

CHAPTER 22. LAND USE

ARTICLE II. ZONING

DIVISION 4. GENERAL CONDITIONS

The regulations set by this Ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Sec. 22-40 General Interpretation

Any use that is not specifically permitted in a district as a principal use, an accessory use, a conditional use, or is not classified as a similar, compatible use by the Zoning Official(s), is prohibited. In the regulations for some districts, specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses. Appeals of interpretation may be made to the Mayor and Council.

Sec. 22-41. Nonconforming Buildings and Uses.

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

1) Nonconforming Development; in General.

- a) Lawful nonconforming uses, structures, lots and signs are declared by this Zoning Ordinance to be incompatible with land uses, structures, lots and signs that conform to the requirements of the zoning districts in which the nonconformity exists. However, such nonconforming development may continue under the circumstances presented in this Section for each type of nonconformity.
- b) For the purpose of this section, "value" shall be computed from the amount a building or structure, as applicable, is appraised for tax purposes by Elbert County.

2) Nonconforming Uses.

- a) **Nonconforming Uses; Defined.** A nonconforming use is a use or activity that was lawfully established prior to the adoption or amendment of this Zoning Ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Zoning Ordinance.
- b) **Continuance of Nonconforming Uses.**
 - i) To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Development Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Development Code, except that the nonconforming use shall not be:
 - (a) Extended to occupy a greater land area;
 - (b) Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the adoption or

amendment of this Development Code and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure;

- (c) Reestablished after discontinuance for twelve (12) months; or
 - (d) Changed to another nonconforming use.
- ii) A building occupied by a nonconforming use at the time of adoption or amendment of this Zoning Ordinance, or because of changes in the use of adjoining properties, may be retained under the following circumstances:
- (a) It shall not be enlarged or altered except in conformance with this Zoning Ordinance. It may be repaired to the extent necessary to maintain it in a safe and sanitary condition;
 - (b) If the building is destroyed by natural or other causes to the extent of less than 50 percent of its value, it may be rebuilt to its original specifications, if completed within twelve months;
 - (c) If the building is destroyed by natural or other causes to the extent of 50 percent or more of its value, it may be rebuilt only in conformance to the requirements of this Zoning Ordinance; or
 - (d) The nonconforming use of a property for occupancy by a manufactured home may not be resumed once the manufactured home is removed from the property.
- iii) If an existing use was lawfully established in a zoning district that is subsequently amended to require Special Use approval for such use, the existing use shall not be subject to the provisions of this Section.
- iv) Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of this Zoning Ordinance or the adoption of an amendment to it shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one (1) year of the adoption of this Zoning Ordinance or the adoption of an amendment to it regardless of the intent or expectation to commence or abandon such nonconforming use.
- c) **Nonconforming Structures.**
- i) **Nonconforming Structures; Defined.** A nonconforming structure is a structure or building whose size, dimensions, location on a property or other features were lawful prior to the adoption or amendment of this Zoning Ordinance, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Zoning Ordinance.
 - ii) **Continuance of Nonconforming Structures.** Within all zoning districts except B-1, B-2, and I, a nonconforming structure may continue to be occupied and used, except that:
 - (1) A nonconforming structure shall not be repaired, rebuilt or altered after damage or destruction of 50 percent or more of its value, unless the structure is an owner-occupied dwelling.

- (2) A nonconforming structure may be repaired, rebuilt or altered to its original configuration after damage or destruction not exceeding 50 percent of its value, provided that allowed reconstruction begins within 1 year after the damage or destruction is incurred.
- (3) A nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
- (4) A nonconforming manufactured home shall not be replaced with another nonconforming manufactured home.
- (5) Within the B-1, B-2, and I districts, a nonconforming non-residential structure may be rebuilt to the same square footage as the destroyed building. A residential structure within the same district may be rebuilt if destroyed but must, at a minimum, meet the requirements of the R-2 district.
- (6) The strengthening or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

3) **Nonconforming Lots.**

- a) **Nonconforming Lots; Defined.** A nonconforming lot is a lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption or amendment of this Zoning Ordinance, and which, by reason of such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.
- b) **Treatment of Nonconforming Lots.** Any lot of record existing at the time of the adoption or amendment of this Zoning Ordinance, may be used subject to the following exceptions and modifications:
 - i) **Adjoining Lots.** When two (2) or more adjoining lots of record with contiguous frontage are in one ownership at any time after the adoption or amendment of this Zoning Ordinance and such lots, individually, have an area or width that is less than is required by this Zoning Ordinance, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.
 - ii) Individual lot not meeting minimum lot size requirements.
 - iii) In any Zoning District in which single-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Zoning Ordinance which has an area, width or depth less than that required by this Zoning Ordinance may be used as a building site for a single-family dwelling.
 - iv) In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, a Special Exception Variance to reduce the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling may be requested.

