise provided, a time period stated by this Chapter to make a decision or take an action is provided for convenience only. The failure of the City to make a decision or take an action within a time period stated in this UDO:

1. Does not result in a constructive approval or denial by the City; and
2. Is not an appealable action related to any application or decision under this UDO.

## SECTION 22.5.4 SPECIFIC PROCEDURES

This Section lists the different types of development applications that may be required to develop or redevelop land or buildings in the City, or to conduct a specific use or activity on land or buildings in the City, as well as the procedural steps, decision-makers, and approval criteria for each type of application. These provisions supplement – but do not replace – the General Procedures described in Section 22.5.3 above. Where conflict occurs between the provisions of this Section 22.5.4 and those of Section 22.5.3 as they relate to a specific type of application, the provisions of this Section apply.

### Sec. 22.5.4.A. AMENDMENTS TO ZONING MAP OR UDO TEXT

#### 1. APPLICABILITY

- (a) The procedures and standards in this Subsection apply to the review of any proposal to amend the Zoning Map or the text of this UDO.
- (b) Any persons or City agency may apply to the City Council for a Zoning Map and/or UDO Text Amendment by submitting an application to the City Planner.

#### 2. PROCEDURE

##### (a) APPLICATION SUBMITTAL AND ACCEPTANCE

The application shall be submitted and accepted, and may be withdrawn, in accordance with Section 22.5.3.E. The City Planner may initiate an application upon referral from City staff, the Planning and Zoning Commission, the Architectural Review & Zoning Appeals Board, or the City Council.

##### (b) PUBLIC HEARING AND NOTIFICATION

- (i) Before considering any proposed amendments to the Zoning Map or this UDO text, a public hearing shall be held in accordance with Section 22.5.3.
- (ii) In the case of a map amendment (rezoning), a mailed notice shall be sent in accordance with Section 22.5.3.D.3(b).
- (iii) In the case of citizen or property owner initiated rezoning activities, the City Planner shall post a notice upon the property for which rezoning is to be considered, in accordance with Section 22.5.3.F(c).

##### (c) PLANNING AND ZONING COMMISSION REVIEW AND ACTION

Not less than seven (7) days prior to the scheduled hearing date, the City Planner shall transmit a copy of any application for amendment to each member of the planning and zoning commission for preliminary review. The planning and zoning commission shall have a thirty-day (30) period after a public hearing in which to submit its report to the city council.

##### (d) CITY COUNCIL REVIEW AND DECISION

###### (i) GENERAL

The City Council shall review the application, hold a public hearing and decide the application in accordance with Section 22.5.3.K.

###### (ii) ADDITIONAL REQUIREMENT

For amendment of the Zoning Map, the affirmative vote of a majority of the City Council is required. However, an affirmative vote of three-fourths of the Council is required whenever a petition protesting an amendment is signed by the owners of 20% or more of the area of:

- 1) The property included in the proposed change; or
- 2) The property immediately adjacent to and within 100 feet of the subject area.

##### (e) POST-DECISION ACTIONS AND LIMITATIONS

The post-decision actions and limitations in Section 22.5.3.M shall apply to the application except as follows:

- (i) Zoning Map and UDO Text Amendments do not expire, but remain valid unless and until the revised Zoning Map or text of this UDO is subsequently amended in accordance with this Subsection.
- (ii) Any application for a zoning amendment which is denied by the city council shall not be reconsidered for 6 months after the date of denial.

### 3. REVIEW STANDARDS

#### (a) GENERAL STANDARDS

Amending the Zoning Map and the text of this UDO is a matter committed to the legislative discretion of the City Council. In deciding the application, the City Council shall consider and weigh the relevance of, and consider whether and the extent to which the proposed amendment:

- (i) Is consistent with the Comprehensive Plan;
- (ii) Conflicts with any other provisions of this UDO and the Code of the City of Thomasville;
- (iii) Is required by changed conditions;
- (iv) Addresses a demonstrated community need;
- (v) Would improve compatibility among uses and would ensure efficient development within the City;
- (vi) Would result in a logical and orderly development pattern; and
- (vii) Would avoid significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

#### (b) ZONING MAP AMENDMENT ADDITIONAL STANDARDS

- (i) Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land; and
- (ii) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).

### Sec. 22.5.4.B. DESIGNATION OF HISTORIC LANDMARKS

#### 1. APPLICABILITY

- (a) This Section 22.5.4.B applies to all applications to designate a City of Thomasville landmark or historic district.
- (b) Designations may be proposed by the city council, the Thomasville Historic Preservation Commission, or:
  - (i) For historic districts—a preservation organization, a historical society, neighborhood association or group of property owners may apply to the commission for designation;
  - (ii) For historic properties—a preservation organization, a historical society, neighborhood association or property owner may apply to the commission for designation.

#### 2. PROCEDURE

- (a) The Historic Preservation Commission shall review the application and prepare a recommendation to the City Council in accordance with Section 22.5.3.H.
- (b) The Commission and the City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the city tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this section.
- (c) A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the city council.
- (d) Following receipt of the commission's recommendation, the city council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

- (e) At least thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic the commission must submit the report required to the historic preservation section of the Department of Natural Resources of the State of Georgia. The report consists of:
  - (i) A physical description;
  - (ii) A statement of the historical, cultural, architectural and aesthetic significance;
  - (iii) A map showing district boundaries and classifications (i.e., historic, nonhistoric, intrusive) of individual properties therein, or showing boundaries of individual historic properties;
  - (iv) A statement justifying district or individual property boundaries; and
  - (v) Representative photographs.
- (f) Within thirty (30) days following the adoption of the ordinance or designation, the city council shall provide written notice to the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district, of the designation. The notice shall apprise the owners and occupants that a certificate of appropriateness is needed prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the city tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant is legal notification to the owner and occupant under this section.

### 3. REVIEW CRITERIA

#### (a) CLASSIFICATION OF INDIVIDUAL PROPERTIES

The Historic Preservation Commission shall classify individual properties (in accordance with the definition of “historic structure” in Article 22.9 Definitions) within historic districts as:

- (i) Historic: Contributes to the district and is at least fifty (50) years old;
- (ii) Nonhistoric: Does not contribute but does not detract from the district
- (iii) In time, non-historic properties may be reclassified as historic properties.
- (iv) Intrusive: Detracts from the district.

#### (b) SELECTION CRITERIA FOR HISTORIC PROPERTY

A historic property is a building, structure, site, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city, state, or local region, for one (1) of the following reasons:

- (i) It is an outstanding example of a structure representative of its era;
- (ii) It is one (1) of the few remaining examples of past architectural style either in the city or in its respective neighborhood;
- (iii) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state, or the region; or
- (iv) It is the site of a natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, county, state, or region.

### Sec. 22.5.4.C. COMPREHENSIVE PLAN AMENDMENT

#### 1. APPLICABILITY

This describes the process for reviewing and deciding on a proposed amendment to the adopted Comprehensive Plan of the City of Thomasville. Comprehensive Plan Amendments may only be initiated by the Planning and Zoning Commission or the City Council.

#### 2. PROCEDURE

##### (a) STAFF REVIEW AND ACTION

The City Planner shall review the application and prepare a staff memorandum and recommendation in accordance with Section 22.5.3.E.

**(b) PLANNING AND ZONING COMMISSION REVIEW AND ACTION**

The Planning and Zoning Commission shall review the application, hold a public hearing, and make a recommendation in accordance with Section 22.5.3.G.

**(c) CITY COUNCIL REVIEW AND DECISION**

(i) The City Council shall review the application, hold a public hearing and decide the application in accordance with Section 22.5.3.K.

(ii) The decision shall be one of the following:

- 1) Adopt the amendment as proposed;
- 2) Adopt a revised amendment that reduces an area proposed to be reclassified;
- 3) Adopt a revised amendment that reclassifies an area proposed to be reclassified to a more restrictive classification;
- 4) Adopt a revised amendment other than as included in provisions 2 or 3 above (this may require a new public hearing); or
- 5) Deny the amendment;

**(d) POST-DECISION ACTIONS AND LIMITATIONS**

The post-decision actions and limitations in Section 22.5.3.M apply to the application. A Comprehensive Plan Amendment does not expire, but is valid unless and until the revised Comprehensive Plan is subsequently amended in accordance with this Section 22.5.4.C (Comprehensive Plan Amendment).

**3. REVIEW CRITERIA**

Amending the Comprehensive Plan is a matter committed to the legislative discretion of the City Council. In deciding the application, the City Council may consider and weigh the relevance of and consider whether and the extent to which the proposed amendment is necessary in order to address conditions including, but not limited to, the following:

- (a) A change in projections or assumptions from those on which the Comprehensive Plan is based;
- (b) Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;
- (c) A change in the policies, objectives, principles, or standards governing the physical development of the City or any other geographic areas addressed by the Comprehensive Plan; or
- (d) Identification of errors or omissions in the Comprehensive Plan.

**Sec. 22.5.4.D. REZONING**

**1. APPLICABILITY**

This section sets forth the policies and procedures to provide established guidelines for the following:

- (a) The adoption of an amendment to the Comprehensive Zoning Ordinance which changes the text of the zoning chapter;
- (b) The adoption of an amendment to the Comprehensive Zoning Ordinance which rezones property from one (1) zoning classification to another;
- (c) The adoption of an amendment to the zoning plan and map sponsored by the city;
- (d) The adoption of an amendment to the zoning plan and map sponsored by the planning and zoning commission;
- (e) The adoption of an amendment to the zoning plan and map sponsored by a citizen/property owner.

**2. POLICIES AND PROCEDURES FOR CITY PLANNING COMMISSION INITIATED REZONING ACTIVITIES.**

- (a) All amendments to any existing zoning plan must be reviewed by both the planning and zoning commission and the city council. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the planning and zoning commission shall prepare an evaluation and recommendation with regard to such proposed item of rezoning, considering each of the following factors:



- (i) Existing uses and zoning of nearby property;
  - (ii) The extent to which property values are diminished by the proposed zoning restrictions;
  - (iii) The extent to which the destruction of property values, resulting from existing zoning of specific parcels, promotes the health, safety, morals or general welfare of the public;
  - (iv) The relative gain to the public, as compared to the hardship imposed upon the individual property owner by the proposed zoning classification;
  - (v) The suitability of the subject property for the zoning purposes as proposed;
  - (vi) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
  - (vii) Conformity with or divergence from the zoning map; and
  - (viii) Recommendations of the Zoning administrator of the City of Thomasville Planning Department.
- (b) The public hearing will be convened at the advertised time and place and will be presided over by the chairman of that meeting.
  - (c) At each public hearing, the chairman of the hearing must allow each side of the zoning issue a minimum of ten (10) minutes per side for the presentation of data, evidence, and opinions pursuant to. The chairman will review, for those present, the following operating procedures:
    - (i) In order for a person in attendance to speak, the chairman must recognize that person. Upon rising to speak, the person recognized will first identify himself. The chairman may also request that the person furnish a home or business street address, as appropriate.
    - (ii) The person speaking will be allowed a reasonable amount of time to express opinions and make comments on each separate element of the proposed revisions which he wishes to address.
    - (iii) Additional persons will be recognized through the procedure described in subsections (i) and (ii), for the purpose of addressing additional elements of the proposed revisions or to make additional points with regard to elements already addressed, but not to revisit points already made.
    - (iv) Appropriate notes or minutes will be recorded by the planning and zoning commission at its public hearing.
  - (d) The planning and zoning commission shall prepare and submit the necessary minutes, evaluations and recommendations to the city council prior to the meeting of the city council at which action on the zoning request will be taken.
  - (e) The city council will review the evaluations and recommendations from the planning and zoning commission and may choose to adopt or reject or modify the planning and zoning commission's recommendations, considering the factors set forth in this section, or the business may be tabled for additional study to the next regular meeting.

### **3. POLICIES AND PROCEDURES FOR CITIZEN/PROPERTY OWNER INITIATED REZONING ACTIVITIES.**

- (a) An application for rezoning must be filed with the zoning administrator at the municipal building as prescribed in the Administrative Manual.
- (b) The zoning administrator will inform the applicant, in writing, of the public hearing date required under the provisions of Section 22.5.3.
- (c) The zoning administrator shall require to be erected upon the property for which rezoning is to be considered a sign of no less than eight (8) square feet announcing the public hearing; stipulating the date, time, and place for the hearing; the present zoning class; and the proposed zoning class. The sign shall be clearly visible from the street. It shall be erected not less than fifteen (15) days before the public hearing date. Failure to erect a sign will cause postponement of the hearing until this requirement is met.
- (d) The public hearing held by the planning and zoning commission will follow the same procedure as prescribed in subsection (2)(c) above. Thereafter the planning and zoning commission shall prepare an evaluation and recommendation for the city council with regard to the proposed action, considering each of the factors set out in subsection (2)(a) above.

## Sec. 22.5.4.E. MAJOR DEVELOPMENT PLAN REVIEW

### 1. APPLICABILITY

The Major Development Plan procedures apply to the review of any development plan associated with the following:

- (a) All new civic and institutional, commercial, and industrial development with 10,000 square feet or more of gross floor area.
- (b) All new residential development which contains more than four dwelling units within a single lot or parcel.
- (c) New residential development containing more than four units in non-single-family structures on contiguous or adjacent lots that have previously been subdivided.
- (d) All expansions of existing multi-family, nonresidential, mixed-use and special purpose properties which increase the ground floor area by more than 10,000 square feet of gross floor area.
- (e) Any conversions of an existing residential structure to a nonresidential or institutional use (excepting the establishment of a home occupation).
- (f) All conversions of an existing nonresidential structure to a residential use containing 20 or more dwelling units.
- (g) All new surface parking lots with 10 or more parking spaces, or expansion of an existing parking area by 10 or more parking spaces.
- (h) Any change of use in the T5 districts on a lot containing 20,000 square feet or more of lot area.
- (i) Any change of use in the T4 districts on a lot of 10,000 square feet or more of lot area.
- (j) All parcels in excess of one acre where more than 50 percent of the existing trees or vegetation are proposed for clear-cutting or removal.
- (k) All Subdivisions of Land that create five or more new lots, or for which new public infrastructure is required to be constructed (in addition to utility connections from new lots to existing utility lines).

### 2. PROCEDURE

#### (a) REVIEW AND DECISION

- (i) The City Planner shall review the application and prepare a staff memorandum and recommendation in accordance with Section 22.5.3.E.
- (ii) The Planning and Zoning Commission shall review the Major Development Plan application and decide the application in accordance with Section 22.5.3.G.

#### (b) OPTIONAL PROCEDURE

The applicant may request a Concept Review of a Major Development Plan with the Planning and Zoning Commission in accordance with this Section 22.5.3.G. However, no public hearing is required, the discussion shall be informal, the Planning and Zoning Commission shall take no action on the application, and the City shall not be bound by the results of any discussion held or opinions stated at a Concept Review meeting.

#### (c) WAIVERS

- (i) An applicant may request, in writing, a waiver or modification of any of the development plan review development standards.
- (ii) The Planning and Zoning Commission reserves the right to waive or otherwise modify those standards upon a finding that the action is necessary to eliminate practical difficulties associated with strict interpretation of these provisions and that the result will not violate the spirit and intent of these provisions. The request shall set forth the specific relief sought and the reasons they are necessary.

### 3. REVIEW CRITERIA

The Planning and Zoning Commission may approve an application for Major Development Plan if the proposed development:

- (a) Will not create significant adverse impacts on the surrounding neighborhood, or any significant adverse impacts will be limited to a short period of time;

- (b) Will not create risks to public health or safety;
- (c) Is consistent with any relevant prior approvals or conditions;
- (d) Is consistent with the Comprehensive Plan;
- (e) Is consistent with any provisions of this UDO and the Thomasville Municipal Code; and
- (f) Complies with all requirements and conditions of any prior development permits or approvals related to the property.

#### **Sec. 22.5.4.F. CONDITIONAL USE PERMIT**

##### **1. APPLICABILITY**

Conditional uses are those uses that have potential unforeseen impacts or unique form and require a careful case-by-case review of their location, design, configuration and impact to determine, against fixed standards, the desirability of permitting their establishment on any particular site.

##### **2. PROCEDURE**

The City Planner shall review the application and prepare a staff memorandum and recommendation in accordance with Section 22.5.3.E. The Planning and Zoning Commission shall also review the application and make recommendations to the City Council. The City Council will conduct a public hearing and render a final decision that approves, approves with conditions, or denies the conditional use permit.

##### **3. REVIEW STANDARDS**

The application to establish use shall be approved on a finding by the City Council that:

- (a) The proposed use will not be contrary to the purpose of this UDO.
- (b) The proposed use will not be detrimental to the use of development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.
- (c) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement noise or fumes generation, or type of physical activity.
- (d) The proposed use will not be affected adversely by the existing uses, and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use.
- (e) The parking and all development standards set forth for each particular use for which a permit may be granted are met.

##### **4. POST-DECISION ACTIONS AND LIMITATIONS**

If the city council finds that any condition of a conditional use permit is not complied with, the council may rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

#### **Sec. 22.5.4.G. DEMOLITION PERMIT**

##### **1. APPLICABILITY**

- (a) No person shall demolish any building, structure or any portion of a building or structure without a valid Demolition Permit as issued by the Chief Building Official pursuant to this Section 22.5.4.G, unless the demolition involves one of the following:
  - (i) Designated historic properties, which are subject to review by the Historic Preservation Commission pursuant to Section 22.5.4.J or Section 22.5.4.U, as applicable;
  - (ii) Any principal structure located within the M-1 zoning district containing less than 20,000 square feet of gross floor area;
  - (iii) Partial demolitions involving less than 25 percent of the non-street facing portions of the principal structure; and
  - (iv) Accessory structures containing less than 500 square feet of gross floor area.
- (v) This Section shall not reduce any emergency powers or any other powers of the Chief Building Official as to public safety, health and welfare.

## 2. PROCEDURE

### (a) STAFF REVIEW AND ACTION

- (i) The City Planner shall review the application and prepare a staff memorandum and recommendation in accordance with Section 22.5.3.E. In addition, the Chief Building Official and City Engineer shall review the application and indicate whether the demolition would violate any City building codes or other ordinances under their respective jurisdictions. Any application for demolition may be referred to the Historic Preservation Commission for a review and report on the project.
- (ii) The Planning and Zoning Commission shall review the application and decide the application in accordance with Section 22.5.3.G.

## 3. REVIEW CRITERIA

The Planning and Zoning Commission shall consider the following criteria in determining whether to approve a to approve a Demolition Permit:

- (a) Whether the demolition and/or proposed redevelopment plan is consistent with the Comprehensive Plan, this UDO, and/or City or regional planning objectives.
- (b) Whether the structure has significant historical, architectural, aesthetic or cultural value in its present or restored condition and whether the loss of the building would be detrimental to the historical or architectural heritage of the City.
- (c) The relationship of the building to the character of the neighborhood as an established and definable area, the streetscape and its environs, or any adjacent or attached buildings.
- (d) The age and condition of the building, its architectural or historic importance, and its importance to the streetscape and the surrounding neighborhood.
- (e) The public health and safety.
- (f) Whether the proposed redevelopment project is consistent with the requirements and whether any required approvals for variances or conditional use permits have been granted.
- (g) The architectural merits of the proposed new construction, as compared to the building or structure proposed to be demolished, and as related to the character of surrounding neighborhood or district.
- (h) The details of the development plan and proposed use, and the timeframe within which the applicant intends to commence the proposed redevelopment of the site.
- (i) Whether realistic alternatives, including adaptive uses, are likely based upon the nature or cost of work necessary to preserve the structure.
- (j) The condition of the structure(s), the economic viability of rehabilitation, and whether the building or structure can be rehabilitated or reused.
- (k) Whether the hardship is self-created or whether the building or structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain it.
- (l) Whether some portion of the building, such as a façade or distinctive architectural details, can or should be retained or reused in the new construction.
- (m) Evidence or testimony presented by any established City board, committee or department, community organization, neighborhood association, elected official or member of the general public.

## Sec. 22.5.4.H. SUBDIVISION OF LAND

### 1. APPLICABILITY

This Section applies to all divisions of land within the City into new or different lots for development, except as exempted by state or federal law or court decisions interpreting those laws.

### 2. PROCEDURE

#### (a) PREAPPLICATION REVIEW

Whenever the subdivision of a tract of land within the city is proposed, the subdivider may submit to the city engineer sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision, including proposed restrictions if any. No fee shall be charged for the preapplication review and no formal application is required.

**(b) PRELIMINARY PLAT APPROVAL**

- (i) The City Engineer shall check the plat for conformance to the rules and regulations of this UDO and shall give tentative approval or disapproval to the preliminary plat. The City Engineer shall provide a statement of the reasons for disapproval if the preliminary plat is disapproved.
- (ii) Approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. A preliminary plat expires and becomes null and void after thirty-six (36) months, unless the City Engineer approves an extension of time is approved.

**(c) FINAL PLAT APPROVAL**

- (i) The city engineer shall check the final plat for conformance with the tentatively approved preliminary plat and with the rules and regulations of this UDO and report his findings and recommendations to the Planning Commission, which shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the City Engineer by registered or certified mail to the person designated in the letter requesting final plat review and approval, at least five (5) days prior to the date of the hearing.
- (ii) Thereafter, the Planning commission shall tentatively approve or disapprove the final plat and forward the plat to the City Council for its final approval. A notation of the action by the planning commission shall be made on two (2) prints of the final plat, including a statement of the reasons for its decision. If action on a final plat is not taken by the planning commission within thirty (30) days of the date of the submittal, the final plat shall be considered approved by the planning commission and the plat shall be forwarded to the city council for action. However, the applicant for approval may waive this requirement and consent to an extension of time.

**(d) APPLICATION FOR PLAT APPROVAL FOR SUBDIVISIONS ON EXISTING STREETS**

This subsection provides for an alternate method of approval for the division of large lots less than one (1) block in size into smaller parcels that are on streets that exist as usable public streets at the date of this chapter.

- (i) The city engineer shall review the plat for compliance with subsection C below, which shall afford a hearing on the plat, notice of the time and place of which shall be sent by the city engineer by registered or certified mail to the person designated in the letter requesting plat review and approval, at least five (5) days prior to the date of the hearing.
- (ii) Thereafter the planning commission shall give final approval or disapproval of the plat. A notation of the action shall be made on two (2) prints of the plat, including a statement of the reasons if the plat is disapproved. If action on the plat is not taken by the planning commission within thirty (30) days of the date of the submittal, the plat is considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

**3. REVIEW CRITERIA**

The Planning and Zoning Commission may approve an application for Subdivision of Lots if:

- (a) All new lots created meet the dimensional standards for that district;
- (b) The proposed development is consistent with the Comprehensive Plan;
- (c) The proposed development is consistent with any provisions of this UDO and the Thomasville Municipal Code; and
- (d) The proposed development complies with all requirements and conditions of approval of any prior development permits or approvals applicable to the property.
- (e) The name of the subdivision must have the approval of the planning commission. The name shall not duplicate nor closely approximate the name of an existing subdivision.

- (f) Street names shall require the approval of the planning commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

#### **Sec. 22.5.4.I. DEVELOPMENT STANDARD OR USE VARIANCE**

##### **1. APPLICABILITY**

If an application to the Chief Building Official or City Planner under this UDO does not comply with the provisions of this UDO, the Chief Building Official or City Planner shall issue a denial. The applicant may then apply for a variance from the dimensional or development standards or the permitted use regulations of this UDO pursuant to this Section 22.5.4.I.

##### **2. PROCEDURE**

The Architectural Review & Zoning Appeals Board shall review the application and decide the application in accordance with Section 22.5.3.I.

##### **3. REVIEW CRITERIA**

- (a) The Architectural Review & Zoning Appeals Board may authorize upon appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this article in the district in question.
- (b) The Architectural Review and Zoning Appeals Board may grant a variance if it finds:
  - (i) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
  - (ii) The application of this article to this particular piece of property would create a practical difficulty or unnecessary hardship; and,
  - (iii) Those conditions are peculiar to the particular piece of property involved;
  - (iv) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided. No variance may be granted for a use of land or building or structure that is prohibited by Section 22.3.1.F;
  - (v) A literal interpretation of this article would deprive the applicant of any rights that others in the same district are allowed;
  - (vi) That the development is in keeping with character, scale, and quality of surrounding properties.

##### **4. POST-DECISION ACTIONS AND LIMITATIONS**

- (a) The Architectural Review & Zoning Appeals Board may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.
- (b) If any of the terms, conditions or restrictions upon which a variance was granted are not complied with, the board may rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

#### **Sec. 22.5.4.J. FLOODPLAIN VARIANCE**

##### **1. APPLICABILITY**

- (a) An applicant may apply for a variance from any floodplain development standard in Section 22-2.7.C (FP-O Floodplain Overlay).
- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section, except for subsections (iii)(A) and (iii)(B), and if the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

## 2. PROCEDURE

- (a) The Floodplain Management Board of Appeals as established by the City Council shall hear and decide appeals and requests for variances from the requirements of this UDO.
- (b) The Floodplain Management Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirements, decision, or determination made by the Chief Building Official in the enforcement or administration of this UDO.
- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.
- (d) Any person aggrieved by the decision of the Floodplain Management Board of Appeals or any taxpayer may appeal such decision to the superior court of the county, as provided in the general law.
- (e) The Chief Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## 3. REVIEW CRITERIA

- (a) In passing upon floodplain variance applications, the Floodplain Management Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this UDO, and the:
  - (i) Danger that materials may be swept onto other lands to the injury of others;
  - (ii) Danger to life and property due to flooding or erosion damage;
  - (iii) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) Importance of the services provided by the proposed facility to the community;
  - (v) Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - (vi) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (vii) Compatibility of the proposed use with existing and anticipated development;
  - (viii) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (ix) Safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (xi) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) Upon consideration of the factors listed above, and the purposes of this UDO, the Floodplain Management Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this UDO.
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## 4. CONDITIONS FOR VARIANCES

- (a) Variances shall only be used upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (b) Variances shall only be issued upon:
  - (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in the exceptional hardship; and

- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or this UDO.

#### **Sec. 22.5.4.K. HISTORIC PROPERTY HARDSHIP MODIFICATION**

All applicable provisions of Section 22.5.3 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

##### **1. APPLICABILITY**

This section applies to all applications for a modification or waiver of some or all of those historic preservation standards and guidelines in Section 22.2.7.A (H-O Historic Resources Overlay), which can only occur after a denial of a Certificate of Appropriateness by the Historic Preservation Commission pursuant to Section 22.5.4.V.

##### **2. PROCEDURE**

- (a) An applicant may request, in writing, a waiver or modification of any of the standards or guidelines in Section 22.2.7.A (H-O Historic Resources Overlay) or may request in writing permission to demolish, remove, or relocate a designated landmark or a contributing structure in a historic district.
- (b) The Historic Preservation Commission may waive or otherwise modify the historic district standards or guidelines, or permit the demolition, removal, or relocation of a structure, as necessary to eliminate practical difficulties or economic hardship associated with strict interpretation of these provisions. The applicant has the burden of proving any practical difficulty or economic hardship.
- (c) The Commission shall limit any waiver or modification of the standards or guidelines, or the approval of any demolition, removal, or relocation of a structure, to the minimum required to alleviate the economic hardship or practical difficulty, and may prescribe conditions that it deems necessary or appropriate.
- (d) If the Commission finds that the applicant's burden of proof has been met, the Commission shall issue a decision to approve the application with or without conditions. Its decision shall clarify which of the standards or guidelines in Section 22.2.7.A have been waived or modified, and the nature and extent of the waivers or modifications, or shall clarify its permission to demolish, remove, or relocate a structure.
- (e) The decision of the Commission shall be in writing and shall state the reasons for its decision. A copy shall be sent to the applicant by first class mail or personal service with proof of delivery, and a copy filed with the City clerk's office for public inspection.

##### **3. REVIEW CRITERIA**

###### **(a) APPLICATIONS THAT DO NOT INVOLVE A DEMOLITION, REMOVAL, OR RELOCATION**

The Historic Preservation Commission may approve the application, with or without conditions, if it determines that:

- (i) The applicant cannot realize a reasonable return if compliance with the commission's decision is required. The applicant shall demonstrate the lack of reasonable return by competent financial evidence;
- (ii) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (iii) The requested relief, if granted, will not alter the essential character of the neighborhood; and
- (iv) The alleged hardship is not self-created.

###### **(b) APPLICATIONS FOR DEMOLITION, REMOVAL, OR RELOCATION**

The Historic Preservation Commission may approve the demolition, with or without conditions, if it determines that:

- (i) The applicant has proposed an imminent plan for the redevelopment or reuse of the affected property;
- (ii) The denial of demolition, removal, or relocation will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.
- (iii) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;



- (iv) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and
- (v) The owner has not created the hardship through waste and neglect that allowed the property to fall into a serious state of disrepair.

#### **Sec. 22.5.4.L. BUILDING PERMIT**

##### **1. APPLICABILITY**

No person shall construct, alter, add to, or convert any structure or part of a structure without a valid Building Permit issued by the Chief Building Official.

##### **2. PROCEDURE**

The Chief Building Official shall review the application and make a decision on the Building Permit as provided in the Building Code.

##### **3. REVIEW CRITERIA**

An application for a Building Permit shall be approved only if the Chief Building Official determines that it is consistent with the adopted Building Code, any provisions of this UDO, and the Thomasville Municipal Code.

#### **Sec. 22.5.4.M. DEVELOPMENT PERMIT**

##### **1. APPLICABILITY**

An applicant may request a Development Permit, which is a formal written statement by the City detailing all permits and approvals required for certain activity within the City.

##### **2. PROCEDURE**

The City Planner shall review the application and make a decision on the Development Permit, within 45 days.

#### **Sec. 22.5.4.N. MINOR DEVELOPMENT PLAN REVIEW**

##### **1. APPLICABILITY**

The Minor Development Plan procedures and standards in this Section 22.5.4.N apply to the review of any development plan associated with the following:

- (a) All new civic and institutional, commercial, and industrial development with less than 10,000 square feet of gross floor area.
- (b) All new residential development that contains four or fewer dwelling units within a single lot or parcel.
- (c) All expansions of existing multi-family, nonresidential, mixed-use and special purpose properties which increase the ground floor area by between 1,000 and 10,000 square feet or gross floor area.
- (d) All conversions of an existing nonresidential structure to a residential use containing between 5 and 19 dwelling units.
- (e) All new surface parking lots having fewer than 10 parking spaces or expansion of existing parking areas that would add between five and nine parking spaces.
- (f) Any change of use in the T5-C or T5-H, districts on a lot containing between 10,000 and 20,000 square feet of lot area.
- (g) Any change of use in the T4-E or T4-C district on a lot containing between 5,000 and 10,000 square feet of lot area.
- (h) Any expansion or substantial renovation of a use in the Vehicles and Equipment use category not subject to a Development Plan Review.
- (i) Demolition of accessory structures containing less than 500 square feet of gross floor area, except designated historic properties subject to review by the Historic Preservation Commission.
- (j) Demolition of principal structures, limited to the following:
  - (i) Any principal structure located within the M-1 zoning district and containing less than 20,000 square feet of gross floor area.

- (ii) Partial demolitions involving less than 25 percent of the non-street facing portions of the principal structure.

## 2. PROCEDURE

- (a) The City Planner shall review the application and make a decision on the Minor Development Plan. However, if the City Planner determines that the application is unusually large or complex or may create significant adverse impacts on the surrounding area, the City Planner may refer the application for consideration and decision by the Planning and Zoning Commission pursuant to Section 22.5.4.E (Major Development Plan Review).
- (b) Minor Development Plan approval authorizes submittal of any other development application(s) that may be required before construction or use of the development authorized by the Minor Development Plan.
- (c) Approval of a Minor Development Plan shall automatically expire if a building permit has not been issued within one year of approval.

## 3. REVIEW CRITERIA

An application for Minor Development Plan shall be approved only if the City Planner determines that the proposed development:

- (a) Will not create significant adverse impacts on the surrounding neighborhood, or any significant adverse impacts will be limited to a short period of time;
- (b) Will not create risks to public health or safety;
- (c) Is consistent with the Comprehensive Plan; and
- (d) Is consistent with any provisions of this UDO and the Thomasville Municipal Code.

