

Chapter 22

LAND USE*

Article 11. Special Provisions

Sec. 22-11-1. Manufactured Homes and Recreational Vehicles.

Sec. 22-11-2. Manufactured Home Installation

- a) **Installation.** All manufactured homes, located to or moved within Elberton, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by *O.C.G.A.* §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Safety Fire Commissioner. (See *O.C.G.A.* §8-2-160 et seq.)
- b) **Penalties for Improper Installation.** Failure by the owner of a manufactured home to obtain and utilize tie-downs and anchors for his manufactured home or modular home placed in Elberton, Georgia, after the effective date of this ordinance shall constitute a misdemeanor, punishable in the Elberton Municipal Court by fine of not more than five hundred dollars (\$500.00).
- c) **Home Orientation.** All manufactured homes are subject to the following conditions:
 - 1) No manufactured home shall be located within thirty (30) feet of any permanent type of building.
 - 2) The manufactured home unit shall be oriented with its long axis generally parallel to the street on which the lot fronts. Any tongue must be removed prior to the final inspection by the building inspector.
 - 3) The manufactured home unit must be fitted with skirting/underpinning that completely encloses the undercarriage, and the unit must be connected to water and sewerage in compliance with the applicable ordinance of Elberton.
 - 4) All manufactured homes shall have an original shingle roof or an original roof made out of roofing material composed of other appropriate substances which are nonmetallic.
 - 5) All manufactured homes shall have original wood or original wood-type siding. Metallic siding is not permitted.
 - 6) All manufactured homes shall be located on a permanent foundation in the above paragraphs shall be removed after receipt of notice of its non-conformance from the Building Inspector.

d) Limitations

- 1) **Attachments.** The attachment of a manufactured home to an existing mobile or manufactured home is permitted only if both units were engineered and manufactured for such attachment.
- 2) **Building and Occupancy Permits.** No building and occupancy permit may be issued by the building inspector without prior issuance of a location permit by the Elberton Planning Commission. Building and occupancy permits issued by the Elberton Building Inspector or his/her authorized agent are required for any mobile home moved within or manufactured home moved to or within unincorporated Elberton. A building permit is also required if the mobile or manufactured home is added to or structurally altered.
 - a) **Aluminum Wiring.** A building permit shall not be issued for a mobile home containing aluminum wiring.
 - b) **Accessory Buildings.** A mobile or manufactured home may not be used as an accessory building.
 - c) **Violations.** Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to a mobile or manufactured home in Elberton. Prior to issuing an occupancy permit it is unlawful to occupy or otherwise use as a residence a mobile or manufactured home in Elberton.

e) Application requirements for building and occupancy permit for mobile or manufactured homes.

- 1) **Filing.** An application for permit for location and occupancy of a mobile or manufactured home is required to be filed by the owner or the owner's agent in the office of the city clerk for the Elberton Planning Commission to take the required action.
- 2) **Inclusions.** The permit application shall describe the mobile or manufactured home as to size, dimension, year, model, the zoning district and tax map and parcel number of the planned location of the mobile or manufactured home, the intended use of the mobile or manufactured home, the name of the owner and the name of the intended occupants, and the source of water and type of waste disposal system.

f) Requirements for All Manufactured Homes.

- 1) **Compliance with Applicable Laws.** All manufactured homes must be installed in compliance with RULES AND REGULATIONS FOR MANUFACTURED HOMES. Chapter 123-3-7, including Appendix AA, and any amendments thereto, made and promulgated by the Georgia Safety Fire Commission pursuant to O.C.G.A. Sections 8-2-132, 8-2-133, 8-2-135, 8-2-137(b), 8-2-161, 8-2-165, 8-2-168, and 24-2-1 et seq. All manufactured homes shall comply with all applicable ordinances and regulations.

- 2) **Minimum Construction Standards.** Each newly installed mobile home/manufactured home shall meet the minimum construction standards of the U.S. Housing and Urban Development, as required by the National Mobile Homes and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., and all applicable regulations, before that mobile home/ manufactured home may receive utility service. Compliance must be evidenced by a permanently affixed label or tag certifying the compliance, as required by the 42 U.S.C.
- 3) **Permit Requirement.** Any newly located or relocated mobile home/manufactured home requires a permit from the Building Inspector and Zoning Officer indicating compliance with all applicable codes before any occupation thereof.
- 4) **Location Disclosure and Decal Requirement.** Every person holding title to or possessing a mobile home/manufactured home shall report the location to and obtain a location decal for such home from the Tax Commissioner of Elbert County annually, no later than May 1st of each year. Such location decal shall be affixed to the home so as to be easily visible.
- 5) **Removal of Tongue, Etc.** Any tongue, wheels, axles, transporting lights, and towing apparatus shall be removed before occupancy.
- 6) **Orientation.** The unit shall be oriented with its long axis generally parallel to the street on which the lot fronts.
- 7) **Front Porch.** A covered front porch no less than twelve (12) feet wide and six (6) feet in depth, plus railing and steps, shall be required at the front entrance to the manufactured home. The front porch roof shall be of the same composition as the roof of the manufactured home similar in style and nature to the majority of the surrounding dwellings in the neighborhood.
- 8) **Landing Area.** A porch or landing no less than four (4) feet by four (4) feet, plus railing and steps, shall be located at each additional entrance door.
- 9) **Foundation.** Type I and Type II manufactured homes shall be attached to a permanent foundation. The foundation shall be of brick or masonry and should be similar in appearance to the style and nature of the majority of the surrounding dwellings in the neighborhood. The foundation should not be higher than the height of adjacent dwelling foundations, unless grading requirements justify an exemption from the City Manager.
- 10) **Exterior Siding.** Metallic siding and high-gloss finishes are prohibited. Siding shall have the appearance of wood clapboard, which includes wood siding, vinyl siding and hardiboard/hardiplank and should be similar to the materials, style, and nature of the majority of the surrounding dwellings in the neighborhood.
- 11) **Roof.** The roof shall be wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, slate, built-up gravel materials, or other materials predominant in site-built residential construction as approved by the Building Inspector and Zoning Officer, and

should be similar in style and nature to the majority of the surrounding dwellings in the neighborhood.

12) Tie-downs. All manufactured homes must be anchored securely with tie-down bands and able to withstand winds of one hundred (100) miles per hour.

13) Landscaping. A landscaping plan will be approved prior to installation of the unit in accordance with the code and regulations of the City of Elberton.

14) Temporary Usage. A single manufactured unit or travel trailer may be used for an office by a subdivision or manufactured home park developer or owner for a period not to exceed six (6) months, upon written approval from the Building Inspector and Zoning Officer. The unit shall not be placed on a permanent foundation.

15) Non-Conforming Use. A nonconforming mobile/manufactured home shall be allowed to remain in its current location only if ad valorem taxes on the unit have been timely paid in full, and the Building Inspector and/or Zoning Officer finds that the unit is in compliance with all applicable requirements.

g) Additional Standards for Manufactured Homes Not in Manufactured Home Parks

1) Placement on a Lot. Every mobile home/manufactured home must be placed on a lot that meets the area and setback requirements for a single-family dwelling unit in the district.

2) Separation from Buildings. Mobile home/manufactured homes must be located no less than thirty (30) feet from any site built building.

Sec. 22-11-3. Manufactured Home Parks

In addition to the requirements in Section 11.2 above, manufactured home parks and manufactured homes within such parks are subject to the requirements of this section.

1) Permit Requirements.

a) Park Construction Permit Required. The applicant shall submit to the Building Inspector and Zoning Officer a site plan of the park meeting all conditions of this section. No person shall create or alter a manufactured home park until an application for the construction of such park has been reviewed by the Building & Code Official, and a construction permit ("park construction permit") has been issued by the Elberton Planning Commission. The application requires the following:

1) The name and address of the applicant;

2) The location and legal description of the proposed park property;

- 3) A complete plan of the proposed park at a scale of not more than one hundred (100) feet to one (1) inch showing the shape, area, and size of the site, street and driveway layout, including distance notations, the location and grouping of manufactured home spaces and accessory buildings, the placement and sizes of utilities, all manufactured home space boundaries, and other data pertinent to the requirements of this Chapter;
- 4) Plans and specifications of all buildings, improvements, and facilities; and.
- 5) Such further information as requested by the Building Inspector and/or Zoning Officer to help determine whether the proposed park will comply with all legal requirements. The application and all accompanying plans and specifications shall be filed in triplicate.