4) **Nonconforming Signs.**

- a) **Nonconforming Signs; Defined.** A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption or amendment of this Zoning Ordinance, and which by reason of such adoption or amendment fails to conform to all applicable regulations and restrictions of this Zoning Ordinance.
- b) **Grandfathered Nonconforming Signs.** A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign shall not be replaced, expanded, relocated or substantially renovated except in conformity with the provisions of this Zoning Ordinance.
- c) **Temporary Signs to Be Removed.** Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as but not limited to a portable sign, a streamer or pennant, shall be removed within 30 days of becoming a nonconforming sign.
- d) **Treatment of Illegal Signs.** Illegal signs located within a public right-of-way or on public lands:
 - i) Signs located illegally within any public right-of-way or other public lands shall be removed immediately upon adoption of this Zoning Ordinance.
 - ii) The Zoning Compliance Officer or other City employee(s), (and/or private individuals, corporations and entities, if so authorized by the Mayor and Council), shall be authorized to remove and dispose of nonconforming signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.
 - iii) Illegal signs not located within a public right-of-way or on public lands:
 - iv) A sign that did not lawfully exist under the City's regulations prior to adoption of this Zoning Ordinance shall, within thirty (30) days of adoption of this Zoning Ordinance, either (a) be removed or (b) be brought into conformance with all provisions of this Zoning Ordinance.

Failure to remove such illegal sign or bring it into conformance following thirty (30) days notice to the owner or occupant of the property by the Zoning Compliance Officer shall authorize the City to remove the sign at the expense of the owner or occupant of the property.

5) **Removal Due to Road Improvements.**

- a) If a nonconforming sign must be removed due to a city, or state road improvement project, the Mayor and Council may authorize the relocation of said sign even though the new location may not meet the setbacks, location and/or spacing or other provisions of this Zoning Ordinance.

Sec. 22-42. Pending Application for Building Permits.

Nothing contained in this article shall require any change in the plans, construction, size or designated use of any building, structure or part thereof, for which a building permit has been granted prior to the adoption of this article, provided construction shall start within 60 days after the granting of such permit.

Sec. 22-43. Off-Street Parking.

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

- 1) **General Requirements.** For the purpose of this article the following general requirements are specified:
 - a) If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the designated zoning and compliance officer may permit such space to be provided on other off-street property, provided such space lies within 600 feet of the property line of the principal use and is owned by the same owner. The parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
 - b) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.
 - c) Area reserved for off-street parking in accordance with the requirements of this article shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, and unless equivalent parking space is provided to the satisfaction of the designated zoning compliance officer.
 - d) Off-street parking existing at the effective date of this article in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- 2) **Parking Space Requirements for All Districts.** Off-street automobile storage of parking space shall be provided with vehicular access to a street or alley, and shall be equal in or to at least the minimum requirements for the specific land use set forth.

TABLE 1 MINIMUM OFF-STREET PARKING SPACES REQUIRED BY USE

Use	Number of Off-Street Parking Spaces	Required for each:
a. RESIDENTIAL & LODGING		
1. Single-Family and Two-Family Residence	2.0 3.0	Per dwelling unit of 1,000 square feet or less* Per dwelling unit over 1,000 square feet *For single-family dwelling units, all available driveway spaces may be used in meeting these requirements.
2. Multi-Family Residences	2.0 3.0	Per dwelling unit under 1,000 square feet Per dwelling unit over 1,000 square feet
3. Manufactured Home or RV Park	1.0	Per space + 1 for resident manager or owner
4. Fraternity & Sorority Houses	1.0	Per guest room + 1 for resident manager or owner
5. Rooming/Boarding Houses	1.0	Per guest room + 1 for resident manager or owner
6. Nursing Care Facility	1.0	For each 4 beds + 1 space for staff or visiting doctor, + 1 space for each 2 employees
7. Retirement Community	1.0	Per dwelling unit
8. Personal Care Home	1.0	For each 2 residents or beds
9. Bed and Breakfast Inn	1.0	Per guest room + 1 for resident manager or owner
10. Hotel or Motel		
a. Convention Hotel	1.5	Per guest room
b. Hotel or Motel w/Restaurant/Lounge	1.5	Per guest room
c. Hotel or Motel w/out Restaurant/Lounge	1.2	Per guest room
b. COMMERCIAL		
1. All Rental Sales or Commercial Services Establishments not listed above	1.0	Per 200 square feet of gross sales area
2. Adult Entertainment	1.0	Per 100 square feet of gross floor area
3. Agricultural Produce Stand	3.0	Per stand
4. Amphitheaters	1.0	For each 4 seats
5. Amusement Centers, recreational attraction, skating rinks, dance halls, pool rooms or other places of amusement or assembly without fixed seating	1.0	Per 100 square feet of gross floor area or ground area used for amusement or assembly
6. Automotive Repairs	3.0	Per Service Bay, plus 1.0 per 250 square feet of retail space
7. Auto Salvage and Wrecking	2.0	Acre
8. Auto, Truck, Manufactured Home & Utility Structure Sales	2.0 1.0 3.0	Per 1,000 square feet of sales area, plus Per 2,500 square feet of outdoor display, plus Per Service Bay
9. Banks	4.0	Per 1,000 square feet of gross floor area
10. Billard and Pool Hall	2.0	Per pool table
11. Bio-Medical Waste	4.0	Per 1,000 square feet of gross floor area