### Sec. 22.5.4.O. SIGN PERMIT

All applicable provisions of Section 22.5.3 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

#### 1. APPLICABILITY

##### (a) GENERAL

Unless specifically exempted from obtaining a permit under the provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a valid sign permit from the City.

##### (b) EXEMPTIONS

A Sign Permit is not required for those signs listed in Section 22.4.6.F (Sign Types that Do Not Require a Permit).

##### (c) PERSONS ENTITLED TO PERMITS; NONTRANSFERABLE

Sign permits shall be issued only to the owner of the lot for which the sign is to be erected or to the owner's agent. For all signs, the sign face of which does not exceed 32 square feet and the height of which does not exceed six (6) feet, permits may be issued to the owner or owner's agent without designation of a licensed contractor. Any sign exceeding those dimensional requirements, with the exception of wall signs painted on an exterior wall and banners, shall require designation of a licensed contractor to perform the sign fabrication and installation. Sign permits are authorizations granted to a specific applicant and are nontransferable. The sign permit holder shall remain responsible at all times for the erection, maintenance and condition of the sign. Once signs have been erected pursuant to valid permits, the sign permits are transferable only to a new owner or agent who succeeds to the legal interest of the former sign permit holder; no transfer of the sign permit shall be complete without application to and approval by the City.

#### 2. PROCEDURE

##### (a) APPLICATIONS

Applications for sign permits shall be made upon forms provided by the City. One application and permit may include multiple signs on the same lot. Each application shall have contained or attached thereto the following information:

- 1) Name, address and telephone number of the applicant.
- 2) Tax lot ID and address of building, structure or lot to which or upon which the sign is to be attached or erected.
- 3) Two accurate drawings of the site, to scale, showing the proposed location of the sign, other signs on the site, driveways, parking areas, existing rights-of-way, easements, a site distance diagram and any other limiting site features (survey not required). Signage installed upon a building or structure shall include the height and width of the building façade for each façade that signage is to be installed upon.
- 4) Two (2) accurate drawings, to scale, of the plans, specifications and method of construction and attachment of the sign to the building or ground. The drawing shall specifically include the size of the sign area, overall dimensions of the sign, height of the sign upon installation, location of the sign installation and any protective devices or landscaping around the base of the sign. Engineered structural drawings designed to applicable codes may be required by the Chief Building Official.
- 5) Name, address, telephone number and sign contractor's license number of the person erecting the sign.
- 6) Written consent of the owner of the lot to which or upon which the sign is to be erected if the application is made by the owner's agent.
- 7) The value of the sign.
- 8) Comprehensive photographs of the proposed site, including all existing buildings, structures, existing signage and driveways.
- 9) Such other information as the city shall require to show full compliance with this and other ordinances of the City.

**(b) CONTENT NEUTRALITY**

No review of the specific content of any proposed sign shall be made or required, it being the intent of the City that the provisions of this article do not regulate the message of a sign, regardless of whether the sign content is commercial or noncommercial.

**(c) MULTI-TENANT SIGNS**

For multi-tenant signs the property owner shall secure a permit for the sign structure as well as for removal of individual sign panels reserved for uses which no longer exist within the building or buildings covered by the multi-tenant sign. In addition to the permit required for a multi-tenant sign structure, a separate permit shall be required for each panel of the multi-tenant sign.

**(d) INSURANCE FOR CERTAIN SIGNS**

No permit for a sign that extends over a public right-of-way shall be issued until the owner or person in control of such sign shall have obtained liability insurance in the sum of \$1 million for property damage for any one claim and public liability insurance in an amount not less than \$1 million for injuries, including accidental death to one person, insuring the municipality against all loss, costs, damages, personal injury or expenses incurred or sustained by or recovered against the city by reason of the construction or maintenance of such sign. The certificate of insurance shall state that the city is an additional insured and that the insurance carrier will notify the City 30 days in advance of any termination or restriction of coverage. The provisions of this section shall not apply to signs not requiring a permit under this article.

**(e) FEES**

Permit fees shall be collected at the time of permit issuance. Fees for permits shall be fixed from time to time by the City Council.

**3. REVIEW CRITERIA**

**(a) REVIEW OF APPLICATION; ISSUANCE OF PERMIT**

Upon the filing of an application for a sign permit, the zoning administrator shall review all information supplied, all plans and specifications submitted, and the premises upon which the sign is proposed to be erected. Such review shall be completed within 30 calendar days of submission of a sign application. If, based

on review of the permit application and inspection of the site, the proposed sign is in compliance with the requirements of this article and all other laws and ordinances of the City, the zoning administrator shall issue a permit upon payment of all fees. Application packages submitted in an incomplete form shall be returned to the applicant with denial based upon incompleteness of the application. If no decision is made within 30 calendar days, the permit will be deemed approved, provided that any sign erected must comply with all size, height, location and other physical requirements of this article, and no vesting of rights for a sign in violation of the standards shall occur.

**(b) DENIAL OF PERMITS; REVOCATION**

The City shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this Section, are incomplete, or contain any material or false statements. Violation of any provision of this article will be grounds for terminating a permit granted by the City for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that the permit has been erroneously issued in violation of this article, the zoning administrator shall revoke the permit. Should the zoning administrator deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before the 30th calendar day after the City received the application. Alternatively, the City may personally serve the sign applicant with a copy of the written notice of denial within 30 calendar days after the City's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of on the date of original submission. Actions to revoke a permit shall be in writing, shall document the basis for the revocation, and shall be served in the same manner as a notice of denial.

**(c) EXPIRATION OF PERMITS**

A sign permit shall become null and void if the sign for which the permit was issued has not been erected, installed or affixed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later a sign is desired to be erected at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

**(d) APPEALS**

An individual whose permit application has been denied or a permittee whose written permit has been revoked may appeal the decision to the Architectural Review and Zoning Appeals Board, provided the appellant files a written notice of appeal with the city clerk within 10 business days of the zoning administrator's notice. The Architectural Review and Zoning Appeals Board shall consist of three members – the city manager, the planning & zoning chairperson, and the chairman of the Chamber of Commerce board of directors. Such appeals shall be considered by the Architectural Review and Zoning Appeals Board in a hearing held within 30 days of the notice of appeal being filed. In hearing an appeal under this article, the Architectural Review and Zoning Appeals Board shall be bound by the standards contained in this article. At the hearing the appellant shall have the right to introduce evidence, may testify, may be represented by counsel, and may cross-examine witnesses. The burden of supporting the decision of the zoning administrator rests with the zoning administrator. The Architectural Review and Zoning Appeals Board will tape record the appeal proceedings. The appellant has the right to supply a court reporter at his or her own expense, if desired. The Architectural Review and Zoning Appeals Board shall reach a decision within 14 calendar days after hearing. If no decision is made within 45 days of appeal filing, the appeal will be deemed to overrule the zoning administrator's decision. Decisions of the Architectural Review and Zoning Appeals Board to affirm the decision of the zoning administrator or to overrule the decision of the zoning administrator shall be reduced to writing and served upon the applicant in the same manner as the original notice from the zoning administrator.

**(e) FURTHER REVIEW BY CERTIORARI**

In the event an applicant whose permit has been denied or a permit holder whose permit has been revoked is dissatisfied with the decision of the Architectural Review and Zoning Appeals Board, such applicant or permit holder may petition for writ of certiorari to the Superior Court of Thomas County as provided by law.

**Sec. 22.5.4.P. FLOODPLAIN DEVELOPMENT PERMIT**

**1. APPLICABILITY**

- (a) A Floodplain Development Permit is required for all construction and other development to be undertaken in areas of special flood hazard.
- (b) The purpose of a Floodplain Development Permit is to protect the City's citizens from increased flood hazards and to ensure that new development is constructed to minimize its exposure to flooding.
- (c) It is unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map, without a valid Floodplain Development Permit.

## 2. PROCEDURE

- (a) Application for a Floodplain Development Permit shall be made to the Chief Building Official on forms furnished by the Chief Building Official.
- (b) The following may be requested in the application: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, The following information is required:
  - (i) Application Stage
    - 1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures;
    - 2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
    - 3) Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofed criteria in Section 22.2.7.C.7(d);
    - 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,
  - (ii) Construction Stage
    - 1) Provide a floor elevation or floodproofing certification after the lowest floor is completed. Upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Chief Building Official a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level.
      - a) The certification shall be prepared by or under the direct supervision of, and certified by, a registered land surveyor or professional engineer. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the professional engineer or architect.
      - b) Any work undertaken prior to submission of the certification is at the permit holder's risk.
      - c) The Chief Building Official shall review the floor elevation survey data submitted.
      - d) The permit holder shall correct deficiencies detected by the review immediately and before further work is permitted to proceed. Failure to submit the survey or to make the corrections required by this section is cause to issue a stop-work order for the project.
- (c) The Chief Building Official shall review all development permits to ensure that the permit requirements of this UDO and this subsection have been satisfied.
  - (i) Duties of the Chief Building Official include:
    - 1) Advise permittee that additional federal or state permits may be required, and, if specific federal or state permit requirements are known, require that copies of those permits are provided and maintained on file with the development permit.
    - 2) Notify adjacent communities and the environmental protection division of the department of natural resources prior to any alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Emergency Management Agency.
    - 3) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

- 4) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, in accordance with subsection (2) of Section 22.5.4.P.
- 5) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with subsection (2) of Section 22.5.4.P.
- 6) When floodproofing is utilized for a particular structure, the chief building official shall obtain certification from a registered professional engineer or architect, in accordance with subsection (iii) of section Section 22.2.7.C.7(d).
- 7) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the chief building official shall make the interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

### 3. REVIEW CRITERIA

An application for a Floodplain Development Permit shall be approved only if the Chief Building Official determines that:

- (a) The proposed building site meets all provisions of the Section 22.2.7.C (FP-O Floodplain Overlay)
- (b) The proposed building sites will be reasonably safe from flooding.
- (c) If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements meet the City adopted standards, as amended.
- (d) Any proposed development in an area of special flood hazard does not result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Chief Building Official may require the applicant to submit additional technical analyses and data necessary to complete the determination.
- (e) All necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

## Sec. 22.5.4.Q. LOT ADJUSTMENT

### 1. APPLICABILITY

- (a) No existing lot line shown on a recorded document or subdivision plat, as applicable, may be relocated between two abutting lots or tracts unless the City Planner has first approved that relocation pursuant to this Section 22.5.3.G.
- (b) No consolidation of two (2) or more existing lots shown on a recorded document or subdivision plat unless the City Planner has first approved that relocation pursuant to this Section 22.5.3.G

### 2. PROCEDURE

The City Engineer shall review the application and make a recommendation to the City Planner. The City Planner shall review the application and make a decision on the Lot Adjustment.

### 3. REVIEW CRITERIA

An application for a Lot Adjustment shall be approved only if the City Planner determines that:

- (a) It is consistent with the Comprehensive Plan;
- (b) It is consistent with any provisions of this UDO and the Thomasville Municipal Code;
- (c) Any new resulting lots will comply with the requirements of this UDO;
- (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this UDO, the proposed adjustment will not create any new nonconformity between the requirements of this UDO and any of the lots or any of the structures on the lots whose lot lines are to be adjusted.
- (e) If any of the lots are nonconforming, the lot adjustment will either remove the non-conformity or improve it.

#### **Sec. 22.5.4.R. REVOCABLE SIDEWALK PRIVILEGES**

##### **1. APPLICABILITY**

This section applies to all development or redevelopment projects or activities that will occur on public rights-of-way, including sidewalks.

##### **2. PROCEDURE**

The City Engineer shall review the application and make a recommendation to the City Planner. The City Planner shall review the application and make a decision on the Revocable Sidewalk Privilege.

##### **3. REVIEW CRITERIA**

The City Planner may approve an application for a Revocable Sidewalk Privilege if:

- (a) The City Engineer has no objection to the issuance of the permit;
- (b) The issuance of the permit will not compromise public health and safety, including automobile, bicycle, and pedestrian safety;
- (c) The applicant agrees to provide and maintain liability insurance protecting the City from liability for damage or injury related to the proposed activities on the public right-of-way, if the City Planner determines that insurance be needed based on its evaluation of potential risks to the City; and
- (d) The issuance of the permit is consistent with the intent and character of the district in which the property is located.

##### **4. POST-DECISION ACTIONS**

A Revocable Sidewalk Privilege may be revoked by the City for violation of any provision of this UDO or any condition attached to the Privilege, or if the City requires other use of the sidewalk or public property.

#### **Sec. 22.5.4.S. CURB CUT PERMIT**

##### **1. APPLICABILITY**

This section applies to all development or redevelopment projects or activities that require the creation of a new curb cut or the relocation of an existing curb cut on a public right-of-way.

##### **2. PROCEDURE**

The City Planner shall review the application and submit its recommendation to the City Engineer. The City Engineer shall review the application and recommendation, and make a decision on the Curb Cut Permit.

##### **3. REVIEW CRITERIA**

The City Engineer may approve an application for a Curb Cut Permit if:

- (a) The City Engineer and Traffic Engineering Unit have no objection to issuance of the permit;
- (b) Issuance of the permit will not compromise public health and safety, including automobile, bicycle, and pedestrian safety; and
- (c) Issuance of the permit is consistent with the intent and character of the district in which the property is located.

##### **4. POST-DECISION ACTIONS**

The City Engineer may revoke a Curb Cut Permit for violation of any provision of this UDO or any condition attached to the Permit, or if the City requires other use of the public right-of-way.

#### **Sec. 22.5.4.T. LANDSCAPE PERMIT**

All applicable provisions of Section 22.5.3 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

##### **1. APPLICABILITY**

It shall be unlawful for any person other than an approved employee or agent of the City to move or remove any tree in any public street, right-of-way, public park, off-street parking facility and other vehicular use areas within the City unless and until a written permit to do so shall have been first obtained.

## 2. PROCEDURE

- (a) The tree commission shall hear applications required at its next scheduled meeting. Applications must be complete and submitted at least 10 days prior to the commission's meeting to be heard at that meeting. The Commission shall establish the form of application. The commission shall hold a public hearing on any application and approve in whole or in part, approve with conditions, or deny the application upon such reasonable terms and conditions as the commission may fix.
- (b) A Landscape Permit may be forgone as part of the development permit process.

## 3. REVIEW CRITERIA

The Tree Commission may approve an application for a Landscape Permit if:

- (a) The applicant shall follow standards promulgated by the U.S. Occupational Safety and Health Administration (OSHA).
- (b) Permitted work conforms to the American National Standard for Arboricultural Operations - Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements.
- (c) Whether the public or private benefit that will result from granting the application outweighs the public benefit that will result from denying it.
- (d) Whether denial of an application to remove an exceptional tree would prevent the reasonable use of the property as zoned.
- (e) Whether the tree is diseased or decayed to the point it presents a danger to persons or to property
- (f) Whether pruning or other treatments or measures present reasonable alternatives to the removal of a diseased or damaged exceptional tree.

## 4. POST-DECISION ACTIONS

Any person aggrieved by any decision of the tree commission or by any decision of an officer or agent to whom the commission's duties are delegated, may appeal to the Architectural Review and Zoning Appeals Board within 10 days of that decision and under such other rules and regulations as the city council may fix. No person may take any action harmful to a tree that is the subject of an appeal while the appeal is pending.

### Sec. 22.5.4.U. STORMWATER MANAGEMENT PERMIT

#### 1. APPLICABILITY

Any development activity that would increase the rate of run-off or cause a decline of the water quality requires a permit. Such activities:

- (a) Construction of a structure or addition to an existing structure;
- (b) Increase in areas of imperviousness; or
- (c) Subdividing land.

#### 2. PROCEDURE

The City Planner and the City Engineer shall review the application and make a recommendation to the Chief Building Official. The Chief Building Official shall review the application and make a decision on the Stormwater Management Permit.

#### 3. SCOPE OF PERMIT

##### (a) ENFORCEMENT

The chief building official shall not issue a permit unless it is consistent with the conditions of a Stormwater Management Permit and that all applicable conditions are fulfilled. No building permit shall be issued until the city engineer has either determined that the work involved is exempt from the requirements of this subsection, or that a complete plan has been filed with the city engineer meeting the requirements of this subsection. If the permit has not been previously approved, the chief building official may issue a provisional building permit contingent upon approval of the stormwater management plan and compliance with this subsection and any conditions of the stormwater management permit. The owner/applicant shall acknowledge



in writing that the building permit is contingent upon the above. No occupancy permit shall be issued until the owner/applicant meets the provisions of this subsection.

**(b) VARIANCE PROCEDURE**

Upon request by any person required to obtain a permit by this article and where it is proven by engineering study by the owner/applicant's engineer that an increase in the rate or volume of surface runoff are not harmful to downstream property owners, the Architectural Review and Zoning Appeals Board, after favorable recommendations by the city engineer, may grant or deny a variance to this section.

**(c) EMERGENCY EXEMPTION**

- (i) This subsection does not prevent any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pest, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in protecting the property.
- (ii) The owner or person in control of the property upon which emergency action was taken shall submit a report of the such emergency action to the engineering department within ten (10) days following that action. Remedial action may be required by the engineering department subject to appeal to the Architectural Review and Zoning Appeals Board in the event of dispute.

**(d) BOND TO GUARANTEE COMPLIANCE**

Compliance with this section is required before approval of the building permit and issuance of a certificate of occupancy. After approval of the permit for compliance, the owner/applicant may tender to the city a surety bond conditional to secure construction of the improvements required by this subsection. The bond shall be in an amount equal to one hundred ten (110) percent of the estimated cost of the construction required by this subsection. The owner/applicant shall get a quotation for the required work from a reliable contractor qualified to complete the required work within the required time. The city engineer may prepare an estimate in lieu of above and require a bond for an amount based upon that estimate. The surety will be subject to the condition that the improvements required by this subsection and the approved permit be completed within six (6) months of the date of issuance of the certificate of occupancy. If the improvements are not satisfactorily completed, within six (6) months, the terms of the bond shall specify that the city may proceed with the work and hold the applicant and surety jointly and severally responsible for the costs. The bond shall be executed by a corporate surety company authorized to do business in the state, holding certificate of authority from the Secretary of Treasury of the United States as acceptable surety on federal bonds and executed and issued by a resident agent licensed and having an office in the state representing the corporation surety. As an alternative, the applicant may deposit a certificate check with, and payable to, the city in place of the surety bond or the applicant may deposit a bank letter of credit in a form acceptable to the city attorney.

**4. ALTERNATE PROCEDURES**

- (a) When developing a parcel of land which does not lie within a drainage basin where the City Engineer has identified a significant drainage problem for a twenty-five-year storm event, a developer, in lieu of constructing an on-site detention facility, may elect to pay a stormwater impact fee.
- (b) The stormwater impact fee shall be calculated, published and enforced as provided by the Georgia Development Impact Fee Act (O.C.G.A. § 36-71-1 et. seq.).
- (c) A developer who is allowed to use the alternate procedure of paying an impact fee to the city and whose drainage from the property flows onto any adjacent property other than public right-of-way shall enter into an agreement to indemnify the city if any claim or action is brought against the city as a result of that condition. The indemnification agreement shall be in a form satisfactory to the city attorney.
- (d) When the city engineer determines that an existing detention facility can be eliminated without adversely affecting downstream drainage networks, the owner may eliminate the existing detention facility if the city agrees to accept a stormwater impact fee for the impervious area created by the development as provided above.

**5. REVIEW CRITERIA**

The Chief Building Official shall approve an application for the Stormwater Management Permit if the permit complies with the following:

- (a) Will be consistent with the Comprehensive Plan;
- (b) Will comply with applicable district, use, and development standards in this UDO; and
- (c) Will comply with all requirements and conditions of any prior development permits or approvals related to the property.

#### **Sec. 22.5.4.V. CERTIFICATE OF APPROPRIATENESS**

##### **1. APPLICABILITY**

- (a) After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of such historic property, or of a structure, site, object or work of art within the historic district, shall be made or be permitted to be made by the owner or occupant until the commission grants a certificate of appropriateness.
- (b) Exemptions:
  - (i) Ordinary maintenance or repair of any exterior architectural or environmental feature to correct deterioration, decay or damage, or to sustain the existing form
  - (ii) Change in paint color, but property owners are encouraged to seek advice from the commission when changing paint color.
- (c) Owners of designated historic properties or properties located within a designated historic district shall maintain their property in accordance with existing laws of the city. The Thomasville Historic Preservation Commission does not have the power to require special maintenance of historic properties or historic districts. The commission may, however, request the appropriate city officials to take action on properties being neglected or not maintained.
- (d) After the designation by ordinance of a historic district, all new structures constructed within a designated historic district require a certificate of appropriateness which the commission shall issue if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the commission.

##### **2. PROCEDURE**

- (a) The owner or occupant of a historic property, or of a structure, site, object, or work of art located within a historic district may file an application for a certificate of appropriateness.
- (b) The commission shall approve or reject an application for a certificate of appropriateness within sixty (60) days after its is filed. Evidence of approval shall be a certificate of appropriateness issued by the commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested notice in writing filed with the commission. The Commission's decision shall state the reasons for denying or modifying any application.
- (c) A certificate of appropriateness is void if construction does not commence within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of eighteen (18) months and are renewable.
- (d) Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal the determination to the Architectural Review and Zoning Appeals Board. Any such appeal must be filed with the city council within fifteen (15) days after the issuance of the determination pursuant to subsection Section 22.5.3.K.2. The city council may approve, modify, or reject the determination made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. Appeals from decision of the city council may be taken to the superior court of the county in the manner provided by law for appeals from conviction for city ordinance violations.

##### **3. REVIEW CRITERIA**

The Historic Preservation Commission may approve a Certificate of Appropriateness if he or she determines that all requirements of this UDO have been met.

## ARTICLE 22.6 PRE-EXISTING DEVELOPMENT AND NONCONFORMITIES

### SECTION 22.6.1 RESPONSIBILITY OF THE APPLICANT/PROPERTY OWNER

It shall be the applicant and/or property owner's responsibility to provide any and all documentation of evidence required to support a nonconformity claim.

#### Sec. 22.6.1.A. CERTIFICATE

Any person having a legal or equitable interest in a nonconforming property may apply for a certificate of nonconformity from the City Planner by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconformity is evidence that the designated use or structure is a legal nonconforming use or structure at that time.

#### Sec. 22.6.1.B. EVIDENCE

1. Where an application seeks a certificate to establish the legal nonconforming use of a property, the City Planner may issue or deny such certificate upon receipt of the furnishing of information and evidence needed to prove:
  - (a) That the use was lawfully established prior to the effective date of the applicable regulations.
  - (b) That the use has been continuously maintained since it was established.
  - (c) That the use has not been abandoned for a period in excess of one year.
2. Evidence may include photographs of the property or use (dated or with an affidavit as to the date of the photograph), utility bills, property tax statements or receipts, copies or leases or subleases, evidence of goods and services rendered from the property (dated or with an affidavit as to the data of the evidence), or notarized affidavits from the owner of property within 300 feet of the subject property.
3. Where an application seeks a certificate to establish the legal nonconforming status of a structure or other nonconformity only, the City Planner may issue or deny certificate upon review of a certified survey, building permits, or other documentation deemed necessary or sufficient by the City Planner.

### SECTION 22.6.2 NONCONFORMING LOTS

- A. A lot that does not conform to the standards in this UDO for the zoning district in which it is located may be used for any use for which a conforming lot may be used, but must comply with all Dimensional Standards in Section 22.4.1, all Form-based Standards in Section 22.2.5.F, and all other provisions of this UDO applicable to property in that zoning district.
- B. On a nonconforming lot of record, all front and rear yards and setbacks as well as subsequent expansions must conform to zone district yard requirements.

### SECTION 22.6.3 NONCONFORMING USES

#### Sec. 22.6.3.A. CONTINUATION WITHOUT EXPANSION OF STRUCTURE

Any use existing on or before the effective date of this UDO that is in any way nonconforming under this UDO, including operational requirements such as hours of operation, provision of off-street parking spaces, and noise limitations, may continue to be used for the purposes it was used when it became nonconforming, and may be sold to a new owner or operator, and may be expanded into parts of the existing building that it occupies. However, the building or parcel of land shall not be enlarged to accommodate any expansion of the nonconforming use.

#### Sec. 22.6.3.B. HOURS OF OPERATION

Where this UDO establishes hours of operation that differ from those applicable under prior regulations, permits, or approvals, including without limitation those included in a Conditional Use Permit or a condition attached to a Variance, the provisions of this UDO apply, and operations that open earlier or close later are considered nonconforming. If a nonconforming use expands into additional areas within an existing building, as permitted by subsection (A) above, the City may require that the entire use comply with the hours of operation established in this UDO regardless of a prior permit or approval allowing different hours of operation.

**Sec. 22.6.3.C. REESTABLISHMENT**

1. No nonconforming use may be reestablished after it has been discontinued or vacated for a period of one year or more.
2. A property owner may apply to the City Planner for continuation of legal nonconforming status if the applicant shows that:
  - (a) The discontinuance resulted from circumstances such as death of a property owner, foreclosure or bankruptcy; and
  - (b) Continuous good faith efforts to resume the use have been shown. If discontinuance in use is due to the loss of a tenant, the owner must show that reasonable action to obtain a new tenant has continued such as listing the property with a real estate agent, receipt of good faith offers on a regular basis by interested persons, existence of a telephone number which is available to persons interested in the property and evidence of continuous active marketing efforts such as advertisements in appropriate media and current signs on the property.
3. The property owner may appeal a denial of an application for extension of nonconforming status to the Architectural Review & Zoning Appeals Board in accordance with Section 22.5.3.K.2.

**Sec. 22.6.3.D. SUBSTITUTION**

1. An existing nonconforming use may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use if the Architectural Review & Zoning Appeals Board determines that the alternative use is in the same or a less intense land use category based on Table 22.3.1(Permitted Use Table).
2. An existing nonconforming use may not be change to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.

**Sec. 22.6.3.E. DAMAGE OR DESTRUCTION**

1. If any structure containing a nonconforming use is damaged or destroyed to the extent of more than 25 percent of the value of the structure, as determined by the tax assessor, any reuse of the structure shall conform to all regulations of the zoning district in which it is located except as provided below.
2. If a structure is damaged or destroyed to the extent of 75 percent or less of the value of the structure construction within the building's original footprint, or repair or restoration of the structure is allowed to the extent necessary to enable continued operation of the nonconforming use. However, no repairs or restorations shall create or increase any parking, yard or space and bulk nonconformity, and all repairs or restoration (except in conformity with the applicable zoning district regulations) require a building permit, and restoration is actually begun within one year after the date of any partial damage or destruction and is diligently pursued to completion.

**Sec. 22.6.3.F. REPAIR AND MAINTENANCE**

Normal maintenance and repairs, including but not limited to replacement, and installation or relocation of walls, partitions, fixtures, wiring or plumbing, may be performed on mechanical systems or existing portions of any structure devoted in whole or in part to a nonconforming use.

**Sec. 22.6.3.G. ENLARGEMENT OF STRUCTURE**

No structure devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner which would enlarge the nonconforming portion or create a new nonconformity.

**Sec. 22.6.3.H. MULTIFAMILY DWELLINGS**

Any conforming multifamily dwelling use in the T4 zoning districts in existence on the effective date of this UDO will be considered to be a conforming use of property notwithstanding any provisions of this UDO limiting the availability of multifamily uses or the number of units permitted in the T4 zoning districts in the future.

### SECTION 22.6.4 NONCONFORMING STRUCTURES

- A. A nonconforming structure may be continued or sold, and may have normal and necessary maintenance and repairs.
- B. No structural alterations may be made to a nonconforming structure unless those alterations bring the structure into closer compliance with this UDO, as determined by the City Planner.
- C. In the event of a natural disaster and a nonconforming structure is damaged or destroyed, rebuilding in full compliance with this UDO is not required unless the cost to repair the existing structure exceeds 75 percent of the cost of replacement as determined by the tax assessor.

### SECTION 22.6.5 NONCONFORMING SIGNS

- A. All signs that are lawfully erected are legal and lawful signs and shall be maintained subject to this Section.
- B. On-premises signs legally erected before the adoption of this UDO that do not conform to the provisions of Section 22.4.6 may continue to be maintained. However, they shall not be enlarged, increased in height, redesigned or altered in any way, unless to conform to the requirements of this UDO.

### SECTION 22.6.6 NONCONFORMING PARKING OR SITE IMPROVEMENTS

Conforming land uses and structures on parcels or lots that do not comply with one or more of the Parking and Loading standards in Section 22.4.3, the Landscaping, Screening and Buffering standards in Section 22.4.4, or the Outdoor Lighting standards in Section 22.4.5, may be expanded, revised, or redeveloped subject to the following conditions:

- A. The expansion, revision, or redevelopment must be to land uses and structures permitted in the zoning district where the property is located;
- B. The expansion, revision, or redevelopment must not increase any nonconformity with the standards in Section 22.4.4, or Section 22.4.5;
- C. Any expansion or change in land uses that increases the amount of parking required on the property shall require a net increase in required parking be provided on-site;
- D. Any increase of impervious surface of 10 percent or more on the site shall comply with all standards and criteria in this UDO; and
- E. Any redevelopment of the property that results in the demolition of all or part of an existing primary structure and/or construction of new primary structures requires that the property be brought into compliance with all applicable requirements of this UDO.

## ARTICLE 22.7 ENFORCEMENT AND PENALTIES

This Section describes the City's powers to enforce the provisions of this UDO provided by law, and includes all enforcement powers available under the regulations in effect prior to the zoning, subdivision, and land use regulations that were replaced by this UDO.

### SECTION 22.7.1 COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this UDO, and with any conditions attached to any permit or approval issued pursuant to this UDO, is required by all persons owning, developing, managing, using, or occupying land or structures in the City shall comply all the procedures, standards, and other provisions of this UDO, and with any conditions attached to any permit or approval issued pursuant to this UDO..

### SECTION 22.7.2 INSPECTIONS

The Chief Building Official shall inspect work during the course of construction to ensure compliance. If any inspection reveals that the work is not carried out in compliance with the terms and conditions of any permit or approval issued under this UDO, the Chief Building Official shall order the work to cease and corrections that bring the work into compliance with this UDO. The Chief Building Official may also revoke the building permit.

### SECTION 22.7.3 COMPLAINTS OF VIOLATIONS

Any person alleging violation of this UDO may file a complaint in writing with the City Planner, who shall investigate the complaint. If reasonable evidence of a violation exists, the City Planner may revoke or suspend the permit, issue a notice of violation and an order to cease and desist, or take any other action to prevent a further violation and/or remedy the existing violation authorized by this UDO.

### SECTION 22.7.4 VIOLATIONS AND RESPONSIBLE PARTIES

#### Sec. 22.7.4.A. VIOLATIONS GENERALLY

##### 1. FAILURE TO COMPLY WITH UDO OR TERM OR CONDITION OF APPROVAL

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this UDO, or the terms or conditions of any development permit, development order, or authorization granted in accordance with this UDO is a violation of this UDO, punishable as provided in this Section. Each day a violation continues is a separate violation.

##### 2. DEVELOPMENT PERMITS OR APPROVALS ONLY AUTHORIZE DEVELOPMENT APPROVED

Development permits or approvals issued under this UDO authorize only the specific use, arrangement, location, design, density or intensity, and development set forth in that development permit or approval.

##### 3. OBTAINING PERMIT OR APPROVAL BASED ON FALSE OR MISLEADING INFORMATION

A permit or approval that is granted based on false or misleading information is null and void, and any development, use, or other activity pursuant to that permit or approval is a violation of this UDO.

#### Sec. 22.7.4.B. SPECIFIC VIOLATIONS

It is unlawful to undertake any activity contrary to the provisions of this UDO, including:

1. Develop land or a structure without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
2. Occupy or use land or a structure without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
3. Subdivide land without first obtaining all appropriate development permits and approvals required to engage in subdivision, and complying with their terms and conditions.
4. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
5. Remove existing trees from a site or parcel of land without first obtaining appropriate development permits and approvals, and complying with their terms and conditions.