- b) **Permit Expiration.** If no substantial construction progress has been made within six (6) months of issuance of the permit, it becomes invalid and must be renewed. For the purpose of this section, "substantial construction" requires final site grading, the installation of utilities, and at least forty percent (40%) completion (by a cost analysis) of total site improvements.
- c) **Building Permit Required.** No person shall park a manufactured home on a manufactured home space until a building permit has been issued.
- d) **Certificate of Occupancy Required.** A Certificate of Occupancy is required in advance of the use or occupancy of manufactured homes. No Certificate of occupancy shall be issued without full compliance with this Chapter. A record of all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector. A copy shall be furnished, on request, to any person having a property or tenancy interest in the building or land.

2) **General Requirements.**

- a) **Compliance with Laws.** No manufactured home shall be allowed unless it meets all requirements of any applicable laws and regulations.
- b) **Minimum Rental Period.** No space shall be rented for less than (30) days.
- c) **Initial Occupancy.** No more than twenty-five (25) spaces must be ready for occupancy before the first occupancy is permitted.
- d) **Site Requirements.** The park shall be located on a properly graded well-drained site, free from stagnant pools of water. The site shall not be exposed to objectionable smoke, noise, odors, the possibility of insect or rodent infestation, or other adverse impacts.
- e) **Recreational Space.** Not less than eight percent (8%) of the gross site area of the park shall be set aside and properly maintained for recreational use.
- f) **Water Supply.** An adequate supply of pure, potable water for drinking and domestic purposes from the City of Elberton shall be supplied by pipes to all buildings and manufactured homes spaces by the developer. Each space shall be provided with an approved cold water connection and a tap (hydrant), constructed in accordance with City plumbing standards.
- g) **Sanitation Requirements.**

- 1) **Refuse Collection Station.** Refuse collection must conform to the Code of the City of Elberton.
 - 2) **Environmental Control.** The area around and underneath each manufactured home shall be kept clean and free from refuse, rubbish, glass bottles, or other unsightly material.
 - 3) **Sewage Disposal.** Each manufactured home space shall be provided with a sanitary sewer at least four (4) inches in diameter, connected to receive all waste from the home. The sewer shall discharge the waste into a sewer system which meets all legal requirements.
- h) **Sewage Drain Connections.** Manufactured home drain connections shall be of approved semi-rigid, non-collapsible hose, having smooth interior surfaces and no less than three (3) inches outside diameter, nor less in size than the manufactured home outlet. Drain connections shall be equipped with a standard screw- or clamp-type fitting. While a manufactured home space is unoccupied, the sewer opening shall be closed with an approved closure or cap.
- i) **Fire Protection.** Every park or other such similar establishments shall have an adequate fire protection system with water pressure and fire hydrants of such type, size, number, and location as to satisfy all applicable regulations. No open fires or burning of trash, leaves, or other refuse shall be permitted without a permit from the Elberton Fire Department.
- j) **Park Service Facilities.** Stores, laundry and dry cleaning establishments, pick-up laundry and dry cleaning agencies, and beauty shops and barber shops may be permitted after written City approval, if such establishments and the parking areas primarily related to their operations meet the following requirements:
- 1) They shall not together occupy more than a total of ten percent (10%) of the area of the park;
 - 2) They shall be subordinate to the residential use and character of the park;
 - 3) They shall be located and designed to serve needs of park residents in the park; and,
 - 4) They shall present no visible evidence of their commercial character from any residential area outside the park.
- k) **Buffers and Landscaping.** A buffer strip at least twenty-five (25) feet wide of densely planted fast growing evergreen shrubs shall be located adjacent to all property lines of the park. Such buffer strip shall not be included within any manufactured home space. This buffer strip shall be increased to a width of fifty (50) feet if the park is adjacent to a property with a permanent dwelling or a property zoned for single-family residences. Each park shall be landscaped with shade trees and exterior screen planting of at least twenty-five (25) trees per acre and fifty (50) plants per acre as approved by the Building Inspector in a landscape plan.
- l) **Sidewalks.** Parks with service facilities shall provide sidewalks at least five (5) feet in width along one (1) side of all internal streets to facilitate safe pedestrian access to all service facilities.

- m) **Street Requirements.** The system of streets in manufactured home parks shall extend uninterrupted from the existing improved street system providing access to the site. This system shall provide good vehicular access to all manufactured home spaces, fire hydrants, refuse collection, and service facilities, good connections to existing or future streets at the boundaries of the property, and convenient, safe circulation for vehicles. All streets shall meet the same standards as streets in other residential developments, as described in the Subdivision Regulations. All interior streets shall be shown by name, width of easement or right of way, and type of surfacing on the development plan or plat. Street minimum pavement widths are twenty (20) feet for streets providing two-way traffic, or fourteen (14) feet for one-way traffic. There shall be at least two (2) access streets connecting any park with adjoining public streets.
- n) **Parking Space Requirements.** Parking spaces shall not interfere with normal movement or traffic. There shall be at least one (1) parking space for each manufactured home spaces plus an additional parking space for every four (4) manufactured home spaces. One (1) parking space must be located on each manufactured home space and the additional parking spaces located in adjacent parking bays. Parking spaces shall be at least nine (9) feet by twenty (20) feet.
- o) **Area Regulations for Manufactured Home Parks.**
- 1) Minimum park acreage - five (5) acres;
 - 2) Maximum park acreage - seven (7) acres;
 - 3) Minimum lot width at park entrance and exit - fifty (50) feet;
 - 4) Setbacks: No manufactured home shall be less than twenty (20) feet from any street within the park, nor less than forty (40) feet from the park property line.
- p) **Area Regulations for Manufactured Home Space.**
- 1) Minimum size: 6,000 sq. feet. (.14 acre);
 - 2) Minimum frontage: forty (40) feet;
 - 3) Minimum width: fifty (50) feet;
 - 4) Minimum side yard: ten (10) feet;
 - 5) Minimum front yard: thirty (30)feet for arterial and collector, twenty-five (25) feet for other streets; and
 - 6) Minimum rear yard: twenty-five (25) feet.
- q) **Non-conformance.** Any manufactured home unit which does not meet the requirements in the above paragraph shall be removed within ten (10) days after receipt of notice of its non-conformance from the designated Zoning Compliance Officer.

Sec. 22-11-4. Townhouses, Condominiums, Apartments, and Multi-Family Dwellings.

a) Townhouses and Condominiums.

- 1) No more than 6 nor fewer than 3 continuous townhouses or condominiums shall be built in a row with approximately the same front line. Density shall not exceed 8 dwelling units per acre.
- 2) No side or rear yard as such is required in connection with any individual townhouse or condominium dwelling units, except that the front yard shall be no less than twenty-five (25) feet in depth from the street right-of-way of a minor local residential street, including cul-de-sacs, and where the parking is not directly in front of each dwelling unit. If the parking for the dwelling unit is in front of the dwelling unit, front setback from the centerline of the street shall conform to Article X. Corner lots shall have the same side yard as established in Article X, and the end buildings in any townhouse or condominium grouping shall conform to the side yard requirements of that district. All townhouse and condominium groupings must meet the front, side and rear setbacks required the zoning district. Each townhouse shall have its own yard at least twelve (12) feet deep that is private and reasonably secluded from view from the streets and from neighboring property, including adjacent townhouses. An accessory building may be placed in the townhouse yard provided that the yard is enclosed by an eight (8) feet high solid fence.
- 3) No more than fifty percent (50%) of the lot area shall be occupied by buildings.
- 4) Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve. All parking must be paved.
- 5) All townhouse or condominium complexes are required to tie into the public sanitary sewer system and public water system. No other means of waste disposal is permitted.
- 6) All other requirements within the district in which the townhouses or condominiums are located shall prevail.
- 7) A preliminary plat prepared in ink or pencil on a reproducible medium must be submitted to the Planning Commission prior to any grading, construction, or installation of improvements. Grading, construction, or installation of improvements must not be undertaken until the Elberton Planning Commission formally approves the preliminary plat.
- 8) The preliminary plat must illustrate the ultimate development of the entire plat owned by the applicant and shall identify the section for which formal plat approval will initially be requested. The preliminary plat must be prepared at a scale of one (1) inch equal one hundred (100) feet and, at a minimum, include the following:
 - a) Development name, if within an existing park.