Table 1 Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
12. Bowling Alley	4.0	Per lane
13. Bus Station	3.3	Per 1,000 square feet of gross floor area
14. Car Wash (principal use)	1.0	Per car wash bay, plus
	5.0	Per 1,000 gross square feet of retail space
15. Community Fair	1.0	Per 2,000 square feet of activity area
16. Day Care Facilities	1.0	Per employee
17. Discount Store	4.0	Per 1,000 square feet of gross floor area
18. Driving Range	1.5	For each tee, plus
	5.0	Per 1,000 square feet of gross floor area (pro shop/club house)
19. Eating & Drinking Establishments, including restaurants, bars, cafes, taverns, nightclubs, lunch counters, etc.1		
a. Quality Restaurant	16.0	Per 1,000 square feet of gross floor area
b. Family Restaurant	9.5	Per 1,000 square feet of gross floor area
c. Fast Food w/drive-in window	14.0	Per 1,000 square feet of gross floor area
d. Fast Food w/out window	14.0	Per 1,000 square feet of gross floor area
e. Drive-In (service directly to autos)	4.0	Per 1,000 square feet of gross floor area (for employees)
20. Emissions Inspections	1.0	Per service bay
21. Exterminators	4.0	Per 1,000 square feet of gross floor area
22. Farm & Garden Supply incl. Farmer's Market	2.0	Per 1,000 square feet of gross floor area, plus
	2.0	Per acre of outside sales area
23. Flea Market	1.0	Per 2,000 of sales area
24. Fuel & Ice Dealer	2.0	Per 1,000 square feet of gross floor area
25. Full Svc Gas Station	3.0	Per service bay, plus
	5.0	Per 1,000 square feet of gross floor area
26. Funeral Home, mortuaries	15.0	Per viewing room or
	1.0	Per 4 seats, whichever is greater
27. Furniture Repair	1.0	Per 200 square feet of gross floor area
28. Furniture/Carpet Store	1.0	Per 500 square feet of gross floor area
29. Golf Course	5.0	For each hole, plus
	5.0	Per 1,000 square feet of gross floor area (pro shop/club house)
30. Greenhouse, Nursery	2.0	Per 1,000 square feet of gross floor area, plus
	2.0	Per acre of outside sales
31. Hardware/Paint/Home Inspection	1.0	Per 200 square feet of gross floor area

Table 1 Minimum Off-Street Parking Spaces Required by Use

Use	Number of Off-Street Parking Spaces	Required for each:
32. Heavy Vehicle Repair	3.0 5.0	Per service bay, plus Per 1,000 square feet of retail space
33. Horse Riding Stable or Riding Academy	1.5	For each stable stall
34. Kennels	1.5 1.0	Per 100 square feet of waiting room area, plus Per each 2 employees
35. Medical/Dental Office and Clinics	1.0	Per 200 square feet of gross floor area
36. Movie Theater	1.0	For each 4 seats
37. Newspaper Publishing	4.0	Per 1,000 square feet of gross floor area
38. Nightclub	9.5	Per 1,000 square feet of gross floor area
39. Offices – General	3.5	Per 1,000 square feet of gross floor area
40. Radio/TV Station	3.0	Per 1,000 square feet of gross floor area
41. Research & Development	3.0	Per 1,000 square feet of gross floor area
42. Self-Storage	0.5	Per 1,000 square feet of gross floor area
43. Service Stations, Gas Stations, Auto Repair Shop or Garage	3.0 5.0	Per Service bay, plus Per 1,000 square feet of gross retail space
44. Shopping Center (not including stand-alone “out” lots):		
a. Less than 100,000 square feet of gross leasable area	4.0 3.0 10.0 5.0	Per 1,000 square feet of gross leasable area, plus Per 100 seats in a movie theater, plus Per 1,000 square feet of food service area OR Per 1,000 square feet of total gross leasable area
b. 100,000 to 199,999 of gross leasable area	4.0 3.0 6.0 5.0	Per 1,000 square feet of gross leasable area, plus Per 100 seats above initial 450 seats a movie theater, plus Per 1,000 square feet of food service area OR Per 1,000 square feet of total gross leasable area
c. 200,000 to 399,999 of gross leasable area	4.0 3.0	Per 1,000 square feet of gross leasable area, plus Per 100 seats above the initial 750 seats in a movie theatre
d. 400,000 to 599,999 of gross leasable area	4.5 3.0	Per 1,000 square feet of gross leasable area, plus Per 100 seats above the initial 750 seats in a movie theatre
e. 600,000 or more gross leasable area	5.0 3.0	Per 1,000 square feet of gross leasable area, plus Per 100 seats above the initial 750 seats in a movie theatre
45. Sports Club/Health Spa	4.5	Per 1,000 square feet of gross floor area
46. Supermarket – Food Store	5.0	Per 1,000 square feet of gross floor area
47. Vending Machine Sales & Service	2.0	Per 1,000 square feet of gross floor area
48. Veterinary Clinic or Animal Hospital	1.5 1	Per 100 square feet of waiting room area, plus Per 2 employees