6. Disturb any landscaped area or vegetation required by this UDO.
7. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development permits and approvals, and complying with their terms and conditions.
8. Fail to remove any sign installed, created, erected, or maintained in violation of this UDO, or for which the relevant development permit or approval has expired.
9. Create, expand, replace, or change any nonconformity except in compliance with this UDO.
10. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this UDO.
11. Increase the intensity or density of development, except in accordance with the standards of this UDO.
12. Use or operate a business out of a structure without obtaining and maintaining a valid occupation tax certificate.
13. Demolish, alter, construct, or permit a designated landmark or other building or structure in a historic district to fall into serious disrepair, or to be damaged in a way that increases its likelihood of total failure, without obtaining approval of a Certificate of Appropriateness.
14. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this UDO.

## SECTION 22.7.5 REMEDIES AND PENALTIES

### Sec. 22.7.5.A. DENY OR WITHHOLD PERMITS AND APPROVALS

1. The City Planner or Chief Building Official may deny or withhold all permits and approvals, including building permits, certificates of occupancy, business licenses, or other forms of authorization to use or develop any land, structure, or improvements, until an alleged violation, associated civil penalty, and/or lien resulting from a previous final order related to property, use, or development is corrected. This provision applies whether or not the current owner or applicant for the permit or other approval is responsible for the violation.
2. If the City determines that a designated landmark or other building or structure within an historic district has been demolished in violation of this UDO, the City Planner may withhold all permits and approvals for the subject property for up to two years from the date of the completion of the improper demolition.

### Sec. 22.7.5.B. REVOKE PERMITS AND APPROVALS

1. Any permit or other form of approval required under this UDO may be revoked, after notice and a hearing, when the City Planner determines that:
  - (a) There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
  - (b) The entitlement was procured by false representation;
  - (c) The entitlement was issued in error; or
  - (d) There is a violation of any provision of this UDO.
2. Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, including the reasons for the revocation, or notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.
3. Issuance of a permit under this UDO does not authorize violation of any other code or ordinance of the City.

### Sec. 22.7.5.C. STOP-WORK ORDERS

1. Whenever any building, structure, site, or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property, the City Planner or the Chief Building Official has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
2. With or without revoking permits, the City Planner or Chief Building Official may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this UDO or a provision of an approval or other form of authorization issued under this UDO.

3. The stop-work order shall be in writing and directed to the person doing the work, and shall specify the provisions of this UDO or other law allegedly in violation. After any such order has been served, no work shall proceed on any building, structure, or tract of land covered by the order, except to correct the violation or comply with the order.
4. Once conditions for resumption of the work are met, the City Planner or Chief Building Official shall rescind the stop-work order.

**Sec. 22.7.5.D. CRIMINAL AND CIVIL PENALTIES**

1. Any convictions of violating or assisting in the violation of this UDO is punishable by a fine not to exceed \$1,000 or by imprisonment for up to 30 days, or both, for each offense. Each day that a violation is continued uncorrected or resumed, after the violator is notified, shall constitute a separate offense.
2. Violation of any provision of this UDO, or any amendments to it, also subject the offender to a civil monetary penalty in an amount to be established by the City Council. If the offender fails to pay this penalty within 15 days after being cited for a violation, the City may recover the penalty in a civil action in the nature of a debt. The offender may not appeal a civil penalty if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the City within 20 days of the date of the final notice.

**Sec. 22.7.5.E. RESTORATION OF THE PROPERTY**

If the City determines that there has been a violation of the standards and requirements of Section 22.2.7.A (H-O Historic Resources Overlay), any Certificate of Appropriateness issued under Sections Section 22.5.4.V or Section 22.5.4.V or any Demolition Review issued under Section 22.5.4.G, the City may require the property owner to restore the property to its appearance prior to the violation.

**Sec. 22.7.5.F. PENALTIES FOR VIOLATION OF SECTION 22.2.7.C FP-O FLOODPLAIN OVERLAY**

Violation of the provisions of Section 22.2.7.C FP-O Floodplain Overlay or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances of special exceptions, constitute a misdemeanor. Any person who violates this subsection or fails to comply with any of its requirements shall upon conviction be fined up to seven hundred fifty dollars (\$750.00) or imprisoned for up to sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day a violation continues is a separate offense. The city may take other lawful action necessary to prevent or remedy any violation.

**Sec. 22.7.5.G. ABATEMENT**

The City may abate the violation through the following process.

1. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the property owner.
2. Unless this notice is appealed to the City Council within ten days of the delivery of the final warning, the City Planner or Chief Building Official shall proceed to abate the violation.
3. The City Planner or Chief Building Official shall keep an account of the cost, including incidental expenses, incurred by the City in the abatement of any violation. The City Planner or Chief Building Official shall forward a bill for collection to the violator and the property owner specifying the nature and costs of the work performed. For purposes of this Section, the term "incidental expenses" include the actual expenses and costs to the City in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
4. The property shall pay the abatement charges established in this section and upon which the abatement occurred. Those charges become a lien upon the real property upon which the violation was located. When charges for abatement remain unpaid after 30 days from billing, the City Planner or Chief Building Official shall record a claim of lien at the City Clerk and Recorder's office. The lien is subordinate to all existing special assessment liens previously imposed upon the same property and are paramount to all other liens except for state or municipal property taxes, with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable are paid.



## ARTICLE 22.8 REVIEW AND DECISION-MAKING BODIES

This section identifies officers and bodies authorized to review, recommend, or make decisions regarding required applications, permits, and approvals under this UDO. Any reference to an officer or body includes any agents, employees, subordinates, or others to which the named individual or body has lawfully delegated power to take action.

### SECTION 22.8.1 CITY STAFF

#### Sec. 22.8.1.A. GENERAL

1. City staff has the review, recommendation, and decision-making authority and responsibilities shown in Table 22.5.1 Summary of Development Review Procedures.
2. City staff shall perform such other functions specified in Chapter 99 (Charter), and other applicable Chapters of the Thomasville Municipal Code.
3. City Staff may delegate any review or decision-making authority to any staff in their respective departments.

#### Sec. 22.8.1.B. CITY PLANNER

##### 1. GENERAL

The City Planner is the City official responsible for administering provisions of this UDO. The City Planner is a term that refers to planners in the City Planning Department who perform those functions specified in this UDO and other applicable Chapters of the Thomasville Municipal Code.

##### 2. POWERS AND DUTIES

The City Planner has the review, recommendation, and decision-making authority and responsibilities shown in Table 22.5.1 Summary of Development Review Procedures. In addition, the City Planner has the following additional powers and duties under this UDO:

- (a) To establish requirements for the contents and format of development applications reviewed under this UDO, and a schedule for submitting and reviewing those applications;
- (b) To develop, adopt, and amend an Administrative Manual that may specify detailed submittal and procedural requirements for various development applications (e.g., application forms, application fees, checklists for plans and other documents to be submitted with applications, the content and scale/format of such plans and documents, schedules and timelines for application review steps), summarize development review procedures and standards to facilitate the use and understanding of them, and include detailed specifications and illustrations identifying how this UDO's standards for landscaping, public infrastructure, and other aspects of development are met;
- (c) To maintain the official Zoning Map and related materials;
- (d) To serve as or assign professional staff to the Planning & Zoning Commission, Historic Preservation Commission, Architectural Review & Zoning Appeals Board, and Tree and Landscape Committee;
- (e) To assist in enforcing this UDO in accordance with Article 22.7 (Enforcement and Penalties);
- (f) To interpret the provisions of this UDO in accordance with Section 22.3(A)(3), Section 22-6(A) (Definitions and Rules of Construction), and the intent and purpose statements included in this UDO;
- (g) To provide expertise and technical assistance to the City's review and decision-making bodies on request;
- (h) To maintain on file a record of all development applications reviewed under this UDO and make copies available on request through the City Clerk's request process;
- (i) To assist the Planning and Zoning Commission in preparing, maintaining, and amending the City's Comprehensive Plan;
- (j) To perform any other functions assigned to the City Planner in Chapter 22 (Zoning), and other applicable Chapters of the Thomasville Municipal Code.

#### Sec. 22.8.1.C. CHIEF BUILDING OFFICIAL

##### 1. GENERAL

The Chief Building Official shall perform the functions specified in Chapter 5 (Building Construction), and other applicable Chapters of the Thomasville Municipal Code. The Chief Building Official is the City official responsible for reviewing building plans for compliance with the Building Code, including review and approval of Building Permits (Section 22.5.4.L) and a Certificate of Occupancy.

## **2. POWERS AND DUTIES**

The Chief Building Official has the powers authorized by the Building Code, and the review, recommendation, decision-making authority and responsibilities shown in Table 22.5.1 (Summary of Development Review Procedures). In addition, the Chief Building Official has the following powers and duties under this UDO:

- (a) To make, adopt and enforce reasonable rules and regulations, not inconsistent with local, state, federal law or ordinances of the City Council;
- (b) To enter into and examine buildings, structures, lots and enclosures of every description to see that all laws of the state, ordinances of the City, and rules and regulations of the Building Department are enforced.
- (c) To issue permits for proposed projects that are found to comply with all applicable ordinances and codes, and to inspect approved projects during construction and upon completion to ensure compliance with this UDO and other applicable ordinance and codes.
- (d) To assist the City Planner in establishing requirements for the contents of development applications reviewed under this UDO, upon request;
- (e) To assist the City Planner in developing and maintaining an Administrative Manual, upon request;
- (f) To assist in enforcing this UDO in accordance with Article 22.7 (Enforcement and Penalties);
- (g) To provide expertise and technical assistance to the City's review and decision-making bodies on request; and
- (h) To perform other functions delegated to the Chief Building Official in this UDO, Chapter 5 (Building Construction), and other applicable Chapters of the Thomasville Municipal Code.

### **Sec. 22.8.1.D. CITY ENGINEER**

The City Engineer is a term that refers to engineers in the City Engineering Department who perform those functions specified in this UDO and other applicable Chapters of the Thomasville Municipal Code. In general, the City Engineer assists the City Council in street paving program, reviews existing drainage infrastructure and preparing plans for the Public Works Department, reviews development plans as it relates to the location of new driveways, parking layout, and storm water management requirements and subdivision of property as it relates to new streets, and supervises construction of public works projects.

## **SECTION 22.8.2 PLANNING AND ZONING COMMISSION**

### **Sec. 22.8.2.A. CREATED**

In order to guide and accomplish coordinated and harmonious development of the municipality and county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Thomasville Planning and Zoning Commission, referred to throughout this division as the planning and zoning commission, is hereby created and established.

### **Sec. 22.8.2.B. APPOINTMENT OF MEMBERS**

The Thomasville Planning and Zoning Commission shall consist of nine (9) members appointed by the city council. The seven (7) city appointees to the former city-county planning commission shall continue to serve on the new Thomasville Planning and Zoning Commission until the ends of their present terms. Thereafter the terms of all members shall be as set forth in Section 22.8.2.C. Attendance by five (5) members at any regular or specially scheduled meeting of the Thomasville Planning and Zoning Commission shall constitute a quorum.

### **Sec. 22.8.2.C. TERMS, REMOVAL AND COMPENSATION OF MEMBERS; VACANCIES.**

The terms for members appointed shall be four (4) years. Any vacancy in membership shall be filled for the unexpired term by the city council, which shall also have the authority to remove any member for cause, on written charges, after a public hearing. Each member of the Thomasville Planning and Zoning Commission shall be paid per diem

compensation of forty dollars (\$40.00) for each day during which such member attends public hearings held by such board on planning and zoning matters.

**Sec. 22.8.2.D. OFFICERS; RULES OF PROCEDURE; MEETINGS AND RECORDS TO BE PUBLIC.**

The planning and zoning commission shall elect its chairman from among its members. The term of the chairman shall be one (1) year with eligibility for reelection. The commission shall appoint a secretary who may be an officer or employee of the municipality or the county. The planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the planning and zoning commission at which official action is taken shall be open to the public and all records of the commission shall be public records.

**Sec. 22.8.2.E. EMPLOYEES AND STAFF; CONTRACTS; EXPENDITURES.**

The planning and zoning commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning agency and with city planners and other consultants for such services as it may require. The expenditures of the planning and zoning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing authorities of the city and the county.

## **SECTION 22.8.3 HISTORIC PRESERVATION COMMISSION**

**Sec. 22.8.3.A. CREATED**

There is hereby created a commission whose title shall be Thomasville Historic Preservation Commission, referred to throughout this chapter as the Historic Preservation Commission.

**Sec. 22.8.3.B. OPERATIONAL RESPONSIBILITY AND STAFF FUNCTION**

The commission shall operate under the general government of the city, and the staff function shall be performed by the city planner.

**Sec. 22.8.3.C. APPOINTMENT OF MEMBERS AND TERMS**

1. The commission shall consist of seven (7) members appointed by the city council. All members shall be residents of the city and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.
2. To the extent available in the city, at least four (4) members will be appointed from among professionals in the disciplines of architecture, construction, real estate or related disciplines, but not more than one (1) from a specific discipline.
3. Members shall serve three-year terms. Members shall not receive a salary, although they may be reimbursed for expenses.

**Sec. 22.8.3.D. POWERS**

The Historic Preservation Commission has the review, recommendation, decision-making authority and responsibilities shown in Table 22.5.1 (Summary of Development Review Procedures). In addition, the Historic Preservation Commission has the following powers and duties under this UDO:

1. Prepare and maintain an inventory of all property within the city having the potential for designation as historic property. This inventory can be developed and maintained in conjunction with other interested organizations such as Thomasville Landmarks, Inc., Thomas County Historical Society, Inc., or the Thomasville Main Street Project or their successors;
2. Recommend to the city council specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;
3. Review applications for certificates of appropriateness, and grant or deny certificates of appropriateness;
4. Recommend to the city council that the designation of any place, district site building, structure, object, or work of art as a historic property or as a historic district be revoked or removed;
5. Restore or preserve any historic properties acquired by the city;

6. Promote the acquisition by the city of facade easements and conservation easements in accordance with the provisions of the Facade and Conservation Easements Act of 1976, O.C.G.A. § 44-10-1 et seq.;
7. Conduct educational programs on historic properties located within the city and on general historic preservation activities. This can be done in conjunction with other interested organizations such as Thomasville Landmarks, Inc., Thomas County Historical Society, Inc., or the Thomasville Main Street Project or their successors;
8. Make investigations and studies of matters relating to historic preservation including consultation with historic preservation experts as the city council or the commission deems necessary or appropriate for the purposes of preserving historic resources;
9. Seek out local, state, federal and private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
10. Submit to the historic preservation section of the department of natural resources a list of historic properties or historic districts designated, and seek their comments and advice on the designation;
11. Perform historic preservation activities as the official agency of the city's historic preservation program;
12. Employ persons, if necessary, to carry out the responsibilities of the commission, upon approval and appropriation by the city council;
13. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The commission shall not obligate the city without prior consent;
14. Review and make comments to the historic preservation section of the department of natural resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
15. Participate in private, state and federal historic preservation programs. This includes the authority to enter into agreements to participate in those programs, with the consent of the city council.

**Sec. 22.8.3.E. POWER TO ADOPT RULES AND STANDARDS**

The commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designations and certificates of appropriateness, such as bylaws, removal of membership provisions and design guidelines and criteria. The commission may adopt rules and standards without amendment to this chapter. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall select officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

**Sec. 22.8.3.F. CONFLICT OF INTEREST**

If the commission reviews a project in which a member of the commission has ownership or other vested interest, that member shall not present, vote on or discuss the project, other than to answer a direct question.

**Sec. 22.8.3.G. RECORD.**

A public record shall be kept of the commission's resolutions, proceedings and actions.

## **SECTION 22.8.4 ARCHITECTURAL REVIEW & ZONING APPEALS BOARD**

**Sec. 22.8.4.A. CREATED**

There is hereby established, under the power vested in the city by virtue of the terms and provisions of the General Planning and Zoning Enabling Act of 1957, the Thomasville Board of Architectural Review and Zoning Appeals, referred to throughout this article as the Architectural Review & Zoning Appeals Board, to be governed by the following provisions.

**Sec. 22.8.4.B. MEMBERSHIP AND APPOINTMENTS**

The Thomasville Architectural Review & Zoning Appeals Board shall consist of five (5) members appointed by the city council. None of the board members shall hold any other public office. One member shall be a design professional. Board members shall be removed for cause, upon written charges, and after public hearing. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

**Sec. 22.8.4.C. TERM OF OFFICE**

The term of office for each member of the board shall be for three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

**Sec. 22.8.4.D. COMPENSATION**

Each member of the board of appeals appointed by the city shall be paid a per diem compensation of forty dollars (\$40.00) for each day during which such member attends public hearings held by such board on matters of the board.

**Sec. 22.8.4.E. RULES AND PROCEDURES**

The board shall elect one (1) of its members as chairman, who shall serve for one (1) year or until he is reelected or his successor is elected. The board of appeals shall appoint a secretary who may be an officer of the city, or of the planning and zoning commission. The board shall have authority to adopt rules of procedure. Meetings of the board shall be held at the call of the chairman, or in his absence the acting chairman. The chairman, or the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of such board and shall be a public record. The decisions of the board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the board for a period of twelve (12) months following the date of such resolution, except that this limitation shall not affect the right of such board to grant a rehearing as provided in the rules of procedure adopted by the board.

**Sec. 22.8.4.F. ADMINISTRATIVE ASSISTANCE.**

The City Planner shall provide such technical, administrative, and clerical assistance and office space as is required by the board to carry out its function under the provisions of this article.

## **SECTION 22.8.5 CITY COUNCIL**

The City Council shall perform such functions with respect to this UDO shown in Table 22.5.1 and as specified in Chapter 99 (Charter), and other applicable Chapters of the Thomasville Municipal Code.

## **SECTION 22.8.6 FLOODPLAIN MANAGEMENT BOARD OF APPEALS**

**Sec. 22.8.6.A. MEMBERSHIP AND APPOINTMENTS**

The floodplain management board of appeals shall consist of five (5) members appointed by the city council. The members shall be residents of the city.

**Sec. 22.8.6.B. TERMS OF OFFICE**

The term of office of each member of the board shall be three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

**Sec. 22.8.6.C. COMPENSATION**

The board members shall receive no compensation for their services except that they will be reimbursed for out-of-pocket expenditures made in connection with their duties.

**Sec. 22.8.6.D. RULES AND PROCEDURES**

The board shall elect one (1) of its members as chairperson, who shall serve for one (1) year or until reelected or a successor is elected. The board shall elect a secretary who may be an officer of the city or of the board. The board shall have the authority to adopt rules and procedures not inconsistent with the other provisions of this section.

**Sec. 22.8.6.E. ADMINISTRATIVE ASSISTANCE**

The city planner shall provide administrative and clerical assistance as required by the board to carry out its functions.



## ARTICLE 22.9 DEFINITIONS AND RULES OF CONSTRUCTION

### SECTION 22.9.1 RULES OF CONSTRUCTION AND CALCULATION

When used in this chapter as well as throughout the text, the following words shall have these meanings.

Where definitions are divided into classifications or categories of activities or uses, each classification or category shall be considered a different activity or use requiring separate application of the provisions of this chapter.

Whenever the application of a standard or provision in this UDO to a development application results in a fraction of a whole number, fractions less than 0.5 shall be rounded down to the next whole number, and fractions of 0.5 or greater shall be rounded up to the next whole number.

Words, phrases, and terms not defined in this UDO shall have the definitions of those words, phrases, and terms in the latest draft of the International Building Code and/or International Residential Code, as adopted by the State of Georgia, if such a definition exists.

## SECTION 22.9.2 DEFINITIONS

### ABUT OR ADJOIN

To share a common lot line or zone lot line.

### ACCENT WINDOW

A window used on a facade that is different in size and shape from the Typical Window.

### ACCESSORY BUILDING OR STRUCTURE

- A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include storage buildings, tool houses, party houses, bath houses (used in conjunction with swimming pools), tree houses and similar uses.
- For the purposes of the Victoria Park Overlay District, a building or structure subordinate to the principal building that is under roof and enclosed, and used for purposes customarily incidental to the main or principal building on the lot. Accessory structures are permitted with all building types and typically include Accessory Dwelling Units (ADU's), private garages, storage buildings, garden sheds, and the like. Accessory Structures shall convey a similar character (form and color) as the principal building and comply with the standards for setbacks, building coverage, and Permitted Materials in Section 5 (Architecture).

### ACCESSORY DWELLING UNIT

A residential unit that is located on the same lot as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure. The accessory dwelling unit is a complete housekeeping unit with a shared or separate entrance, and separate kitchen, sleeping area, closet space, and sanitation facilities.

### ACCESSORY USE AND RELATED STRUCTURES

A use of land or use of a structure, together with that structure, that is incidental and subordinate to a principal use of land or an approved conditional use of land on the same lot, and that is customarily or frequently found in connection with that primary or accessory use, as determined by the Zoning Administrator, that is not listed separately in Table 22-3-1 (Permitted Use Table).

### ADDITION TO AN EXISTING BUILDING

Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

### ADJACENT

For purposes of historic preservation regulations, a property that is physically abutting an historic district or a landmark; directly or diagonally across the street from an historic district boundary or a landmark. In those cases where the historic district boundary is drawn through a portion of a block along the side lot lines, the properties which continue on the remainder of the block to the next cross street will be considered "adjacent." Also defined as sharing a zone lot line or being separated only by an alley.

### ADJOINING PROPERTY LINE

For the purposes of the T3-MH District, the boundary line between a manufactured housing subdivision and property in another ownership and shall, for the purpose of these regulations, include utility rights-of-way but not street rights-of-way.

### ADMINISTRATIVE ADJUSTMENT

A development approval authorizing limited deviations from certain of this UDO's dimensional or development standards as described in Section 22.5.3.C.5 (Staff Approval of Administrative Adjustments).

### ADMINISTRATIVE MANUAL

A manual containing details on the mechanics of the development review process, information for potential applicants, fee

### AGRICULTURE, URBAN

The raising, keeping or production of fruit, vegetable, flower, and other crops; composting; and the processing of those agricultural products, on sites of three acres or less, but not including backyard gardens, abattoirs, commercial feedlots, and



stockyards. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals not raised on the premises, poultry dressing of animals not raised on the premises.

### **ALLEY**

- A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not more than twenty (20) feet wide.
- For the purposes of the Victoria Park Overlay District, a secondary way which affords access to the side or rear of abutting property.

### **ALTERATION**

- Generally, a modification of or addition to a structure other than normal maintenance or repairs.
- For purposes of historic preservation regulations, any act or process, other than demolition or preventative maintenance, that changes the exterior appearance of significant historical or architectural features, or the historic context of a designated landmark, including, but not limited to, exterior changes, additions, new construction, erection, reconstruction, or removal of the building or structure, or grading.

### **ALTERNATIVE ENERGY GENERATING EQUIPMENT OR FACILITY**

Equipment for the collection of solar, wind, or geothermal energy or its conversion to electrical energy for use on the same property or nearby properties, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property.

### **AMENDMENT TO UDO TEXT**

A change to the text of this UDO, reviewed and decided by the City Council under Section 22.5.4.A.

### **AMENDMENT TO ZONING MAP**

A change to the official Zoning Map, reviewed and decided by the City Council under Section 22.5.4.A.

### **ANTENNA**

Any apparatus outside of a structure for sending and/or receiving electromagnetic waves.

### **APPEAL**

For purposes of the Floodplain Overlay (FP-O), a request for a review of the local administrator’s interpretation of any provision of Section 22.2.7.C or a request for a floodplain variance.

### **APPLICANT**

A person who submits a development application requesting a development permit or approval authorized by this UDO.

### **APPURTENANCES**

For the purposes of the Victoria Park Overlay District, architectural features not used for human occupancy consisting of spires, belfries, cupolas or dormers, silos, parapet walls, cornices without windows, chimneys, ventilators, antennas, etc.

### **ARBORIST**

A person trained in arboriculture and holding active status certification from the International Society of Arboriculture, i.e., an ISA Certified Arborist.

### **ARCADE**

A gallery that has habitable space on the second story.

### **ARCHITECTURAL FEATURE**

A feature contributing to the general arrangement of the exterior of a structure, including but not limited to, the surface texture, building materials, roof shape, eaves, awnings, arcades, pilasters, cornices, wall offsets, and other building articulations.

### **ARCHITECTURAL PLANTER**

A container within which plantings may be placed to meet the requirements of this article.

### **ARCHITECTURAL SIGNIFICANCE**

The quality of a building or structure based on its date of erection, style and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period or method of construction.

### **AREA OF SHALLOW FLOODING**

For the purposes of floodplain overlay district, a designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

### **AREA OF SPECIAL FLOOD HAZARD**

For purposes of the Floodplain Overlay (FP-O), the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "100-year floodplain." For purposes of Section 22.2.7.C, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

### **AREA MEDIAN INCOME (AMI)**

Income limits established by HUD based on family size and the percentage of the area's income defined as "extremely low income" (30% of area median income), "very low income" (50% of area median income), and "low-income" (80% of area median income).

### **ARTISAN MANUFACTURING**

Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation and may include direct sales to consumers from the same location. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting, as well as small volume production of craft alcohol as defined by the State of Georgia, as amended from time to time with a 100,000 gallon production cap.

### **ASSISTED LIVING FACILITY OR NURSING HOME**

A residential establishment or institution other than a hospital that provides living accommodations and medical services primarily to individuals who, due to illness or disability, require assistance with medical care or daily living functions. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered. This use also includes any establishment licensed by the State of Georgia that provides twenty-four-hour skilled nursing services to elderly and handicapped residents.

### **ATTIC**

That portion of a building between the ceiling of the top full story and the roof and not used for living purposes.

### **AUTOMOBILE WASH**

Any building or premises, or portion of a building or premises, devoted to the business of washing automobiles, whether by automated or manual means.

### **AWNING**

An architectural projection comprised of a lightweight, rigid skeleton structure over which a covering is attached, and applied to the façade of a building as a frontage element and which provides protection from the elements, including sun and rain.

### **BALCONY**

An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

### **BAR OR TAVERN**

An establishment where alcoholic beverages are sold to be consumed on the premises, and where the any sale of food is secondary to the sale of alcoholic beverages. This definition includes but is not limited to a bar, grill, saloon, pub, public house, beer garden, brewpub, or similar establishment.

### **BASE FLOOD OR 100 YEAR FLOOD**

For the purposes of floodplain overlay district, the flood having a one (1) percent chance of being equaled or exceeded in any given year.

### **BASEMENT**

1. A room or story partly underground, and having at least one-half of its height above the average level of the adjoining ground.
2. For purposes of the Floodplain Overlay (FP-O), that portion of a building having its floor subgrade (below ground level) on all sides.

### **BAY WINDOW**

A window structure that projects from the wall of a building.

### **BED AND BREAKFAST**

The use of a single-family detached residence for commercial lodging of overnight guest in which rooms are provided in either the principal building or accessory dwelling unit (ADU).

### **BOUNDARY TREE**

A tree located in whole or in part on adjacent property with a critical root zone that extends across the property line into the site under consideration for compliance.

### **BREAKAWAY WALL**

For the purposes of floodplain overlay district, a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

### **BUFFERING**

Whenever this term is used, it shall refer to any landscaping, screening, buffering, fencing or other barrier as required by this UDO or through development plan review.

### **BUILD-TO LINE**

A build-to line is the setback from a right-of-way that the building's principal façade shall be built to.

For the purposes of Victoria Place Overlay District, a line parallel to the property line, along which a building shall be built. Porches and handicap ramps shall be exempt from build-to requirements, and shall occur behind the property line. Build-to line locations for specific sites shall be established by the design review board at the time of application.

### **BUILD-TO ZONE**

A build-to zone is a range of allowable distances from a street right-of-way that the building's principal façade shall be built to in order to create a moderately uniform line of buildings along the street.

### **BUILDABLE AREA**

The entire parcel to be developed exclusive of the front, rear and side perimeter landscape areas.

### **BUILDING**

1. Any structure, except a mobile home, which has a roof and which is for the shelter, support, or enclosure of persons, animals, or property of any kind.
2. For purposes of the Floodplain Overlay (FP-O), any structure built for support, shelter, or enclosure for any occupancy or storage.

### **BUILDING CODE**

The International Building Code (ICC) 2012 Edition with Georgia Amendments (2014)(2015)(2016).

### **BUILDING COVERAGE**

For the purposes of the Victoria Park Overlay District, the horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level including porches, stoops, and steps; but excluding driveways, parking, uncovered decks,

patios, stairways, and the like.

## **BUILDING FRONTAGE**

For the purposes of the Victoria Park Overlay District, the side of a building which faces the frontage street.

## **BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS**

A solar energy system that consists of integrating photovoltaic modules into the building envelope, such as the roof or the façade.

## **BUILDING HEIGHT**

The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

## **BUILDING PERMIT**

An official document or certification that is issued by the Chief Building Official pursuant to the Building Code and authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure as being in compliance with Building Code standards. See Section 22.5.4.L.

## **CALIPER**

The diameter or thickness of the main stem of a young tree or sapling measured at six (6) inches above ground level for trees up to and including four inches caliper size and at 12 inches above the ground for larger trees. This measurement is used for nursery-grown trees and newly planted trees, not for established trees.

## **CANOPY**

A permanent, roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

## **CANOPY TREE**

A large or medium tree with a crown size and shape that will typically provide significant shade and beneficial effects on temperature, air quality, water quality, and other environmental conditions, at maturity. Synonymous with “shade tree.”

## **CAP**

A cap is the protective top layer of a masonry structure exposed to weather from above, such as a wall, parapet, or chimney.

## **CELLAR**

For purposes of the Floodplain Overlay (FP-O), that portion of a building having its floor subgrade (below ground level) on all sides.

For all other purposes, a room or story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measured.

## **CEMETERY**

An area of land and related facilities used for the interment of the dead. This definition includes columbaria and mausoleums.

## **CERTIFICATE OF APPROPRIATENESS**

A certificate issued by the Historic Preservation Commission to permit construction, alteration, or modification or other actions to or near a landmark structure or a structure in a historic district, See Section 22.5.4.V (Certificate of Appropriateness).

## **CERTIFICATE OF OCCUPANCY**

A document issued by the Chief Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

## **CHAINLINK FENCING**

A fence composed of wire mesh, typically forming “woven diamonds” approximately two inches in width.

## **CHARACTER**

For purposes of historic preservation regulations, this term is defined by form, proportion, structure, plan, style or material.

General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

### **CHIEF BUILDING OFFICIAL**

See Section 22.8.1.C.

### **CHIMNEY**

A vertical structure attached to a building that contains a flue for drawing off smoke from a furnace, water heater, or fireplace.

### **CITY**

The City of Thomasville, Georgia.

### **CITY ATTORNEY**

The legal department of the City of Thomasville.

### **CITY COUNCIL**

The elected legislative governing body of the City of Thomasville. See Section 22.5.3(5).

### **CITY ENGINEER**

See Section 22.8.1.D.

### **CITY PLANNER**

See Section 22.8.1.B.

### **CITY OF THOMASVILLE COMPREHENSIVE PLAN**

The Comprehensive Plan of the City of Thomasville, including elements or portions thereof, as adopted and amended by City Council.

### **CIVIC SPACE**

A building or complex of buildings that house cultural, recreational, athletic, convention, or entertainment facilities.

### **CLEAR-CUTTING**

The destruction or removal of one or more than one existing healthy trees, deciduous and hardwood trees five (5) inches or greater in DBH by the use of heavy equipment including, but not limited to, bulldozers or excavators prior to submitting a tree survey and receiving approval of a landscape plan.

### **CLUB**

An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

### **COLLECTOR STREET**

See Streets.

### **COMBINED SEWER**

A sewer designed to receive and transport both surface runoff and sewage.

### **COMMON SPACE**

Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

### **COMMUNITY CENTER**

A not-for-profit or publicly owned facility providing recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

### **COMMUNITY GARDEN**

A civic space, established as the primary use on an otherwise vacant lot, and available to nearby residents for small-scale cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The land shall be served by a water supply sufficient

to support the cultivation practices used on this site. Such land may include available public land.

### **COMMUNITY RESIDENTIAL FACILITY**

Any building, structure, home, facility or place operated by person(s) other than the residents themselves, in which persons reside for a period of more than 24 hours, and that is used or intended to be used for the purpose of letting rooms, providing meals and/or providing personal assistance, personal services, personal care and protective care to persons meeting the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act and court decisions interpreting that Act. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, nor shall it include half-way houses for individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system.

### **COMPOSTING BIN**

A structure that allows the process of accelerated biodegradation and stabilization of organic material under controlled conditions to yield a product that can safely be used to enrich soil nutrients.