- b) Proposed name, if not within a previously platted development.
- c) Name, address, and telephone number of legal owner or agent of the property.
- d) Name, address, and telephone number of registered professional responsible for development design, design of improvements, and for survey.
- e) Date, scale, and north arrow.
 - i. Vicinity map including zoning classification of all adjacent parcels.
- f) Total acreage of the proposed development and total acreage of existing development if proposal is for expansion for existing development.
- g) Location of existing property lines, major easement/right-of-way, required setbacks, watercourses, drainage areas and ditches, and distinctive natural features.
- h) Existing buildings and roads.
- i) The location of all proposed buildings and roads, the number of dwelling units per building, the square footage of each building, and the square footage of each dwelling unit.
- j) The location of flood hazard areas as taken from FEMA, FIRM or HUD maps. Where no such maps exist, Conservation and Natural Resources Service maps may be used.
- k) Statement of proposed water/sewer supply or collection method.
- l) Information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas. This includes an engineers certification that there will be no increase in the rate of flow to adjacent properties or provide details for a storm water retention system to prevent such increase.
- m) If proposed development is located in the Watershed Protection District, the percent of impervious surface must be shown.
- n) All townhouse or condominium complexes must receive final approval from the Planning Commission.

b) Apartments and Multi-Family Dwellings.

- 1) Apartments and multi-family dwellings shall meet the density requirements of Article VIII.

- 2) All parking shall be off-street and shall be grouped in bays, either adjacent to the street or in interior of blocks. An off-street parking space shall not be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve. All parking must be paved.
- 3) All streets, drives or alleys in the development shall have a pavement width of twenty (20) feet, and have a bituminous, concrete surface, or asphalt surface. All internal streets so designated by the Mayor and Council as public streets must meet the requirements of the Georgia Department of Transportation, be warranted for one (1) year, and be deeded to the city.
- 4) Minimum building setback shall be the minimum setback for the zone in which the apartments are located provided that if required parking is not in the front of the apartment, the building setback must be twenty-five (25) feet from street right-of-way. However, if required parking is located in front of the apartment, the building setback from street right-of-way must be twenty-five (25) feet plus the parking depth.
- 5) All other requirements within the district in which the apartments and multi-family dwellings are located shall prevail.
- 6) All apartments and multi-family dwellings shall be required to tie into the public water system approved by the Georgia EPD and public or community sewerage system approved by the designated Zoning Compliance Officer.
- 7) All multi-family developments must meet the buffer requirements of Section 6.9.
- 8) Applicant must file a site plan which is approved by the Planning Commission and an engineer's certification that there will be no net increase in the flow rate of storm water runoff on adjacent properties and provisions for a storm water retention system where necessary to prevent such increase.

Sec. 22-11-5. Accessory and Temporary Buildings.

- a) **Accessory Buildings.** The location of accessory buildings and uses in residential and commercial districts must meet the following requirements:
 - 1) Where an accessory building is attached to the principal use, a substantial part of one wall of the accessory building shall be an integral part of the principal use or such accessory building shall be attached to the principal use in a substantial manner by a roof, and therefore meet requirements applicable to the principal use.
 - 2) A detached accessory building shall not be closer than twenty (20) feet to the principal use, nor closer than twenty (20) feet to the lot.
 - 3) A detached accessory building shall not be more than 2 stories high and shall not be constructed on more than thirty (30) percent of the rear yard.
 - 4) No detached accessory building may be located in the front yard of a lot.

5) Manufactured homes, mobile homes, or storage trailers must not be used as accessory buildings in any residential district.

- a) **Temporary Buildings.** Temporary buildings used in conjunction with construction work only may be permitted in any non-residential district provided that no temporary building shall be used for a residential purpose and the building must be removed immediately upon completion of construction.

Sec. 22-11-6. Satellite Dish Antenna.

- a) Thirteen (13) foot diameter or larger satellite antenna dish must be located behind the rear building line and outside the side yard setback.
- b) Eighteen (18) inch or smaller satellite antenna dish shall not be located on the dwelling's front yard wall or on any front yard roof plane. Dish antennas may be located on either a backyard roof plane, backyard dwelling wall, or side yard dwelling wall.

Sec. 22-11-7. Home Occupation.

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

- 1) A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than twenty (20) percent of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.
- 2) No more than one (1) home occupation shall be permitted within a single dwelling unit.
- 3) A home occupation shall be carried on wholly within the principal use. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached.
- 4) No one other than residents of the dwelling shall be employed in the conduct of a home occupation.
- 5) The exterior appearance of the dwelling must remain that of a dwelling. No external alterations inconsistent with the residential use of the dwelling are permitted.
- 6) A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure.

- 7) A home occupation which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors, or other circumstances is not be permitted.
- 8) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in a front yard.
- 9) On the premises, retail sales are prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.
- 10) There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.
- 11) Vehicles kept on site in association with the home occupation shall be used by residents only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking. No on-street parking of business related vehicles (either marked or commercially equipped) shall be permitted at any home. No business vehicles larger than a van, panel truck, or pick-up truck is permitted to park overnight on the premises. The number of business related vehicles is limited to one (1).
- 12) The only permitted residential home occupations within Elberton are as follows:
 - a) Architectural Services.
 - b) Art Studio.
 - c) Beauty Shops (limited to a one beautician operation).
 - d) Catering business.
 - e) Consulting Services.
 - f) Data Processing.
 - g) Dental technician and laboratory.
 - h) Direct sale product distribution (Granite broker, Avon, Jaffra, Tupperware, Herbalife).
 - i) Drafting and graphic services.
 - j) Dressmaking, sewing, tailoring, contract sewing (1 machine).
 - k) Electronic assembly.
 - l) Engineering service.
 - m) Financial planning or investment services.
 - n) Flower arranging.
 - o) House cleaning service.
 - p) In-home child care, but not more than 6 children at a time, including the caregiver's own pre-school children.
 - q) Insurance sales or broker.
 - r) Interior design.
 - s) Laundry and ironing service.
 - t) Locksmith.
 - u) Real estate sales or broker.

- v) Telephone answering, switchboard call forwarding.
- w) Tutoring.
- x) Writing, computer programming.
- y) Writing, computer programming.
- z) Other similar uses as approved by the Planning Commission.

Sec. 22-11-8. Automobile Service Stations.

Within the districts permitting automobile service stations, the following requirements apply:

- 1) **Location.** The property where an automobile service station is located must not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, religious institution, hospital, public library, institution for children or dependents.
- 2) **Site Requirements.** An automobile service station must have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of 12,000 sq.ft.. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.
- 3) **Access to Site.** Vehicular entrances or exits at an automobile service station:
 - a) Must not have more than two curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof;
 - b) Must contain an access width along the curb line of the street of not more than thirty (30) feet and not less than twenty (20) feet, as measured parallel to the street at its narrowest point; and
 - c) Shall not be located closer than twenty-five (25) feet from the intersecting point of the two streets rights-of-way or ten (10) feet from the adjoining property involved.
- 4) **Gasoline Pump Islands.** All gasoline pump islands shall be set back at least twenty (20) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from the widening line. Where pump islands are constructed perpendicular to the right-of-way line, the pumps shall be at least sixty (60) feet from the right-of-way of an arterial street, fifty-five (55) feet from the right-of-way of a collector street, and forty-five (45) feet from the right-of-way of other streets.
- 5) **Off-Street Parking.** A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.
- 6) **Other Site Improvements.** In addition to the above requirements, the following additional site improvements must be adhered to:
 - a) A raised curb of at least six (6) inches high must be erected along the street property lines, except for driveway openings.
 - b) A solid fence or wall eight (8) feet in height must be erected along all non-perpendicular property lines adjacent to any residential lot. The Planning Commission has the discretion to

require a vegetative buffer in lieu of the required wall or fence based on the character of the area where the site is located.

- c) Exterior lighting must be arranged so that it is deflected away from adjacent properties and streets.
- d) Signs, whether permanent or temporary, must not be placed within the public rights-of-way and must be arranged so that they do not obstruct visibility for drivers or pedestrians.
- e) All drives, parking storage, and service areas must be paved and curbed and a good stand of grass must be maintained on the remainder of the lot.
- f) The perimeter must be landscaped according the requirements of Section 11.17.