Table 1 Minimum Off-Street Parking Spaces Required by Use		
Use	Number of Off-Street Parking Spaces	Required for each.
3. Civic Clubs, Museums, Fraternal Lodges, libraries, etc.	1	Per 500 square feet gross floor area
4. Private clubs, lodges & fraternal buildings not providing overnight accommodations	5	Each active member
1. Asphalt Plant	1.0	Per acre of development
2. Brick or lumber yard or similar area	3.0	Per 1,000 square feet of gross floor area
3. Community Center	2.0	Per 1,000 square feet of gross floor area
4. Cultural Facilities	1.0	Per 2,500 square feet of outdoor display
5. Chemical Plant or Storage	2.0	Per 1,000 square feet of gross floor area
6. Hospitals, sanitariums, nursing homes & similar uses	2.0	Per 1,000 square feet of gross floor area
7. Composting Plant	2.0	Per 1,000 square feet of gross floor area
8. Concrete Plant	1.0	Per acre of developed site
9. Contractor with equipment or storage	3.0	Per 1,000 square feet of gross floor area, plus
10. Schools:	1.0	Per 2,500 square feet of outdoor storage
7. a. Contractor's office (no equipment or storage)	3.0	Per 1,000 square feet of gross floor area
8. Day Schools:	2.0	Per 1,000 square feet of gross floor area
9. b. Dry Cleaning & Laundry	2.0	Per 1,000 square feet of gross floor area
10. Freight Terminal	1.0	Per classroom
11. c. Machine Shops	2.0	Per 1,000 square feet of gross floor area
12. d. Manufacturing and Industrial Establishments:	6.0	Per classroom
1. e. Technical College	20.0	Per classroom
2. f. Colleges (using operations & utility buildings)	6.0	Per classroom
10. Recreation Grounds (single shift)	6.0	Per 1,000 square feet of active sports area, plus
13. Open storage of sand, gravel & earth (no less)	1.0	Per 1,000 square feet of gross floor area
14. Recycling Center	1.0	For each 3 residents or beds
15. Tire Retreading and Recapping	2.5	Per 1,000 square feet of gross floor area
16. Trans, Equip, Storage/Maint.	1.0	Per 1,000 square feet of gross floor area
17. Truck Terminal	1.0	Per 1,000 square feet of gross floor area
18. Utility Facility	0.5	Per 1,000 square feet of gross floor area
19. Warehouse & enclosed storage	0.5	Per 1,000 square feet of gross floor area
20. Warehouse with commercial sales	0.5	Per 1,000 square feet of sales or office, plus 1,000 square feet gross floor area
21. Wholesale establishments:		
a. Wholesale Sales-w/ customers	3.0	Per 1,000 square feet of floor area
b. Wholesale Trade/Dist. – without customers	2.0	Per 1,000 square feet of floor area
d. INSTITUTIONAL AND OTHER		
1. Auditoriums, churches, theatres, stadiums, and other places of assembly	1.0	Per 4 seats of assembly
2. Cemetery, crematory or mausoleum	3.0 1.0 1.0	Per 1,000 square feet of office space, plus Per 3 seats, plus Per acre of site area

Sec. 22-44 Shared Parking.

- 1) The parking spaces provided for separate uses may be combined in one parking lot, but the required spaces assigned to each use may not be assigned to another use, except as follows:
 - a) One-half of the off-street parking spaces required by a use whose peak attendance will be at night may be shared with a use that will be closed at night or on Sunday.
 - b) Parking spaces may be shared by more than one use if the Zoning Compliance Officer finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The ratios on Table 2 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

TABLE 2 PERCENTAGE OF REQUIRED PARKING SPACES BY TIME PERIOD					
Type of Use	Weekdays 6am–5pm	Weekdays 5pm–1am	Weekends 6am–5pm	Weekends 5pm-1am	Nighttime 1am-6am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

- 2) **Availability of Shared Spaces.** Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.
- 3) **Recordation of Shared Parking Agreement.** Shared parking arrangements must be committed to writing in an instrument acceptable to the Zoning Compliance Officer, and approved by the owners of each of the affected properties or uses. The instrument must be approved by the Zoning Compliance Officer and shall be recorded with the Clerk of the Superior Court, and a copy of the recorded document must be supplied to the Zoning Compliance Officer. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Mayor and Council.