### **COMPREHENSIVE PLAN**

That comprehensive plan for the City of Thomasville, titled Blueprint: Thomasville 2028, approved by the City Council, as amended or replaced by action of the City Council from time to time.

### **COMPREHENSIVE PLAN AMENDMENT**

A change to the text of the Comprehensive Plan, or to its land use classifications of land, reviewed and decided by the City Council. See Section 22.5.4.C.

### **CONDITIONAL USE**

- A use in Table 22-3-1: Permitted Use Table designated with a “C,” requiring a Conditional Use Permit for approval.
- A use which within certain districts specified by this chapter is not permitted as a matter of right but may be permitted within these districts by the city council after the planning commission has (1) reviewed the proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this chapter; and (3) has recommended the use as specified after a public hearing.

### **CONDITIONAL USE PERMIT**

An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

### **CONDOMINIUM**

A building or complex of multiple unit dwellings in which each property owner holds full title to a unit and an undivided interest in the common elements. A development consisting of subdivided lots for individual sale shall not be considered a condominium for the purposes of this chapter. (TV Zoning)

### **CONFORMING USE**

Any lawful use of a building, structure, or parcel of land that complies with the provisions of this UDO.

### **CONSTRUCTION**

Building an addition to an existing structure, building a new principal or accessory structure, or any ground disturbance associated with conducting or preparing for those activities, including installation of utilities and/or construction of parking facilities.

### **CORNER LOT**

A lot which abuts on two (2) or more streets, and roads, at their intersection, or upon a curved street, provided that the two (2) sides of the lot, or the tangents to the curve of the street line at its starting points at or within the side lines of the lot, intersect to form an interior angle of not more than one hundred thirty-five (135) degrees.

### **CORNICES**

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line,

including eaves and other roof overhang.

## **COUNTY GOVERNING BODY**

The Board of Commissioners of Thomas County, Georgia.

## **CRAFT BREWERY**

A place where beer is made commercially on site consumption and sales and for local and regional distribution.

## **CRAWL SPACE**

For purposes of the Floodplain Overlay (FP-O), an enclosed area beneath the lowest elevated floor, 18 inches or more in height, that is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces that would be experienced during periods of flooding.

## **CREMATORIUM**

A building with a furnace for cremating dead bodies, either animal or human.

## **CRITICAL FACILITIES**

For purposes of the Floodplain Overlay (FP-O):

- Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

## **CRITICAL ROOT ZONE**

A roughly circular area around the trunk of a tree with a radius equivalent to the distance to the dripline and extending from the surface to 24 inches below the ground. The critical root zone is the soil area containing the roots that provide stability and a significant uptake of moisture to the tree and increases in size as a tree grows larger.

## **CROWN**

The leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

## **CROWN SPREAD**

The distance measured across the greatest diameter of a tree's crown.

## **CULTURAL FACILITY**

An establishment used for the purposes of preserving, exhibiting, demonstrating or interpreting art, history, culture or nature or scientific objects or ideas. Cultural facilities shall be interpreted to include, but not be limited to, museums, libraries, zoos, art galleries, aquariums, planetarium, botanical gardens and nature centers.

## **CUMULATIVE SUBSTANTIAL IMPROVEMENT**

For purposes of the Floodplain Overlay (FP-O), any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50% of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

## **CURB CUT**

The providing of ingress and egress between property and an abutting public street.

## **DAY CARE CENTER**

A facility providing supervised care, pre-school, and/or activities outside a family home to three or more individuals for more than three hours a day. Any facility providing daycare for three or more children must be licensed by the Georgia State Office

of Children and Family Services.

### **DAY CARE HOME**

A program providing day care to no more than the maximum number of individuals allowed under the Georgia State Social Services Law in a family home occupied as a residence. The daycare provider is not required to reside in the house, as long as someone occupies it as a dwelling. Any daycare program to which this definition does not apply in every respect shall be considered a daycare center. Any facility providing day care for three or more children must be licensed by or registered with the Georgia State Office of Children and Family Services.

### **DEAD-END STREET**

A street with no outlet at one (1) end.

### **DEAD TREE**

Any standing tree which is no longer alive or has the ability to sustain itself through natural processes as determined by a qualified professional.

### **DELIVERY SERVICE**

Any business supplying delivery service via company or employee vehicles.

### **DEMOLITION**

Any intentional defacement, destruction, and/or other action that would cause partial or total destruction of the physical elements of a structure.

### **DEMOLITION REVIEW**

See Section 22.5.4.G.

### **DESIGN CAPACITY OR OCCUPANCY**

The maximum number of people that the Fire Code will allow to occupy a structure.

### **DESIGNATION OF HISTORIC LANDMARKS**

See Section 22.5.4.B.

### **DETENTION FACILITY, WATER DETENTION STRUCTURE**

For the purposes of stormwater management, a facility which provides for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm. This facility is normally dry, but is designed to fill during runoff events.

### **DEVELOPER**

Any person, including a governmental agency, undertaking development.

### **DEVELOPMENT**

- For purposes of the Floodplain Overlay (FP-O), any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.
- For all other purposes, all new improvements to an undeveloped property, including structures and parking areas; the division of a parcel of land into two or more parcels; any excavation, landfill, or land disturbance; and any new use of the land or extension of use of the land.

### **DEVELOPMENT PLAN**

A plan (to scale) showing uses and structures proposed for a lot. Also referred to as "site plan".

### **DEVELOPMENT PLAN REVIEW**

See Section 22.5.4.E.

### **DIAMETER AT BREAST HEIGHT (DBH)**

The diameter of the main stem (trunk) of a tree or the combined diameters of a multi-stemmed tree measured at 4.5 feet (54 inches) above the ground natural grade and measured outside of the bark. For a multi-stemmed tree that splits at or below 4.5 feet, the measurement is taken at the narrowest point between the split and the natural grade. In the case of an



illegally destroyed tree, the top diameter of the remaining stump if less than 4.5 feet tall shall be considered the “DBH” for the purpose of calculating recompense.

### **DIMENSIONAL STANDARD**

The lot area, lot width, setback, build-to line, floor area, floor area ratio, standards, and impervious coverage standards applicable to a building, structure, development, area, or zone district.

### **DISTRICT**

A portion of the City of Thomasville within which certain regulations and requirements apply under the provisions of this chapter.

### **DORMITORY**

A publicly or privately owned and operated building devoted exclusively to living facilities and associated programming, in which each person residing in each living unit shall be a duly registered student in any accredited school, college, or university, the spouse of such student, or a management employee, or an employee or trainee of a medical or technical institution. The facilities may contain sleeping rooms for use of one or more persons, provided that there is at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room area. Accessory uses may include food preparation facilities, exercise facilities, and meeting rooms.

### **DRIP-LINE**

The outer perimeter of the crown of a tree circumscribed on the ground. A line extending down to the ground from the greatest horizontal extent of a tree’s branches, more or less forming a cylinder around the tree.

### **DRIVE-IN OR DRIVE-THROUGH FACILITY**

A use that, by design of facilities or procedures, encourages or permits customers to receive service, or obtain products while remaining in their vehicle, and/or a portion of an establishment or service that allows a customer to receive a product or service without leaving their vehicle.

### **DRIVEWAY**

A private roadway providing access for vehicles to a parking space, garage, dwelling or other structures.

### **DWELLING AREA**

For the purposes of Victoria Place Overlay District, the total internal usable space on all floors of a structure, not including porches, stoops, balconies, or patios.

### **DWELLING, LIVE-WORK**

- A residential dwelling unit that includes a dedicated work space that is accessible from the living area or from the outside, reserved for and regularly used by one or more residents of the dwelling unit, and in which the type or size of the work performed is larger or more extensive than that permitted as a home occupation.
- For the purposes of Victoria Place Overlay District, an integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity with a commercial component that may accommodate employees and walk-in trade. The residential component may be located above or behind the commercial space.

### **DWELLING, MULTI-FAMILY**

A building either designed, constructed, altered, or used for more than two (2) adjoining dwelling units, with each dwelling unit having a common wall or common floor connecting it to at least one (1) other dwelling unit in the building.

### **DWELLING, SINGLE-FAMILY DETACHED**

A detached building used and either designed or constructed for one (1) dwelling unit

### **DWELLING, TOWNHOUSE**

A dwelling structure containing three or fewer dwelling units, constructed side-by-side with another dwelling structure, and either (1) connected by vertical walls that extend from grade level or below to the top of the structure, or (2) separated from a similar structure on an adjacent lot by no more than four feet between the two dwelling structure’s sidewalls, each of which has entrances to its dwelling unit(s) from outside on the ground or first floor, whether located on a single lot or on individual

lots.

### **DWELLING, TWO-FAMILY DETACHED**

A detached or semi-detached building with not more than two dwelling units that are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common hallway or cellar. Side-by-side or duplex dwellings are considered a “two-family dwelling” regardless of individual ownership of either half of its structure, provided that they are on the same zoned lot of record.

### **DUPLEX**

A building either designed, constructed, altered, or used for two (2) adjoining dwelling units that are connected by a common wall and if two (2) story by a common floor. Dwelling unit means an enclosure of one (1) or more rooms, including one (1) kitchen facility, designed or constructed as a unit for residential occupancy by one (1) family only

### **DWELLING STRUCTURE**

A detached or attached building designated for residential occupancy and containing one or more primary dwelling units.

### **DWELLING UNIT**

An enclosure of one (1) or more rooms, including one (1) kitchen facility, designed or constructed as a unit for residential occupancy by one (1) family only.

### **EASEMENT**

For the purposes of Victoria Place Overlay District, a legal instrument, recorded in the county records, that allows access through real property of the conveyor.

### **EAVES**

The projecting lower edges of a roof that overhangs the wall of a building.

### **ELECTRIC VEHICLE CHARGING STATION**

A facility or area at which electric powered or hybrid powered motor vehicles can obtain electrical current to recharge batteries, when accessory to a principal use of the property.

### **ELEVATED BUILDING**

For purposes of the Floodplain Overlay (FP-O), a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

### **ELEVATION**

An exterior wall of a building.

### **ENCROACHMENT**

- The extension or placement of any structure, or a component of such, into a required setback or right-of-way.
- For the purposes of Victoria Place Overlay District, any architectural feature, structure or structural element, such as a fence, stoop, balcony, bay window, or deck that breaks the plane of a horizontal regulatory limit extending into a setback or beyond the build-to-line.

### **ENTRANCE, PRINCIPAL**

For the purposes of Victoria Place Overlay District, the main point of access of pedestrians into a building, most often from the primary street.

### **ENTRANCE, SECONDARY**

For the purposes of Victoria Place Overlay District, the secondary point of access of pedestrians into a building, most often from a secondary street or parking area (rear or side).

### **EXCAVATION**

Any act by which earth, sand, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced,

relocated or bulldozed and shall include the conditions resulting therefrom.

### **EXCEPTIONAL TREE**

Any of the following trees that are in fair or better condition, are capable of delivering at least seventy-five (75) percent of foliage to the scaffolding branches and are equal to or exceeding forty (40) feet or more in height at maturity and twenty (20) inches DBH : Ash, beech, birch, cedar, crabapple, cypress, elm, hemlock, long leaf pine, magnolia, maple, oak, poplar, sycamore, or tupelo.

### **EXISTING CONSTRUCTION**

For the purposes of the floodplain district, any structure for which the “start of construction” commenced before the effective date of the ordinance from which the FP-O Floodplain Overlay derives.

### **EXPRESSION LINE**

- A horizontal line, expressed by a material change or by a continuous projection not less than two inches nor more than one foot deep.
- For the purposes of the Victoria Place Overlay District, a line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony.

### **EXTENSION**

A wall or other structure which is connected to, and extended from a building.

### **EXTERIOR**

The architectural style, design, general arrangement and components of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said outer surfaces, including but not limited to the kind or texture of building materials and the type and style of windows, doors, lights, signs, sidewalks, landscaping and other such exterior fixtures.

### **EXTERIOR WALL**

Any wall that defines the exterior boundaries of a building or structure.

### **FACADE**

All elevations of a building which are visible from the public right-of-way.

### **FAMILY**

One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons in their individual capacities occupying a boardinghouse, lodging house, hotel, motel or fraternity or sorority house

### **FARMER’S MARKET**

An area, which may or may not be in a completely enclosed building, where, on designated days and times, groups of individual sellers, such as growers of horticultural and agricultural products, artisans of craft products, and food and beverage providers, offer these items for sale, directly to the public, from on-site booths.

### **FASCIA**

For the purposes of the Victoria Place Overlay District, a wide band of material covering the ends of roof rafters, sometimes supporting a gutter in steep-slope roofing, but typically it is a border or trim in low-slope roofing.

### **FEATURE**

For purposes of historic preservation regulations, elements embodying the historical significance or architectural style, design, general arrangement and components of all of the exterior surfaces of any landmark or historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

The federal agency that administers the National Flood Insurance Program.

### **FENCE OR WALL**

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of

materials erected to enclose, screen, or separate areas of land.

### **FLOOD OR FLOODING**

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

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

### **FLOOD ELEVATION STUDY OR FLOOD INSURANCE STUDY**

For purposes of the Floodplain Overlay (FP-O), an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

### **FLOOD HAZARD BOUNDARY MAP (FHBM)**

For purposes of the Floodplain Overlay (FP-O), an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

### **FLOOD INSURANCE RATE MAP (FIRM)**

For purposes of the Floodplain Overlay (FP-O), an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

### **FLOOD INSURANCE STUDY**

For purposes of the Floodplain Overlay (FP-O), the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

### **FLOODPLAIN OR FLOOD-PRONE AREA**

For purposes of the Floodplain Overlay (FP-O), any land area susceptible to being inundated by water from any source (see the definition of “flood or flooding.”)

### **FLOODPLAIN DEVELOPMENT PERMIT**

See Section 22.5.4.P.

### **FLOODPROOFING**

For purposes of the Floodplain Overlay (FP-O), any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

### **FLOODWAY OR REGULATORY FLOODWAY**

For purposes of the Floodplain Overlay (FP-O), the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

### **FLOOR**

For purposes of the Floodplain Overlay (FP-O), the top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

### **FOOTCANDLE**

For the purposes of the Victoria Place Overlay District, a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

### **FRONTAGE**

The distance for which property abuts one (1) side of a street, road, or highway, or other public way measured along the dividing line between the property and such road, or highway, or other public way. (TV Zoning)

### **FRONTAGE BUILD-OUT**

Frontage build-out is the percentage of the width of a lot that is required to be occupied by its building's primary façade. Up to 50 percent of the width of the primary façade may be counted as meeting the frontage percentage requirement even though it may be set back up to 10 feet farther from the lot line than the primary façade's principal plane. The location of the primary façade's principal plane is not changed by façade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are closer to or farther from the lot line.

### **FRONTAGE ELEMENTS**

For purposes of form-based zoning controls, building elements that are located in the area between the primary façade and the lot line. Frontage elements may occur forward of the build-to zone or setback. In some instances, such as galleries, arcades, and shopfronts may encroach into the right-of-way barring any restrictions by the public entity that has control over the public right-of-way.

### **FRONTAGE LINE**

For the purposes of the Victoria Park Overlay District, the property line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

### **FRONTAGE ROADWAY OR ACCESS STREET**

A roadway contiguous to and generally paralleling an highway, major street or highway, or through street or highway and so designed as to intercept, collect and distribute traffic desiring to cross, enter, or leave such facility, and to furnish access to property which otherwise would be isolated as a result of controlled-access features peculiar to topographic conditions.

### **FRONTAGE STREET**

For the purposes of the Victoria Place Overlay District, the public right-of-way which serves as primary access to a property.

### **FRONTAGE TYPE**

For the purposes of the Victoria Park Overlay District, the way in which a building engages the public realm.

### **FUNERAL HOME**

A building used by a professional licensed mortician for burial preparation or where funeral services are held

### **GALLERY**

A frontage element typically used in Retail applications where the façade is aligned close to the frontage Line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk, with no enclosed habitable space above.

### **GARAGE**

A building used for the storage or housing of motor-driven vehicles

#### **GARAGE, PRIVATE**

A garage intended for and owned or used by the members of families resident upon the premises provided that not more than one-half of the garage space may be rented for private vehicles owned or used by persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not include those used by more than one (1) commercial vehicle per family resident on the premises, and no such commercial vehicle shall exceed two (2) ton capacity, nor shall such garage provide for the repair or equipping of such vehicles.

#### **GARAGE, SERVICE**

A garage used for repair of vehicles.

#### **GARAGE, STORAGE**

A garage used primarily for storage of vehicles.

### **GARDEN WALL**

For the purposes of the Victoria Park Overlay District, a freestanding wall made of masonry, typically used as a screen or enclosure for a yard or open space, or as a divider along a street, alley, or lot line.

### **GENERAL CITY LAW**

The General City Law of the State of Georgia.

### **GRADE, FINISHED**

Natural surface of the ground or surface of ground after completion of any change in contour, abutting building or premises.

## **GRADING**

Altering surfaces to specified elevations, dimensions, and/or slopes; includes stripping, cutting, filling, stockpiling and shaping or any combination thereof. An excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

## **GREEN**

A green is an open space consisting of lawn and informally arranged trees and shrubs, typically furnished with paths, benches, and open shelters. Greens are spatially defined by abutting streets.

## **GREEN ROOF**

A vegetated roof design that is explicitly designed to absorb rainfall, typically to manage stormwater, mitigate the heat island effect, provide habitat for urban wildlife, or offer leisure and recreational space for building occupants.

## **GROSS FLOOR AREA**

The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

## **GROUND COVER**

Natural mulch, grass or low growing plants installed to prevent soil erosion. (TV Zoning)

## **GROUND FLOOR**

That story that contains finished floor area closest to, but not below, grade level.

## **GROUND-MOUNTED**

Directly installed in the ground and not attached or affixed to an existing structure.

## **HARDWOODS**

Dicotyledonous trees, usually broad-leaved and deciduous.

## **HABITABLE SPACE**

Building space whose use involves human presence. Habitable space excludes parking garages and display windows separated from retail activity.

## **HEADER**

For purposes of form-based zoning controls, the horizontal member (or assembly of members) visibly spanning the top of an opening (often referred to as a lintel).

## **HEAVY COMMERCIAL SERVICES**

An establishment that provides semi-industrial, more intrusive types of commercial services, larger in scale or with more intensive impacts than common household commercial services, including but not limited to laundry services, lumberyards, sign painting shops, tree and landscaping services.

## **HEAVY EQUIPMENT**

Large vehicles used in construction, farming or for industrial purposes; e.g., tractors, bulldozers, cherry pickers, steamrollers, farm equipment, etc.

## **HEAVY MANUFACTURING**

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. Examples include, but are not limited to: scrap metal processing facilities, battery, chemicals, machinery, plastics manufacture, and mining not otherwise prohibited in the City. Prohibited uses include but are not limited to, the reprocessing of used petroleum products for transshipment, natural gas exploration, and the storage, disposal, or treatment of natural gas exploration and production wastes. See also Section 22.3.1.F (Prohibited Uses).

## **HEAVY VEHICLE EQUIPMENT SALES, RENTAL, AND SERVICING**

Sales of any motor vehicles with a Gross Vehicle Weight Rating exceeding 14,000 pounds, and sales of mechanical or electrical equipment stored or displayed outside, and/or the general repair, rebuilding, or reconditioning of engines, motor vehicles, power equipment, or trailers, such as collision services, body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating.

## **HEIGHT**

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip, and gambrel roofs.

## **HIGHER EDUCATION INSTITUTION**

An institution, other than a Trade School, that provides full-time or part-time education beyond high school, including but not limited to colleges and universities. Accessory or related facilities can include but are not limited to sports fields, dormitories, eating facilities, health facilities for students and staff, offices for administration and campus activities, record keeping facilities, and storage and maintenance facilities for equipment, furniture, supplies, vehicles or equipment owned, leased, or providing services to the institution.

## **HIGHEST ADJACENT GRADE**

For purposes of the Floodplain Overlay (FP-O), the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

## **HISTORIC DISTRICT**

For the purposes of Historic District Overlay, a geographically definable area designated by the city council as a historic district pursuant to the criteria established in sections 9-49--9-51.

## **HISTORIC PRESERVATION COMMISSION**

See Section 22.5.3(3).

## **HISTORIC PROPERTY**

For the purposes of Historic District Overlay, an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the city commission as a historic property pursuant to the criteria established in sections Section 22.2.7.A.

## **HISTORIC STRUCTURE**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

## **HOME OCCUPATION**

An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home. (TV Zoning)

## **HOSPITAL**

Any institution receiving in-patients or a public institution receiving out-patients, and authorized under state law to render medical or obstetrical care or both. The term "hospital" shall include a sanitarium for the treatment and care of senile

psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry. (TV Zoning)

## **HOTEL**

Hotel means any building containing sleeping rooms for the more or less temporary occupancy of individuals who are lodged with or without meals, with no provision made for any cooking in any individual room or suite. (TV Zoning)

## **IMPERVIOUS LOT COVERAGE**

The total area of any lot or parcel occupied by all of the following:

1. The footprint of the principal building (but excluding the surface area of any Green Roof)
2. The footprints of all accessory buildings, parking garages, carports, utility and storage sheds (but excluding the surface area of any Green Roof);
3. All areas or areas otherwise covered with materials impervious to water including parking areas and driveways (but not including parking areas and driveways with pervious or semi-pervious paving materials); and
4. All areas occupied by above ground swimming pools (but not in-ground pools).

## **IMPERVIOUS SURFACE**

Any constructed hard surface that either prevents or impedes the entry of water into the soil. Examples include but are not limited to building roofs, sidewalks, driveways, and other paved surfaces.

## **IMPROVEMENT**

A building, structure, pavement, parking facility, fence, gate, wall, sign, awning, work of art or object constructed or erected by humans or equipment operated by humans.

## **INCLUDES**

Means “including but not limited to,” unless otherwise provided.

## **INDOOR RECREATION OR ENTERTAINMENT**

A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this Chapter. This use includes but is not limited to billiard parlors, game rooms, skating rinks, bowling alleys, gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses. Indoor recreation or entertainment can also refer to a building, room or area designed or used primarily for the presentation to the general public of live theater, dance performance, music, or cinema. This use does not include an Indoor Stadium or Arena.

## **INDUSTRIAL STREET OR BOULEVARD**

A street of some continuity used primarily by all forms of commercial or industrial vehicular traffic and used for intercommunication between commercial areas and residential areas and industrial districts, or between industrial districts.

## **INFILL**

New development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

## **INFILTRATION**

The process of percolating stormwater into the subsoil.

## **INTERIOR LANDMARK**

For purposes of historic preservation regulations, a landmark noted for the portions of its interior that are open to the public.

## **INTERIOR LOT**

A lot which is not a corner

## **JUNKYARD**

The use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials, and equipment, or for the



dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof

### **KENNEL**

The housing of four (4) or more dogs

### **LAND OR TERRITORY SUBDIVISION**

- The earth, water, and air, above, below, or on the surface, and including any improvements or structures customarily regarded as land.
- A parcel or tract of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Thomas County, Georgia, as of the date of the adoption of the ordinance from which this section derives.

### **LANDFILL**

Any site, location, tract of land, area, building or premises authorized by the City to be used for the disposal of refuse or demolition debris. Accessory uses include but are not limited to landfill gas recovery systems or facilities. (TV Zoning)

### **LANDING AREA**

The area of the airport used for the landing, take-off, or taxiing of aircraft.

### **LANDMARK**

All or any part of an object or structure or property designated as a landmark structure or site pursuant to this UDO.

### **LANDSCAPE MATERIAL**

Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover, landscape water features, and nonliving durable material commonly used in landscaping, including but not limited to rocks, pebbles, sand, prairie film, brick pavers, earthen mounds, but excluding impervious surfaces for vehicle use.

### **LANDSCAPE**

The placement of landscape material in the planting area in accordance with the requirements of this chapter.

### **LANDSCAPING**

Any combination of vegetation, such as trees, shrubs, ground cover, thickets or grasses, that are planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control.

### **LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)**

A green building certification program created by the U.S. Green Building Council that recognizes best-in-class building strategies and practices.

### **LIGHT MANUFACTURING**

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards discernible outside of the building or lot where such assembly, fabrication, or processing takes place, and that do not require frequent rail or truck traffic to deliver goods or remove materials or waste, and where such processes are housed entirely within a building.

### **LIGHT VEHICLE SALES, RENTAL, AND SERVICING**

The sale, display, lease, rental, or storage of motor vehicles with a Gross Vehicle Weight Rating of less than 14,000 pounds, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles minor vehicle repair and maintenance activities such as engine tune-ups, oil change and lubrication, brake and muffler repair, tire rotation, glass replacement, and other limited repairs customarily done in service stations, but not including vehicle bodywork or painting, or major engine or transmission repairs. This use shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

### **LITTLE LIBRARY OR LITTLE PANTRY**

An enclosed structure containing no more than six cubic feet of space and designed to contain books or food items, with an opening front surface to allow individuals to place books and food items into the structure or to remove them from the structure, located so that the bottom surface of the enclosed structure is between two and three feet above grade.

### **LOCAL ADMINISTRATOR**

For purposes of the Floodplain Overlay (FP-O), the person appointed by the community to administer and implement Section 22.2.7.C by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

## **LODGE**

A structure used for meetings and activities by social, service or community organization. Examples are Elks, VFW, Kiwanis, Junior League, Masonic Lodge, Rotary and University Club.

## **LOT**

The word “plot” or “parcel” and means a parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, including open spaces not less in extent than those required in connection therewith by this chapter. A “lot of record” is a parcel of land, the dimensions of which are shown on a map or plat on file with the Clerk of Superior Court of Thomas County, Georgia, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof. All lots recorded after adoption of the ordinance from which this section derives shall front on and have ingress and egress by means of a public street, road or highway (TV Zoning)

## **LOT ADJUSTMENT**

See Section 22.5.4.Q.

## **LOT AREA**

The amount of horizontal land area contained inside the lot lines of a lot or site.

## **LOT COVERAGE**

The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures on such a lot.

## **LOT DEPTH**

The distance between front and rear lot lines. If two (2) opposite sides of such lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

## **LOT FRONTAGE**

For the purposes of the Victoria Park Overlay District, the property line adjacent to the frontage street.

## **LOT LINE**

A line bounding a lot that divides one lot from another lot or from a street or any other public or private space.

### **LOT LINE, FRONT**

The front lot line of an interior lot separating the lot from the fronting street right-of-way. The front lot line of a corner lot shall be the lot line upon which the principal building entrance will front

### **LOT LINE, REAR**

The rear lot line boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be, for the purposes of this chapter, a line not less than ten (10) feet long, lying wholly within the lot, and parallel to and farthest distance from the front lot line.

### **LOT LINE, SIDE**

A side lot boundary line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line

## **LOT, THROUGH**

A lot other than a corner lot, having frontage on more than one (1) street.

## **LOT WIDTH**

The distance between the side lot lines, measured along the front yard setback line as established by this chapter, or, if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way line

## **LOWEST FLOOR**

For purposes of the Floodplain Overlay (FP-O), the lowest floor of the lowest enclosed area (including basement or cellar). An

unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Section 22.2.7.C.

## **MAJOR STREET OR HIGHWAY**

See Streets.

## **MANUFACTURED HOME**

- For purposes of the Floodplain Overlay (FP-O), a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.
- For all other purposes, a detached single-family dwelling unit, designed for long-term occupancy, which has been prefabricated and then transported to its site or to a sales lot on its own wheels, and requires only minor work before occupancy such as connection to utilities or to a foundation. Such units are usually fully equipped and furnished as opposed to a prefabricated house which may be constructed on or off its proposed site.

## **MANUFACTURED HOME PARK OR SUBDIVISION**

- For purposes of the Floodplain Overlay (FP-O), a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- For all other purposes, a subdivision of land intended for the sale of lots to individuals for the placement and occupancy of manufactured homes.

### **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the ordinance from which the FP-O Floodplain Overlay derives.

### **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

### **NEW MANUFACTURED HOME PARK OR SUBDIVISION**

For purposes of the Floodplain Overlay (FP-O), a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance from which the FP-O Floodplain Overlay derives.

### **SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISIONS**

For the purpose of floodplain overlay district, where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

## **MASTER PLAN (COMPREHENSIVE PLAN)**

Any legally adopted part, maps or element of the master plan as provided by the General Assembly of Georgia, Georgia Laws 1957, pages 420--443, approved by a vote of the Planning Commission, and, when legally required, adopted by the City Council. (TV Zoning)

## **MATERIAL CHANGE IN APPEARANCE**

A change that will affect either the exterior architectural or environmental features of a historic property at any building, structure, site, object, landscape feature or work of art within a historic district, such as:

1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or

windows or removal or alteration of any architectural features, details or elements;

2. Demolition or relocation of a historic structure;
3. Commencement of excavation for construction purposes;
4. A change in the location or design of advertising visible from the public right-of-way;
5. Application of all forms of siding, including aluminum, vinyl, asphalt, or other forms; or
6. For the purposes of the Historic District Overlay, the erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

### **MAXIMUM EXTENT PRACTICABLE**

No feasible or practical alternative exists, as determined by the Zoning Administrator, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by the applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”

### **MEAN SEA LEVEL**

For purposes of the Floodplain Overlay (FP-O), the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the FP-O Floodplain Overlay, the term is synonymous with National Geodetic Vertical Datum (NGVD).

### **MINOR OR LOCAL STREET**

See Streets.

### **MINOR RESIDENTIAL STRUCTURE**

An accessory structure commonly associated with a residential use and not listed separately in Table 22.4.2 (Encroachments and Exceptions).

### **MIXED USE**

For the purposes of the Victoria Park Overlay District, the development of a single building containing more than one type of land use or a single development of more than one building and use including, but not limited to, residential, office, retail, recreation, public, or entertainment, where the different land use types are in close proximity, and shared pedestrian and vehicular access and parking areas are functionally integrated.

### **MOBILE VENDOR**

A self-contained mobile unit, independent with respect to water, sewer, and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar mounted unit that contains equipment used for the preparation and/or sale of food products or other products and is closed up when not in operation. This use applies to mobile units when located on private property, and does not apply to vendors parked on public streets, which are subject to police regulations.

### **MOBILE HOME**

For purposes of the Floodplain Overlay (FP-O), a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a Recreational vehicle.

For all other purposes, a transportable, factory-built structure that is designed to be used as a single dwelling unit that was manufactured before 1976 or otherwise does not comply with the construction standards in the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401). This definition does not include a recreational vehicle or travel trailer or other similar vehicles. Mobile homes are considered nonconforming and are therefore prohibited within the limits of the City of Thomasville.

### **MODULAR HOME**

Multiple sectional housing manufactured after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development. A standardized factory-fabricated transportable building module not having a chassis or wheels of its own, designed and constructed in accordance with all applicable local building codes and intended to be placed on a permanent foundation, by itself or incorporated with similar units on the building site. The structure or building module is

transportable in one or more sections on a temporary chassis or other conveyance device, and is designed to be used as a permanent building (dwelling, office, etc.) when installed on its required permanent foundation system. Utilities are installed and connected as in conventional housing.

## **MUSEUM**

A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, other works of art, or similar items.

## **NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

For purposes of the Floodplain Overlay (FP-O), as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

## **NATURAL AREA OR PRESERVE**

An area of land and/or water that has a predominantly undeveloped character. Natural areas may be pristine, or may have been affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered to the extent that they contribute to the City's natural systems including hydrology, vegetation, or wildlife habitat. The purpose of natural areas is to provide a scenic, aesthetic appearance and/or protecting natural processes, providing passive recreational uses, and/or maintaining natural vegetation.

## **NATURAL GRADE**

The elevation of the ground adjoining the building

## **NEW CONSTRUCTION**

- For purposes of the Floodplain Overlay (FP-O), structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.
- For all other purposes, any development for which an application for a building permit or land disturbance permit must be made prior to the initiation of any improvements.

## **NONCOMMERCIAL FLOOR**

A horizontal internal surface of a building that is at least 50 percent as large as the footprint of the building on the lot at ground level, and that is only occupied by a Group Living use, a Household Living use, and Accessory Dwelling Unit, and/or permitted or by a permitted Home Occupation.