7) **Storage of Inflammable Products.** Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases is prohibited at any automobile service station in all zoning districts. All used motor oil must be stored in underground tanks. However, storage tanks for the retail sales of propane gas and natural gas is permitted.

Sec. 22-11-9. Cemeteries.

- a) **Public Cemeteries.** Within the districts permitting public cemeteries, the following requirements shall apply:
 - 1) The site proposed for a cemetery must not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, the site must have direct access to a thoroughfare.
 - 2) Any new cemetery must be located on a site containing not less than twenty (20) acres.
 - 3) All structures must be set back no less than twenty-five (25) feet from any property line or street right-of-way line.
 - 4) All graves or burial lots must be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector, arterial, expressway or freeway right-of-way line.
 - 5) The entire cemetery property must be landscaped and maintained.
 - 6) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Elberton Planning Commission for review at least thirty (30) days prior to Planning Commission meeting at which the request will be heard. The Elberton Planning Commission shall has 30 days following the public hearing to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the request. The Mayor and Council has sixty (60) days following a recommendation by the Planning Commission, to approve, approve with modifications, or deny the request.

- a) Said cemetery may front only on a collector, major street, or State highway, and the entrance to and exit from such cemetery shall be only on the street on which it fronts.
 - b) A site development sketch must be submitted with the application which shows adequate paved off-street parking. All buildings must be placed not less than fifty (50) feet from any property line. Property must be bordered by a ten (10) ft. wide buffer area along its exterior boundary line, not bordering the frontage street and not extending into the required front yard. This buffer area is in addition to any setbacks, etc., required in Article VIII. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.
- b) **Religious Institution Cemetery.** Within the districts permitting religious institution cemeteries, the following requirements shall apply.
- 1) The cemetery is located on the same property as the religious institution, is in addition to the minimum lot requirement for the religious institution and adequate off-street parking is provided.
 - 2) If the entrance and exit to the cemetery is other than that used as entrance and exit for the religious institution, then the cemetery may front only on a collector, major street or a state highway, and the entrance and exit to such cemetery shall be only from the street on which it fronts.
 - 3) All graves and burial lots must be at least twenty-five (25) feet from any property line, and at least fifty (50) feet from any collector, major street or state highway right-of-way line.
 - 4) The cemetery must be bordered by a ten (10) foot wide buffer area along its exterior boundary lines that do not border the frontage street. The buffer must not extend into the required front yard. The buffer area should be planted with evergreen trees or other evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.

Sec. 22-11-10. Bed and Breakfast.

- a) The acceptance of paying guests shall be an accessory use to the dwelling unit;
- b) The only uses permitted shall be the renting of rooms and the serving of foods to guests renting said rooms (accessory uses commonly associated with hotels and motels, i.e. laundry services, gift shops, banquet halls, barber and beauty shops, shall not be permitted);
- c) All parking shall be off-street; and
- d) One (1) wall sign, not exceeding one (1) sq. ft. in area, motionless, non-lighted, shall be permitted. No other signs shall be permitted on the premises.
- e) The operator of the Bed and Breakfast must live on the premises.

Sec. 22-11-11. Clubs and Fraternal Organizations.

- a) The buildings are placed not less than fifty (50) feet from any property line;
- b) There is a planted buffer area ten (10) feet wide along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five years and provide an effective visual screen.
- c) A complete development sketch must be submitted with the application.
- d) Adequate paved and lined off-street parking must be provided.

Sec. 22-11-12. Outdoor Storage Yards.

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

Sec. 22-11-13. Reserved.

Sec. 22-11-14. Transmission Towers.

- 1) **Transmission Towers.** As used in this ordinance, the following terms shall have the meanings indicated:
- a) **Alternative Tower Structure** shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - b) **Antenna** shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
 - c) **FAA** shall mean the Federal Aviation Administration.
 - d) **FCC** shall mean the Federal Communications Commission.
 - e) **Preexisting Towers and Antennas** shall have the meaning set forth in section 9.15.2.4 of this ordinance.
 - f) **Height** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

- g) **Public Officer** shall be defined as in section 41-2-8 of the Official Code of Georgia Annotated.
- h) **Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

2) **Applicability.**

- a) **District Height Limitations.** The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- b) **Public Property.** Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- c) **Amateur Radio; Receive-only Antennas.** This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- d) **Pre-existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 11.14.3.5 and 11.14.3.6. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas."

3) **General Guidelines and Requirements.**

- a) **Purpose: Goals:** The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (I) encourage the location of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to located them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- b) **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas

that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

- c) **Inventory of Existing Sites.** Each applicant for an antenna and or tower shall provide to the designated Zoning & Compliance Officer an inventory of its existing towers that are either within the jurisdiction of the Elberton or within one-quarter mile of the city limits, including specific information about the location, height, and design of each tower. The designated Zoning & Compliance Officer may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however, the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d) **Aesthetics; Lighting.** The guidelines set forth in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however that the governing authority may waive these requirements if it determines that the goals of this ordinance are better served thereby.
 - 1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - 2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - 3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternative and approve the design that would cause the least disturbance to the surrounding views.
- e) **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. if such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense. Any such removal by the governing authority shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated.

f) **Building Codes; Safety Standards.** To ensure the structural integrity of tower, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Of, upon inspection, the City of Elberton concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within said thirty (30) days, the City may remove such tower at the owner's expense. Any such removal by the City shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated.

4) **Permitted Uses.**

a) **General.** The uses listed in this section are deemed to be permitted uses and shall not require administrative review or a special use permit. Nevertheless, all such uses shall comply with sections 9.15.3.4 through 9.15.3.6 of this ordinance and all other applicable ordinances.

b) **Specific Permitted Uses.** The following uses are specifically permitted:

1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district; provided, however, that such tower shall be set back from any existing off-site residence a distance equal to the height of the tower;

2) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and

3) Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds not more than twenty (20) feet to the height of said existing tower and said existing tower is not a preexisting tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

5) **Administrative Approvals.**

a) The designated Zoning & Compliance Officer may administratively approve the uses listed in this section.

b) Each applicant for administrative approval shall apply to the designated Zoning & Compliance Officer, providing the information set forth in Sections 11.14.6.2 and 11.14.6.6.

c) The designated Zoning & Compliance Officer shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application. If the designated Zoning & Compliance Officer fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.

- d) In connection with any such administrative approval, the designated Zoning & Compliance Officer may, in order to encourage shared use, administratively waive any zoning district setback requirements by up to fifty percent (50%).
- e) If administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of the zoning ordinance concerning appeals of administrative decisions.
- f) **Specific Administratively Approved Uses.** The following uses may be approved by the designated Zoning & Compliance Officer after conducting an administrative review:
 - i) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;
 - ii) Installing an antenna on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.
 - iii) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the designated Zoning & Compliance Officer is in conformity with the goals set forth in Section 11.14.3.1 of this ordinance;
 - iv) Locating any tower in a zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies, the tower can structurally accommodate the number of share users proposed by the applicant; the designated Zoning & Compliance Officer concludes the tower is in conformity with the goals set forth in Section 11.14.3.1 and the requirements of Section 11.14.3.4 through 11.14.3.6; the tower is to be set back from any existing off-site residence a distance equal to the height of the tower; and that the tower meets the following height and usage criteria:
 - (a) For a single user, up to ninety (90) feet in height;
 - (b) For two (2) users, up to one hundred twenty (120) feet in height; and
 - (c) For three (3) and more users, up to one hundred fifty (150) feet in height.

6) **Special Use Permits.**

- a) **General.** The following provision shall govern the issuance of special use permits:
 - i) If the tower or antenna is not a permitted use under Section 11.14.4 of this ordinance or permitted to be approved administratively pursuant to Section 11.14.5 of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - ii) In granting a special use permit, the Zoning Board of Adjustments may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - iii) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

- b) **Information Required.** Each applicant requesting a special use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.
- c) **Factors Considered in Granting Special Use Permits.** The Zoning Board of Adjustments shall consider the following factors in determining whether to issue a special use permit, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this ordinance are better served thereby.
- i) Height of the proposed tower;
 - ii) Proximity of the tower to residential structures and residential district boundaries;
 - iii) Nature of uses on adjacent and nearby properties;
 - iv) Surrounding topography;
 - v) Surrounding tree coverage and foliage;
 - vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - vii) Proposed ingress and egress; and
 - viii) Availability of suitable existing towers and other structures.
- d) **Availability of Suitable Existing Towers or Other Structures.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Adjustments that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant proposed antenna may consist of any of the following:
- i) No existing towers or structures are located within the geographic area required to meet applicant engineering requirements.
 - ii) Existing towers or structures are not of sufficient height to meet applicant engineering requirements.
 - iii) Existing towers or structures do not have sufficient structural strength to support applicant proposed antenna and related equipment.
 - iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- e) **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however that the Zoning Board of Adjustments may, reduce the standard setbacks and separation requirements if the goals of this ordinance would be better served thereby.