Sec. 22-45 Parking Area Site Requirements.

All off-street parking shall be laid out, constructed, and maintained according to the following requirements (except for residential lots in the R-1, R-1A, R-1B, and R-2 districts). Off-street parking includes parking spaces or lots for customers and employees.

- 1) All parking areas shall be hard surfaces with concrete or plant bituminous material and maintained in dust proof condition.
- 2) No parking space shall be provided along an access driveway within the first twenty-five (25) feet of the driveway from any local street.
- 3) Every parking space shall provide a useable rectangular area at least 8.75 feet wide by 17.5 feet long, excluding any access aisles.
- 4) In parking areas with 20 or more parking spaces, up to 30 percent of the minimum number of required parking spaces or of the total spaces, whichever is greater, may be allocated for compact cars and designed to the following requirements:
 - a) A compact car space shall not be less than 7.5 feet wide and 15 feet long;
 - b) Compact car spaces shall be laid out in a group and appropriately identified as intended for exclusive use by compact cars;
 - c) All aisle dimensions shall not be reduced from the requirements specified for all parking spaces.
- 5) Access aisles in parking lots must be at least twenty-six (26) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle. The Zoning Compliance Officer may authorize a minor reduction in the required minimum width of access aisles for redeveloped areas if sufficient access is provided and the Fire Marshal agrees that access for fire apparatus is maintained.
- 6) Lighting facilities shall be arranged so that light is reflected away from adjacent properties and streets.
- 7) The parking area shall be adequately drained.
- 8) A raised curb of at least six (6) inches shall be erected along all of the property lines, except for driveway openings and those lot lines abutting residential districts.
- 9) No sign shall be placed within the public rights-of-way. Signs and planting strips shall not obstruct the visibility of drivers or pedestrians.
- 10) **Inter-parcel Access.** Inter-parcel access shall be required as follows:
 - a) **Internal Access Easements Required.** For any office or retail sales or services use, the property owner shall grant a "cross" or internal access easement as described in this Subsection to each adjoining property that is zoned or used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from

business to business without generating additional turning movements on the public street, thus increasing public safety.

11) **Access Easement Provisions.** The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for employee, customer or visitor use on each property; but parking spaces may be restricted to use by each owner's employees, customers and visitors only.

- a) Inter-parcel vehicle access shall be required between contiguous properties only when the parking areas are or will be in reasonable proximity to one another.
- b) All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.
- c) The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.
- d) Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of each owner's driveways and parking areas shall be extended by each owner to the point of access on the property line.

12) **Relief.** Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the Zoning Compliance Officer may waive the requirement for the access easements, in whole or in part, as a special exception variance.

13) **Vehicle Parking in Residential Zoning Districts.**

- a) **Location and Number of Vehicles Limited.** In single-family residential zoning districts, the parking of automobiles is permitted in garages, carports, or outdoors. Unenclosed parking shall not exceed four outdoor automobiles per single-family or two-family dwelling unit in any front yard of a lot. Parking shall not be permitted on a non-prepared, unimproved surface in a front yard or side yard of property adjacent to a public right-of-way. It shall also be unlawful for a person owning or occupying property in said residential zones to allow the parking or placing of automobiles, trucks, trailers, or recreational vehicles on a non-prepared, unimproved surface in a front yard or side yard of property adjacent to a public right-of-way
- b) **Recreational Vehicles.** Parking or storage of such recreational equipment or vehicles shall not take place on any vacant residential lot. In residential zoning districts, recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in side yards, rear yards, carports or in an enclosed building. If stored regularly in a side or rear yard, the vehicle and vehicle storage area shall be screened from view from abutting properties. Recreational vehicles may be parked or stored anywhere on residential premises except within a required front yard for a period not to exceed seventy-two (72) hours.
- c) **Commercial Vehicles.** Parking or storage of commercial vehicles shall not take place on any vacant residential lot. It shall be unlawful to park or store commercial vehicles

(including but not limited to, dump trucks and delivery trucks) or school buses in front yards of residential zoning districts. One commercial vehicle may be parked or stored in a side or rear yard of a lot in a residential zoning district, but if stored regularly in a side or rear yard, the vehicle and vehicle storage area shall be screened from view from abutting properties and parked on a prepared, improved surface.

Sec. 22-46 Handicapped Parking Spaces.