## **NONCONFORMING LOT**

A lot of record that was legally established prior to the effective date of this UDO, but that does not conform to the current minimum area and/or dimensions required in the zoning district in which it is located.

## **NONCONFORMING STRUCTURE**

A structure that was legally established prior to the effective date of this UDO, but that does not conform to the current dimensional standards of the zoning district in which it is located or the applicable use regulations.

## **NONCONFORMING USE**

Any use of a building or of land that does not conform to the regulations for the district in which it is situated as of the effective date of adoption of the ordinance from which this section derives

## **NURSERY SCHOOL**

An agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards or foster children of the attendant adult

## **NURSING HOME**

A rest home, nursing home, convalescent home to render domiciliary care, but not including facilities for the care of mental patients, epileptics, alcoholics, drug addicts and not including nursery schools

## **OFFICE**

Establishments providing executive, management, administrative, professional services, consulting, banking, laboratory, record keeping, music or sound recording, or a headquarters of an enterprise or organization, but not including the on-

premises sale of retail goods. This use does not include a Marijuana Dispensary or Methadone Dispensary.

### **OPEN SPACE**

Any parcel or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment and for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. Open space may include active recreational facilities such as play equipment for youngsters, ball fields, picnic tables.

### **OPERATING HOURS**

The hours within which a product may be sold, offered for sale, or given away for on-premises consumption. No person shall be permitted to consume any product upon such premises later than 30 minutes after the end of operating hours.

### **ORNAMENTAL TREE**

Any tree, shrub, or other plant grown primarily for decorative purposes and whose mature height can be expected to be between four feet and 12 feet, as specified by the American Standard of Nursery Stock. See Table 22.4.10.

### **OUTDOOR RECREATION OR ENTERTAINMENT**

Facilities for outdoor sporting or recreational activities. This use includes but is not limited to amusement parks, commercial baseball or other athletic fields, race tracks, fairgrounds, commercial picnic grounds, commercial fishing lakes, marinas, boat launches, commercial stables, outdoor stage and concert facilities, gun clubs, skeet, trap, or target ranges, commercial golf courses, miniature golf courses, and commercial swimming pools.

### **OVERHANG**

The portion of a vehicle extending beyond the curb or wheel stops of a parking space, into a planting area.

### **OVERLAY DISTRICT**

A unique set of zoning regulations that are superimposed on one or more established zoning districts and shown on the zoning map, and subsequently impose in addition to or in place of the regulations of the underlying district. The overlay district may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of site or architectural design program. Developments within an overlay district must conform to the requirements of the underlying district as modified by the overlay district and as set forth in the enacting ordinance.

### **PARAPET**

- That portion of a wall that extends above the roof line.
- For the purposes of the Victoria Park Overlay District, a low wall along the edge of a roof or the portion of a wall that extends above the roof line.

### **PARK OR PLAYGROUND**

A private or public open area for recreation, which may include accessory parking areas, shelters, picnic tables, restrooms, and other facilities for the use of park patrons. May also be a defined open space, typically interspersed within residential areas, that is designed and equipped for the recreation of children. Playgrounds may be freestanding or located within parks, greens, or school sites.

### **PARKING LOT**

A parcel of land devoted to unenclosed parking spaces which may include partially enclosed one-story buildings, and where a charge is made for storage or parking of vehicles.

### **PARKING LOT ACCESSORY**

A parcel of land used by an individual, partnership, firm or corporation in any commercial or industrial district exclusively for the parking of vehicles of its employees or customers and for which no charge is made

### **PARKING SPACE**

An area of appropriate dimensions of not less than one hundred eighty (180) square feet net, exclusive of access or area, or ramps or columns, etc., to be used exclusively as a temporary storage space for private motor vehicles. Truck loading and unloading space shall not be included in such area. When the application of a unit of measurement for parking spaces to a particular use of structure results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-

half or over shall be counted as one (1) space.

### **PARKING STRUCTURE**

An area in an underground or above-ground structure, or an area incorporated into the structural design of a building, for parking automobiles and light trucks in return for direct or indirect compensation.

### **PARTY**

For purposes of administration of this UDO, the applicant, City, and any affected person who has requested to be heard at a hearing on an application.

### **PASSIVE SOLAR SYSTEM**

A solar energy system that relies upon original or retrofitted design features and building materials of a structure to enhance the use of natural forces to provide heating and cooling within a building.

### **PAWN SHOP**

The premises at which personal property or other valuables are purchased on condition of selling the same back again at a stipulated price, and/or the premises at which a pawnbroker loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness.

### **PEAK DISCHARGE RATE**

The maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm event.

### **PEDESTRIAN PASSAGE**

For the purposes of the Victoria Park Overlay District, an open or roofed access passing between buildings. These passageways frequently connect rear parking areas and alleys to frontages, streets, plazas, and other public use spaces. A pedestrian passage provides a shortcut through long blocks and is often restricted to pedestrian use and limited vehicular access.

### **PERSON**

Any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

### **PERSONAL OR BUSINESS SERVICE**

Any business that primarily performs a support service for an individual or business, including but not limited to a shoe repair shop, dry-cleaning establishment, laundromat, barber shop, beauty parlor, photocopying (either self-service or full-service), design, printing and binding of documents, presentations, desktop publishing, packaging, and/or mailing, makerspace, collaborative work space, and sign shop.

### **PHOTOVOLTAIC (PV) SYSTEM**

A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them.

### **PLANT NURSERY**

An establishment, including a building, part of a building, or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail sales and incidental wholesale trade.

### **PLANTING AREA**

Any area designated for landscape material installation, which area shall have a minimum of one hundred (100) square feet, a minimum depth of five (5) feet, and shall consist of suitable growing medium with proper drainage.

### **PLANTING STRIP**

The portion of the street between the curb and the property line exclusive of the area occupied by the sidewalk (TV Zoning)

### **PLANNING & ZONING COMMISSION**

See Section 22.8.2.

### **PLAT**

A map or delineated representation of a subdivision of land, including other information required by this UDO; also, a map or delineated representation of existing and proposed development on a lot that is used to determine its overall impact on urban

service delivery facilities and programs.

### **PLAY EQUIPMENT**

Accessory structures and uses, used for recreation and play, including jungle gyms, play houses, play sets/structures/equipment, skateboard halfpipes, swing sets, trampolines, tree houses, sandboxes, and other similar uses.

### **PLAZA**

A plaza is a formal open space available for civic and commercial uses and spatially defined by building frontages. Landscaping in a plaza consists primarily of pavement; trees and shrubs are optional.

### **POLICE OR FIRE STATION**

Facilities for the provision of municipal rapid response emergency services such as firefighting and policing, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

### **PORCH**

See Section 22.4.2.D.4(g).

### **PORTABLE STORAGE CONTAINER**

A semi-trailer, truck box, or other similar container placed on a property for use as accessory storage. Dumpsters or roll-off containers used for the temporary storage of solid waste shall not be included under this definition.

### **PORTABLE STRUCTURES**

Mobile homes, converted mobile homes, trailers of any kind, or other portable wheeled structures (whether on wheels or with wheels removed and placed on a foundation) that can be driven or towed on their own chassis, and any structure designed, built and intended to be transportable from one (1) location to another. This definition does not include those structures regulated by the Georgia Industrialized Building Act

### **PREMISES**

A lot, plot or parcel of land, including any structure on the lot, plot, or parcel of land.

### **PRIMARY FAÇADE**

For purposes of form-based zoning controls, the front plane of a building not including stoops, porches, or other attached architectural features.

The elevation of a structure with the main entrance; also referred to as the building front facade.

### **PRIMARY PEDESTRIAN ENTRANCE**

The entrance to a structure that is located along the primary street.

### **PRIMARY STREET**

The public right-of-way that serves as primary pedestrian access to a property.

### **PRINCIPAL BUILDING**

The building containing or to contain the principal use of a lot

### **PRINCIPAL BUILDING FAÇADE**

For purposes of form-based zoning controls, the front plane of a building not including Stoops, Porches, or other attached architectural features.

### **PRINCIPAL USE**

The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained (TV Zoning)

### **PRINCIPALLY ABOVE GROUND**

For purposes of the Floodplain Overlay (FP-O), at least 51% of the actual cash value of the structure, excluding land value, is above ground.

### **PRIVATE FRONTAGE**

For the purposes of the Victoria Park Overlay District, the privately held space between the front plane of the principal



building and the front parcel line / ROW

## **PROJECT**

Any construction or development activity upon real property.

## **PROPERTY OWNER**

Any person having a legal or equitable interest in real property.

## **PUBLIC ENTITY**

The United States government, including any department, agency, or bureau thereof; the State of Georgia and any political subdivision thereof; or any county, school district, special district, or quasi-municipal corporation, including the City of Thomasville.

## **PUBLIC FRONTAGE**

For the purposes of the Victoria Park Overlay District, the area between the vehicular lanes and the front parcel line that contains the curb assembly, walkway type, planter type, landscaping, lighting, signage, and civic elements (benches, bus stops, etc.).

## **PUBLIC NOTICE**

A notice published twice in a newspaper of general circulation in the county at least fifteen (15) days prior to a public hearing concerning proposed changes or amendments to this chapter or the maps thereto, or both, setting forth the time, place, and purpose of such public hearing. See 5.3.D.3(a).

## **PUBLIC REALM**

For the purposes of the Victoria Park Overlay District, the physical and social domain of the public that is held in common either by their physical presence or by visual association. This includes, but is not limited to plazas, squares, parks, thoroughfares, public frontages, private frontages, civic buildings and civic spaces.

## **PUBLIC RIGHT-OF-WAY**

Any parcel of land appropriated for the free passage of the general public.

## **PUBLIC STREET**

Right-of-way dedicated to the city or owned by the city for public street purposes

## **PUBLIC UTILITY**

Any person, firm, or corporation, municipal department, board or commission duly authorized to provide public utilities under federal, state, or municipal regulations, including but not limited to gas, steam, electricity, sewage disposal, communication, telegraph, and water.

## **PUBLIC UTILITY OR SERVICES, MAJOR**

Buildings and facilities for the provision and distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas services, by a regulated utility or a public or quasi-public entity, of a size and scale found only in scattered sites throughout the city. This use includes the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such entities or for the public health or safety or general welfare, but not including buildings.

## **QUALIFIED CONSULTANT**

A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the City.

## **QUALIFIED PROFESSIONAL**

An International Society of Arboriculture (ISA) Certified Arborist, an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, or a Registered Forester.

## **QUORUM**

The minimum number of board members that must be present at a meeting for the board to conduct official business or take

official actions.

### **RAINWATER HARVESTING BARREL**

A barrel designed for the onsite harvest and storage of rainwater used to offset the potable water needs for a building and/or landscape.

### **REAR ALLEY**

For the purposes of the Victoria Park Overlay District, a vehicular way located to the rear of lots providing a location for utility easements and access to service areas, parking, and accessory structures.

### **RECHARGE**

The replenishment of underground water reserves.

### **RECREATION, COMMERCIAL**

Recreation facilities operated as a business and open to the general public for a fee.

### **RECREATION, PRIVATE**

Clubs or recreation facilities operated by a nonprofit or private organization and open only to members and their guests.

### **RECREATION, PUBLIC**

Recreation facilities operated by a governmental entity or any nonprofit organization and open to the general public.

### **RECREATIONAL VEHICLE**

- For purposes of the Floodplain Overlay (FP-O), a vehicle that is:
  1. Built on a single chassis;
  2. Four hundred square feet or less when measured at the largest horizontal projections;
  3. Designed to be self-propelled or permanently towable by a light-duty truck; and
  4. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- For all other purposes, a vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a camper or travel trailer, is not more than eight (8) feet six (6) inches in body width, and does not exceed thirty-one (31) feet in length.

### **RECREATION VEHICLE PARK**

A licensed business operation which leases spaces for short term location of recreation vehicles, travel trailers or campers, used primarily for leisure time activities. Such short term location shall be limited to rental by the day or week only for a period of thirty (30) days or less

### **RECREATION VEHICLE STAND**

The site designed for the placement of a recreation vehicle and its cabana, accessory structures, utility connections, and off-street parking facilities.

### **RECYCLING DROP-OFF CENTER**

An building or area of land that serves as a drop-off point for temporary storage for recoverable resources, such as newspapers, glassware, plastics, and metal cans, for onward shipment to a recycling processor or distributor, but at which no processing of such items occurs.

### **REDEVELOPMENT**

The demolition or removal of the principal structure or of more than fifty percent (50%) of the impervious surface of a lot; any repair, reconstruction, rehabilitation, addition of a building or structure. If the structure has sustained substantial damage, any repairs are considered redevelopment regardless of the actual repair work performed. The term does not, however include either:

- (a) any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified

by the Chief Building Official and that are the minimum necessary to assure safe living conditions.

(b) any minor alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure

## **REGULATING PLAN**

A plan for Form-Based zoning districts that illustrates the overall vision for the district and describes the required form developments must follow in these areas. Each Regulating Plan is a part of the Zoning Ordinance.

## **RELIGIOUS INSTITUTION**

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Examples include churches, mosques, synagogues, temples, or other places of worship. Accessory uses may include but are not limited to school facilities, parking, caretaker's housing, pastor's housing, group living facilities such as convents, or a columbarium.

## **RESTAURANT**

Any establishment that prepares and serves meals for consumption on premises or to take away, and where any sale of alcohol permitted by the State of Georgia is secondary to the sale of food.

## **RETAIL**

A use that meets the definition of General Retail, Specialty Retail, or Supermarket.

### **RETAIL, GENERAL**

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including auction houses, that do not meet the definition of any other retail use, a restaurant use, or any other use listed in Table 22-3-1 (Permitted Use Table).

### **RETAIL, SPECIALTY**

A retailer concentrating on selling a limited or select merchandise line of goods and having a narrow but extensive selection in their specialty. Examples are bicycle shops, music stores, florists, bagel shops, photo supply stores and antique shops.

## **RETENTION FACILITY, WATER RETENTION STRUCTURE**

A facility which provides for storage of stormwater runoff and will usually contain a substantial volume of water to serve recreational, aesthetic, water supply or other functions. Stormwater will be temporarily stored at above normal stages during runoff events.

## **REZONING**

See Amendment to Zoning Map.

## **RIGHT OF WAY (ROW)**

For the purposes of the Victoria Park Overlay District, a right-of-way is the actual land area acquired for a specific purpose such as a utility line or roadway.

## **ROOMING HOUSE**

A residential structure in which lodging is provided for compensation to one or more individuals who share with another person cooking, bathroom, or other communal facilities within the residential structure.

## **SANITARY SEWER**

A sewer which carries sanitary sewage and to which storm, surface and ground waters are not intentionally admitted.

## **SATELLITE DISH ANTENNA**

A dish-shaped or parabolic-shaped receiving or transmitting antenna (including antennae stored or temporarily placed) for the reception or transmission or both of terrestrial or satellite signals, including television signals, AM radio signals, FM radio signals, telemetry signals, data communication signals or any other reception or transmission signals using free air space as a medium, whether for commercial or private use.

## **SCHOOL**

An accredited public or private institution offering a course of education recognized by the State of Georgia as leading to a high school diploma or equivalent. Accessory uses may include student sports fields or facilities, playgrounds, gardens, and an accessory dwelling unit for a caretaker.

## **SCREENING**

Whenever this term is used, it shall refer to any landscaping, screening, buffering, fencing or other barrier as required by this UDO.

## **SECONDARY STREET**

For purposes of form-based zoning controls, the public right-of-way that serves as the secondary pedestrian access to a property when coupled with a primary street or the primary access when coupled with a tertiary street.

## **SELF-STORAGE BUILDING**

A small storage building which does not exceed three thousand (3,000) square feet in area and may be used for general storage purposes by one (1) or more persons as a single building or divided into compartments and may be leased or rented to the general public. Hazardous materials listed in section 408.3 of the 1988 edition of the Standard Building Code are not permitted.

## **SELF-STORAGE FACILITY**

An establishment that permits customers to store their own materials in private, commercially available warehousing space in individual lockable units accessible from outside driveways or from indoor hallways.

## **SERVICE STATION**

Any building or premises used for the storing, dispensing, servicing, sale or offering for sale at retail of any automobile fuels and lubricants and automobile accessories, but not including major automobile repairing

## **SETBACK**

- The required minimum distance between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this UDO.
- For the purposes of the Victoria Park Overlay District, the mandatory clear distance between a property line and a structure.

### **FRONT SETBACK**

A setback that extends across the full width of a lot or site, the depth of which is the distance between the front lot line and the closest projection of a building or structure line at right angles to the front lot line, excluding allowable encroachments and projections set forth in this UDO.

### **REAR SETBACK**

A setback that extends across the full width of a lot or site, the depth of which is the distance between the rear lot line and the closest projection of a building or structure along a line at right angles to the rear lot line, excluding allowable encroachments and projections set forth in this UDO.

### **SIDE SETBACK**

A setback that extends from the rear line of the required front setback, or the front lot line of the site where no front setback is required, to the front line of the required rear setback, or the rear lot line of the site where no rear setback is required, the width of which is the distance between the side lot line and a line parallel thereto on the site.

## **SHADE TREE**

Any tree a species that is well shaped, well branched and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature spread of crown greater than thirty (30) feet.

## **SHARED PARKING**

For the purposes of the Victoria Park Overlay District, any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

## **SHED ROOF**

For the purposes of the Victoria Park Overlay District, a roof shape having only one sloping plane.

### **SHOPFRONT**

For the purposes of the Victoria Park Overlay District, a private frontage type where the main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This Type is intended for retail use. It has substantial glazing at the sidewalk level and may include a canopy or awning that overlaps the sidewalk.

For all other purposes, the portion of a building at the first story that is available for retail use

### **SHORT TERM RENTAL**

The renting of property for less than six months and one day.

### **SHOULDER**

That portion of a roadway between the outer edge of the paved surface or the curb to the inside edge of the ditch or gutter or original ground surface.

### **SHRUB**

A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

### **SIDEWALK OR OUTDOOR CAFE**

An outside area adjacent to an establishment selling food and/or drink on which food and drinks are served to patrons of the establishment.

### **SIDEWALK**

That portion of a street or road available exclusively for pedestrian traffic.

### **SIGHT TRIANGLE**

The areas of property on both sides of an driveway formed by the intersection of each side of the driveway and public right-of-way with the two (2) sides of each triangle being not less than ten (10) feet in length from the point of intersection and the third side being a straight line connecting the end of the two (2) other sides.

### **SIGN**

Any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any business or persons when the same is placed in view of the general public.

#### **AWNING SIGN**

Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

#### **FREESTANDING SIGN**

Any sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

#### **MONUMENT SIGN**

Signage constructed on a monument base identifying the name of the business or retail center on the premises upon which the sign is placed. A sign face manufactured and constructed clearly to be a portable sign shall not be used in any form to be made into a permanent sign.

#### **POLE SIGN**

Any freestanding sign in which the sign face is supported by a single post, pole or support, and the area between the sign face and the ground is not opaque or enclosed, so that the sign face support structure is visible.

#### **POST-AND-PANEL SIGN**

Any freestanding sign in which the sign face is supported by two poles, posts, or supports, generally located at or near either end of the sign face, and between which poles, posts, or supports the sign face is visible.

#### **PROJECTING SIGN**

Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the

building wall.

### **WALL SIGN**

A sign attached to the wall of a building with the exposed face of the sign in a plane parallel to the face of said wall, not extending more than 25 percent above the roof line or parapet of the building, nor more than 24 inches from the wall surface.

### **SIGN PERMIT**

See Section 22.5.4.O.

### **SIGNIFICANT TREE**

Hardwoods and deciduous trees including, but not limited to, ash, beech, birch, dogwood, cedar, crabapple, cypress, elm, hemlock, pine, magnolia, maple, oak, pecan, poplar, pine and tupelo, with a caliper of five or more inches at a point three feet above the ground with a five (5) inch DBH.

### **SILL**

A sill is the horizontal member (or assembly of members) at the base of a window or door opening.

### **SITE**

Any lot or lots of record, or contiguous combination thereof, under the same ownership.

### **SITE PLAN**

See "Development Plan."

### **SOLAR COLLECTOR**

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

### **SOLAR ENERGY EQUIPMENT**

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and passive solar.

### **SOLAR THERMAL SYSTEMS**

A solar energy system that generates energy by collecting and focusing solar energy onto a small area to heat a fluid to a high temperature, which in turn drives an electric generator.

### **SPIRE**

A tall, pyramidal, polygonal, or conical structure rising from a tower, turret, or roof (usually of an institutional use) and terminating in a point.

### **SQUARE**

A formal open space available for recreational and civic uses and spatially defined by abutting streets and building frontages. Landscaping in a square consists of lawn, trees, and shrubs planted in formal patterns and it is typically furnished with paths, benches, and open shelters.

### **START OF CONSTRUCTION**

For purposes of the Floodplain Overlay (FP-O), the date of permit issuance for new construction and substantial improvements to existing structures, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For purposes of the Floodplain Overlay (FP-O), this includes substantial improvement, and means the date the building permit

was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways or both, nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

## **STATE**

The State of Georgia.

## **STOOP**

See Section 22.4.2.D.4(d).

## **STOP WORK ORDER**

An order issued by a Building Inspector or other authorized City staff that directs the person responsible for an activity in violation of this UDO or the adopted Building Code to cease and desist such activity.

## **STORAGE AND WHOLESALE DISTRIBUTION**

An establishment engaged in the sale of commodities in quantity to retailers, other businesses, industries or institutions, and/or an establishment for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public). This use does not include a Self-Storage facility.

## **STORAGE SHED**

An accessory structure used for storage of personal items.

## **STORM SEWER**

A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters.

## **STORMWATER**

Rainwater, surface runoff, and drainage.

## **STORMWATER MANAGEMENT PERMIT**

See Section 22.5.4.U.

## **STORMWATER MANAGEMENT**

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

## **STORMWATER MANAGEMENT FACILITY**

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

## **STORMWATER RUNOFF**

Flow on the surface of the ground resulting from precipitation.

## **STORY**

The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it, provided that a cellar shall not be considered a story. Attic or basement space is construed as one-half story.

## **STORY, HALF**

That floor area under a sloped roof where no more than 70 percent of the floor area meets the minimum ceiling height

requirements under the applicable building code.

### **STORY, FIRST**

The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average grade at the exterior front walls of the building.

## **STREETS**

A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, lane, alley, or other way, and for the purposes of this chapter “street” is divided into the following categories (see Illustration 1 on file in city, Ordinance Book 5, page 22):

### **MAJOR STREETS**

Those streets designated on the street and traffic plan of the city as regional thoroughfares, major thoroughfares, secondary thoroughfares and collector streets.

### **ARTERIAL STREET**

A street designed and intended to serve major centers of metropolitan areas, provide a high degree of mobility, and provide mobility through rural areas. These streets are typically used by large volumes of through traffic, receive traffic flow from collector and local streets, allow for major movement between areas of the City, and usually have heavy traffic moving at relatively high speeds. These streets can directly serve abutting land uses.

### **COLLECTOR STREET**

A street that carries traffic from local streets to the arterial network, consists of principal entrance streets for residential, nonresidential and mixed-use developments, and provides for major circulation within the developments. These streets can be broken down into Major and Minor with Major Collectors typically being longer in length, having lower connecting driveway densities, having higher speed limits, spaced at greater intervals, having higher annual average traffic volumes, and may have more travel lanes than Minor Collectors.

For the purposes of Subdivision of Land, a street within a subdivision used to carry traffic from the minor streets to the major streets and includes the principal entrance and circulation streets of a subdivision, and those streets designated as collector streets on the street and traffic plan of the city.

### **LOCAL STREET**

A street designed primarily for access directly to individual lots or developments. These streets are not intended for use in long distance travel as they are often designed to discourage through traffic.

### **ALLEY**

A minor way used for service access to the back or side of properties otherwise abutting on a street.

### **CUL-DE-SAC**

A minor street with only one (1) outlet, sometimes called a dead-end street.

### **MARGINAL ACCESS STREET**

A minor street parallel and adjacent to major streets and which provides access to abutting properties with protection from through traffic.

### **FRONTAGE STREET**

For the purposes of the Victoria Place Overlay District, the public right-of-way which serves as primary access to a property.

### **INDUSTRIAL STREET OR BOULEVARD**

A street of some continuity used primarily by all forms of commercial or industrial vehicular traffic and used for intercommunication between commercial areas and residential areas and industrial districts, or between industrial districts.

### **TERTIARY STREET**

The public right-of-way that serves as the lower priority access to a property when coupled with a secondary or primary street or the primary access when coupled with a street of lower value in the street hierarchy. The third in line of street hierarchy.

### **THOROUGHFARE**



For the purposes of the Victoria Park Overlay District, a street. This ordinance mandates that all vehicular rights of way, easements, and parking access-ways be designed as thoroughfares that both resemble and function as a traditional street would.

### **THROUGH STREET OR HIGHWAY**

Every street or highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected. It generally is radial or circumferential in relation to present heavily populated areas, and is intended to provide continuous, wide, direct, and adequate routes designed to insure the future stability of the expanding urban areas within the county and the region. They usually include all state and federal highways not otherwise designated in the master plan.

### **STREET GRADE**

The grade of the curb or centerline of street upon which the lot abuts at the midpoint of the frontage (TV Zoning)

### **STREET LINE OR RIGHT-OF-WAY LINE**

The dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road, or highway, or a private street, road or highway, over which two (2) or more abutting owners have an easement or right-of-way. (TV Zoning)

### **STREETSCAPE ZONES**

#### **FRONTAGE ZONE**

The area between the building front or private lot line and the Pedestrian Zone, intended to buffer pedestrians from doorways and appurtenances.

#### **PEDESTRIAN ZONE**

The area primarily used for pedestrian travel along a sidewalk.

#### **BUFFER ZONE**

The area between the Pedestrian Zone and the Curb Zone, typically used for utilities, landscaping, public signage, transit stops, public street furniture, and other public streetscape amenities.

#### **CURB ZONE**

The area located immediately adjacent to the roadway, which serves as a safety feature to prevent vehicles from driving onto the sidewalk and sometimes as a part of the storm drainage system.

### **STREET TREE**

A tree the trunk of which is located in whole or in part within a public right-of-way and that has been planted for the purpose of providing shade and other public benefits; or a tree which has grown naturally achieving a five (5) inch DBH which, at maturity, can be expected to provide shade for the public sidewalk, parking area, or street; or any exceptional tree located within the required front yard of a lot that provides shade to any part of an adjoining public right-of-way.

### **STREET WIDTH**

The horizontal distance between the right-of-way lines of the street, measured at right angles to the right-of-way lines. (TV Zoning)

### **STRUCTURAL ALTERATIONS**

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists, or in the exterior walls.

### **STRUCTURE**

- For purposes of the Floodplain Overlay (FP-O), a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- For all other purposes, anything constructed or erected which requires permanent or temporary location on the ground or attachment to something permanently attached to the ground. This term shall include, but not be limited to, buildings, walls, fences, awnings, signs, billboards, lighting fixtures, screen enclosures, works of art, electronic transmission or reception devices or other electronic devices and mechanical devices related to a building function.

### **STYLE**

For purposes of historic preservation regulations, a type of architecture distinguished by special characteristics of structure or ornament and often related in time; also, a general quality of distinctive character.

### **SUBDIVIDER**

The person having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this chapter, or the authorized agent of such person for the purpose of proceeding under this chapter.

### **SUBDIVISION**

All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality;
- (2) The division of land into parcels of five (5) acres or more where no new street is involved;
- (3) The division of land into three (3) parcels or fewer where no new street is involved and the resultant lots are equal to the standard of the municipality or county in which the division of land is being made, provided sufficient land has been deeded to the city to provide an adequate right-of-way on the existing street involved according to the standards of the city's street and traffic plan.

See Section 22.5.4(18).

### **SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its condition before the damage occurred would equal or exceed fifty percent (50%) of the market value of the undamaged building or structure.

### **SUBSTANTIAL IMPROVEMENT**

For the purpose of floodplain overlay district, any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

### **SUPERMARKET**

A retail or wholesale store selling foodstuffs and daily essential items, which may include but not be limited to canned goods, meats, dairy products, vegetables, condiments and paper goods, and in which at least five percent of the gross revenues of the establishment come from sales of fresh vegetables, fruit, and produce.

### **SUSPENDED SIGNS**

For the purposes of the Victoria Park Overlay District, suspended signs mount to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. They are typically hung in a manner that allows them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides.

### **SWIMMING POOL**

Any confined body of water designed, used, or intended to be used for swimming or bathing purposes, the bottom and sides of which are constructed using man-made materials.

### **SWIMMING POOL, COMMERCIAL**

A swimming pool operated for the use of the general public with or without charge.

### **SWIMMING POOL, RESIDENTIAL**

A pool intended for use which is accessory to a residential setting and available only to the household and its guests. All other pools shall be considered public pools for purposes of this code.

### **SWIMMING POOL, SEMI-PRIVATE**

A swimming pool operated for the use of the members and guests of a private club, including any swimming pool located on the grounds of a hotel, motel, inn, an apartment complex, or any residential setting other than a single-family home.

### **TELECOMMUNICATION ANTENNA OR SATELLITE DISH AS ACCESSORY USE**

A piece of equipment or a dish antenna used for receiving and/or transmitting telecommunications signals that is attached to or located inside a building as an accessory structure, as opposed to a freestanding antenna or tower structure mounted on the ground.

### **TELECOMMUNICATIONS TOWER**

A freestanding structure erected on the ground to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

### **TEMPORARY CONSTRUCTION OFFICE OR YARD**

A facility or area used as a temporary field construction office, temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.

### **TEMPORARY REAL ESTATE SALES/LEASING OFFICE**

A facility or area used as a temporary office to sell or lease land or buildings or interests in land or buildings within a specified area.

### **TEMPORARY SEASONAL SALES**

The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

### **TEMPORARY SIGN**

A sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure or permanently installed in the ground.

### **TEN-YEAR STORM**

The peak discharge rate associated with a 24-hour storm event that has a 100% chance of being equaled or exceeded in a given ten year.

### **TIPPING**

Removal of branch tips, usually to decrease the tree's crown width.

### **TOPPING**

The indiscriminate cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Topping is the most harmful tree pruning practice.

### **TOWER**

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for commercial, amateur, or ham radio, telephone, television, and similar communications purposes, including self-supporting guyed towers, lattice towers, or monopole towers. The term includes alternative tower structures, cellular telephone towers, common-carrier towers, microwave towers, radio and television transmission towers, and ham radio towers, as well as any supports for them, and specifically includes "Telecommunications Tower" and "Tower Structure, Other" as defined in this Section 376-6.

### **TOWER STRUCTURE, OTHER**

All towers erected on the ground that do not meet the definition of "Telecommunication Towers," including but not limited to

amateur/ham radio, broadcasting towers, radio towers, and television towers.

## **TRADE SCHOOL**

A private or public institution that teaches students a trade or job skill rather than the broad curriculum offered by a college or university. Examples are welding, auto repair, barber/beauty, secretarial/office skills, construction, accounting, bookkeeping, web design, computer programming, and similar skills.

## **TREE**

- Tree means any self-supporting, woody plant that normally grows to a mature height of at least twenty (20) feet and normally develops an average mature spread of crown greater than twenty (20) feet in the City.
- A woody perennial usually having one (1) dominant trunk, but sometimes multiple trunks, and a mature height greater than 15 feet.

## **TREE LAWNS**

The planting area that occurs is located between street curbs or edge of pavement and sidewalks.

## **TREE SURVEY**

A map of existing conditions on a property showing boundaries, buildings, impervious surfaces, and inventorying all exceptional trees and other significant trees and their approximate canopy located on the property, on the fronting right-of-way, and extending over adjoining property.

## **TRENCHING**

Any excavation to provide irrigation, install foundations, utility lines, services, pipe, drainage or other property improvements below grade.

## **TUNNELING**

Boring a hole under root zones; alternative to trenching to protect roots.

## **TYPICAL WINDOW**

The window in a building that is used most frequently.

## **UNDEVELOPED SITE CONDITION**

Where any site was previously altered from its undeveloped state shall be determined from available topographic or historical maps. Where no information is available concerning the site in its undeveloped state, all calculations will be based the assumption of uniform gently sloping grades (5%), moderately impervious soils and light forestation.

## **USE**

The purpose for which a structure or premises, or part thereof, is occupied, designed or arranged.