- i) Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 - ii) Towers, buys, and accessory facilities must satisfy the minimum zoning district setback requirements.
 - iii) In zoning districts other than industrial or heavy commercial zoning districts, towers over ninety (90) feet in height shall not be located within one-quarter of a miles from any existing tower that is over ninety (90) feet in height.
- f) **Security Fencing.** Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Zoning Board of Adjustments may waive such requirements, as it deems appropriate.
- g) **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Zoning Board of Adjustments may waive such requirement if the goals of this ordinance would be better served thereby.
- i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - ii) In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived altogether.
 - iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- 7) **Removal of Abandoned Antennas and Towers.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the city may, in the manner provided in 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Sec. 22-11-15. Commercial District Overlay

All new construction and exterior alterations within the Commercial District Overlay (C-O) is subject to the standards of this section.

- 1) **District Boundaries.** The Commercial District Overlay (C-O) covers the area highlighted in the Comprehensive Zoning Map.
- 2) **Site Planning and Landscaping.**
 - a) **Generally.**

- i) The primary building entry shall be placed at the front of the building (facing the front lot line) and be clearly identifiable from the street. (A)
- ii) Parking shall be placed at the side or rear of the lot and screened from view. Parking areas shall be broken into groups of no more than 20 spaces per area (35 for large development projects) separated by landscaping areas. (B)
- iii) As much of the building width as possible shall be placed at the front of the lot to maximize front facade exposure to the public. (C) The front façade shall be parallel to the street.
- iv) The reinforce the street edge, the front setback line shall be aligned with neighboring buildings. (D)
- v) Whenever possible, link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously. (E) This provides a secondary means of access to the site and can ease congestion on the main road.
- vi) Sidewalks shall be provided for the full width of the property with a direct link to the primary building entry. (F)
- vii) Loading docks, service areas, and trash facilities shall be located at the rear of the building and not visible from the street. Fences, walls or landscaping can be used to shield them from view. (G)
- viii) Healthy existing trees on-site shall be incorporated into the plan development. (H)
- ix) The amount of curb cuts shall be minimized by having single driveway ingress and egress of the property from the main road. Secondary access points from side roads shall be included on larger projects if required by Mayor and Council. Curb cuts shall only be as wide as necessary to accommodate needed lanes. Curb radiuses shall be kept to a minimum. (I)
- x) Parking lot areas shall be designed in regular, rectangular shapes.
- xi) Landscaped islands and other green space shall be consolidated into useful areas and not just narrow strips of grass or plantings (J)
- xii) Required landscaping shall be installed to shield large parking areas from adjacent lots. (F).
- xiii) Landscaped islands and walkways which help break up the visual expanse of blacktop and encourage safe pedestrian travel shall be utilized.

b) Corner Lots.

- i) Corner lots shall place as much building mass near the intersection as possible. (A)
- ii) Automobile Service Station canopies shall be designed as an integral part of the station architecture. This includes the canopy use to cover the retail gas pump area associated with a convenience store or any other retail facility. (B)
- iii) Alternative layouts may be utilized for any retail establishment with an area dedicated for retail gas pumps including placing the pumps near the rear of the lot while having the retail establishment building out in front near the street. (C)
- iv) When it is not feasible to place the building entry directly on the front facade, the entry should be placed so that it is still readily visible and faces the main road or internal street. (D)

3) **Scale and Massing.**

- a) A majority of the building mass shall be placed close to the road to help define the street edge. Less public areas such as warehouses, storage, and manufacturing spaces shall be placed to the rear of the structure containing the public functions.
- b) The building mass near the front of the site shall be articulated with design features which give it a more pedestrian scale appearance. Natural, smaller scale materials should be used near the front of the site and pedestrian areas.
- c) Large scale features such as long, uninterrupted picture windows shall be avoided near the front of the site. Rather, windows shall be separated into smaller groups to help reduce their scale and give them a more vertical orientation.
- d) Large scale features such as garage doors or long horizontal windows shall be reserved for the rear of the facility and out of sight from the street.
- e) Large areas of blank wall are not permitted where visible from the street.

4) **Building Height and Roof Design.**

- a) The tallest facade of the building shall face the street, stepping down in the back if necessary.
- b) The roof design shall be in keeping with the scale of the structure itself.
- c) Flat roof structures shall be capped by an articulated parapet design which acts as a structural expression of the building facade and its materials. (A) Fake roof fronts, built-out roof frames and similar applied designs are prohibited.
- d) Air handling units, condensers, satellite dishes and other equipment placed on the roof shall not be visible from the street, and instead shall be screened by building elements so they are shielded from sight.

5) **Materials and Colors.**

- a) All exterior facades shall be primarily of brick. Other natural materials may be used on the facade but only as an accent to compliment the dominant material, brick. Following is a list of permitted materials.
 - i) **Facade.**
 - (1) Dominant Material
 - (a) Common red brick (consistent tone)
 - (2) Accent Materials
 - (a) Textured Concrete Block
 - (b) Colored Concrete Block
 - (c) Split-faced Block
 - (d) Natural Stone/Imitation Stone

- ii) **Trim.**
 - (1) Finished Grade Wood (painted or stained)
 - (2) Vinyl Clad
- iii) **Windows.**
 - (1) Anodized Aluminum Frame
 - (2) Wood Frame (painted or stained)
 - (3) Vinyl Clad
 - (4) Expressed Lintels.
 - (a) Brick
 - (b) Limestone
 - (c) Granite
 - (d) Colored Concrete
 - (5) Glass.
 - (i) Clear, Etched, or Frosted
 - (ii) Stained

Sec. 22-11-16. Live/Work Unit

Live/work units are buildings or spaces within buildings that are used jointly for commercial and residential purposes, where the two uses are physically connected in one unit and residential use of the space is accessory to the primary use as a place of work. This use is distinguished from a home occupation and from a mixed-use building. Live/work units may have larger work spaces than permitted by home occupations, and the floor space for live/work units is specifically designed for both living and working areas. Live/work units are distinguished from mixed-use buildings in that a mixed-use building has residential and nonresidential uses in the same building, but the residential and nonresidential spaces are not necessarily connected or used by the same person.

Live/work unit should meet the following requirements, which are intended to minimize the potential negative impacts on residential use within a live/work unit and on other dwelling units in the same development or near the live/work unit.

- 1) **Occupancy.** Only persons living in the dwelling unit should be engaged in the occupation.
- 2) **Use Restriction.** Sales or customers should be limited or not permitted. There should be no external storage of products or materials. Use of the work space should be limited to general office and similar uses, including investors and those who perform trades via computer or by phone, but not involving the physical exchange of merchandise on the premises.
- 3) **Signs.** There should be no exterior signs including window signs except as may be permitted for the rental, lease, or sale of the property.
- 4) **Floor Area.** A minimum of 1,000 square feet should be provided within each live/work unit. The work component of a live/work unit should not be smaller than 150 square feet and no larger than 40 percent of the total floor space in the live/work unit.
- 5) **Connection of Live/Work Areas.** There needs to be a physical connection between the floor area and the residential floor area of the unit.

- 6) **New Building in Relation to Street.** When a new building is constructed containing one or more live/work units, the building should face (parallel) the fronting street in a manner that occupies at least 50 percent of the property frontage of the lot on which it is constructed.
- 7) **Location of Living Areas.** Residential areas should normally not be provided on the main (ground/street) floor; provided, however, that if properly designed to ensure privacy, ground floor and/or partial ground-floor units are permitted.