Handicapped spaces shall be provided in each parking lot according to the requirements of Table 3. Such spaces shall be counted in meeting the off-street parking requirements of this Ordinance.

TABLE 3 MINIMUM NUMBER OF HANDICAPPED SPACES REQUIRED	
Total Required Parking Spaces	Minimum Number of Accessible Spaced
1 to 5	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

- 1) **Specifications for Handicapped Parking Spaces.** Handicapped parking spaces shall have an adjacent aisle five (5) feet wide, and one in every eight (8) handicapped spaces (but not less than one) shall be adjacent to an aisle eight (8) feet wide and the space shall be signed "van accessible." Handicapped parking space aisles shall be clearly demarcated. All handicapped parking shall comply with the federal Americans with Disabilities Act. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.
 - a) **Off Street parking Requirements by Use.** Unless specifically provided otherwise, on each lot where a building structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum amounts and not to exceed the maximum amounts specified in Table 2 (including handicapped parking spaces). Requirements refer to one space per unit of measurement unless otherwise specifically provided. Square footages are measured on the basis of gross square footage unless otherwise specifically provided.

Sec. 22-47 Off-Street Loading and Unloading Space

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

- 1) **Size of Off-Street Loading Spaces.** Each off-street loading space shall have minimum dimensions of fifteen (15) feet in height, ten (10) feet in width, and thirty (30) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the designated Zoning Compliance Officer may reduce the minimum length.
- 2) **Connection to Street or Alley.** Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.
- 3) **Floor Area Over 10,000 Square Feet.** Sufficient space for off-street loading and unloading must be provided for each hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand (10,000) square feet of floor space or fraction thereof. Such space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley and shall include one loading berth for each ten thousand (10,000) square feet of floor area or fraction thereof over the first five thousand (5,000) square feet of floor area.
- 4) **Floor Area less than 10,000 Square Feet.** Sufficient off-street loading space (not necessarily a full space if shared by adjacent establishments) must be provided for each commercial or industrial building requiring the receipt or distribution of materials for merchandise and having a floor area of less than ten thousand (10,000) square feet. The space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley. No loading berth is required for any business or industry with less than three thousand (3,000) square feet of ground floor area.
- 5) **Bus and Trucking Terminals.** There shall be provided sufficient space to accommodate the maximum number of busses or trucks to be stored or loaded at the terminal at any one time.
- 6) **Location of Off-Street Loading Spaces.** All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when the loading spaces are shared with the use occupying said adjacent lot.
- 7) **Permanent Reservation.** Area reserved for off-street loading in accordance with this Ordinance must not be reduced or changed to any other use unless the permitted use that the off-street loading serves is discontinued or modified. However, an equivalent loading space may be provided and approved by the designated Zoning Compliance Officer.

Sec. 22-48 Control of Curb Cuts and Vision Clearance

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

- 1) **Curb Cuts.** No curb cut shall be less than 9 feet nor exceed 50 feet in length. No curb cut shall be closer than 20 feet to another curb cut or access point, except in residential zoning districts. At street intersections, no curb cut or other access point shall be located closer than 20 feet from the intersecting point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

A permit must be obtained from the Georgia Department of Transportation before curb cuts or any other point of access is authorized onto state-owned highway rights-of-way from abutting property.

New development that contains or is intended to contain more than one building or use on-site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

Sec. 22-49 Classification of Streets

All streets in Elberton, Georgia, are divided into four (4) classes. Prior to the issuance of any development permit, rights-of-way for existing or proposed streets(s) on which the development has frontage shall be dedicated to or transferred to Elberton.

- 1) **Arterials.** An arterial is a high-volume street that should have no residences on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. Arterials in Elberton include College Avenue, Elbert Street, and Oliver Street. The recommended rights-of-way for an arterial is 100 feet.
- 2) **Collector Streets.** As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, the city should not encourage parking or residences along a collector. The recommended rights-of-way for a collector is 80 feet.
- 3) **Subcollector.** The Subcollector provides passage to access streets and conveys traffic to collectors. Like the access street, the Subcollector provides frontage and access to residential lots but also carries some through-traffic to lower-order (access) streets. The Subcollector is a relatively low-volume street. The recommended rights-of-way for a local street is 50 feet.
- 4) **Access Roads.** Sometimes called a place or lane, the access street is designed to conduct traffic between dwelling units and higher-order streets. The access street usually carries no through-traffic and includes short streets, cul-de-sacs, and courts. The recommended rights-of-way for an access road is 60 feet.

Sec. 22-50 Storage and Parking of Recreational Vehicles, Trailers, and other Vehicles

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following requirements:

No commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products is permitted.

Any recreational vehicle, hauling trailer, or boat trailer with a current state license is permitted if parked or stored behind the front yard building line.

A recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a recreational vehicle park authorized under this Ordinance, or as otherwise stated in this Ordinance.

In all residentially zoned districts it is prohibited to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, commercial vehicles (except those on a service call), or any other miscellaneous scrap or salvageable material in quantity unless it is in an enclosed building. For the purposes of this subsection, an abandoned vehicle is a vehicle without a current state license.

In all other districts it is prohibited to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, commercial vehicles (except those on a service call), or any other miscellaneous scrap or salvageable material in quantity unless it is:

- 1) Within an enclosed building;
- 2) It is on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprises; or
- 3) It is on property occupied and used for repair, reconditioning, or remodeling of vehicles.

Sec. 22-51 Buffer Areas

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

- 1) In any business (B-1, B-2) or industrial (I) district, any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The bottom of the fence must be no higher than four (4) inches from the ground. The top of the fence must not evidence significant elevation changes (i.e. the top of the fence at the highest topographic elevation will determine the height of all portions of the fence, regardless of elevation changes). If constructed from wood, fence height must be achieved by the installation of one continuous eight (8) foot, or greater board. The designated Zoning Compliance Officer shall, based on the character of the area, determine whether the applicant must install the solid wall, solid fence, or tight evergreen hedge.
- 2) In any district not subject to the requirements of Section 22-51(1) but requiring screening of a specified operation, said screening shall be solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The tight evergreen hedge shall grow to at least eight (8) feet in height within five (5) years. There shall be a perimeter landscape strip at least twenty (20) feet wide, unless otherwise specified, that conforms to the planting requirements. All buffer area requirements are in addition to the area, yard, and height requirements for that district. Prior to any site construction of grading, the designated Zoning Compliance Officer must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.
- 3) A perimeter landscape strip of ten (10) feet in width, or six (6) feet if the commercial or industrial site is less than 15,000 square feet and not regulated by Section 22-51(1) and Section 22-51(2), shall be planted, adjacent to the lot line when the following conditions exist or are created:
 - a) A proposed structure will exist on a lot where the side or rear lot line is a district boundary other than B-1, B-2, or I.
 - b) The lot or parcel on the opposite side of the boundary is zoned R-1, R-1A, R-1B, or R-2.

- 4) All outdoor lighting must reflect away from all residential dwellings and shall be situated to not directly reflect into any public rights-of-way.
- 5) Any grading, improvements or construction adjacent to the buffer must not disturb or encroach on the buffer area.
- 6) A manufactured home or mobile home subdivision shall be screened by a solid wall or solid fence or tight evergreen hedge and contain a perimeter landscape strip at least thirty (30) ft. wide, unless otherwise specified, that conforms to the planting requirements. All perimeter landscape strip requirements are in addition to the area, yard, and height requirements for that district. Prior to any site construction or grading, the designated Zoning Compliance Officer must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.
- 7) A ten (10) foot rear and side yard vegetated buffer is required for all multi-family development in addition to required side and rear yards specified in Division 6.

Sec. 22-52 Accessory Use/Structures

Accessory uses or structures shall be permitted provided they meet the following requirements:

- 1) **Location/Setback Requirements for Accessory Uses/Structures.** Unless otherwise specified, accessory uses or structures (excluding signs, mailboxes, wall, fences) within all zoning districts shall be permitted only in side or rear yards and shall comply with the minimum side and rear building setback line requirements, except that, if approved, and unless otherwise specified in this Ordinance.
- 2) **Location/Setback Requirements for Off-Street Parking.** Off-street parking areas may be located within the front setback, provided such parking areas shall be set back not less than twenty (20) feet from any lot line or street right-of-way line and shall incorporate landscaping and buffer/screening, as may be required by this Ordinance. Said buffer/screening may be located in the required setback.
- 3) **Dimensional Restrictions for Accessory Structures.** In all Residential Districts, unless otherwise specified in this Ordinance, accessory structures (excluding detached garages and carports), shall be no larger than four hundred fifty (450) square feet and shall not exceed twenty-five (25) feet in height. Detached garages and carports shall not exceed 50% of the first floor footprint of the principal building and the maximum height shall not exceed twenty-five (25) feet in height.
- 4) **Siding Materials for Accessory Structures.** Within residential districts, all accessory structures shall be either constructed or faced with materials similar to that of the principal structure so that no metal construction is seen from the front yard or the side yard where the parcel on which the accessory unit is constructed is situated on a corner or thru-lot.
- 5) **Multiple Accessory Structures.** Any number of accessory structures may be placed on a parcel for storage, provided that the aggregate square footage of accessory structures shall not exceed that allowed for the size lot and principal building as specified herein.