## **VACANT**

A building, building portion, or property that is unoccupied and left unsecured, not in use, is in temporary use, or lacks permanent improvement.

## **VARIANCE**

The Architectural Review & Zoning Appeals Board authorized departure from the terms of this UDO in direct regard to conditions peculiar to an individual lot in accordance with the procedures set forth thereto in this UDO.

### **DIMENSIONAL STANDARD VARIANCE**

The authorization by the Architectural Review & Zoning Appeals Board for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable regulations of this UDO.

### **USE VARIANCE**

The authorization by the Architectural Review & Zoning Appeals Board for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable regulations of this UDO.

### **FLOODPLAIN VARIANCE**

For the purposes of floodplain overlay district, a grant of relief from the requirements of the FP-O Floodplain Overlay which

permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

### **VEHICLE FUELING STATION**

A building or place of business where gasoline, electric vehicle charging stations, and alternative fuels such as compressed natural gas are supplied and dispensed directly to customers at retail. This use may include the sale of food and convenience items, and automotive accessories to customers, but shall not include any vehicle repairs listed under Light Vehicle Sales, Rental, and Servicing.

### **VEHICLE USE AREA**

Any ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores; and other vehicle uses under, on, or within buildings.

### **VETERINARIAN OR KENNEL**

An establishment that provides medical treatment and care to animals, and that may include temporary or overnight boarding of animals that are recuperating from treatment, or an establishment in which five or more domesticated animals (dogs and cats), more than six months of age, are housed, groomed, bred, boarded, trained or sold. This use includes but is not limited to, animal hospitals, kennels, veterinary clinics, and animal shelters.

### **VINE**

Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form. A suggested list will be maintained by the city planner.

### **VIOLATION**

- For purposes of the Floodplain Overlay (FP-O), the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
- For all other purposes, an action that results in a property or use not being fully compliant with the provisions of this UDO, as described in Article 22.7.4 (Violations and Responsible Parties).

### **VISIBLE**

Any portion of a building facade which is seen from any public right-of-way along the frontage line of the property.

### **VISUAL SCREEN**

A barrier of living or nonliving landscape material put in place for the purpose of separating and obscuring from view those areas so screened.

### **WALL PLANE, FRONT**

The predominant vertical or near vertical wall surface located on the façade of the primary building located closest to the front lot line.

### **WALL PLANE, SIDE**

The predominant vertical or near vertical wall surface located on a façade of the primary building located closest to a side lot line.

### **WASTE / RECYCLING PROCESSING FACILITY**

A site or facility where solid waste, recycled materials and compostable materials are collected and/or processed. Processing shall mean the preparation of materials for the efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, and cleaning.

### **WETLAND**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

### **YARD**

An unoccupied area, open and unobstructed from the ground or any floor level to the sky, on the same lot as a building.

**YARD, FRONT**

That area of a lot lying between the abutting street right-of-way and the principal building of the lot and extending across the front of a lot from side lot line to side lot line.

**YARD, REAR**

That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

**YARD, SIDE**

That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

**ZONING ADMINISTRATOR**

The person, officer, or official and his authorized representative, whom the City Council has designated as its agent for the administration of these regulations.

**ZONING DISTRICT**

Parts of the City for which the regulations governing the use of and occupation of property are the same.

**ZONING MAP**

The Zoning Map or Maps of the City of Thomasville, Georgia, together with all amendments thereto subsequently adopted.

## ARTICLE 22.10 APPLICATION FEES

### SECTION 22.10.1

The following fees for reviewing applications under this UDO shall apply from the effective date of this UDO, until a schedule of application fees appears in an Administrative Manual approved by the City Planner.

#### Sec. 22.10.1.A. ARCHITECTURAL REVIEW AND ZONING APPEALS BOARD

1. No application for a permit, certificate, appeal, amendment or other zoning purpose will be processed nor shall any action be taken unless the various charges for expenses or fees are paid in accordance with the schedule shown in the following table:

Table 22.10.1: Application Fees	
Type of Application	Fees
Use Variance	\$400; Per additional variance: \$100
Area Variance	One- to two-family residence: \$50 All others: \$150 Per additional variance: \$25
Conditional Use Permit	\$250; Per additional permit \$100
Interpretation	\$100
Administrative Appeal	\$250
Amendment	\$200
Extension	\$100
Rescheduling	\$100
Zoning Compliance Letter	\$50

**Sec. 22.10.1.B. ADDITIONAL ZONING RELATED FEES**

<b>Table 22.7.2: Additional Zoning Related Fees</b>	
<b>Type of Application</b>	<b>Fees</b>
Development Plan Review – Residential	Base Fee: \$300 Per additional 1,000 square feet of new construction (parking structures excluded): \$50 Per 1,000 square feet of renovated space: \$20 Per new parking space: 1-10 spaces: \$75 11-50 spaces: \$150 51-100 spaces: \$300 101-500 spaces: \$600 501-1,000 spaces: \$1,200 1,000+ spaces \$2,400
Development Plan Review – Non-Residential	Base Fee: \$200 Per residential unit or lot: \$50 Per new parking space: \$20
Development Plan Review Amendment	\$200
Development Plan Extension	\$100
Rescheduling	\$100
Zoning Change/Amendment	Base Fee: \$500 Per acre of lot size : \$50

**SECTION 22.10.2**

For those new types of applications created by this UDO for which an application fee has not been established before the effective date of this UDO, the City Planner is authorized to charge a fee consistent with Article 22.10 (Application Fees) and Georgia State law.

**SECTION 22.10.3**

Applications generated by the City of Thomasville and in connection with and furtherance of the governmental purpose and objective shall be exempt from such fees.



## ARTICLE 22.11 APPENDIX

### SECTION 22.11.1 VP-O VICTORIA PLACE OVERLAY

#### Sec. 22.11.1.A. INTENT

Thomasville seeks to promote preservation, infill development, and revitalization throughout the city, in its traditional communities, and upon individual blocks and lots. As such, it is the intent of the Victoria Place Overlay District to enable, encourage, and qualify the following policies:

#### 1. IN GENERAL AND THROUGHOUT THE CITY:

- (a) Implement the Comprehensive Plan and the Victoria Place Redevelopment Plan;
- (b) Enhance the viability of local businesses and reduce travel demand by focusing growth in existing neighborhoods with infrastructure, services, employment centers, and schools;
- (c) Locate workforce housing near job opportunities while avoiding concentrations of poverty;
- (d) Establish Thomasville as a city of compact, walkable, mixed-use neighborhoods in which ordinary activities of daily living occur within walking distance of most homes, allowing independence to those who do not drive; and
- (e) Create an interconnected network of streets and pathways that are safe and secure for vehicles, bicycles, and pedestrians; and reduce automobile traffic.

#### 2. WITHIN THE CITY'S NEIGHBORHOODS:

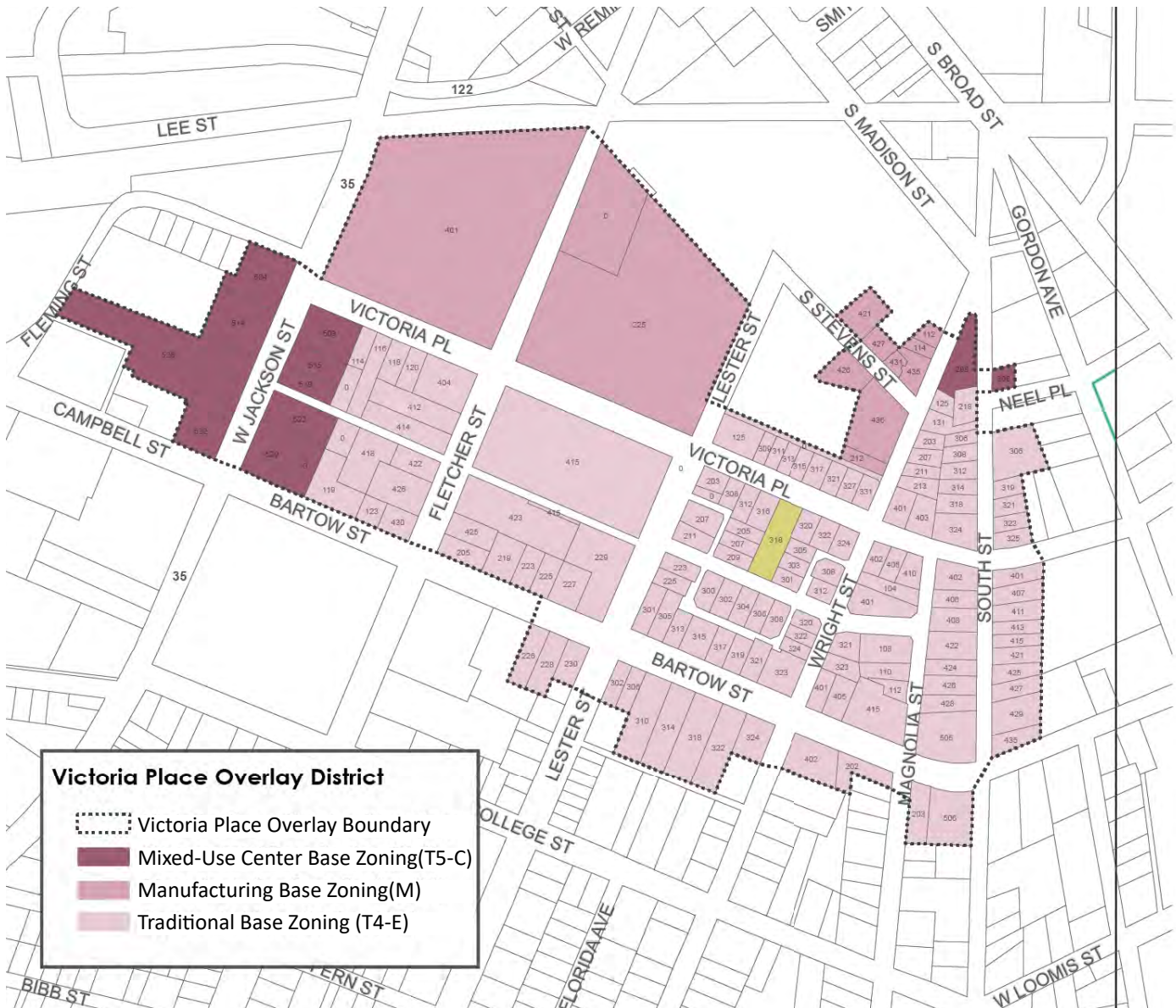
- (a) Preserve and extend the historic neighborhood character through the design and placement of building types and public spaces; and
- (b) Enable mixed-use corner stores and mainstreets to remain or return as vibrant social and commercial centers.

#### 3. AT THE SCALE OF THE BLOCK AND BUILDING:

- (a) Use buildings to frame streets and public spaces, resulting in a high-quality, interesting, and human-scaled environment;
- (b) Ensure that landmark buildings are sited at important locations, and that they promote a form that reflects their civic stature;
- (c) Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors;
- (d) Promote sustainability by encouraging a range of building types and sizes that can readily adapt to changes in the economy, the surrounding community, or the needs of their owner; and
- (e) Ensure that architecture and landscape grow from local climate, history, and building practice.

#### Sec. 22.11.1.B. APPLICABILITY

1. The delineation of the Victoria Place overlay district (VPO) is conveyed below, and is outlined on the official zoning map of the City.
2. The Victoria Place overlay district overlays three (3) current zoning districts that are referred to as "base zoning."



Victoria Place Overlay District boundary map

**Sec. 22.11.1.C. GENERAL TO ALL DEVELOPMENT**

**1. STATE AND LOCAL CODES**

- (a) Except where specifically addressed herein, the standards of the underlying zoning district shall apply. In the case of conflict, the standards of the VPO shall take precedent.
- (b) In the case of conflict between the standards of the VPO and those contained elsewhere in the Thomasville Municipal Code, the standards contained in the VPO shall always prevail.
- (c) Development must comply with all state and local building codes.

**2. CREATING STREETS.**

New or improved public or private vehicular rights of way, easements, access-ways, and driveways that:

- (a) Will front a building type or civic space type depicted in this Code; or
- (b) Are necessary to maintain or establish an uninterrupted and interconnected network of blocks and streets...

...shall, to the maximum extent practicable, be designed as complete (multi-modal) thoroughfares that incorporate on-street parking, sidewalks, lighting, plantings, streetscape elements (furniture, wayfinding signage, etc.), terminated vistas, and where appropriate, bicycle lanes.

### 3. DEAD-END STREETS AND CUL-DE-SACS

Dead-end streets and cul-de-sacs shall not be permitted.

### 4. TERMINATED VISTAS

In order to improve spatial definition and orientation on each street, terminated vistas shall be encouraged using buildings, civic spaces, roundabouts, statues, ornamentation, or natural features.

### 5. TRAFFIC CALMING

To the maximum extent practicable on-street parking shall be encouraged as a means of calming traffic.

### 6. LOT FRONTAGE

The primary frontage of a lot shall be along one of the following:

- (a) A thoroughfare right-of-way;
- (b) A thoroughfare with development on one side and a civic space on the other (see diagram below, left);
- (c) Directly upon a civic space in which there is no thoroughfare located between the primary frontage and the civic space (see diagram below, center); or
- (d) Directly upon a pedestrian passage or rear alley / lane (see diagram below, right).



Primary Frontage Located Across the Street from a Civic Space.



Primary Frontage Located Directly Upon a Civic Space.



Primary Frontage Located Upon a Rear Alley / Lane.

### 7. REVERSE FRONTAGE LOTS

Reverse frontage lots shall be prohibited. Arterials, collectors, and local streets shall be incorporated into the structure of all future blocks, with access to the first tier of lots provided directly from the thoroughfare, a perpendicular street, or a rear alley / lane.

### 8. REAR ALLEYS AND LANES

Rear alleys and lanes shall be provided along the rear property lines of lots intended for new development when the lots are part of a block face with an average lot width of 55 feet or less at the building setback line.

### 9. EXEPTIONS FROM BUILD-TO-LINES

The City Planner may grant an exception to the required build-to line in order to avoid trees with a caliper greater than 8"; in the case of an irregularly shaped lot; or where existing adjacent buildings are set behind the required build-to-line, a building may be set to align with the façade of the front-most adjacent property. All other standards, including parking location and design shall be adhered to.

### 10. EXCEPTIONS TO LOT COVERAGE REQUIREMENTS

In the T4-E zone the required maximum lot coverage shall be 60%. If the design is consistent with the intent of this overlay district, the Architectural Review and Zoning Appeals Board may grant a variance permitting a proposal for multi-family residential, mixed use, or commercial structures to exceed this percentage.

## 11. BUILDING HEIGHT

### (a) DETERMINING OVERALL BUILDING HEIGHT

Building height shall be measured in number of stories from the natural grade or finished grade adjacent to the building exterior to the highest point of coping of a flat roof, the top of a mansard roof, or the highest point of the highest pitched roof.

### (b) NUMBER OF STORIES PERMITTED

The maximum number of stories (floors) is determined by building type. Building Types are found in Section 22.11.1.D.

### (c) DETERMINING THE HEIGHT OF EACH STORY

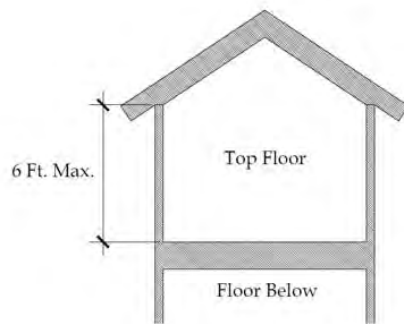
All heights are measured finished floor to highest point of the finished ceiling.

### (d) GROUND FLOOR FINISH LEVEL

Minimum and maximum ground floor finish level (measured from adjacent finished grade) are established by building type. Where maximum ground floor finish level exceeds the permitted height, the undercroft (basement, crawl space, or storage area) shall count as a story.

### (e) 1/2 STORY

A 1/2 story is the top floor of a building that has a maximum exterior wall height not to exceed 6 feet, creating a sloped ceiling on the top level of the structure. Dormers may be used to provide egress windows as required by the adopted building code. See diagram at right.



1/2 Story Depicted












### (f) APPURTENANCES

Architectural, Mechanical, and Structural Appurtenances may exceed the allowable building height, as conveyed in Section 22.11.1.F (Architecture).

## 12. UTILITIES

- (a) To the maximum extent practicable, all utility connections including, but not limited to, electric, phone, cable, etc., shall be placed underground.
- (b) Where a utility easement exists at the front of the lot, the furthest most portion of said easement (from the ROW) shall serve as the lot line for purposes of establishing the front setback.

**Sec. 22.11.1.D. BUILDING TYPES**

		
<p><b>1. SMALL HOUSE</b></p>	<p><b>2. MEDIUM HOUSE</b></p>	<p><b>3. LARGE HOUSE</b></p>
		
<p><b>4. MANSION APARTMENT HOUSE</b></p>	<p><b>5. DUPLEX</b></p>	<p><b>6. TOWNHOUSE</b></p>
		
<p><b>7. CORNER STORE</b></p>	<p><b>8. SHOPFRONT BUILDING</b></p>	<p><b>9. FLEX BUILDING</b></p>
		
<p><b>10. LANDMARK BUILDING (CIVIC)</b></p>	<p><b>11. LANDMARK BUILDING (SCHOOL)</b></p>	

**1. SMALL HOUSE**



This building type is a compact, detached structure on a small lot that incorporates one unit. This type allows for appropriately-scaled, well-designed higher density housing within a primarily single-family, walkable neighborhood. While residential in form, this building type is also appropriate for low intensity retail, service, and office uses, and is often located near, or even on a neighborhood main street.

Table 22.A.63: Small House Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	35 ft. min.; 50 ft. max.
Build-to Line Locations	Corner lots: 0–10 ft. from front property line. 0–10 ft. from side street property line.
	Interior lots: 0–15 ft. from front property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	30–80 percent of lot frontage.
Building Coverage	50 percent max.
Dwelling Area	600 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 ½ stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: Residential: 12 ft. max. Non-residential: 10 ft. min., 12 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	2 ft. above grade, min. On the north side of Victoria Place St. (2 ft. – 3 ft. min.) above grade, as determined by the City Planner. 5 ft. above grade, max.
<b>Required Frontage</b>	
Buildings are required to have a front porch (may be waived and replaced by a stoop with approval by the City Planner).	
<b>Use</b>	
This building type / lot may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses); except: Dwelling, Two-Family and Multi-Family; Personal Care Home, Family and Group; Live Work Townhouse; Corner Store; and uses specific to Landmark Buildings.	

2. MEDIUM HOUSE



This building type is a medium-sized detached structure on a moderate-sized lot that incorporates one unit. It is typically located in a walkable single-family residential neighborhood, potentially near a mainstreet. While primarily used for single-family housing, this type is appropriate for bed and breakfast lodging, as well as low intensity group living, offices, and services.

Table 22.A.64: Medium House Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	45 ft. min.; 70 ft. max.
Build-to Line Locations	Corner lots: 0–10 ft. from front property line. 0–10 ft. from side street property line.
	Interior lots: 0–15 ft. from front property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	30–80 percent of lot frontage.
Building Coverage	50 percent max.
Dwelling Area	900 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 ½ stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: Residential: 14 ft. max. Non-residential: 10 ft. min., 14 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	2 ft. above grade, min. On the north side of Victoria Place St. (2 ft. – 3 ft. min.) above grade, as determined by the City Planner. 5 ft. above grade, max.
<b>Required Frontage</b>	
A front porch is required (may be waived and replaced by a stoop with approval by the City Planner).	
<b>Use</b>	
This building type / lot may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses); except: Dwelling, Two-Family and Multi-Family; Personal Care Home (Group); Live Work Townhouse; Corner Store; and uses specific to Landmark Buildings.	

### 3. LARGE HOUSE



This building type is a large detached structure on a large lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in an urban setting. While primarily used for single family housing, this building type is appropriate for bed and breakfast lodging and low intensity group living.

Table 22.A.65: Large House Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	65 ft. min.
Build-to Line Locations	Corner lots: 0–20 ft. from front property line. 0–20 ft. from side street property line.
	Interior lots: 0–25 ft. from front property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	40–70 percent of lot frontage.
Building Coverage	50 percent max.
Dwelling Area	1200 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 ½ stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: Residential: 14 ft. max. Non-residential: 10 ft. min., 14 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	2 ft. above grade, min. On the north side of Victoria Place St. (2 ft. – 3 ft. min.) above grade, as determined by the City Planner. 5 ft. above grade, max.
<b>Required Frontage</b>	
Buildings are required to have a front porch (may be waived and replaced by a stoop with approval by the City Planner).	
<b>Use</b>	
This building type / lot may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses); except: Dwelling, Two-Family; Dwelling, Multi-Family; Live Work Townhouse; Corner Store; and uses specific to Landmark Buildings	



4. MANSION APARTMENT HOUSE



This building type consists of three to twelve side-by-side and / or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a large-sized family home and is appropriately scaled to fit within a single-family medium-density neighborhood. This building type is critical to the effort to provide a broad choice of housing that promotes walkability. While residential in form, this building type may be appropriate for group living.

Table 22.A.66: Mansion Apartment House Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	65 ft. min.
Build-to Line Locations	Corner lots: 0–15 ft. from front property line. 0–15 ft. from side street property line.
	Interior lots: 0–20 ft. from front property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	50–75 percent of lot frontage.
Building Coverage	50 percent max.
Dwelling Area	1500 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 stories min., 3 stories max.; except C2 where the max. height shall be 4 stories. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: Residential: 14 ft. max. Non-residential: 10 ft. min., 14 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	2 ft. above grade, min.; except ground floor lobbies and common areas in multi-unit buildings may have a 0" – 6" min. 5 ft. above grade, max.
<b>Required Frontage</b>	
Buildings are required to have a front porch (may be waived and replaced by a stoop with approval by the City Planner).	
<b>Use</b>	
This building type / lot may only house Multi-Family units and Personal Care Homes as defined in Section 22.11.1.J (Uses).	

## 5. DUPLEX



This building type consists of two side-by-side or stacked dwelling units, both facing the street. The Duplex is properly scaled, and designed to appear as a moderate to large single-family home, allowing for the introduction of medium density housing within a primarily detached single-family neighborhood. This type is important for providing a broad choice of housing options that promote walkability. While residential in form, this building type is appropriate for low intensity retail, service, and office uses.

Table 22.A.67: Duplex Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	35 ft. min.
Build-to Line Locations	Corner lots: 0–10 ft. from front property line. 0–10 ft. from side street property line.
	Interior lots: 0–15 ft. from front property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	30–80 percent of lot frontage.
Building Coverage	50 percent max.
Dwelling Area	1200 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 ½ stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: Residential: 14 ft. max. Non-residential: 10 ft. min., 14 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	2 ft. above grade, min. On the north side of Victoria Place St. (2 ft. – 3 ft. min. above grade), as determined by the City Planner. 5 ft. above grade, max.
<b>Required Frontage</b>	
Entry frontage for each unit shall have a porch (may be replaced by a stoop with approval by the City Planner).	
<b>Use</b>	
Where the underlying zoning is T4-E this building type / lot may only house Two-Family Dwellings as defined in Section 22.11.1.J (Uses). Otherwise, this building type / lot may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses); except: Dwelling, Single-Family and Multi-Family; Live Work Townhouse; Corner Store; and uses specific to Landmark Buildings.	

## 6. TOWNHOUSE



This building type is a small to medium-sized attached structure that consists of three to eight dwelling units placed side-by-side. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. While primarily residential in form, this Type may be used for live-work and similar medium intensity retail, service, and office uses.

Table 22.A.68: Townhouse Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	50 ft. min., 200 ft. max.; Dwelling width: 16 ft. min.
Build-to Line Locations	Corner lots: 0–10 ft. from front property line. 0–10 ft. from side street property line.
	Interior lots: 0–15 ft. from front property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	75–100 percent of lot frontage.
Building Coverage	85 percent max.
Dwelling Area	600 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 stories min., 3 stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: Residential: 14 ft. max. Non-residential: 10 ft. min., 14 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	1st Floor Residential: 3 ft. above grade, min. (4 ft. encouraged). 1st Floor Non-Residential: 0" – 6" above grade, max.
<b>Required Frontage</b>	
Buildings are required to have either a front porch or stoop.	
<b>Use</b>	
Where the underlying zoning is T4-E this building type / lot may only house Multi-Family Dwellings and Live Work Townhouses as defined in Section 22.11.1.J (Uses). Otherwise, this building type / lot may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses); except: Dwelling, Single Family and Two-Family, Corner Store, and uses specific to Landmark Buildings. NOTES: Mixed-use with upper-story residential is encouraged. Personal Care Homes shall be limited to 2 residents per individual unit (dwelling).	

## 7. CORNER STORE



This building type is a small to medium-sized retail structure that sits on a corner facing lot at a prominent intersection or neighborhood center. The building contains a ground floor shopfront located along the sidewalk at the street level. It is typically located within a residential neighborhood in a walkable urban setting. If more than one story, this building type may be mixed-use with either a residence or office space on the upper floor.

Table 22.A.69: Corner Store Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	35 ft. min., 70 ft. max.
Build-to Line Locations	Corner lots: 0 ft. from front property line. 0 ft. from side street property line.
Side Setback	Primary Structure: 5 feet min. Accessory Structure: 0 feet min.
Rear Setback	None
Building Facade	70–100 percent of lot frontage.
Building Coverage	80 percent max.
Dwelling Area	600 sq. ft. min.
<b>Height</b>	
Building Height	Main Building: 2 stories min., 3 stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: 10 ft. min., 14 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	Commercial form: 0" – 6" above grade, max. Residential form: 2 ft. – 3 ft. above grade, min. The Corner Store shall be commercial in form, except where approved by the Zoning Administrator. 5 ft. above grade, max.
<b>Required Frontage</b>	
Building fronts are required to have at least one of the following: gallery, colonnade, arcade, terrace, second floor balcony, canopy, awning, or porch (residential character only).	
<b>Use</b>	
<p><b>First Floor:</b> This building type / lot shall house a non-residential Corner Store use on the first floor as defined in Section 22.11.1.J (Uses).</p> <p><b>First Floor Rear, Side, and Upper Stories:</b> In those areas not occupied by the first floor shopfront, including upper stories, this building type may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses), except: Live Work Townhouse and Personal Care Home (Group). In an effort to create mixed-use residential buildings; single-family, two-family, and multi-family dwellings shall be encouraged on upper floors.</p>	

8. SHOPFRONT BUILDING



This building type is a small to medium-sized detached structure of one to two stories with a shopfront treatment that most often accommodates commercial uses. The front façade is typically flat, often with a canopy or awning frontage. The entry may be recessed. This type is a primary component of a mixed-use mainstreet.

Table 22.A.70: Shopfront Building Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	35 ft. min., 100 ft. max.
Build-to Line Locations	Corner lots: 0 ft. from front property line. 0 ft. from side street property line.
	Interior lots: 0 ft. from front property line.
Side Setback	None
Rear Setback	None
Building Facade	70–100 percent of lot frontage.
Building Coverage	80 percent max.
<b>Height</b>	
Building Height	Main Building: 1 story min., 3 stories max.
Story Height	Ground floor: 10 ft. min., 20 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	0" – 6" above grade, max.
<b>Glazing / Transparency</b>	
In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have un-tinted transparent shopfront windows and / or doors covering no less than 75% of the wall area of principal façade. Corner lots: no less than 50% of the wall area of the secondary façade.	
<b>Required Frontage</b>	
Building fronts are required to have at least one of the following: gallery, colonnade, arcade, terrace, second floor balcony, canopy, or awning.	
<b>Use</b>	
<p><b>First Floor:</b> This building type / lot shall house a non-residential use on the first floor as defined in Section 22.11.1.J (Uses); except: Corner Store.</p> <p><b>First Floor Rear and Upper Stories:</b> In those areas not occupied by a non-residential use, including upper stories, this building type may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses). In an effort to create mixed-use residential buildings; single-family, two-family, and multi-family dwellings shall be encouraged on upper floors.</p>	

## 9. FLEX BUILDING



This building type is a small to large-sized detached structure of one to two stories with a shopfront or workshop treatment that most often accommodates commercial, recreational entertainment, and light industrial uses that are too large or too intense to be appropriately housed in a Shopfront building type. This building is inspired by the local vernacular, including the city’s railroad sheds, warehouses, and retail and service establishments on Stephens St. and E. Clay St. The front façade is typically flat, often with a canopy or awning frontage. This type is a primary component of a flexible urban neighborhood that provides a mix of buildings.

Table 22.A.71: Flex Building Standards	
<b>Lot</b>	
Lot Area	No min.
Lot Width	35 ft. min., 250 ft. max.
Build-to Line Locations	Corner lots: 0–10 ft. from front property line. 0–10 ft. from side street property line.
	Interior lots: 0–15 ft. from front property line.
Side Setback	None
Rear Setback	None
Building Facade	80–100 percent of lot frontage.
Building Coverage	80 percent max.
<b>Height</b>	
Building Height	Main Building: 1 story min., 3 stories max. Accessory Dwelling Unit: 2 stories max.
Story Height	Ground floor: 10 ft. min., 20 ft. max. Upper story: 8 ft. min., 12 ft. max.
First Floor Elevation	0” – 6” above grade, max.
<b>Required Frontage</b>	
Building fronts are required to have at least one of the following: gallery, colonnade, arcade, terrace, second floor balcony, canopy, or awning.	
<b>Use</b>	
<b>First Floor:</b> This building type / lot shall only house a non-residential uses on the first floor as defined in Section 22.11.1.J (Uses); except: Corner Store.	
<b>First Floor Rear and Upper Stories:</b> In those areas not occupied by a non-residential use, including upper stories, this building type may house all permitted uses in the Victoria Place overlay district as defined in Section 22.11.1.J (Uses). In an effort to create mixed-use residential buildings; single-family, two-family, and multi-family dwellings shall be encouraged on upper floors.	

**10. LANDMARK BUILDING**



Landmark Buildings are designed for occupancy by public or commercial uses that provide important services to the community, including recreation, education, safety, assembly, and related functions. They contribute significantly to the quality of the neighborhood and often serve as the focal point of a civic space, terminate a vista, or are placed at a prominent location. The architectural quality and construction of a Landmark Building shall be of the highest level and exceed that of nearby buildings.

**Table 22.A.72: Landmark Building Standards**

Review Process	
Design and Disposition	All Landmark Buildings shall be negotiated on a case-by case basis with the City Planner prior to application.
Building Location	
The following criteria should be considered when determining the location of a Landmark Building within the community, on the block, and on the lot:	
<ol style="list-style-type: none"> <li>1. Primary function;</li> <li>2. Perceived level of importance to the community;</li> <li>3. Desired level of formality; and</li> <li>4. Sense of permanence.</li> </ol>	
Location within the Community and Block	Buildings shall be sited at prominent locations and oriented toward a public street or public space in a manner that: <ol style="list-style-type: none"> <li>1. Provides a corner or midblock terminating vista;</li> <li>2. Anchors a civic space; or</li> <li>3. Fronts a street and civic space.</li> </ol>
Location on the Lot (Setback)	Landmark Buildings often benefit from being set back from the adjacent build-to lines of private development, thereby: <ol style="list-style-type: none"> <li>1. Allowing the scale of the building to have more visual emphasis; and</li> <li>2. Creating a public space in the foreground.</li> </ol> The amount of this setback should be carefully determined based on programming and the urban design objectives of the particular site.
Multiple Buildings / Campus	Facilities with multiple buildings or a campus-like setting shall comply with the standards of Sub-section 11.1.D.12 (Multi-building & Campus Development).
Building Type and Character	
The following facilities may be designed to an existing building type:	
<ol style="list-style-type: none"> <li>1. Private and quasi-public Clubs or Lodges;</li> <li>2. Small scaled Cultural Facilities such as museums;</li> <li>3. Public Recreation Centers and Similar Facilities that are minor or secondary in nature; and</li> <li>4. Small to medium-scaled Bus Passenger Stations in which passenger boarding occurs outside the building.</li> </ol> Structures that draw inspiration from an existing building type may be integrated into the urban fabric or streetscape with little to no additional emphasis. All other Landmark Buildings shall be designed as freestanding, “monumental” structures that evoke pride in one’s community and convey a sense of timelessness.	
Vehicle Access and Parking	
To the maximum extent practicable:	
<ol style="list-style-type: none"> <li>1. Parking shall not be located between a principal or secondary façade and a primary or secondary street;</li> <li>2. Parking requirements for the site shall be met with on-street parallel and angled parking spaces, or via a remote parking lot or structure;</li> <li>3. Parking shall be accessed from a side street or alley;</li> <li>4. Parking drives and access shall be shared with adjacent lots; and</li> <li>5. Drop-off, pick-up, and stacking for the site shall occur on or along a public street (may be privately owned).</li> </ol> If the building is sited in a public space, vehicular access shall be limited to service and emergency vehicles utilizing pedestrian walkways of sufficient width and construction.	