Sec. 22-11-17. Mixed-Use Buildings

The intent of this section is to provide for residential uses to be mixed with commercial and other land uses. In districts where permitted, mixed-use buildings and mixed-use development should meet the following guidelines:

- 1) **Access to Residential Units.** Residential uses above the first-floor retail or other nonresidential uses should have an entryway to each unit or a hallway serving one or more units which should connect to a stairway opening directly to the outside at street level. Every dwelling unit with a front facade facing a street should, to the maximum extent possible, have its primary or shared entrance face the street. All stairways should be enclosed.
- 2) **Private Exterior Area.** All dwelling units above the first-floor retail or other nonresidential uses should have an exterior area (balcony) with a minimum of eighty (80) square feet, and which affords maximum privacy to occupants.
- 3) **Signs.** Windows above first-floor retail or other nonresidential uses should have no signs, except as they may pertain to the rental, lease or sale of property per the sign regulations for Elberton, GA.
- 4) **Mailboxes.** Residential uses above the first-floor retail or other nonresidential uses should not have outside mail boxes; inside mail boxes or mail lots should be used.
- 5) **Occupancy Limits.** Residential uses above the first-floor retail or other nonresidential uses should not be rented on a daily or weekly basis and cannot be operated as boarding or rooming houses.
- 6) **Clothes Dryer.** All residential units shall be furnished with a clothes dryer.
- 7) **Parking.**
 - a) Each dwelling unit is allowed a maximum of two (2) vehicles. The owner or developer of the dwelling unit shall be required to provide two (2), off-street parking spaces per dwelling. No vehicle shall park on the public streets or alleys in those areas designated for customers and clients of the zoning district's retail and business establishments during the hours of 9:00 a.m. to 5:30 p.m., Monday through Saturday.
 - b) A shared parking agreement signed by the developer and the owner of the space used for parking shall be presented with the development plans submitted to the Zoning Compliance Officer.

- c) No off-street parking is required for non-residential uses unless such uses exceed three thousand square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of three thousand square feet.
- d) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way or residential zoning districts.

Sec. 22-11-18. Landscaping

It is the purpose of this section to provide environmentally sound landscape amenities and buffers which promote a positive community image by promoting quality development, enhancing property values, providing for landscape improvements in Elberton and promoting orderly growth and aesthetic quality in the City. It is also the intent to promote a healthy, natural environment whenever possible by protecting and enhancing existing vegetation.

Landscaping enhances a community's environmental and visual character and improves the overall quality of life. Vegetation can also improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for wildlife, moderate the climate and enhance property values, thus protecting the health, safety and welfare of the community.

However, inappropriate landscaping can degrade the quality of the natural environment by requiring excess water and pesticides, or by creating unnecessary conflicts with sewers, sidewalks and vehicle access. Thus it is important to promote environmentally sound landscaping, including the use of low-maintenance, drought-resistant and native or non-invasive plants, and to ensure that the right tree is planted in the right place. Environmentally sound landscaping also means restricting the use of invasive and potentially invasive species. Although well-mannered non-native species can be welcomed additions to a landscape, invasive species can cause severe economic and environmental harm and can engender significant control costs.

This section also establishes standards for buffers. Buffers between two incompatible uses minimize harmful impacts such as transmission of noise, dust and glare. Buffers can also lessen visual pollution, establish a greater sense of privacy from visual or physical intrusion, and thus protect the public health, safety and welfare of the community. The presence of trees and other vegetation aids in storm water management, helps to prevent erosion, improves air quality, conserves energy, provides wildlife habitat and preserves and enhances property values.

Additionally, this section is intended to require the landscaping of new parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to prevent soil erosion; to provide shade; and to enhance the appearance of parking lots.

- 1) **Landscape Strips Required.** Landscape strips shall be required along rights-of-way for non single family uses and residential subdivision.
- 2) **Minimum Landscape Area Required.** Non single-family uses shall landscape all areas land within the parcel not otherwise devoted to impervious surface.

- 3) **Landscaping Encroachments.** Landscape strips and areas devoted to meeting the minimum landscape area requirements shall contain no structure, parking areas, patios, storm water detention facilities, or any other accessory uses except for retaining walls or earthen berms constructed as part of an overall landscape design, sidewalks, underground utilities, driveways required to access the property, and permitted signs.
- 4) **Landscape Strip Planting Specifications.** One tree shall and three shrubs shall be provided within the landscape strip for every thirty-five (35) feet of length of street frontage, or portion thereof, unless the Zoning Compliance Officer approves the use of existing woodlands or other vegetation as meeting the intent of this ordinance. Such trees may be deciduous or evergreen and must be selected from the Elberton Tree Species List and that will normally reach at least twelve (12) inches at diameter breast height upon maturity. Trees required by this Section within landscape strips may be included in calculations of compliance with minimum tree unit requirements established in Section 11.18.9.

All portions of required landscape strips shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are mulched.

Upon planting, new trees shall have a caliper of no less than two (2) inches and they may be planted at regular intervals or clustered for decorative effect following professional landscaping standards for spacing, location, and design and as approved by the Zoning Compliance Officer.

- 5) **Tree Planting Recommendations.** In addition to selecting a tree from the tree species list, the following recommendations are provided regarding tree selection, planting, and maintenance:
 - a) Tree selection should be suited to locations, climate, and other factors of the site (e.g. utility lines).
 - b) Tree species should be relatively maintenance free.
 - c) The ideal urban tree is attractive and should: have a deep-growing, well-behaved root system; have a fast reaction time to environmental changes; be insect and disease resistant; have sturdy limbs and long life expectancy; have the ability to be self-pruning; be resistant to drought or other extreme weather conditions; and have features that reduce clean-up problems because of shedding of limbs, fruit, leaves, etc.
 - d) Have a "training" program for new trees in which branches are properly pruned and the tree is trained to minimize storm damage and decay problems.
 - e) Select trees that have an expected mature height and/or spread which will meet the criteria of this ordinance.
 - f) Do not select trees with co-dominant branches (forks) and do not use trees with flat tops.
- 6) **Parking Lot Interior Landscaping.**
 - a) Deciduous shade trees shall be provided within any parking lot interior designed or intended to accommodate five (5) cars or more, in accordance with the requirements of this section.

- b) One landscaping island with a deciduous shade tree shall be provided within the parking lot for every ten (10) parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required.
 - c) A landscaping island shall be located at the end of every parking aisle between the last parking space and an adjacent travel aisle or driveway. In addition to providing a deciduous shade tree, the landscaping island shall be planted in ground cover or low-lying shrubs, except for mulch within the drip line or critical root zone of the shade tree. Landscaping materials must not encroach on site visibility at the end of parking aisles.
 - d) Tree planting areas shall be no less than nine (9) feet in width and shall provide at least one-hundred eighty (180) square feet of planting area per tree. No tree shall be located less than two and a half (2 ½) feet from the back of the curb. Within each interior parking lot landscape island, a minimum two-inch (2") caliper tree shall be required to be planted.
 - e) All parking lot landscape islands shall be curbed with minimum 6-inch high header curbs.
 - f) Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
 - g) All trees planted must have a caliper of at least two (2) inches.
- 7) **Landscaping Plans Incorporated into Tree Plans.** The landscaping requirements shall be incorporated into tree plans as required by Section 11.18. If no landscaping plan is required to be submitted, the Zoning Compliance Officer may require a separate landscaping plan to demonstrate compliance with the requirements of this Chapter, which may include any of the following as appropriate to determine compliance:
- a) Location and general type of existing trees.
 - b) Existing trees to be saved.
 - c) Methods and details for protecting existing trees during construction.
 - d) Locations and labels for all proposed plants and a plant list or schedule showing the existing and proposed quantities in relation to any required quantities.
 - e) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, signs, and light fixtures.
- 8) **Additional Landscaping Specifications.** Approval of all landscaping and other materials by the Zoning Compliance Officer shall be required.
- a) Invasive or potentially invasive plants are not permitted. However, well-mannered non-native plants are acceptable if they are not considered invasive.
 - b) Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation.

- c) Ground cover(s) should be used to supplement landscaping in appropriate areas to reduce the need for extensive grass lawns, which would require regular watering in drought conditions.
- d) No artificial vegetation – plants, trees, or shrubs, etc.– shall be allowed.
- e) Where existing utilities are present within a landscape strip, appropriate plant material should be used that does not grow to a height or have a root system that will interfere with above-ground or underground utilities.
- f) Do not plant materials in parking lot landscaping islands that will grow to a maturity of more than two and a half (2 ½) feet, except for the required shade tree, unless regular pruning is provided, so as to avoid site visibility problems.