- 6) **Commercial Use of Accessory Structures.** Accessory structures shall not be used for any type of commercial operation whether permanent or part-time, except as part of a permitted Home Occupation in accordance with this Ordinance.
- 7) **Manufactured Housing Used as an Accessory Structure.** No manufactured housing, mobile home, or camping/travel trailer shall be used as an accessory structure. No freight container or truck body shall be used as an accessory structure.
- 8) **Uses/Structures Accessory to Public Uses, Building, or Activities.** There shall be no limitations regarding accessory uses to any use, building, or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use.

Sec. 22-53 Outdoor Lighting

- 1) **Findings, Purpose, and Intent.** It is in the public interest to provide a quality night time environment. Careless use of outdoor lighting damages the aesthetics of the night time environment. If not regulated, outdoor lighting can decrease security or safety or create hazards through glare, light trespass, and distraction. Inappropriately shielded lights and overlighting can compromise the public's visibility. For instance, service station canopies and convenience store lighting can approach 25 or more foot-candle, which is considered to be more than necessary to provide acceptable illumination and avoid liability risks. The naturally dark, star-filled sky is an important part of the natural environment that should not be degraded by improper or inappropriate outdoor lighting. Regulating outdoor lighting brings substantial public benefits. Eliminating glare improves visibility. Elimination of wasted light saves money, energy, and resources.
 - a) This section is intended to reduce the problems created by improperly designed and installed outdoor lighting. The regulations of this Section are intended to eliminate problems of glare, minimize light trespass with provisions designed to avoid unnecessary direct light from shining onto abutting properties or streets, enhance visibility and safety (especially for the aging eye), protect the natural nighttime sky, conserve energy, and to avoid light encroachment on wildlife habitat.
- 2) **Definitions.**
 - a) **Direct Light:** Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.
 - b) **Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
 - c) **Footcandle:** A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. One footcandle (FC) is the equivalent of 10.76 Lux (1 Lux = 0.0929 FC).
 - d) **Full Cutoff Luminary:** Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture at angles above the horizontal plane.

- e) **Glare:** Light emitting from a luminary with intensity real enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.
 - f) **Illuminance:** The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or foot-candle.
 - g) **Isofootcandle Plan:** A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.
 - h) **Light Trespass:** The shining of light produced by a luminary beyond the boundaries of the property on which it is located.
 - i) **Luminary:** A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.
 - j) **Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
 - k) **Safety Lighting:** Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.
 - l) **Security Lighting:** Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.
 - m) **Wallpack:** A wall-mounted luminary.
- 3) **Applicability.** All public and private outdoor lighting shall be in conformance with the requirements established by this section.
- 4) **Exemptions.** The following shall be exempt from the provisions of this Section:
- a) All temporary emergency lighting needed by police or fire department or other emergency services.
 - b) All hazard warning luminaries required by federal regulatory agencies.
 - c) Any vehicular luminary.
 - d) Safety lighting, as defined in this Section.
 - e) All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.
 - f) Holiday lights and decorations using typical unshielded low-wattage incandescent lamps, provided that they are removed within fifteen (15) days following the holiday season to which they pertain.
- 5) **Cut-off Fixtures Required.** All luminaries not exempted from this Section hereafter installed for parking lots, buildings, and grounds shall be full cutoff luminaries, as defined by this Section, or another luminary which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminary, unless otherwise part of a lighting plan approved by the Zoning Compliance Officer.

- 6) **Glare.** Any luminary that is aimed, directed, or focused so that the lamp is visible, or in a way that causes direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or that creates glare perceptible to persons operating motor vehicles on public ways, shall be redirected or its light output controlled as necessary to eliminate such conditions.
- 7) **Intensity Specifications.** Illuminance levels for outdoor lighting fixtures serving parking lots, buildings and grounds shall comply in design and upon installation with the standards in the following Table, measured at three feet above the ground or finished grade. Lighting for athletic fields and tennis courts shall be exempt from this Section. In addition, the Zoning Compliance Officer may also exempt or modify the requirements of this Section as a part of an approved lighting plan.
- 8) **Light Fixtures.** All exterior light fixture lamps for commercial or industrial properties shall be metal halide lamps.

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

- 9) **Prohibitions.** The following types of outdoor lighting are prohibited:
- a) Strobe lights, except as may be required for towers pursuant to Section 11.14 of this ordinance, or other state or federal lighting requirement.
 - b) Laser light or searchlight beams projected into the sky.
 - c) Neon-lit signs, neon outdoor lights, and neon window or door outlining.
- 10) **Lighting Plans.** When a lighting plan is required for a specific use which includes but it not limited to community recreation, athletic fields accessory to churches, automobile sales establishments, and outdoor recreation facilities, or, when a lighting plan is submitted as an alternative to compliance with the cut-off fixture requirements or intensity specifications of this Section, the lighting plan shall be submitted with the applications required for this issuance of a Building Permit or Land Disturbance Permit.

Secs. 22-54 – 22-59. Reserved