## Table 22.A.72: Landmark Building Standards

### Building Design

Facades and Entrances	A façade that fronts a primary street shall be considered to be the building’s principal façade, and a façade that fronts a secondary street shall be considered to be the buildings secondary facade. 1. The principal façade shall be designed to be the most prominent façade of the building. 2. Building entrances shall always take access from the most prominent façades. Additional entrances may be provided along secondary and axillary facades.
Required Frontages	Building fronts shall have at least one of the following: porch, stoop, gallery, colonnade, arcade, terrace, balcony, marquee, canopy, or awning.
Massing	1. Symmetrical in form. 2. The appearance of a balanced design increases the level of formality, and shall be encouraged. 3. Massing, while often larger as a whole, should be divided into visually distinct sections. 4. Massing divisions should provide visual order to the building and create vertical proportions within individual elements. 5. On corner lots Landmark Buildings shall be designed with two façades of equal, though not identical architectural quality. 6. Landmark Buildings located in a civic space shall be designed with four façades of equal, though not identical architectural quality.

### Scale

Size	In order to be more visually prominent across greater distances, the scale of the building should be larger than that of nearby buildings.
Building Height	3 stories max. 48 ft. above grade, max. (excluding appurtenances).
Story Height	Floor-to-ceiling heights and architectural details should be proportionately larger than those of nearby private buildings.
Roof Appurtenances	Spires, steeples, towers, cupolas, and belfries can visually extend the height of the building, and shall be incorporated when practicable.

### Materials

Buildings shall use durable, high quality materials that convey a sense of permanence. These include, but are not limited to brick, stone, and cast concrete. Wood construction is appropriate, but should only be executed with the highest quality framing and cladding materials. Generally, stucco should be avoided as a material that lacks scale and texture. If used, stucco should be traditional, have integral pigment, and be scored to define human-scaled dimensions on the façade.

### Specific to Churches and Places of Worship

In addition to the above standards, Churches and Places of Worship shall:

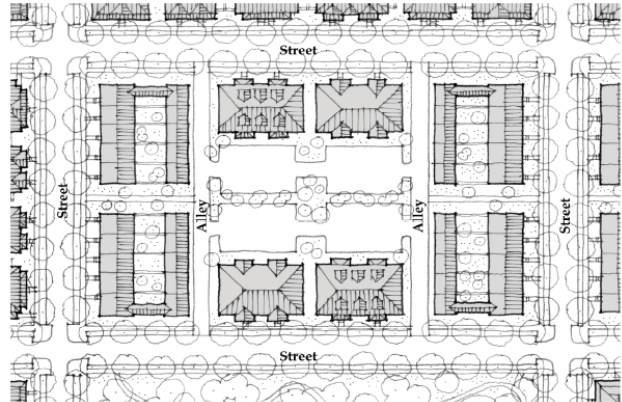
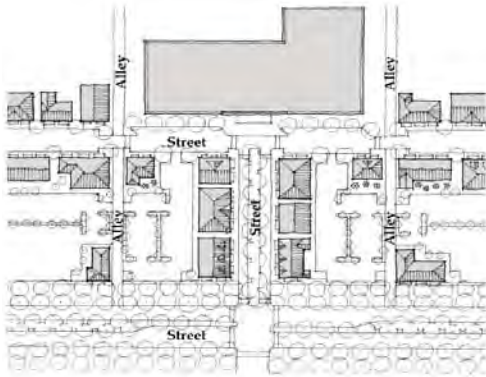
- Traditional Design.** A church should be easily identifiable with timeless features such as bell towers, steeples, clearstory windows, and stained glass integrated into the design. Traditionally designed buildings can be navigated easily based on intuition without much signage. For example, if a sign or large symbol (e.g. cross) is needed to identify the sanctuary then the design can be improved.
- Vertical Massing.** The scale of the sanctuary building should not overwhelm the block. Building features such as arches, columns, pilasters, rooflines (including dormers), and masonry patterns shall divide and create a vertical orientation on larger surfaces. Once these proportions have been established, windows (including clearstory) and doors shall reinforce the vertical orientation of the composition.
- Be Transparent.** Being able to see and hear a little bit of what’s going on inside makes a church seem less intimidating and peeks the interest of those passing by. This is the same principal as “window-shopping,” only adapted to a church. It is not uncommon for people to join a service after hearing music wafting through the doors of a church.
- Define Entrances.** The church’s buildings should be open and inviting, with a clear sense of where to enter. In no case shall a church’s side doors function as a primary entry point.
- Entrances Close to Pedestrians.** Use frontage elements such as porches, stoops, galleries, arcades, and canopies to bring the church up to the street or public space, while still providing an area for people to gather.
- Doors.** Church doors should be prominent and inviting.
- Parking.** Parking lots disrupt the neighborhood fabric and discourage members from walking to and from church, resulting in less patronage of local shops and cafes. Parking should be on-street, or shared with other commercial or institutional buildings in the vicinity.
- Create a Community Focal Point.** Add neighborhood- friendly features such as athletic fields, tennis or basketball courts, a playground, an outdoor amphitheater, etc.
- Permeable Campus.** Churches that span more than one block shall ensure that their campus is permeable, allowing people to walk through the property using multiple routes.

### Use

This building type / lot may only house Churches or Other Place of Worship; Public Owned Recreation Centers, YMCA’s and Institutions of a Similar Nature; Schools (Public or Private); Business Schools; Clubs or Lodges (Private); Colleges or Universities; Cultural Facilities; Railroad or Bus Passenger Stations; and Municipal Structures as defined in Section 22.11.1.J (Uses).



**11. MULTI-BUILDING AND CAMPUS DEVELOPMENT**



The following standards apply to all multi-building developments, regardless of function, except:

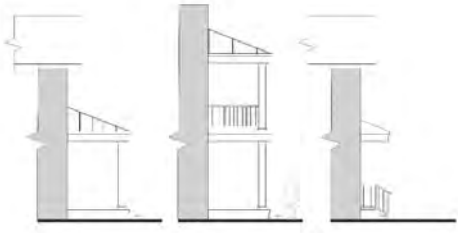
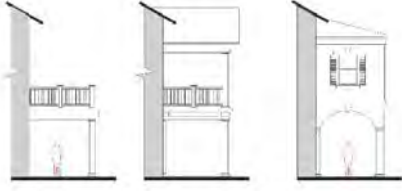
1. Single and Two-Family Residential development.
2. Mini-Storage Buildings.

Only the preceding building types found in this code shall be utilized when assembling a multi-building and campus development.

<b>Table 22.A.73: Multi-Building and Campus Development Standards</b>	
<b>Site Planning</b>	
To the maximum extent practicable a campus or site with multiple buildings shall:	
<ol style="list-style-type: none"> <li>1. Maintain or establish an uninterrupted and interconnected network of blocks, streets, and alleys as conveyed in Section 22.11.1.C (General to All Development);</li> <li>2. Design all public or private vehicular rights of way, easements, access-ways, and driveways that are internal to a site as complete (multi-modal) thoroughfares that incorporate on-street parking, sidewalks, lighting, plantings, streetscape elements (furniture, wayfinding signage, etc.), terminated vistas, and where appropriate, bicycle lanes.</li> <li>3. Configure and locate buildings to define street edges, development entry points, and spaces for gathering between buildings;</li> <li>4. Frame and enclose parking areas, public spaces, and site amenities on at least three sides; and</li> <li>5. Locate public gathering spaces at prominent corners.</li> </ol>	
<b>Building Orientation</b>	
The building façade containing the primary entrance shall be considered as the principal façade. To the maximum extent practicable:	
<ol style="list-style-type: none"> <li>1. Perimeter and interior buildings shall be oriented so that the principal facade faces a public street or public space (street or space may be privately owned); and</li> <li>2. Tenet buildings or outparcel buildings shall “wrap” the overall site, establishing a walkable street frontage. Generally, and where applicable, buildings shall be sited at prominent corners first.</li> </ol>	
<b>Parking</b>	
There shall be no parking between a building and the street it fronts, except:	
<ol style="list-style-type: none"> <li>1. On-street parallel or angled parking; or</li> <li>2. Conventional “front-loaded” parking lots are permitted for buildings with footprints &gt;35,000 sf. provided:                             <ul style="list-style-type: none"> <li>• The building and parking is sited internal to the lot / block;</li> <li>• The building and parking is constructed as part of a larger, multi-building project as conveyed and depicted above;</li> <li>• The facility and parking is “wrapped” by perimeter buildings as conveyed and depicted above; and</li> <li>• The “front-loaded” parking area abuts a “rear” or “side-loaded” parking area for one or more perimeter buildings on the site (See Diagram above). If possible, this parking shall be shared.</li> </ul> </li> </ol>	
<b>Street Trees</b>	
All internal streets shall contain regularly spaced street trees planted a min. of 30 ft. o.c. avg.	
<b>Pedestrian Walkways</b>	
Pedestrian walkways internal to a multi-building site shall:	
<ol style="list-style-type: none"> <li>1. Connect the site and all buildings with the larger pedestrian network that surrounds;</li> <li>2. Be provided along the full length of building facades with an entryway or facing off-street parking areas; and</li> <li>3. Provide crosswalks at all intersections and other street crossings (both internal and external to the site) where a high-level of pedestrian movement is anticipated.</li> </ol>	

**Sec. 22.11.1.E. FRONTAGES AND BUILDING ELEMENTS**

**Table 22.A.74: Frontage and Building Elements**

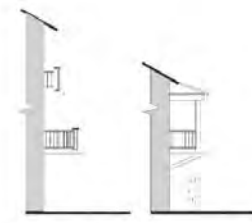
<b>Porches and Stoops</b>	
<p>Porches and stoops provide outdoor living space. Often, they provide protection from the sun, while still permitting breezes to infiltrate the body of the building. They provide architectural interest and delineate the building’s entrance. This type is appropriate for residential building types with small setbacks. Typically, the porch or stoop is located in the build-to-zone as close to the sidewalk as possible. It is elevated to ensure privacy within the building from those passing by. Stairs may lead directly to the sidewalk or may be side-loaded.</p>	
Depth	Porch = 8 ft. min.; Stoop = 4 ft. min.; 8 ft. max.
Length	Porch = 25% to 100% of building front; 10 ft. min. Stoop = 5 ft. min.; 8 ft. max.
Height, Clear	8 ft. min.
Height	2 stories max. Porches and stoops may have multi-story verandas and / or balconies above.
Finish Level Above Grade	2 ft. min.; 5 ft. max. (no more than 8” below the first interior finished floor level).
<p>Porches and stoops may occur forward of the build-to line, but shall not extend into the right-of-way. They may extend into the ROW upon the approval of an easement by the Architectural Review and Zoning Appeals Board.</p>	
<p>Stairs may extend forward of the build-to line into the right-of-way, or upon a utility easement if constructed of nonmasonry, breakaway materials. Full sidewalk clearance shall be maintained.</p>	
<p>Porches and stoops are un-airconditioned. Screens on front porches are prohibited.</p>	
<b>Galleries, Colonnades, Arcades, and Terraces</b>	
<p>This frontage is associated with commercial uses, and is permitted to encroach upon the setback, or even into the right of way over the sidewalk. The space allows one to window-shop or dine in a shaded environment that also captures breezes. The frontage provides architectural interest and delineates the building’s entrance. Upper stories may be enclosed, providing livable bonus space for occupants.</p>	
Depth	Gallery = 8 ft. min. from front wall of bldg. to the inside column face. Colonnade / Arcade = 10 ft. min. from front wall of the building to the inside column face.
Length	75% to 100% of building front. On corners, may wrap around the side of the building facing the side street.
Height, Clear	10 ft. min.
Height	2 stories max. Additional stories may be permitted by the supervising planner. Colonnades and Arcades have 2 or more stories, with upper stories enclosed as habitable space.
Finish Level Above Grade	0” – 6” max.
<p>Galleries, Colonnades, Arcades, and Terraces may occur forward of the build-to line, but may only extend into the right-of-way (to within 2 ft. of curb) upon the approval of an easement by the Architectural Review and Zoning Appeals Board.</p>	

### Table 22.A.74: Frontage and Building Elements

In order to address changes in grade, and upon approval of the **Supervisory Planner**, a Terrace may be utilized in lieu of a Gallery at a min. depth = 10 ft., min. length = 75% to 100% of the bldg. front (may wrap bldg. on street side).

#### Balconies

A balcony is connected to a building's upper stories and is supported by either a cantilever or by columns on one side. This type is appropriate for residential and commercial buildings with small setbacks. Typically, the balcony is located forward of the build-to-zone over the sidewalk. It allows occupants of the building to experience the activities of the street while also providing significant privacy from those passing by.



Depth	2nd Story = 5 ft. min. Upper Story = 3 ft. min.
Length	25% to 100% of building front; 5 ft. min.
Height, Clear	1st floor residential = 9 ft. min. 1st floor non-residential = 10 ft. min.; 8 ft. min with suspended signage. Supporting brackets are exempt.

Balconies shall occur forward of the build-to line and may encroach over the right-of-way to within 2 ft. of the curb.

Balconies shall be made of wood or metal and may have roofs, but are required to be open, un-airconditioned spaces. Balconies in the rear of the building may have screens.

Ideally, balconies should be supported from below by visible brackets, scaled as if they are supporting the weight of the mass, or from above by suspension cables or chains.

On corners, balconies may wrap around the side of the building facing the side street.

#### Marquees, Canopies, and Awnings

A permanently roofed architectural projection whose sides are either vertical or horizontal and are supported entirely from an exterior wall of a building. This frontage is typically used for the display of signs. Horizontal marquees, canopies, and awnings provide shade from the sun, as well as enhanced weather protection for both the building and the passerby.



Depth	5 ft. min.
Length	25% to 100% of building front
Height, Clear	8 ft. min. (including suspended signage)

The above requirements apply to the 1st floor only. There are no dimensional requirements for marquees, canopies, and awnings above the 1st floor.

Sign copy on marquees, canopies, and awnings on 2nd story windows is not permitted.

Marquees, canopies, and awnings shall occur forward of the build-to line and may encroach over the right-of-way to within 2 ft. of the curb.

Marquees and canopies must be visually supported from below by brackets, or from above by suspension cables or ns.

The top of each awning shall be at the same height as the top of each opening below.

Awnings shall be made of fabric. Vinyl and high-gloss or plasticized fabrics are prohibited.

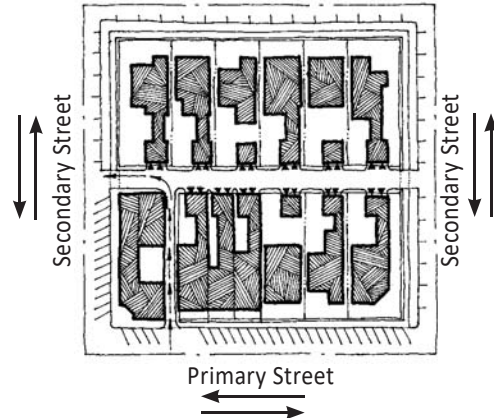
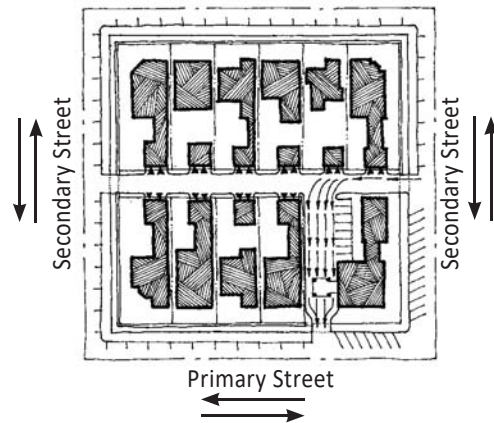
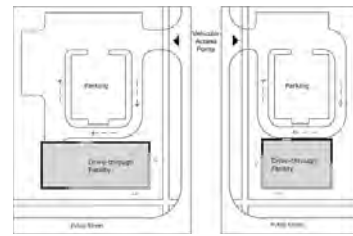
Backlit awnings are prohibited.

**Table 22.A.74: Frontage and Building Elements**

**Drive-Through Facilities**

Retail, Restaurant, and Service uses with a drive-through facility shall comply with the following standards:  
 Building Location and Circulation. The dimensional and design standards established in this overlay code for building types and parking shall apply. In no case shall a vehicular access way / driveway or off-street parking area be permitted between the front façade of the building and the frontage street; or in the case of a corner lot, between the side façade of the building and the side street. Exception: buildings with a footprint in excess of 35,000 sf. that comprise a multi-building or campus development (See Section 22.6.D.3).

4. Access. Drive-through access may only occur from the front if there is no adjacent side street or alleyway.
5. Configuration. Drive-throughs shall be located to the side or at the rear of the building and shall be designed so that pedestrian safety is ensured.
6. Corner Lot. Drive-throughs serving a building located on a corner lot shall be located to the rear or interior side. In no case shall the drive-through be located on the side of a building facing a street.
7. Types. Both remote drive-through technology (in which objects are placed in a capsule and delivered to the drivethrough via a tube) and attached drive-throughs are permitted.
8. Roof. If covered, the roof over the drive-through shall be of a complementary architectural design as the design covering the primary portion of the structure. The roof on a multi-lane attached drive-through that is visible from the street may be designed as a porte cochere.
9. Talk Boxes. Talk boxes at drive-through facilities shall be screened by a sound barrier such as landscaping, a fence or a masonry wall.



## Sec. 22.11.1.F. ARCHITECTURE

### 1. DESCRIPTION

#### (a) GENERAL

Within the overlay district, commercial, multi-family, and residential buildings should reflect a combination of vernacular and more formal architecture. This includes residential building types that are utilized for either residential or commercial purposes, and commercial building types that are used for a mix of non-residential purposes. Essential characteristics include:

- (i) Raised or at-grade foundations.
- (ii) A clearly discernable base (e.g. foundation / water table), middle, and top (e.g. roof) on each building.
- (iii) The use of permanent and durable materials.
- (iv) Buildings are typically simple combinations of one or more rectangular forms.
- (v) Simple, 2 to 2.5 story massing, with predominantly gabled or hipped roof forms, and some parapeted roofs.
- (vi) Both enclosed eaves with simplified classical detailing and exposed rafter ends.
- (vii) Porches with simplified classical detailing.
- (viii) Mixed architectural vocabulary, utilizing wood, stucco, and masonry.

#### (b) RESIDENTIAL BUILDINGS

Residential structures find precedent in the vernacular one and one-half-story cottages, two-story houses with porches, and larger estates of downtown Thomasville.

#### (c) MULTI-FAMILY BUILDINGS

Multi-family buildings find precedent in the mansion apartment houses and rowhouses of downtown Thomasville and are configured to resemble a large single-family house, or row of three or more attached townhouses.

#### (d) COMMERCIAL BUILDINGS

Commercial buildings are typically commercial in character, appearing as detached, single-use structures with parapetted or gabled, pedimented roof forms, and formal shopfronts or workshops.

#### (e) MIXED-USE BUILDINGS

Mixed-use structures are modest in scale, and appear as detached, multi-story commercial buildings.

### 2. MASSING

#### (a) GENERAL

- (i) Buildings shall incorporate variations in wall heights, façade articulations, and varied roof planes and pitches.
- (ii) Wall planes shall be divided into visually distinct sections that provide visual order and create vertical proportions by the arrangement of windows and features such as columns, pilasters, canopies, and clearly-articulated entrances.
- (iii) The main entrance to a building shall be clearly identifiable and shall be oriented to face a public street or space with direct sidewalk access. Entrances shall incorporate design features such as canopies, porticos, arcades, raised cornice parapets or peaked roof forms over the doorways, arches, and display windows.
- (iv) Buildings in the overlay district shall be articulated and finished on all sides. Sides of commercial or mixed-use buildings that do not face (or will not likely face) a residential building or public street or space are exempt.

#### (b) ROOFS

- (i) Roofs are typically gabled, or hipped, with some flat.
- (ii) Half stories are typically articulated utilizing gable ends and dormers.

- (iii) Commercial and multi-family buildings shall have relatively steep slopes, ranging from 8 in 12 to 10 in 12. Larger commercial buildings may have slopes from 4 in 12 to 8 in 12 or have flat roofs.
- (iv) Porch roofs may have a lower pitch with a minimum slope of 3 in 12.
- (v) Roof penetrations and equipment (except chimneys) shall be screened by parapet, located on the rear slope, or otherwise configured to have as minimal visual impact as practicable from the public street or space.
- (vi) Shed (monopitch) roofs shall only be attached to the principal building walls, with a minimum slope of 2 in 12.
- (vii) Applied Mansard roofs shall not be permitted.
- (viii) Architectural (cupolas, towers, steeples, chimneys, etc.) and mechanical (heat and air, elevator enclosure, etc.) appurtenances may exceed the allowable building height as follows:  
Roof Area (combined) = 25% max.; Height = 18' max.

**(c) ROOF-WALL CONNECTIONS**

- (i) Eaves may utilize exposed rafter tails with minimal fascia depth or an enclosed cornice and entablature with simplified classical detailing. Box eaves (porkchops) shall be prohibited.
- (ii) Roof overhangs shall have a minimum 8" overhang at eave and rake.

**(d) PRIMARY WALLS**

- (i) Primary walls may be clad in wood, cement fiber siding, brick, concrete masonry units with stucco (C.B.S.), reinforced concrete with stucco, shingle, and / or vertical board and batten.
- (ii) Siding may be mitered at building corners or clad with a minimum 4" trim board. Trim board is typically 6".
- (iii) Exposed wood shall be unpainted, painted, or stained.
- (iv) Brick mortar joints shall be struck.
- (v) Stucco shall be smooth and sand finish only.
- (vi) Two or more wall materials may be combined on one facade only with the lighter material above the more substantial material (e.g. wood above stucco or masonry, or stucco above masonry).
- (vii) Decorative moldings, cornices, or an applied ornament of stone or cast concrete may be used to express the vertical division between the base, body, and the top.
- (viii) Cantilevers shall be supported by visible brackets scaled as if they're supporting the weight of the mass above.

**(e) BASE**

- (i) Exposed foundation walls (below first floor) shall be: brick, painted brick, or stucco over block or concrete.
- (ii) Primary walls, when set on a raised crawlspace foundation, should rest on a drip edge and water table or sill and fascia (wood or cementitious) over foundation piers.
- (iii) Foundation piers shall be no less than 12" square. If the foundation is taller than 4' above grade, than the foundation piers shall be no less than 16" square.
- (iv) Crawlspace openings and the undercroft of foundations, decks, and porches shall be framed in lattice, vertical pickets, and / or hogs pen pattern (wood or similar).

**3. OPENINGS**

**(a) FAÇADE COMPOSITION**

Simple and regular rhythm of openings, often divided into equal bays of three, five, or seven.

**(b) WINDOWS AND DOORS**

- (i) Windows may be double or single hung, or casement; w/ 1st story windows taller than upper story windows.

- (ii) When utilized with wood cladding materials, windows and doors shall be framed with a minimum 3.5" wood or fiber cement trim or similar composite trim. When utilized with stucco or masonry cladding materials, windows and doors shall be framed with a minimum 2.5" brick mould.
- (iii) All windows shall have a sill. The sill should not be integrated into a "picture frame" surround.
- (iv) Windows shall be vertically- or square- proportioned and multi-paned with exterior true or simulated muntins.
- (v) Window panes may be in a 1-over-1, 2-over-2, 6-over-6, or 6-over-9 divided light pattern.
- (vi) When windows are ganged together, a 3" minimum mullion shall be between each individual window.
- (vii) All glass shall be clear and non-reflective. If glass incorporates tinting, it should be transparent enough for those outside the building to see building occupants.
- (viii) Shutters, when used, shall be sized equal to ½ the width and the same height as the window; and be operable.
- (ix) Panels and windows on doors should be simple and rectilinear. Transom and side panel windows are allowed.

#### (c) SHOPFRONTS

- 1) All regulations regarding windows and doors described above shall apply to a shopfront assembly.
- 2) The top of shopfront window sills shall be between 1 and 3 feet above the adjacent sidewalk.
- 3) Shopfront windows shall extend uninterrupted at least 8 feet above the adjacent sidewalk.
- 4) Shopfront assemblies shall be made of painted or varnished wood, aluminum-clad wood, or painted metal.
- 5) In multi-story buildings, there shall be a horizontal band, articulated fascia, and / or entablature to separate the ground level shopfront from the upper floors. This band may be incorporated into the shopfront design.
- 6) Frontage treatments (e.g. Porches, Galleries, Awnings, etc.) may be incorporated into shopfront designs.
- 7) Shopfront edges should integrate heavier piers or pilasters to visually carry the weight of the building above.
- 8) Lighting shall be mounted on the store front wall, preferably centered on the piers between windows / doors or centered above the windows / doors of the shopfront. Where projected shed roofs are used over entries the lighting may be mounted in the shed underside. Lighting shall comply with Section 22.11.1.1 (Lighting).

### 4. FRONTAGE ELEMENTS

#### (a) PORCHES

- (i) Bay spacing on porches shall remain vertically proportioned or square.
- (ii) Columns should utilize architecturally correct capitals and bases. Columns shall be: Width = 6" min.; Shape = Round or Square (may be fluted, paneled, or tapered).
- (iii) Porches shall be made predominantly of wood.
- (iv) Railing spindles and pickets on porches shall not exceed 4" on center, or as required by the Building Code, whichever is less. Standard pipe rails are prohibited.

#### (b) GALLERIES, COLONNADES

- (i) Bay spacing on galleries shall be vertically proportioned or square.
- (ii) Columns should utilize architecturally correct capitals and bases. Columns shall be: Width = 6" min.; Shape = Square or Round

#### (c) BALCONIES

Spindles and balusters on balconies shall not exceed 4" on center, or as required by the Building Code.

**(d) ACCESSIBILITY**

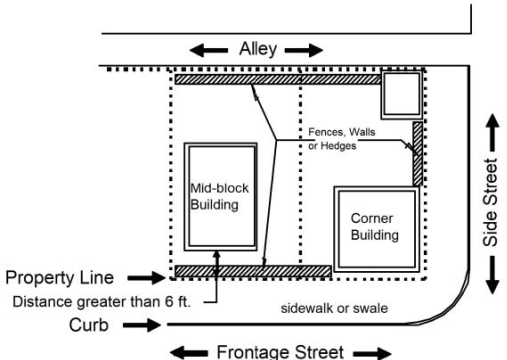
ADA ramps may be incorporated into the architecture of the building, ideally along the side or rear facade. Such ramps may occur forward of the build-to line, but shall not extend into the right-of-way. They may encroach upon the side setback by 5 ft. max.

**5. PERMITTED MATERIALS**

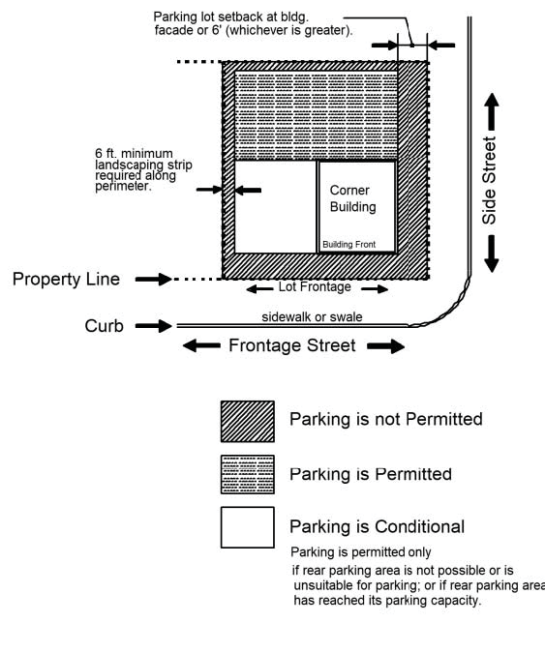
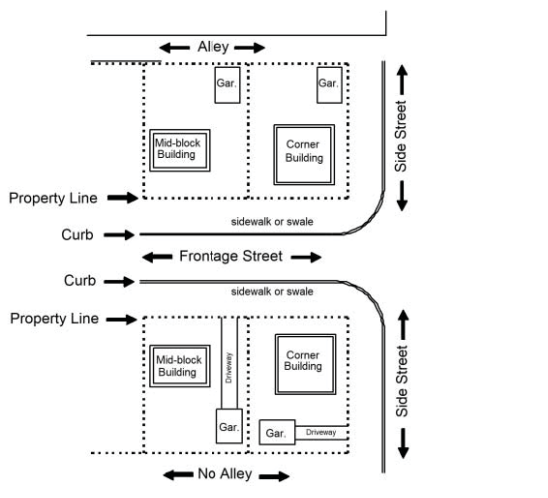
<b>Table 22.A.75: Permitted Materials</b>	
<p><b>Cladding</b></p> <ol style="list-style-type: none"> <li>1. Siding in:                             <ul style="list-style-type: none"> <li>• Wood (termite resistant, 50-year siding product).</li> <li>• Composition board.</li> <li>• Cement fiber siding (50-year siding product).</li> <li>• Vertical board and batten (using materials above).</li> </ul> </li> <li>2. Concrete masonry units with stucco (C.B.S.).</li> <li>3. Reinforced concrete with stucco.</li> <li>4. Brick, with struck mortar joints.</li> <li>5. Scored stucco imitation brick is prohibited.</li> <li>6. EIFS, Styrofoam, and other foam-based products are prohibited on building exteriors.</li> <li>7. Vinyl and / or T-111 siding are not allowed.</li> </ol> <p><b>Foundation</b></p> <ol style="list-style-type: none"> <li>1. Brick</li> <li>2. Concrete</li> <li>3. Stucco</li> </ol> <p><b>Roofing</b></p> <ol style="list-style-type: none"> <li>1. Narrow standing seam metal.</li> <li>2. Galvanized or painted metal roof panels.</li> <li>3. Rolled asphalt with ice and water shield.</li> <li>4. Fiberglass, wood, or slate shingles.</li> </ol> <p><b>Windows</b></p> <ol style="list-style-type: none"> <li>1. Wood or Clad Wood</li> <li>2. Metal</li> <li>3. Steel</li> <li>4. Vinyl</li> <li>5. Fiberglass</li> <li>6. Extruded PVC</li> </ol> <p><b>Doors</b></p> <ol style="list-style-type: none"> <li>1. Wood or Clad Wood.</li> <li>2. Metal or Steel.</li> <li>3. Fiberglass.</li> </ol>	<p><b>Trim</b></p> <ol style="list-style-type: none"> <li>1. Wood (termite resistant, 50 year product).</li> <li>2. Composition board.</li> <li>3. Fiber-cement board.</li> <li>4. Molded millwork for built-up sections.</li> <li>5. For soffits and porch ceilings:                             <ul style="list-style-type: none"> <li>• Gypsum Wall Board (GWB).</li> <li>• Plaster.</li> <li>• Tongue and Groove (T&amp;G) wood.</li> <li>• Exposed rafters, or composite.</li> <li>• Vinyl panel systems are not permitted on porch ceilings.</li> <li>• If soffit is perforated, the pattern should be fragmented or as ambiguous as possible.</li> </ul> </li> </ol> <p><b>Gutters</b></p> <ol style="list-style-type: none"> <li>1. Half round or ogee-profile metal.</li> <li>1. PVC is not permitted.</li> </ol> <p><b>Downspouts</b></p> <ol style="list-style-type: none"> <li>1. Round or rectangular metal.</li> <li>2. PVC is not permitted.</li> </ol> <p><b>Columns</b></p> <p>Wood, fiberglass, composite, cast iron, concrete with smooth finish, brick, or stone.</p> <p><b>Railings</b></p> <ol style="list-style-type: none"> <li>1. Square balusters.</li> <li>2. Turned spindles and ornamental shapes in wood or wrought iron.</li> </ol> <p><b>Chimneys</b></p> <ol style="list-style-type: none"> <li>1. Common brick</li> <li>2. Stucco</li> </ol>