Sec. 22-11-19. Tree Protection

Except as otherwise provided, a tree protection zone is hereby established and which applies to the entirety of a tract of land for which no tree protection plan has been approved. After such approval, the tree protection zone shall correspond to that part of a tract of land designated as such on said plan. Tree protection zones shall be shown on land development plans and preliminary subdivision plats, as applicable, or a separate tree plan shall be submitted to demonstrate compliance with this section.

- 1) **Exemption from the Tree Protection Zone.** The tree protection zone shall not apply to the following, except that any construction, paving, or other activity on a property that will damage trees on the public right-of-way is subject to the restrictions of this section for the protection of existing trees:
 - a) Tracts of land for which this ordinance imposes no yard requirements and permits one hundred (100) percent coverage of the lot by buildings.
 - b) Property on which a single-family dwelling is being constructed under contract to the person who will occupy the structure.
 - c) Property already occupied by an owner-occupied single-family dwelling unless non-residential uses or additional dwelling units are proposed for such property.
 - d) Public utility companies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility services.
 - e) Property in use for the following:
 - i) **Tree Farming.** The planting, cultivating, and harvesting of trees in a continuous cycle as a regular practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.
 - ii) **Agricultural Activities.** (a) Bona-fide commercial production from the land or on the land of agricultural products, including horticultural and floricultural, but not including forestry products; and (b) clearing trees from the purpose of planting crops, providing pasture for livestock, or constructing buildings accessory to production of agricultural products.

- 2) **Tree Damage Prohibited.** It shall be unlawful for any person to:
- a) Cut, carve or otherwise damage or remove any tree except in accordance with the provisions of this section.
 - b) Attach any wire, nails, advertising posters or other contrivance harmful to any tree.
 - c) Allow any gaseous, liquid or solid substance which is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, or paint) to come in contact with them.
 - d) Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
- 3) **Limitations on Tree Removal.** Existing significant trees or any other trees ten (10) inches dbh or larger that are in excess of the minimum required tree units per acre of development site (not including land area covered by buildings) BUT outside the construction area (buildings, accessory uses, parking area) shall not be removed unless adjacent development would cause irreparable damage to the critical root zones. No person shall remove more than ninety (90) percent of the existing trees on a lot that is subject to the requirements of this section.
- 4) **Tree Retention Priorities.**
- a) The retention of trees is the highest priority and shall take precedence over the removal of trees and replacement with smaller trees. Tree protection and landscaping plans shall be reviewed for compliance with the following provisions, and noncompliance with the Section may be grounds for disapproval of tree protection and landscaping plans required by this section:
 - i) Existing trees in required landscape strips shall be retained to the maximum extent possible.
 - ii) Existing trees between the building line and the street shall be retained to the maximum extent possible.
 - b) Where existing trees exist where parking lots are proposed, such trees shall be integrated into the design of the parking lot so that they may be retained in tree planting islands, to the maximum extent possible.
 - c) Any other existing trees in parking areas to the rear of the building line or elsewhere on the site shall be retained to the maximum extent possible.
- 5) **Permit Required for Removal of Certain Trees.**
- a) On properties which are not specifically exempted by this section, a permit shall be required to be issued by the Zoning Compliance Officer to remove or cause the death of existing significant trees and any other trees ten (10) inches dbh or larger located within the tree protection zone or for grading or other work adjacent to a tree which would affect it adversely. An approved tree protection plan is required for issuance of a permit.

- b) Permit requirements of this section shall be waived if the applicant submits information from a Certified Arborist, Registered Forester, Registered Landscape Architect, or other qualified professional who demonstrates in writing that trees to be removed are dead, are diseased or infested to the extent that removal is necessary, or have been damaged by lightning, wind, ice, or other disasters to the extent that public safety is endangered. When a tree that has died or has been irreparably damaged is counted toward meeting the minimum tree density requirements of this Section, said tree shall be replaced with an equal number of tree units on the site.

6) **Criteria for the Protection of Existing Trees.**

- a) When a choice is available as to which existing trees to save, emphasis shall be given to the preservation of significant trees, as defined in this Section, even isolated significant trees, over retention of other trees. Non-significant trees, however, should be saved rather than as individual trees scattered over a site.

7) **Tree Protection Fencing.**

- a) During excavation, filling, construction or demolition operations, each tree or stand of trees within tree protection zones or otherwise designated to remain on the property shall be protected against damage to bark, roots, and low-hanging branches with an orange barricade fence enclosing the critical root zone of said trees to be retained.
- b) Fencing shall be either plastic construction area fencing, silt fencing, twelve (12)-gauge two by four (2 x 4)-inch wire mesh, double one by two (1 x 4)-inch posts, or high visibility surveyors' tape on one by two (1 x 2)-inch posts. Height of the latter three fence types shall be four (4) feet.
- c) Tree save area signage with the language, "Tree Protection Area – Do Not Disturb" shall be required every twenty (20) feet of fencing.

8) **Additional Tree Protection Requirements.**

- a) **Compaction Prohibited.** All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or above-ground damage shall be kept outside the critical root zone of trees within tree protection zones or other trees to be protected. Where a limited amount of encroachment is unavoidable and is approved by the city, the critical root zone shall first be mulched with a four 4 inch layer of processed pine bark or wood chips or a six (6)-inch layer of pine straw.
- b) **Grade Change Prohibited.** There shall be no raising or lowering of the ground level within the critical root zone of trees within tree protection zones or other trees to be protected. Scraping of topsoil in such critical root zones shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system approved by the city. Deposition of sediment in such critical root zones shall be prevented by placement of sediment barriers, which shall be backed by two by four (2 x 4)-inch wire mesh in areas of steep slope.

- c) **Ditches Prohibited.** No person shall excavate any ditch or trench within the critical root zone of trees within tree protection zones or other trees to be protected. Where such encroachment is unavoidable and is approved by the city, ditches or trenches shall be so located as to minimize rot damage. If roots must be cut, root pruning procedures approved by the city must be employed.
- d) **Paving Prohibited.** No person shall pave with concrete, asphalt, or other impervious material within the critical root zone within tree protection zones or other trees to be protected.
- e) **Encroachment in Critical Root Zones.** Encroachment on the critical root zone of a tree is permitted where necessary to the development (e.g., construction of a driveway), provided the tree is not counted toward the required minimum tree units per acre of development site (not including land area covered by buildings).

9) **Minimum Tree Units Required.**

- a) Within the development site of any property subject to the requirements of this Section, and unless otherwise specifically exempted from the provisions of this Chapter, there shall be a number of trees equivalent to at least fifteen (15) tree units per acre of development site. For purposes of this Section, the term "development site" excludes undeveloped portions of a lot.
- b) Trees on the same lot but within required buffers or undeveloped portions of the site shall not be counted toward meeting this requirement for any given development site. A development site may be proposed larger than the limits of clearing, to retain trees on a forested portion of the site that will help meet the requirement of this Section, provided that the area containing trees is set aside as a tree protection area and is made a part of the boundary of the development site, through boundary line adjustment if the development site is a separate lot.
- c) Flowering ornamental trees shall not be counted in terms of compliance with minimum tree unit requirements, unless listed in the tree list provided.
- d) Where application of this Section and the landscaping requirements would require more than fifteen (15) units of trees per acre of development site (not including land area covered by buildings), such provisions shall not be construed to require more than the minimum fifteen (15) tree units per acre of development site; provided, however, that this paragraph shall not be construed as a waiver of any shade tree requirement within a landscaped parking lot island as required by this ordinance.

10) **Calculation of Tree Units Generally.**

- a) One (1) "tree unit" is not the same as one (1) "tree." For existing trees, the "tree units" assigned are the cross-sectional areas of the trunks at DBH in square feet. For new trees, credits given reflect a size that will be achieved after several years of growth. When the calculation of tree units required results in a fraction, the number of tree units shall be rounded upward to the next highest whole number.

11) Measurement of Tree Units of Existing Trees.

- a) The diameter of an existing tree's trunk will be measured and a value assigned in "tree units" in accordance with the following Table - "Tree Unit Values for Existing Trees." When an existing tree meets the definition of "significant tree" as provided in this section, the value assigned is 1.15 times the value shown in the following Table.

TREE UNIT VALUES FOR EXISTING TREES			
DBH (inches)	Tree Units	DBH (inches)	Tree Units
1 to 4	.2	28	4.3
5 to 6	.5	29	4.6
7	.7	30	4.9
8	.8	31	5.2
9	.9	32	5.6
10	1.0	33	5.9
11	1.1	34	6.3
12	1.2	35	6.7
13	1.3	36	7.1
14	1.4	37	7.5
15	1.5	38	7.9
16	1.6	39	8.3
17	1.7	40	8.7
18	1.8	41	9.1
19	1.9	42	9.6
20	2.0	43	10.1
21	2.4	44	10.6
22	2.6	45	11.0
23	2.9	46	11.5
24	3.1	47	12.0
25	3.4	48	12.6
26	3.7	49	13.1
27	4.0	50	13.6

12) Measurement of Tree Units of Replacement Trees.

- a) The diameter of a replacement tree's trunk will be measured and a value assigned in "tree units" in accordance with the Table "Tree Unit values for Replacement Trees." For purposes of this Section, a "large species is one that will have a height at maturity of forty (40) feet or more. All fractions of tree requirements shall be rounded up to the nearest whole number.

TREE UNIT VALUES FOR REPLACEMENT TREES			
Generally		Large Species	
Caliper (inches)	Units	Caliper (inches)	Units
1	.4	1	.5
2	.5	2	.6
3	.6	3	.7
4	.7	4	.9
5	.8	5	1.1
6 and above	1.0	6 and above	1.3

13) Criteria for Replacement Trees.

- a) Spacing and the potential size of species chosen shall be compatible with spatial limitations of the site.
- b) The species must be ecologically compatible with the specifically intended growing site. Publications of the Georgia Forestry Commission, the Cooperative Extension Service of the University of Georgia College of Agriculture, or other sources acceptable to the City may be consulted regarding questions of tree characteristics.
- c) The trees must have the potential for size and quality comparable to those removed (e.g., an existing oak tree should not be replaced with a pine or dogwood tree).
- d) The trees must have crowns and root systems at maturity that will not disrupt nearby utilities, sidewalks, or public right-of-way infrastructure.
 - i) No tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of the nearest intersecting curbs or curb lines.
 - ii) No street tree may be planted closer than ten feet to any fire hydrant.
 - iii) No street trees, other than those defined as small trees, may be planted under or within ten lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.
- e) Where trees must be added to achieve the minimum required tree units per acre of development site (not including land area covered by buildings), the following shall apply:
 - i) Pines may not comprise more than twenty-five (25) percent of the required tree units. Where existing pines already comprise twenty-five (25) percent or more of the required units, no more pines may be credited toward the required tree units.
 - ii) No more than thirty (30) percent of the required tree units can consist of a single tree species.
 - iii) At least twenty-five (25) percent of the replacement tree units must be canopy trees.
 - iv) Where trees must be added to achieve the required minimum tree units per acre of development site (not including land area covered by buildings), such additions shall be made between the street right-of-way and the front building line to the extent that physical space is available.

14) Physical Site Limitations.

- a) Where the proposed development area (i.e., the buildings, accessory uses, and parking area) for whatever reason does not permit the retention or planting of a number of trees equivalent to fifteen (15) tree units per acre of development site, the following regulations shall apply:
 - i) The development site shall be enlarged, in cases where it does not comprise the entire lot.
 - ii) The tree protection zone shall to the extent possible be enlarged by removing parking spaces in excess of the minimum number required, by placing additional planting islands within the development area, or by reducing the area to be occupied by buildings.
 - iii) Where such changes to development site or plans are not feasible, as determined by the Zoning Compliance Officer, the development applicant may propose and the City may approve an alternative, off-site location for the planting of required trees to meet the minimum required tree units. Public street rights-of-way and public properties in the City, or private property in the City that has a valid conservation easement granted in favor of tree protection, shall be acceptable alternative sites for tree planting. If this is allowed, an escrow account or bond shall be required and established to cover the costs of trees and installation.

LIST OF GENERALLY APPROPRIATE TREES	
Large Trees and Trees Recommended for Planting as Street Trees	Small Trees
Beech, American	Chaste Tree
Birch, River	Cherry, Kwanzan
Blackmun	Cherry, Yoshino
Catalpa, Southern	Crape Myrtle
Cedar, Deodar	Hophornbean, Eastern
Cedar, Red	Holly, Nellie R. Stevens
Cryptomeria	Magnolia, Japanese
Cypress, Bald	Maple, Trident
Elm, Winged	Red Bud
Elm, Chinese	Siverbel
Hickory	Willow, Contorted
Magnolia, Sweetbay	Devilwood
Magnolia, Southern	Fringtree (Grancy Breybread)
Maple, Red	Holly, Yaupon
Maple, Florida	Magnolia, Star
Oak, White	Possumhaw
Oak, Shumard	Sassafras
Oak, Willow	Sourwood
Oak, Swamp Chestnut	Windmill Palm
Oak, Southern Red	Dogwood
Oak, Sawtooth	Hawthorne
Oak, Water	Loquat
Oak, Scarlet	Maple, Japanese
Pine, Spruce	Red Buckeye

Pine, Longleaf	Serviceberry
Pine, Virginia	Viburnums-shrubs
Pine, Slash	Witch Hazel
Pine, Loblolly	
Pistache, Chinese	
Redwood, Dawn	
Tallowtree, Chinese	
Zelkova, Japanese	

Sec. 22-11-20. Religious Institution

- 1) **Restrictions; Residential Zoning Districts.** Religious Institutions must meet the following minimum requirements if located in an residential zoning district:
 - a) The site must contain at least 5 acres.
 - b) The site must have frontage of at least two hundred (200) feet on an arterial or major collector street, from which all access to the property shall be diverted.
 - c) A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in this ordinance shall be provided.

- 2) **Restrictions; All Zoning Districts.** Religious Institutions, where otherwise allowed in a zoning district, must obtain approval as a Conditional Use under any of the following conditions:
 - a) The religious institution is located on property with access occurring from a local street or minor collector as defined by this ordinance.
 - b) The religious institution is located on property that is part of a residential subdivision containing six (6) or more lots.

Sec. 22-11-21. Special Event Facilities *Ordinance 2196, May 1, 2017*

1) Purpose. This section establishes the standards for the development and operation of special event facilities. These provisions are necessary to reduce impacts to surrounding properties so that special event facilities do not result in an incompatible land use.

a) Definitions.

1) Special Event. A Special Event is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses that are accessory to a single-family residential use including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event and are not regulated under this section.

2) Special Event Facility. A Special Event Facility is a facility where special events are permitted to occur under this section. Special event facilities are subject to a use agreement between a

private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization. Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include improvements to accommodate special events, including access and circulation improvements, parking areas, water supplies and sewer systems, gathering areas, and other physical improvements necessary to accommodate special events.

3) Special Event Facility Standards. Special event facilities are subject to the following operation and development standards at all times:

a) Noise Control. Noise Standards shall be regulated in accordance with Code Section 28-12 "Noise" or other code sections as applicable.

b) Traffic and Circulation. The owner or operator of a special event facility must provide for a traffic management plan for the facility to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easements, public roads, intersections, or private driveways. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the City of Elberton Fire Department, Police Department, and Public Works Department.

c) Event Time and Duration. No special event facility shall be allowed to exceed an attendance level of 500 people, or last longer than 2 days, not including set-up and take down. The special event duration shall not exceed 12 hours per day, within an operational period limited to the hours of 9:00 am to 11:00 pm, except on Fridays and Saturdays, which are limited to a 12:00 midnight ending time.

d) Public Health. Special Event Facilities shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events to the satisfaction of the City Manager.

e) Setbacks. No event facilities shall be located closer than 30 feet from a property line, unless a greater distance is required under the zone. All temporary structures such as tents, stages and dance floors shall abide by all setbacks.

f) Lighting. All outdoor lighting associated with the special event shall be turned off by 11:00 pm, except on Fridays and Saturdays which are limited to 12:00 midnight. Outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

g) Parking. On-site parking shall be provided (a) in accordance with the applicable code section, (b) 1 space per 4 seats or (c) 1 space for every 4 persons, whichever is greater.