Sec. 22.11.1.G. FENCE AND FENCE WALL DESIGN

Table 22.A.76: FENCE AND FENCE WALL DESIGN				
Permitted Fences and Walls	Permitted Height			Materials (Primary)
	Front Yard <sup>1</sup>	Side and Rear Yard <sup>2</sup>	Side and Rear Yard adjacent to a ROW <sup>3</sup>	
<p><b>FENCE TYPES</b></p> <ul style="list-style-type: none"> <li>• “Living” Fence</li> <li>• Lattice Fence or similar pattern</li> <li>• Picket or Baluster Fence with Corner Posts</li> <li>• Wrought Iron Fence<sup>4</sup></li> <li>• Wrought Iron Fence with Brick Posts</li> <li>• Privacy Fence</li> </ul> <p><b>WALL TYPES</b></p> <ul style="list-style-type: none"> <li>• Hedge Wall</li> <li>• Hedge Wall with Brick Posts</li> <li>• Garden Wall</li> <li>• Garden Wall with Wrought Iron Fence</li> </ul>	<p>Min 24” Max 48”</p>	<p>Max 72”</p>	<p>Min 36” Max 48”</p>	<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• Treated or rot-resistant wood</li> <li>• Plants and vines</li> <li>• Wrought Iron (Aluminum w/ approval)</li> <li>• Brick</li> <li>• Stone</li> <li>• Concrete Masonry Units with Stucco (C.B.S. – if primary structure is masonry).</li> <li>• Reinforced Concrete with Stucco (if primary structure is masonry).</li> </ul> <p><b>PROHIBITED</b></p> <ul style="list-style-type: none"> <li>• Plastic, Sheet Metal, Vinyl and Plywood.</li> <li>• Barbed Wire and Concertina Wire not associated with an approved security plan. See General Remarks below.</li> </ul>
 <p><b>GENERAL REMARKS</b></p> <ol style="list-style-type: none"> <li>1. Fences and Walls are strongly encouraged and if built, should be constructed along all un-built rights-of-ways that abut streets and alleys, as conveyed in the above diagram and this Section.</li> <li>2. Fences and Walls shall be a min. of 25% opaque.</li> <li>3. The more “finished” side of a fence or wall shall face the perimeter of the lot.</li> <li>4. The name assigned to each fence or wall type is based on common industry terminology.</li> <li>5. Differing fence and wall types may be integrated so long as they comply with this Section (e.g. Hedge Wall with a picketed gate).</li> <li>6. Pillars and posts may extend up to six (6) inches above the height limitations provided such pillars and posts average no more than ten (10) feet apart.</li> <li>7. Major utilities and industrial or govt. facilities may submit a “security plan” to the Zoning Administrator requesting to increase the max. fence or wall height to 8’ and / or use Barbed or Concertina Wire.</li> </ol> <p><b>SPECIFIC TO FENCES</b></p> <ol style="list-style-type: none"> <li>1. Fence Types may be finished in various “styles” (e.g. “Gothic” or “Dog Ear” Picket Fence).</li> <li>2. Chain Link shall not be permitted in the Front Yard, or Side and Rear Yard adjacent to a ROW. “Living Fences” shall be encouraged in place of Chain Link.</li> <li>3. A “Living Fence” consists of wood posts with “hog wire” infill and a board rail on top.</li> <li>4. Wood pickets or balusters shall be rectangular or round. Spacing shall not exceed 1 ½ inches.</li> <li>5. Vertical posts on Wrought Iron fences shall be a min. of 5/8” thick and spaced between 4 and 6 inches.</li> </ol> <p><b>SPECIFIC TO WALLS</b></p> <ol style="list-style-type: none"> <li>1. Hedge Walls shall be a minimum of 8” thick.</li> </ol>				
<p><b>Notes</b></p> <p><sup>1</sup> Area in front of the primary façade, often incorporating the frontage or other building elements.</p> <p><sup>2</sup> Side and Rear Yard (behind the front plane of the primary façade).</p> <p><sup>3</sup> Side and Rear Yard (behind the front plane of the primary façade) that abuts a side street Right of Way.</p> <p><sup>4</sup> On single and two-family lots, aluminum may be used as a substitute for Wrought Iron fencing if approved by the Zoning Administrator)</p>				

Sec. 22.11.1.H. PARKING

Table 22.A.77: PARKING	
	<p><b>PARKING LOCATION AND DESIGN</b></p> <ol style="list-style-type: none"> <li>1. Wherever possible parking shall be placed along streets and in small, strategically located on-site lots (see diagram at left).</li> <li>2. Parking lots shall be located behind buildings, such that buildings separate parking areas from the street.</li> <li>3. In cases where this is not possible, and upon approval of the Zoning Administrator, parking may be located to the side of a building. In no case shall the side parking area be wider than fifty (50) percent of the lot frontage.</li> <li>4. In no case shall parking be located between the front façade of the building and the frontage street; or in the case of a corner lot, between the side façade of the building and a side street.</li> <li>5. Parking lots shall be setback as depicted at left.</li> <li>6. Perimeter parking lot landscaping is required as depicted at left, and described below (On-site Parking Lot Landscaping).</li> <li>7. On-street parking shall be encouraged as a means of promoting safety by calming traffic and separating moving vehicles from pedestrians using the sidewalk.</li> </ol>
	<p><b>ACCESS TO OFF-STREET PARKING</b></p> <ol style="list-style-type: none"> <li>1. Buildings that have both rear and side access shall access parking through the rear (see diagram at left).</li> <li>2. Front driveways to rear parking areas are permitted only where rear or side street access is unavailable (see diagram at left).</li> <li>3. Curb cut or driveway width:              Front, 20 spaces or less: 14 ft. max.              Front, more than 20 spaces: 18 ft. max.              Side or Rear Alley, 18 ft. max.</li> <li>4. The minimum effective curb radius shall be utilized.</li> <li>5. Ribbon driveways with permeable center strips shall be encouraged for single and two-family residential lots.</li> <li>6. Circular drives shall be permitted on a case by case basis by the Zoning Administrator where necessary for drop-off and pick-up only (day care, church, etc.).</li> </ol>

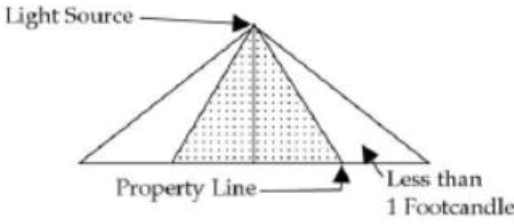
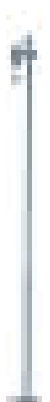

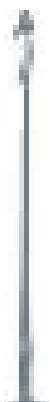
**Table 22.A.77: PARKING**

	<p><b>LINKAGES BETWEEN OFF-STREET PARKING</b></p> <ol style="list-style-type: none"> <li>1. Linkages between parking areas within the perimeter of the block (and half block) should be encouraged when a rear alley or lane is present, and shall be provided when there is no rear alley or lane present (see diagram at left).</li> <li>2. In no case shall a vehicular accessway / driveway be permitted between the front façade of the building and the frontage street; or in the case of a corner lot, between the side façade of the building and the side street.</li> </ol>
	<p><b>RESIDENTIAL GARAGES</b></p> <ol style="list-style-type: none"> <li>1. Garage door(s) shall be positioned on the back half of the lot and no closer than twenty (20) feet behind the principal plane of the building front (see diagrams at left).</li> <li>2. If possible, garage doors shall face the side or rear of the lot, not the frontage street.</li> </ol>
	<p><b>ON-SITE PARKING LOT LANDSCAPING</b></p> <ol style="list-style-type: none"> <li>1. A 36-42" fence, wall, or hedge with a min. opacity of 75% shall be provided wherever a perimeter landscape strip abuts a street or first floor residential use. Single-family and two-family (duplex) lots shall be exempt.</li> <li>2. Landscape islands are required in parking areas at the following intervals for head-in or diagonal parking stalls:             <ol style="list-style-type: none"> <li>a. No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feet in width and extending the entire length of the parking stall.</li> <li>b. Each landscape break shall have at least one (1) overstory shade tree for every one-hundred eighty (180) square feet of area, or portion thereof, and be covered with grass, shrubs, or living ground cover.</li> <li>c. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.</li> </ol> </li> <li>3. In lieu of landscaped islands, landscape strips, of at least six (6) feet in width, can be provided between parking isles. Landscape strips shall have the same landscape requirements as landscape islands.</li> </ol>

**Table 22.A.77: PARKING**

Residential: 1000 sf. or less                      1 per unit min. >1000 sf. to 1500 sf.                1.5 per unit min. >1500 sf.                                 2 per unit min.					<b>NUMBER OF PARKING SPACES REQUIRED</b> 1. The number of parking spaces provided shall be based on use as provided at left. 2. On-street parking provided adjacent to the site may count as part of the required parking supply, provided the design is deemed acceptable by the Zoning Administrator. 3. Off-site parking that is located off-street and within 500 ft. of the site may count as part of the required parking supply for non-residential uses, provided the design is deemed acceptable by the Zoning Administrator. 4. For two uses, shared parking shall be calculated as follows. The sum of the required parking for the two uses shall be divided by the factor listed in the table at left. The required number of parking spaces shall be rounded up to the closest whole number. 5. When three or more uses share parking or a use is not listed, the amount of required parking may be reduced if the Zoning Administrator determines that the uses: a. Seek to share parking with distinct and differing peak parking usage periods (e.g., bank and theater); or b. The special nature of a certain development (e.g., housing inhabited by persons with low or no automobile ownership) does not require the amount of parking listed. The reduction shall be based on a parking demand study.
Accessory Dwelling Unit                1 per unit min.					
Lodging: B&B                                        1 per room min. All other Lodging                    1 per 2 rooms min.					
Retail, Restaurant, Office, and Service: 2 per 1000 sf. min. 1 per 300 sf. max.					
Industrial, Manufacturing                1 per 1000 sf. min.					
Civic Building, Meeting Facility, Place of Worship    1 per 5 fixed seats or 1 per 400 GSF min.					
Parks and Recreation                    As determined by the Zoning Administrator.					
<b>SHARED PARKING FACTOR FOR TWO USES</b>					
	Residential	Lodging	Office	Retail and Service	
Residential	1.0	1.1	1.4	1.2	
Lodging	1.1	1.0	1.7	1.3	
Office	1.4	1.7	1.0	1.2	
Retail and Service	1.2	1.3	1.2	1.0	

Sec. 22.11.1.I. LIGHTING

Table 22.A.78: Lighting				
		<p><b>GENERAL</b></p> <ol style="list-style-type: none"> <li>1. Fully Shielded. All exterior illuminating devices shall be fully shielded. "Fully shielded" shall mean that those fixtures so designated shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.</li> <li>2. Continuous light spillage onto neighboring properties shall not exceed (1) footcandle as measured at the lot line (see diagram at top left).</li> <li>3. Illumination Types. Only those types of lighting listed at left shall be allowed. The same type of lighting must be utilized for all fixtures and light sources on the site.</li> <li>4. Natural Gas Lamps are permitted and do not require any type of shielding.</li> <li>5. Other sources of illumination that minimize undesirable light into the night sky, demonstrate architectural merit, or are energy efficient may be approved by the Zoning Administrator.</li> <li>6. Sign Lighting. If a sign is to be externally illuminated, a stationary light directed solely at the sign shall be used.                         <ol style="list-style-type: none"> <li>a. Monument signs may be illuminated with reverse channel/halo lighting or one up-light per side.</li> <li>b. Wall signs may be illuminated with reverse channel/halo lighting or down lighting using a "fully shielded" fixture.</li> <li>c. Goose neck lighting fixtures are strongly encouraged.</li> <li>d. Neon, Krypton, Argon and other noble gas-filled tube lighting shall be limited to retail and restaurants.</li> <li>e. The use of colored lights to illuminate signage is prohibited.</li> </ol> </li> <li>7. Streets, Paths, and Parking Lots. New lighting for streets, paths, and off-street parking lots shall be of a general type illustrated at left. New light poles shall range from 10 – 16 ft. in height and be spaced a maximum of 75 ft. on center.</li> <li>8. Cobra Head Fixtures. Except where required for industrial uses, new cobra head light fixtures shall be prohibited.</li> <li>9. Light poles should be placed 2 ft. from the back of the curb or street surface and may include brackets for decorative or graphic attachments.</li> <li>10. Wall Packs. Wall packs shall be prohibited as a means of general building and site lighting, and may only be used at auxiliary entrances to a building if "fully shielded" with limited to no visibility from the street.</li> </ol>		
Permitted Illumination Types				
<ol style="list-style-type: none"> <li>1. Incandescent</li> <li>2. Color Corrected High Pressure Sodium</li> <li>3. Metal Halide</li> <li>4. Fluorescent</li> <li>5. LED</li> <li>6. Quartz</li> <li>7. Noble Gas Tube</li> </ol>				
LIGHTING FOR STREETS, PATHS, and PARKING LOTS				
Fixture	Pipe	Post	Column	
Illustration				

## Sec. 22.11.1.J. USES

### 1. GENERAL TO THE OVERLAY DISTRICT

- (a) In addition to those uses permitted by the underlying zoning district, those uses identified below and in this Section shall be permitted within the Victoria Place Overlay District.
- (b) Any use permitted “by-right” (P) or as a “conditional use” (C) in the Table 22.3.1 (Permitted Use Table) for the T4-E zoning district shall be allowed “by-right” throughout the entire overlay district as conveyed in the aforementioned table.
- (c) Exceptions:
  - (i) Where the underlying zoning district is **Manufacturing**, only those uses listed below and in this Section shall be permitted.
  - (ii) If a use is specifically defined below, the definition in this Section shall supersede that which is applicable to the underlying zoning district.
  - (iii) If the use below is accompanied by “conditional use standards” the standards of this Section must be met and shall supersede any conditional use standards found elsewhere in the ordinance.
- (d) In case of conflict, the standards of this Section and the overlay district in general shall always prevail.

### 2. RESIDENTIAL

#### (a) ACCESSORY DWELLING UNIT (ADU)

An auxiliary dwelling unit located on the same lot as the principal building that may be attached by a backbuilding or contained within a stand-alone outbuilding. Examples include, but are not limited to: a dwelling unit in a guest house, pool house, and above or beside a garage. This use shall be used as a substitute, and in place of the Garage Apartment.

An Accessory Dwelling Unit (ADU) shall comply with the following Conditional Use Standards:

- (i) Number of Units. One ADU shall be permitted per lot.
- (ii) Ownership. Both the principal dwelling and the accessory dwelling will be in the same ownership.
- (iii) Size. The max. footprint for an ADU shall not exceed 720 sq. ft.
- (iv) ADU in an Existing Structure. If the ADU is to be located in an existing accessory structure, the accessory structure shall meet all setback requirements for the district.
- (v) Residential Form. The structure shall appear residential in form.
- (vi) Compatible with Principal Building. To the maximum extent practicable the exterior color, siding, roof pitch, window detailing, roofing materials, and foundation of the accessory dwelling unit shall be compatible to that which is found on the principal building.
- (vii) Outside Entrance: For an attached ADU, additional entrances will be located in the side or the rear of the ADU.
- (viii) Parking. There will be one on-site, off-street parking space for each ADU in addition to the spaces required for the primary dwelling.
- (ix) Resale. An ADU shall not be sold apart from the principal dwelling upon the same lot where they are located.
- (x) Rental. An ADU may be used as a Short Term Rental or guest room(s) for a Bed and Breakfast.

#### (b) DWELLING: SINGLE FAMILY

#### (c) DWELLING: TWO FAMILY

#### (d) DWELLING: MULTI-FAMILY

A structure containing three or more dwelling units on a single lot or series of adjacent and / or shared lots. Examples include, but are not limited to: triplexes, condominiums, rowhouses or townhouses, apartments, etc.

#### (e) BOARDING OR ROOMING HOUSE

This use shall be prohibited in the Overlay District.

**(f) PERSONAL CARE HOME: GROUP**

Limited to not more than 16 persons in a residential zoning district.

**(g) HOME OCCUPATION**

A principal or accessory dwelling unit that contains a space devoted to a non-retail business activity belonging to the resident thereof and allowing up to 2 outside employees.

A Home Occupation shall comply with the following standards:

- (i) Exclusions to Home Occupations. No home occupation shall be permitted that does any of the following:
  - 1) Internal or external alterations inconsistent with the residential use of the building;
  - 2) Is visible from the street;
  - 3) Generates traffic, parking, sewerage, or water use in excess of what is normal in the neighborhood;
  - 4) Creates a hazard to persons or property;
  - 5) Is a nuisance; or
  - 6) Results in the outside storage or display of anything.
- (ii) ADUs. Such use shall not operate from an accessory dwelling unit if it involves visitation by customers.
- (iii) Display and Sales. Incidental retail sales including products made or repaired on site is permitted. No outdoor display of products for sale is permitted.
- (iv) Maximum Size. Such use shall occupy a maximum of 25% of the floor area of the principal dwelling.
- (v) Vehicles. Only passenger vehicles shall be permitted in connection with the conduct of such use.
- (vi) Hours. Deliveries and activities involving visitors / clients shall occur only between 8 A.M. and 6 P.M.
- (vii) Parking. Such use shall not result in off-street parking of more than 3 vehicles at any one time not owned by members of the occupant household. One off -street parking space shall be provided per outside employee in addition to the space or spaces required for the residence itself.
- (viii) Prohibited Home Occupations. The following are prohibited as home occupations:
  - (ix) Live Work Townhouse

Specific to the Townhouse building type, these dwellings provide flexible space at the street level for retail, service, or office uses; and a complete living unit above that is occupied by the same resident. First floor uses must adhere to all legal requirements of the business. Such uses allow nearby residents to meet their daily needs without leaving the neighborhood, providing a limited variety of low-Intensity activities currently associated with the following uses: Art Studio; Barber or Beauty Shop; Bookbinding, Printing, Engraving (etc.) Shop, Flower Shop; Music Teaching Studio; Personal Service Shops; Photograph Studio; Professional Offices; Food Catering Service; Tailor; and Taxidermist. Additional uses include, but are not limited to: home medical office (doctor, dentist, counseling, therapeutic massage), framing, locksmiths, shoe repair, tanning salons, etc.

**3. OFFICES AND SERVICES**

**(a) ART STUDIO**

**(b) BOARDING OR ROOMING HOUSE**

This use shall be prohibited in the Overlay District.

**(c) DAY CARE**

A state-licensed facility that provides non-medical care and supervision for adults or children, typically for periods of less than 24 hours per day for any client. Examples include, but are not limited to: nursery schools, preschools, after-school care facilities, daycare centers, etc.

A Day Care shall comply with the following Conditional Use Standards:

- (i) Parking. Provide the required minimum of 2 off-street parking spaces per 1000 sf, as well as one off-street passenger drop off / pick-up space per 10 clients / students.
- (ii) Vehicular Circulation and Drop-Off and Pick-Up. Parking areas and vehicular circulation shall be designed to provide a designated pickup and delivery area that is located in such a way that clients / students do not have to cross vehicular travel ways to enter or exit the center.
- (iii) Outdoor Spaces. Facilities shall provide functional outdoor spaces and play areas that are safely segregated from parking, loading, and service areas.
- (iv) Screening. A landscaped hedge or solid fence shall be provided along any rear or side property line adjoining a residential lot. The hedge or fence shall be designed and / or planted to be at least four feet in height at maturity.

**(d) GAS STATION (SERVICE STATION)**

An establishment where petroleum products are dispensed for retail sale. Accessory Uses may include a retail convenience store and / or a single bay carwash. Does Not Include: towing, vehicle body or engine repair, or overnight vehicle storage.

Gas Stations shall comply with the following Conditional Use Standards:

- (i) Location. This use shall be limited to sites in which the underlying zoning is CU2. Only one Gas Station is permitted per block along a street. Additionally, no more than one Gas Station may occupy an intersection.
- (ii) Site. The site is comprised of a main building (typically a convenience store) that is located close to the street with gas pumps sited to the rear or side. In no case shall a vehicular accessway / driveway or off-street parking area be permitted between the façade of the building and the primary street or secondary street (corner lot). Facilities that contain a cashier's booth or kiosk only are prohibited.
- (iii) Building. To the maximum extent practicable, the Main Building or "convenience store" shall utilize and comply with the standards for the Shopfront building type.
- (iv) Pump Location. Gas pumps shall be located to the rear or side of the building.
  - 1) Gas pumps may be located to the side of the building if the canopy and pumps do not project further toward the street than the front plane of the principal façade of the building; and
  - 2) On corner lots, the canopy and pumps are located on the interior side. In no case shall the canopy and pumps be located on the side of the lot that abuts the corner.
- (v) Wall. A min. 4 ft. wall or garden wall shall be provided along the length of any lot line adjacent to a street.
- (vi) Canopy Lighting. Canopy lights shall be located inside the canopy, and shall not be visible from the street.

**4. RETAIL AND RESTAURANT**

**(a) CORNER STORE**

Specific to the Corner Store building type, this ground floor establishment customarily services the local neighborhood, providing a limited variety of everyday items currently associated with the following uses: Art Studios, Bakery, Barber or Beauty Shops, Clothing and Dry Goods Stores, Drug Stores, Flower Shops, Food Stores, Retail Candy and Ice Cream Stores, and Specialty Shops. Additional uses include, but are not limited to: delicatessens, over-the-counter dining, cafes, small-scale restaurants, hardware sales, etc.

**(b) GROUP DEVELOPMENT PROJECTS**

Such development shall conform to the standards contained in Section 22.11.1.D.11 (Multi-Building and Campus Development).

**5. RECREATION, EDUCATION, PUBLIC ASSEMBLY**

**(a) CHURCH OR OTHER PLACE OF WORSHIP**

A facility for public or private worship. Examples include, but are not limited to: religious facilities such as churches, mosques, synagogues, etc.

**(b) CLUBS OR LODGES**

**(c) CULTURAL FACILITIES**



Libraries, museums, and similar facilities.

**(d) DANCE SCHOOL OR STUDIO**

**(e) RECREATION VEHICLE PARKS**

This use shall be prohibited in the Overlay District.

**(f) SCHOOL: PUBLIC OR PRIVATE**

A public or private academic institution that provides the state-mandated educational curriculum. Examples include: elementary schools (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. This use also includes schools that provide room and board.

**6. INDUSTRIAL**

**(a) SHOPFRONT MANUFACTURING**

Specific to a Shopfront building type, this ground floor facility is engaged in low intensity manufacturing, processing, assembly, and packaging of goods in which the operational characteristics of the production process and materials used are unlikely to cause significant impacts on the surrounding community. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Examples include, but are not limited to: artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, micro-brewery.

Shopfront Manufacturing shall comply with the following Conditional Use Standards:

- (i) Location. This use shall be limited to those sites in which the underlying zoning is Manufacturing (M).
- (ii) Operations. All operations related to this use shall be conducted completely within a building, except limited daily outdoor operations and storage may occur behind the building and at least 50 feet from any property line. No impacts or byproducts of the use, including noise, dust, or odor shall be discernible from the lot line.
- (iii) Parking. If the **administrator** determines that the use functions much like a traditional retail or service establishment (s)he may require a minimum of 2 off-street parking spaces per 1000 sf.

**Sec. 22.11.1.K. ADMINISTRATION**

**1. REVIEW PROCESS**

- (a) Review Responsibility.** Interpretation of these standards shall be the responsibility of the City's Planning and Zoning Department. This code is calibrated to implement the vision conveyed in the Victoria Place Urban Redevelopment Plan (VPURA) while also promoting a form and function that is contextual with the existing neighborhood; a complex place in which no single element dominates, but rather many components come together to create a community. In order to ensure the above outcome, certain requirements in this code may be met using the range of options provided herein, and associated with a specific standard.
- (b) Administrative Approval.** Where waivers of requirements are permitted in this code, the following shall be utilized in determining the appropriate outcome:
  - 1) Refer to the goals, objectives and strategies conveyed in the Victoria Place Urban Redevelopment Area Plan (VPURA).
  - 2) Refer to the Section 22.11.1.A (Intent) of this code.
  - 3) The proposed matter shall be considered in context with the character of the surrounding community and surrounding land uses and the outcome compatible and consistent with the same.
- (c) Map.** As the code changes, so shall the map. The current boundary map is available from the City Planner.
- (d) Development Review Threshold.** All new development or modifications to existing development in which:

- 1) The impervious surface of the lot is disturbed or altered; or
  - 2) The structure is sixty (60) square feet or greater in size; or
  - 3) The applicant is required to obtain a building permit.
- ....shall be reviewed per the standards of this overlay district.
- (e) **Scope of Review.** The City Planner shall have approval authority for all aspects of site planning and exterior architecture, including aesthetic appropriateness, fit with historic context, environmental implications, traffic impacts, and any other site-specific matters not delineated herein. The City Planner shall have authority to waive architectural guidelines in specific instances where compliance will create undue hardship such as:
- 1) Additions in which new portions would be incompatible with the existing structure, or
  - 2) In the application of roofing materials that are consistent with the goals of preservation, but are not permitted.
- (f) **Conformance.** Lots with an owner-occupied, single-family residential building that existed at the time of adoption of the Victoria Place Overlay Code (**insert date**) shall not be required to comply with the overlay district standards, except when making renovations, repairs, or otherwise improving the principal structure by more than 50% of its current square footage or current replacement value (at the time of alteration). In such case, the principal structure shall be brought into conformance with the standards of the overlay district. Otherwise, to the maximum extent practicable, all lots, structures, uses, and associated architectural elements (signs, fences, etc.) shall comply with the standards of this overlay code.
- (g) **Mandatory Pre-Application Meeting.** Those wishing to develop in the Victoria Place overlay district shall meet with the City Planner to discuss the project prior to submitting a formal application. Only the City Planner shall have the authority to waive this meeting.
- (h) **Final Approval.** Applicants shall submit the items described below for final approval. Both the City Planner and City Planner will review the application for final approval. Except where expressed herein, existing development review procedures shall be maintained and implemented.

## 2. REVIEW REQUIREMENTS

The following are required for review, unless deemed not applicable by the City Planner:

- (a) A current site survey, no more than two (2) years old.
- (b) A current tree survey, no more than one (1) year old.
- (c) A site plan, drawn to scale, which shall indicate:
  - (i) Building locations;
  - (ii) Parking locations and number of spaces;
  - (iii) Paved surfaces, materials and location(s);
  - (iv) Site location diagram and legal description; and
  - (v) Any and all exposures, as defined by NFPA, within 150 feet of the proposed building on or off site.
- (d) Building elevations illustrating all sides of all structures.
- (e) Other reasonable supporting documents to indicate intentions and / or any other items required by the City Planner.

## 3. DECISIONS AND APPEALS

- (a) The Zoning Administrator will include a paragraph in any “rejection” letter stating that an appeal is possible and the notification requirements.
  - (i) Appeals of a submittal denied by the Zoning Administrator shall be taken to the Architectural Review and Zoning Appeals Board (ARZA) for review within 45 days of the decision.
  - (ii) Appeals of a submittal denied by the Architectural Review and Zoning Appeals Board (ARZA) shall be taken to the appropriate court of jurisdiction within 30 days of the decision.
- (b) Appeal may be brought by the applicant, City of Thomasville or interested citizens.

## Sec. 22.11.1.L. DEFINITIONS

### ACCESSORY STRUCTURE

A building or structure subordinate to the principal building that is under roof and enclosed, and used for purposes customarily incidental to the main or principal building on the lot. Accessory structures are permitted with all building types and typically include Accessory Dwelling Units (ADU's), private garages, storage buildings, garden sheds, and the like. Accessory Structures shall convey a similar character (form and color) as the principal building and comply with the standards for setbacks, building coverage, and Permitted Materials in Section 22.11.1.F (Architecture).

### ALLEY

A secondary way which affords access to the side or rear of abutting property.

### APPURTENANCES

Architectural features not used for human occupancy consisting of spires, belfries, cupolas or dormers, silos, parapet walls, cornices without windows, chimneys, ventilators, antennas, etc.

### BUILD-TO LINE

A line parallel to the property line, along which a building shall be built. Porches and handicap ramps shall be exempt from build-to requirements, and shall occur behind the property line. Build-to line locations for specific sites shall be established by the design review board at the time of application.

### BUILDING COVERAGE

The horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level including porches, stoops, and steps; but excluding driveways, parking, uncovered decks, patios, stairways, and the like.

### BUILDING FRONTAGE

The side of a building which faces the frontage street.

### DWELLING AREA

The total internal useable space on all floors of a structure, not including porches, stoops, balconies, or patios.

### EASEMENT

A legal instrument, recorded in the county records, that allows access through real property of the conveyor.

### ELEVATION

An exterior wall of a building.

### ENCROACHMENT

Any architectural feature, structure or structural element, such as a fence, stoop, balcony, bay window, or deck that breaks the plane of a horizontal regulatory limit extending into a setback or beyond the build-to-line.

### ENTRANCE, PRINCIPAL

The main point of access of pedestrians into a building, most often from the primary street.

### ENTRANCE, SECONDARY

The secondary point of access of pedestrians into a building, most often from a secondary street or parking area (rear or side).

### EXPRESSION LINE

A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony.

### FASCIA

A wide band of material covering the ends of roof rafters, sometimes supporting a gutter in steep-slope roofing, but typically it is a border or trim in low-slope roofing.

#### FOOTCANDLE

A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

#### FRONTAGE LINE

The property line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

#### FRONTAGE STREET

The public right-of-way which serves as primary access to a property.

#### FRONTAGE TYPE

The way in which a building engages the public realm.

#### GARDEN WALL

A freestanding wall made of masonry, typically used as a screen or enclosure for a yard or open space, or as a divider along a street, alley, or lot line.

#### LIVE / WORK UNIT

An integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity with a commercial component that may accommodate employees and walk-in trade. The residential component may be located above or behind the commercial space.

#### LOT FRONTAGE

The property line adjacent to the frontage street.

#### MIXED USE

The development of a single building containing more than one type of land use or a single development of more than one building and use including, but not limited to, residential, office, retail, recreation, public, or entertainment, where the different land use types are in close proximity, and shared pedestrian and vehicular access and parking areas are functionally integrated.

#### PARAPET

A low wall along the edge of a roof or the portion of a wall that extends above the roof line.

#### PEDESTRIAN PASSAGE

An open or roofed access passing between buildings. These passageways frequently connect rear parking areas and alleys to frontages, streets, plazas, and other public use spaces. A pedestrian passage provides a shortcut through long blocks and is often restricted to pedestrian use and limited vehicular access.

#### PRIVATE FRONTAGE

The privately held space between the front plane of the principal building and the front parcel line / ROW.

#### PUBLIC FRONTAGE

The area between the vehicular lanes and the front parcel line that contains the curb assembly, walkway type, planter type, landscaping, lighting, signage, and civic elements (benches, bus stops, etc.).

#### PUBLIC REALM

The physical and social domain of the public that is held in common either by their physical presence or by visual association. This includes, but is not limited to plazas, squares, parks, thoroughfares, public frontages, private frontages, civic buildings and civic spaces.

#### REAR ALLEY

A vehicular way located to the rear of lots providing a location for utility easements and access to service areas, parking, and accessory structures.

#### RIGHT OF WAY (ROW)

A right-of-way is the actual land area acquired for a specific purpose such as a utility line or roadway.

#### SETBACK

The mandatory clear distance between a property line and a structure.

#### SHARED PARKING

Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

#### SHED ROOF

A roof shape having only one sloping plane.

#### SHOPFRONT

A private frontage type where the main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This Type is intended for retail use. It has substantial glazing at the side-walk level and may include a canopy or awning that overlaps the path.

#### SUSPENDED SIGNS

Suspended signs mount to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. They are typically hung in a manner that allows them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides.

#### THOROUGHFARE

A street. This ordinance mandates that all vehicular rights of way, easements, and parking access-ways be designed as thoroughfares that both resemble and function as a traditional street would.

(Ord. of 3/10/14 added Art. XV, Div. I, § 22-500 -- 22-510, Ord. 11/19/14 amended, Ord. 4/11/16 amended)

